

## Local Code of Corporate Governance - Annual Statement of Compliance 2012

<b>Name of Policy or Procedure:</b>	Breaches of the Law
<b>Responsible Officer:</b>	Gordon Blair – Chief Legal Officer/Monitoring Officer
<b>Stated Requirement in Code:</b>	Annual Review of the council's performance in relation to breaches of the law.
<b>Report required by:</b>	Corporate Management Team Meeting May 2012
<b>Review Date</b>	Previous review in May 2011. Next review May 2013.
<b>Report by Chief Legal Officer on Statements of Compliance with the law received from other Heads of Service in West Lothian Council</b>	Having consulted with Heads of Service, the Chief Solicitor and the Audit and Risk Manager, I can confirm that I am not aware of any actual or potential breaches of the law by the council in 2011/12 which have or will have a material or significant impact on the operations or finances of the council.
<b>Conclusions Drawn from Report</b>	There have been no material or significant breaches of the law by the council in 2011/12 which have or will have a material or significant impact on the operations or finances of the council.

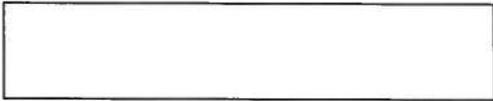
**Matters for Forward  
Periods**      None

**Certificate by Chief  
Legal  
Officer/Monitoring  
Officer**      The council is complying in all material respects with its legal  
requirements.

**Signature**



**Date**    24 May 2012



**Local Code of Corporate Governance - Annual Statement of Compliance 2012**

<b>Name of Policy or Procedure:</b>	Compliance with European Union Procurement Regulations for Construction Works
<b>Responsible Officer:</b>	John M Hill, Depute Chief Executive
<b>Stated Requirement in Code:</b>	1. Annual Statement of Compliance 2. Review policy every administration term
<b>Report required by:</b>	Corporate Management Team - April 2012 Meeting
<b>Review Date</b>	Next report due April 2013
<b>Report by (name officer) on (specify subject matter)</b>	Having reviewed the capital programme for 2011/12, I can confirm that the procurement of construction works and construction works consultancy contracts was carried out in accordance with EU Procurement directives and with the Council's Standing Orders.
<b>Conclusions Drawn from Report</b>	The Council is complying with EU Procurement Regulations and with the Council's Standing Orders
<b>Matters for Forward Periods</b>	None
<b>Certificate by (insert name)</b>	I certify that the Council is complying with EU Procurement Regulations and with the Council's Standing Orders and that the associated procedures have operated effectively and will continue to be monitored and reviewed regularly in keeping with Corporate Governance standards
<b>Signature</b>	
	<b>D a t e</b> 22/5/12

Name of Policy or Procedure: Compliance with European Union Procurement Rules and Standing Orders for Contracts for Supplies and Services

Responsible Officer: Donald Forrest – Head of Finance and Estates

Stated Requirement in Code: 1. Annual statement of compliance  
2. Review policy every administrative term

Report Required by: Corporate Management Team – May 2012 Meeting

Review Date: Modernising Procurement review reported to Council Executive in June 2011 and new Procurement Strategy implemented.

Report by Head of Finance and Estates on Statements of Compliance with Regulations and Policy Received from Other Heads of Service in West Lothian Council: In March 2012, I made enquiries of all Heads of Service and the Interim Procurement Manager to obtain a demonstration of compliance with EU Procurement Rules, for purchases over £173,934 and with the Council's Standing Orders for supplies and services. During 2011/12, there was compliance with the large majority of contracts throughout the council, however exceptions were identified.

The results of the review have identified that three frameworks have now exceeded the OJEU tender threshold for supplies and services. Appropriate steps will now be taken to tender for Building Surveying, Asbestos Surveys and Samples and Catering Equipment.

Following the disclosure in the 2010/11 statement of compliance, appropriate action has been taken to ensure compliance regarding a local bus contract, the agency services contract, IT hardware and peripherals contract and the residential school contract.

Controls are in place to ensure all contract extensions have written authorisation from the Head of Finance and Estates Services.

A full scale review of Procurement has been undertaken and recommendations are being implemented to ensure that systems are in place to secure full compliance across the council.

Conclusions: During 2011/12, there was compliance with the majority of contracts throughout the council however exceptions have been identified. It is imperative that such exceptions do not occur and appropriate action is being taken to ensure that systems and controls are in place to prevent such exceptions taking place in the future.

Points Forward:

Data Label: Public

**Certificate by Head of Finance and Estates:**

I certify that, upon enquiry, during the financial year under review, apart from the exceptions identified above, the council's officers have complied with EU Procurement Rules and the Council's Standing Orders related to procurement matters.

*Paul Conry*

13 April 2012

Signature:

**Local Code of Corporate Governance – Statement of Compliance 2011/12**

Name of Policy or Procedure:	<b>Anti Fraud and Corruption Policy</b>
Responsible Officer:	<b>Donald Forrest – Head of Finance and Estates</b>
Stated Requirement in Code:	1. Annual statement of compliance 2. Review policy every administrative term
Report Required by:	Corporate Management Team – May 2012 meeting
Review Date:	The policy was approved in March 2006. A revised policy was presented to the Partnership and Resources PDSP on 18 February 2011. The PDSP agreed that reference be made to the Bribery Act 2010 and that thereafter the policy be submitted to the Council Executive with a recommendation that it be approved. The policy has been subject to further review by the Corporate Governance Working Group and it is anticipated that the revised policy will be submitted to Council Executive for approval in June 2012.
Report by Internal Audit Manager on Operation of Policy in Year Under Review:	The policy was circulated to all Heads of Service in May 2006 and has been circulated annually since then.  All Heads of Service, have signed a statement confirming compliance with the policy during 2011/12.
Conclusions:	Based on the returns, it is concluded that the policy has operated effectively.
Points for 2012/13:	The 2012/13 internal audit plan was prepared on the basis of an assessment of risk, including reference to the corporate risk register, and was approved by the Audit Committee 21 February 2012. The plan includes an allocation of time for reactive work, including the investigation of alleged fraud and irregularities.
<b>Certificate by Head of Finance and Estates:</b>	On the basis of the statements provided by the Heads of Service, and the information provided by the Audit and Risk Manager, I certify that the council's anti-fraud and corruption policy has been complied with.
Signature:	 13 April 2012

## Local Code of Corporate Governance – Statement of Compliance 2011/12

Name of Policy or Procedure:	<b>Fraud Policy and Strategy for Housing Benefit and Council Tax Benefit</b>																																						
Responsible Officer:	<b>Donald Forrest – Head of Finance and Estates</b>																																						
Stated Requirement in Code:	<ol style="list-style-type: none"> <li>1. Annual statement of compliance</li> <li>2. Review policy every administrative term</li> </ol>																																						
Report Required by:	Corporate Management Team – May 2012 Meeting																																						
Review Date:	April 2012																																						
Report by Revenues and Benefits Manager on Operation of Policy in Year Under Review:	<p>In the course of the year ending 31 March 2012, the benefit investigation team continued to identify and investigate allegations of benefit fraud. The team remain committed to the joint working partnership with counterparts within the Jobcentreplus fraud investigation service. The team continue to be engaged in comprehensive data matching exercises, through the biennial National Fraud Initiative (NFI) &amp; DWP's monthly Housing Benefit Matching Service (HBMS). The investigation officers' skills and expertise are continually updated to take into account changes within legislation or the law. Also as with previous years, fraud awareness training has been provided via an e-learning package, to all relevant staff. During 2011/12, the following results were achieved;</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: right;">2011/12</th> <th style="text-align: right;">2010/11</th> </tr> </thead> <tbody> <tr> <td>Total Number of Referrals Received</td> <td style="text-align: right;">478</td> <td style="text-align: right;">451</td> </tr> <tr> <td>From Above, Number of Cases Accepted for Investigation</td> <td style="text-align: right;">182</td> <td style="text-align: right;">183</td> </tr> <tr> <td>Number of Cases Investigated by Council</td> <td style="text-align: right;">187</td> <td style="text-align: right;">148</td> </tr> <tr> <td>From Above, Those Related to Claimant Fraud</td> <td style="text-align: right;">109</td> <td style="text-align: right;">88</td> </tr> <tr> <td>From Above, Those Related to Landlord Fraud</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Number of Cases Involving Councillors</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Number of Cases Where Surveillance Used</td> <td style="text-align: right;">0</td> <td style="text-align: right;">1</td> </tr> <tr> <td>Number of Cases Where Data Matching Used</td> <td style="text-align: right;">59</td> <td style="text-align: right;">45</td> </tr> <tr> <td>Number of Cases Prepared for Procurator Fiscal</td> <td style="text-align: right;">23</td> <td style="text-align: right;">17</td> </tr> <tr> <td>Average Number of Authorised Staff in Post</td> <td style="text-align: right;">4</td> <td style="text-align: right;">4</td> </tr> <tr> <td>Turnover of Authorised Staff in Year</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> </tbody> </table>				2011/12	2010/11	Total Number of Referrals Received	478	451	From Above, Number of Cases Accepted for Investigation	182	183	Number of Cases Investigated by Council	187	148	From Above, Those Related to Claimant Fraud	109	88	From Above, Those Related to Landlord Fraud	0	0	Number of Cases Involving Councillors	0	0	Number of Cases Where Surveillance Used	0	1	Number of Cases Where Data Matching Used	59	45	Number of Cases Prepared for Procurator Fiscal	23	17	Average Number of Authorised Staff in Post	4	4	Turnover of Authorised Staff in Year	0	0
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	<p>The figures show that there was an increase of 6% in the number of referrals received. Although there was a reduction in the number of referrals that were accepted for investigation, the fraud risk analysis within the fraud management system evaluates the extent of the risk and allows prioritisation of objectives with efficient and effective management. As a result of changing staff roles and procedures at the outset of an investigation, the team were able to bring more cases to a conclusion quickly. Due to strengthened evidence gathering, there was no requirement for covert surveillance during 2011/12. Data matching referrals also increased which the successful utilisation of the biennial NFI contributed to. The figures</p>																																						

show that there was continuous improvement on the cases reported for prosecution. The council has a long term partnership with the DWP and remains committed to joint working which increases the capacity for improvement. Systems and processes are continuously under review and ensure delivery of an appropriate and effective investigation team that contributes to the safeguarding of benefits administration.

**Conclusions:** The Benefit Fraud Strategy was reviewed in April 2011 and was found to be working satisfactory and considered fit for purpose. The next review will take place in April 2012. The systems and procedures within the investigation team remain robust in assisting the combating of benefit fraud.

**Points Forward:**

**Certificate by Head of Finance and Estates:** I certify that, during the financial year under review, the council's staff have operated in compliance with the relevant legislation and the Council's Benefit Fraud Policy and Strategy, to identify, investigate and report cases of fraud related to Housing and Council Tax Benefits.

*David Forest*

13 April 2012

**Signature:**

**Local Code of Corporate Governance – Statement of Compliance 2011/12**

<b>Name of Policy or Procedure:</b>	<b>Fraud Prosecution and Sanction Policy</b>																							
<b>Responsible Officer:</b>	<b>Donald Forrest – Head of Finance and Estates</b>																							
<b>Stated Requirement in Code:</b>	<ol style="list-style-type: none"> <li>1. Annual statement of compliance</li> <li>2. Review policy every administrative term</li> </ol>																							
<b>Report Required by:</b>	Corporate Management Team – May 2012 Meeting																							
<b>Review Date:</b>	April 2012																							
<b>Report by Revenues and Benefits Manager on Operation of Policy in Year Under Review:</b>	<p>The council's procedures for considering sanction suitability continue to comply with the terms of the Fraud Prosecution and Sanction policy. To act as a deterrent, the benefit fraud web page was radically changed to include the work the benefit investigation team actually do and the sanctions that can be applied to those who abuse the benefit scheme.</p> <p>The sanctions for the year ending 2011/12 were as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: right;">2011/12</th> <th style="text-align: right;">2010/11</th> </tr> </thead> <tbody> <tr> <td>Number of Cases Investigated by the Council</td> <td style="text-align: right;">187</td> <td style="text-align: right;">148</td> </tr> <tr> <td>Number of Cases of Administrative Caution</td> <td style="text-align: right;">7</td> <td style="text-align: right;">12</td> </tr> <tr> <td>Number of Cases of Administrative Penalty</td> <td style="text-align: right;">12</td> <td style="text-align: right;">9</td> </tr> <tr> <td>Number of Cases Reported to the Police/Procurator Fiscal</td> <td style="text-align: right;">23</td> <td style="text-align: right;">17</td> </tr> <tr> <td>Number of Cases Prosecuted</td> <td style="text-align: right;">23</td> <td style="text-align: right;">17</td> </tr> <tr> <td>Number of Cases Where a Guilty Verdict Brought</td> <td style="text-align: right;">5</td> <td style="text-align: right;">1</td> </tr> </tbody> </table> <p>The figures show that there was continuous improvement on sanction performance by the investigation team. The number of cases investigated increased by 26% and the number of cases referred for prosecution increased by 35%. Systems and processes are continuously under review and ensure delivery of appropriate and effective sanctions, greatly contributing to the safeguarding of benefit administration.</p>				2011/12	2010/11	Number of Cases Investigated by the Council	187	148	Number of Cases of Administrative Caution	7	12	Number of Cases of Administrative Penalty	12	9	Number of Cases Reported to the Police/Procurator Fiscal	23	17	Number of Cases Prosecuted	23	17	Number of Cases Where a Guilty Verdict Brought	5	1
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<b>Conclusions:</b>	The Prosecution and Sanction policy was reviewed in April 2011 and was found to be working satisfactory and considered fit for purpose. The next review will take place in April 2012.																							
<b>Points Forward:</b>																								
<b>Certificate by Head of</b>	I certify that, during the financial year under review, the council's officers have reported appropriate fraud cases related to Housing and Council Tax																							

**Finance and Estates:** Benefits to the Police and the Procurator Fiscal, in compliance with the Council's policy on prosecution and sanctions.

Signature:

*David Gormet*

13 April 2012

**Local Code of Corporate Governance - Annual Statement of Compliance  
2011/12**

<b>Name of Policy or Procedure:</b>	<b>Disclosure of Information by Employees (Whistle Blowing Policy &amp; Procedure)</b>	
<b>Responsible Officer:</b>	Graeme Struthers – Head of Corporate Services	
<b>Stated Requirement In Code:</b>	Annual Statement of Compliance	
<b>Report required by:</b>	Corporate Management Team	April 2012 Meeting
		Next report due April 2013
<b>Report by Head of Corporate Services on Statements of Compliance with arrangements</b>	<p>The HR Policy &amp; Advice Unit keeps the council's employment policies under continuous review. Specific reviews are also undertaken in response to particular service requirements, changes to legislation and as part of the council's Equality Impact Assessment process.</p> <p>As part of a review of the Code of Conduct for employees, the Whistle Blowing Policy was the subject of an internal audit review. Whilst the review concluded that the policy was 'fit for purpose', it also recommended that it would benefit from being further publicised to employees. Based on this recommendation, a payslip insert was issued in July 2011, reminding employees of the availability and purpose of the Whistle Blowing Policy and where it can be accessed.</p> <p>All Heads of Service have confirmed compliance with the Whistle Blowing Policy &amp; Procedure.</p> <p>During the 2011/2012 financial year, no issues were directly reported through the established Whistle Blowing Policy. However on one occasion reference was made indirectly to 'whistle-blowing' in the course of a complex Fair Treatment at Work/disciplinary/sickness absence case and subsequent Employment Tribunal submission. A full investigation through the Fair treatment at Work policy found no substance to the matters raised, and the Employment Tribunal case is still pending.</p>	
<b>Conclusions Drawn from Report</b>	The Whistle Blowing Policy continues to be 'fit for purpose'.	
<b>Matters for Forward Periods</b>	<p>The Whistle Blowing Policy together with all other council employment policies and procedures will continue to be publicised to employees through regular payroll inserts, normally on a six monthly basis.</p> <p>As part of the restructuring of the Human Resources Service, the Mytoolkit online facility is being revised. The facility which provides managers and employees with access to all the council's employment policies and procedures will be developed to improve accessibility to all policies including the Whistle Blowing Policy.</p>	

**Certificate by Head of  
Corporate Services**

I certify that the council's existing policies and procedures in respect of  
whistle blowing are operating effectively and will continue to be monitored  
and reviewed regularly in keeping with Corporate Governance standards.

**Signature**

*Crawley Sturmer*

**Date**

*23 May 2012*

## Local Code of Corporate Governance - Annual Statement of Compliance 2011/12

<b>Name of Policy or Procedure:</b>	<b>1. Disciplinary Procedure and Code</b> <b>2. Procedure for Hearing Employee Grievances</b>																									
<b>Responsible Officer:</b>	Graeme Struthers– Head of Corporate Services																									
<b>Stated Requirement in Code:</b>	Annual Statement of Compliance																									
<b>Report required by:</b>	Corporate Management Team	April 2012 Meeting																								
	Next report due April 2013																									
<b>Report by Head of Corporate Services on Statements of Compliance with arrangements</b>	<p>The HR Policy &amp; Advice Unit keeps the council's employment policies under continuous review. Specific reviews are also undertaken in response to changing service requirements, developments in legislation and as part of the council's Equality Impact Assessment process.</p> <p>The summarised position in respect of the council's Discipline and Grievance policies and procedures is as follows:</p> <p><b>Discipline and Grievance</b></p> <p>The council's Disciplinary and Grievance Procedures continue to be compliant with ACAS recommendations on best practice and fair processes.</p> <p>During the financial year 2011/12, 65 cases were dealt with under the council's Disciplinary Procedures, 6 less than the previous year.</p> <p>The Procedure for Dealing with Employee Grievances was invoked in 18 cases, an increase of one from the previous year.</p> <p>(*) Previous Year</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Service Area</th> <th style="width: 30%;">No. of Cases (Disciplinary)</th> <th style="width: 30%;">No. of Cases (Grievances)</th> </tr> </thead> <tbody> <tr> <td>Operational Services</td> <td style="text-align: center;">18</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Education Services</td> <td style="text-align: center;">8</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Housing, Construction &amp; Building Services</td> <td style="text-align: center;">8</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Corporate Services</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Social Policy (CHCP)</td> <td style="text-align: center;">22</td> <td style="text-align: center;">4</td> </tr> <tr> <td>Area Services</td> <td style="text-align: center;">8</td> <td style="text-align: center;">2</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: center;"><b>65 (71*)</b></td> <td style="text-align: center;"><b>18 (17*)</b></td> </tr> </tbody> </table>		Service Area	No. of Cases (Disciplinary)	No. of Cases (Grievances)	Operational Services	18	5	Education Services	8	3	Housing, Construction & Building Services	8	3	Corporate Services	1	1	Social Policy (CHCP)	22	4	Area Services	8	2	<b>Total</b>	<b>65 (71*)</b>	<b>18 (17*)</b>
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Of the sixty five disciplinary cases, seven resulted in no action, eight resulted in an oral warning, fifteen resulted in a written warning, eleven in a final written warning, one in punitive action short of dismissal and three in dismissal. A further twenty cases remain open, to be progressed to a conclusion. Of the eighteen grievances, six were resolved informally, four were upheld in full, one was upheld in part and four not upheld at Stage 1. Three grievances were not upheld at Stage 2.

Seventeen appeals were lodged at Stage 3 ( council Appeals Committee) resulting in two appeals being upheld, thirteen not upheld, one withdrawn by the appellant prior to the meeting and one resulting in no action due to failure of the appellant to appear at the meeting. Of the thirteen appeals that were not upheld, Appeals Committee elected to exercise discretion in seven cases and the employees were re-engaged.

During the year, thirteen Employment Tribunal claims were lodged compared with ten cases in the previous year. Six of the cases are class actions relating to equal pay claims. The cases of fifty five employees are in the process of being settled with further cases having no decision reached yet. New equal pay cases have been sisted pending the outcome of the pre-implementation cases. Of the remaining seven cases, one case has been settled, one case has been heard with the outcome awaited, one case was struck out due to the claimant's failure to attend, one case is proceeding to full hearing and in three cases, the initial ET3 has been lodged.

**Conclusions Drawn from Report**

The council's existing policies and procedures in respect of discipline and grievance are operating effectively and are compliant with legal and corporate governance standards.

**Matters for Forward Periods**

Draft guidance based on best practice guidance received from the Scottish Government on Dealing with Allegations against Residential Workers has been prepared in consultation with the recognised trade unions.

Disciplinary Investigation training was developed and rolled out specifically for Education Services and ninety Head Teachers, Depute Head Teachers, School Business Managers and Education Officers attended training sessions. It is intended that similar training will be developed and made available to officers in other services likely to be involved in conducting disciplinary investigations.

The Disciplinary Policy and related guidance documents are scheduled for review during 2012 with particular focus on investigation, precautionary suspension, and dealing with complex cases involving a combination of poor performance and sickness absence. The review will also ensure there are robust links to newly developed/revised policies including the Internet, Social Media and Email Policy, the Protecting Vulnerable Groups Policy and a revised Fair Treatment at Work Procedure.

**Certificate by Head of Corporate Services**

I certify that the council's existing policies and procedures in respect of discipline and grievance are operating effectively and will continue to be monitored and reviewed regularly in keeping with Corporate Governance standards.

Signature

*Charmie Sturrock*

Date

*23 May 2012*

**Local Code of Corporate Governance - Annual Statement of Compliance  
2011/12**

<b>Name of Policy or Procedure:</b>	<b>Occupational Health and Safety Policy</b>	
<b>Responsible Officer:</b>	Graeme Struthers-- Head of Corporate Services	
<b>Stated Requirement in Code:</b>	Annual Statement of Compliance	
<b>Report required by:</b>	Corporate Management Team	April 2012
		Next report due April 2013
<b>Report by Head of Support Services on Statements of Compliance with arrangements</b>	<p>A review of the Council-wide Occupational Health and Safety Policy took place and was agreed by the Council Executive on 22 March 2011. Roll out was achieved through the use of email, the council's intranet site and the MyToolkit portal to advise all employees how they could access the revised policy. The next review will take place in April 2012.</p> <p>Monthly reports are provided to the Corporate Management Team to inform them of safety issues/concerns that have or could affect the working arrangements and services of West Lothian Council. The council's Scheme of Delegation details officers' health and safety responsibilities.</p> <p>A five-year health and safety audit plan was developed in 2007 that aimed to deliver forty health and safety management audits per annum. The audit plan is on target, with 225 audits having been completed by March 2012. A new five-year audit plan is being developed which after taking into account the reductions in staff aim to deliver thirty health and safety management audits per annum.</p> <p>Occupational Health and Safety workplans for the review period included audits of the management of health and safety. The action plans resulting from these audits are provided to the relevant Head of Service for implementation and copies are provided to the relevant Director. Occupational Health and Safety will monitor the progress of services against their action plans. Annual workplans are developed by taking into account information from various sources for example the types and number of incidents, HSE Initiatives, the results of HSE visits, audit results and claims made.</p> <p>Incident data is being provided to Directors and Heads of Service along with an Executive Summary that provides an analysis of the data and recommendations for actions.</p> <p>There have been seven visits from the Health and Safety Executive during this financial year, one of which was planned in relation to a national intervention on the part of the Health and Safety Executive of unaccompanied spot checks on waste collection crews and six visits relating to reactive incidents involving injury to employees and school pupils. Action plans were developed for four of the six reactive incidents to ensure that the recommendations made were put in place.</p>	

All Heads of Service have confirmed compliance with the Occupational Health and Safety Policy.

**Conclusions Drawn from Report**

The council's existing Occupational Health and Safety Policy is operating effectively and will continue to be monitored and reviewed regularly in keeping with Corporate Governance standards.

**Matters for Forward Periods**

There is a continued need for all managers to ensure that, where relevant, health and safety is taken into consideration when drawing up job specifications, during the interview process and also to ensure that the systems for health and safety are complied with and properly managed within their areas. Also, Occupational Health and Safety Supplementary Policies and Safety Arrangements Booklets need to be reviewed regularly and Managers require to ensure that those employees who have responsibilities outlined in these documents are made aware of them with monitoring taking place to ensure that these responsibilities are carried out.

**Certificate by Head of Corporate Services**

I certify that the council's existing Occupational Health and Safety Policy and associated procedures are operating effectively and will continue to be monitored and reviewed regularly in keeping with Corporate Governance standards.

Signature



Date 23 May 2012

**Local Code of Corporate Governance - Annual Statement of Compliance  
2011/12**

<b>Name of Policy or Procedure:</b>	<b>Protecting Vulnerable Groups</b>	
<b>Responsible Officer:</b>	Graeme Struthers – Head of Corporate Services	
<b>Stated Requirement in Code:</b>	Annual Statement of Compliance	
<b>Report required by:</b>	Corporate Management Team	April 2012 Meeting
<b>Review Date</b>	Next report due April 2013	

**Report by Head of Corporate Services on Statements of Compliance with arrangements**

The Enhanced Disclosure vetting system that operated under the Protection of Children (Scotland) Act 2003 was replaced on 28 February 2011 by the Protection of Vulnerable Groups Scheme. On that date, Disclosure Scotland ceased to process applications for Enhanced Disclosures.

The new PVG Scheme extended the provisions for protection of children to include 'protected adults' and replaced the use of Enhanced Disclosures as a means of ensuring that unsuitable individuals are not employed to work with vulnerable groups. Instead, employees/volunteers working in 'regulated posts' as defined by the Protection of Vulnerable Groups (Scotland) Act 2007 are required to become members of the PVG Scheme. During the first 12 months of the new Scheme being introduced Disclosure Scotland restricted applications for PVG membership to new employees, existing employees moving between regulated posts and volunteers.

During the period 1 April 2011 to 31 March 2012, the council submitted 1441 PVG Scheme membership applications covering those categories.

The table below shows a breakdown of the PVG applications re-charged by service area between during that period :

	Education & Cultural Services	Community Health & Care Partnership	Other Service Areas	Total
Number of PVG Applications	735	663	43	1441
Percentage	51%	46%	3%	100%

A draft Protection of Vulnerable Groups Policy is currently under consideration which will supersede the existing Protection of Children Managers Guide. The new policy extends the protection measures for children to 'protected adults' thereby ensuring that the council is fully compliant with the Protection of Vulnerable Groups (Scotland) Act 2007.

An exercise has also been undertaken to classify those posts in the council that constitute 'regulated work' as defined in the 2007 Act and

accordingly require the post-holders to become PVG Scheme members.

One employee was reported to the council's PVG Referral Review Panel as being considered for listing following their application for PVG membership during 2011/12.

The role of the Panel is to determine whether the criteria, stipulate within the PVG Act, requiring the council to refer an individual to Disclosure Scotland has been met.

A risk assessment was undertaken and the individual was removed from regulated work pending the conclusion of the consideration for listing process. Disclosure Scotland has since confirmed that the employee has not been listed and is therefore not barred from carrying out regulated work.

All Heads of Service have confirmed compliance.

**Conclusions Drawn from Report**

The council's arrangements for the protection of vulnerable groups continue to be robust and 'fit for purpose'.

**Matters for Forward Periods**

There are 5376 employees (excluding volunteers/third party transport providers) currently engaged in regulated work with the council who will be required to obtain PVG scheme membership during the 3 year retrospective checking period.

Disclosure Scotland was due to commence retrospective checking in February this year for all councils and other relevant bodies. However due to the requirement for additional system testing, the start of the exercise has been delayed and a revised commencement date is yet to be confirmed by Disclosure Scotland.

In the meantime, preparations have been made in the council to prioritise the processing of PVG Scheme applications for existing employees based on the level of contact with children and protected adults and the date on which the individuals last Enhanced Disclosure was carried out. The council is therefore well prepared for the retrospective checking exercise once Disclosure Scotland confirms the commencement date.

**Certificate by Head of Corporate Services**

I certify that the robust arrangements are currently in place to ensure compliance with the Protection of Vulnerable Groups (Scotland) Act 2007.

Signature



Date 22 May 2012

## Local Code of Corporate Governance - Annual Statement of Compliance 2011/12

<b>Name of Policy or Procedure:</b>	Information Security Policy	
<b>Responsible Officer:</b>	Graeme Struthers – Head of Corporate Services	
<b>Stated Requirement In Code:</b>	Annual Statement of Compliance	
<b>Report required by:</b>	Corporate Management Team	April 2012 Meeting
		Next report due April 2013

**Report by Head of Corporate Services on Statements of Compliance with arrangements**

The Information Security Policy is maintained by IT Services who are responsible for the continuous development and review of the policy and supporting procedures. IT Services also log, manage and report all breaches of policy and facilitate ongoing compliance across service areas.

During the 2011/12 financial year the following volumes of security incidents were recorded:

<i>Summary of Information Security Incidents 2011/12</i>				
<i>Service Area/Category</i>	<i>Low</i>	<i>Medium</i>	<i>High</i>	<i>Total</i>
Area Services	6	2	0	8
Housing Construction and Building Services	5	6	1	12
Finance and Estates	2	0	1	3
Education	1	3	1	5
Corporate Services	28	33	7	68
Social Policy	23	17	9	49
Operational Services	4	2	0	6
Schools	60	17	4	81
Planning and Economic Development	0	2	0	2
<b>Total</b>	<b>129</b>	<b>82</b>	<b>23</b>	<b>234</b>

*Impact Categories: Low* - relates to policy violations such as Internet usage investigations, *Medium* - relates to incidents which have used significant resource but where the impact can be contained e.g. pc virus outbreaks, *High* - relates to loss of equipment or data

A total of 234 incidents in 2011/12 compares to 241 in the previous financial year.

There was a significant downturn in the volume of incidents relating to computer viruses at schools. The total number of virus incidents in schools during 2011/12 was 54, this compares to 102 in 2010/11.

However, there was a 42% increase in incidents relating to the loss of equipment, policy violations and data handling. It is understood that this increase is due, in part, to improved security awareness and reporting mechanisms, however, extended legislation such as the Public Records (Scotland) Act 2011 and a growth in mobile working have also been factors.

In order to minimise the risks of recurrences and exposure to penalties, each incident is handled methodically to ensure that policies and other controls remain effective and adequate.

During 2011/12 there were 24 security incidents that involved personal information that were investigated to establish if they warranted a

notification to the Information Commissioner.

The following criteria is used to determine whether an incident should be reported to the Information Commissioner:

- The potential harm to data subjects
- The volume of personal data lost/released/corrupted
- The sensitivity of the data lost/released/unlawfully corrupted

The investigations involve process checking, risk analyses, recording and reporting and the decision was taken in each instance not to notify the Information Commissioner.

However the Information Commissioner received two complaints relating to the same incident from members of the public. The complaints related to the accidental release of a list of private email addresses in a mass mailing communication. In order to address this incident, additional controls have been introduced.

The council responded to the Information Commissioner to explain what had happened and inform of the steps the council was taking to ensure this would not happen again:

- Retraining of Staff
- Managing Multiple Emails (new rules for the email system)
- Implementing a mailing list management system
- Data Labelling of emails

The Information Commissioner Office issued a decision indicating that they accepted the improvements that the council were making and that no notice or undertaking would be issued.

Building on this experience, a standard risk assessment process has been developed. This process is necessary to ensure that service areas are focussed on taking corrective action that is consistent across the council. This ensures that Deputy Chief Executives have quality information on which to make a decision regarding notifications to the Information Commissioner.

An Audit Scotland 'Your Business at Risk' survey was conducted in August 2011. The survey used a national comparator of 10,000 staff across the public sector and the council's results indicated a higher than average level of awareness within the council. Shortfalls in awareness have been subsequently highlighted to staff via direct emails, additional training and local awareness sessions.

The council successfully achieved annual compliance with the 23 high level security requirements of the GSX (Government Secure Extranet) code of connection on 9 Nov 2011.

All Heads of Service have confirmed compliance with the Information Security Policy.

**Conclusions Drawn from Report**

The council's existing policy and procedures in respect of Information Security are operating effectively.

**Matters for Forward  
Periods**

The policy and supporting procedures will continue to be reviewed and publicised as part of the normal operation and development of the policy. An Information Asset register which will allow all services to log and risk assess formal exchanges of information within the council and with 3<sup>rd</sup> parties is to be introduced by 30 September 2012.

**Certificate by Head of  
Support Services**

I certify that the council's existing policies and procedures in respect of information security are operating effectively and will continue to be monitored and reviewed regularly in keeping with Corporate Governance standards.

Signature

*Chaele Stuchers*

Date *23 May 2012*

**Local Code of Corporate Governance - Annual Statement of Compliance  
2011/12**

<b>Name of Policy or Procedure:</b>	<b>Compliance with Regulation of Investigatory Powers (Scotland) Act 2000 and Regulation of Investigatory Powers Act 2000</b>										
<b>Responsible Officer:</b>	Julie Whitelaw – Chief Solicitor										
<b>Stated Requirement in Code:</b>	Annual Statement of Compliance										
<b>Report required by:</b>	Corporate Management Team										
<b>Review Date</b>	May 2012										
<b>Report by Chief Legal Officer on Statements of Compliance with the law from other Heads of Service in West Lothian Council</b>	<p>The Council may grant authorisation for Direct Surveillance in accordance with the provisions of the Regulation Of Investigatory Powers (Scotland) Act 2000, where satisfied that to do so is necessary and proportionate for the purposes of prevention or detection of crime. In addition the Council has powers in relation to the collection of telecommunications data in terms of the Regulation of Investigatory Powers Act 2000.</p> <p>During the year to 31 March 2012, 5 applications were received in relation to Directed Surveillance as follows:-</p> <table border="1"> <thead> <tr> <th><b>No of Applis</b></th> <th><b>Purpose of surveillance</b></th> </tr> </thead> <tbody> <tr> <td>1</td> <td>application withdrawn prior to determination</td> </tr> <tr> <td>1</td> <td>investigation of noise complaint</td> </tr> <tr> <td>1</td> <td>investigation of fly tipping complaint</td> </tr> <tr> <td>2</td> <td>test purchasing</td> </tr> </tbody> </table> <p>There were no authorisations granted in respect of collection of telecommunications data during this period.</p>	<b>No of Applis</b>	<b>Purpose of surveillance</b>	1	application withdrawn prior to determination	1	investigation of noise complaint	1	investigation of fly tipping complaint	2	test purchasing
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2	test purchasing										

	<p>By comparison, in the year to 31 March 2011, 11 applications were received in relation to Directed Surveillance as follows:-</p> <table border="1"> <thead> <tr> <th data-bbox="584 322 766 353">No of Applis</th> <th data-bbox="890 322 1232 353">Purpose of surveillance</th> </tr> </thead> <tbody> <tr> <td data-bbox="584 389 766 452">6</td> <td data-bbox="890 389 1295 421">applications withdrawn prior to determination</td> </tr> <tr> <td data-bbox="584 456 600 488">1</td> <td data-bbox="890 456 1311 488">investigation of noise complaint</td> </tr> <tr> <td data-bbox="584 492 600 524">2</td> <td data-bbox="890 492 1098 524">test purchasing</td> </tr> <tr> <td data-bbox="584 528 600 560">1</td> <td data-bbox="890 528 1225 560">investigation of fly tipping</td> </tr> <tr> <td data-bbox="584 564 600 595">1</td> <td data-bbox="890 564 1279 595">investigation of benefits fraud</td> </tr> </tbody> </table> <p>There were no authorisations granted in respect of collection of telecommunications data during this period</p> <p>The year on year trend suggests a decline in the number of occasions in respect of which Directed Surveillance is sought or granted. This appears to be linked to the joint working being undertaken by the Police and Housing services in the Safer Neighbourhood Teams. The occasional authorisations in relation to Test Purchasing are likely to continue at the present rate of only one or two per year as Trading Standards fulfil their Statutory obligations. There is unlikely to be a change in the use of powers under the Investigation of Regulatory Powers Act 2000 in respect of collection of telecommunications data.</p>	No of Applis	Purpose of surveillance	6	applications withdrawn prior to determination	1	investigation of noise complaint	2	test purchasing	1	investigation of fly tipping	1	investigation of benefits fraud
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<b>Conclusions Drawn from Report</b>	<p>The Council is appropriately exercising its statutory powers in relation to surveillance. The Council is subject to tri-annual inspection by the Office of Surveillance Commissioners and provides annual returns to the OSC in relation to the exercise of its surveillance powers. The limited numbers of authorisations are an indication that the Councils procedures in relation to authorisation of surveillance remain robust.</p>												
<b>Matters for Forward Periods</b>	<p>Training for appropriate officers in relation to the exercise of the Councils surveillance powers and statutory tests applicable to determination of applications.</p>												
<b>Certificate by Chief Legal Officer/Monitoring Officer</b>	<p>I certify that during the financial year to 31 May 2012, the Council has appropriately granted applications authorising Directed Surveillance, in compliance with the relevant legislation and that robust arrangements are currently in place to ensure compliance with the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000.</p>												
<p>Signature </p>	<p>Date 29/5/12</p>												