

Local Code of Corporate Governance - Annual Statement of Compliance 2013/14

Name of Policy or Procedure: Breaches of the Law

Responsible Officer: Gordon Blair, Chief Legal Officer/Monitoring Officer

Stated Requirement in Code: Annual review of the council's performance in relation to breaches of the law

Report required by: Corporate Management Team Meeting May 2014

Review Date May 2014

**Report by Chief
Legal
Officer/Monitoring
Officer on
Statements of
Compliance with the
law received from
Heads of Service in
West Lothian
Council**

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 2013/14 which have or will have a material or significant impact on the operations or finances of the council.

In the course of my consultations, a number of instances were identified where improvements to the council's compliance with legislation were required. None of these breaches is considered to have a material or significant impact on the operations or finances of the council. Where such improvements were identified, steps have been, or are being taken, to deliver them, as outlined in the other relevant statements of compliance.

A breach of statutory procedures occurred concerning Education Services' consultation proposals relating to special school provision for children with severe and complex needs. The consultation proposals were withdrawn and interim arrangements were made to maintain special school provision for the start of session August 2014. This breach is not considered to have a significant or material impact on the operations or finances of the council.

A breach of statutory provisions was identified in relation to a complex and unique children and family matter within Social Policy. The existence of robust and appropriate procedures within Social Policy has been confirmed which will ensure against recurrence of these circumstances.

**Conclusions Drawn
from Report**

There have been no material or significant breaches of the law by the council in 2013/14 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
(insert name)**

The council is complying in all material respects with its legal requirements.

Signature



Date

7/5/14.

Local Code of Corporate Governance - Annual Statement of Compliance 2013/14

Name of Policy or Procedure: Compliance with European Procurement Rules and Standing Orders for Regulation of Contracts and Corporate Procurement Procedures

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 2013 meeting

Review Date The policy was last reviewed in March 2013

Report by Finance and Estates of Compliance with Regulations and Policy during 2013/14

In order to secure compliance for procurement activity, the council standing orders for contracts, which contain the procurement procedures, have been implemented across the council. These procedures provide guidance on how to procure and purchase goods, services and works while remaining compliant with European and Scottish procurement regulations. From April 2014, a dedicated officer will actively monitor compliance of procurement and purchasing within the council and work closely with the Corporate Procurement Manager to identify where further training or development is required.

A Corporate Contract Management System (CCMS) was introduced to assist with recording and monitoring of all contract activity across the council. Details of contract start and end dates, spend values, supplier details and risk are examples of the information recorded and published for all spend greater than £1,000.

In February 2013, enquiries were made of all Heads of Services and the Corporate Procurement Manager to obtain a demonstration of compliance with EU procurement rules and with the Council's Standing Orders for supplies and services. During 2013/14 there was compliance with the large majority of contracts throughout the Council. However some issues were identified and these are set out below.

Issues included award of contracts for spend under £50,000, which have not been compliant with council procedure. This has been identified within Building Services, Education and Social Policy. To

ensure compliance is monitored on an on-going basis, a three monthly audit is carried out to ensure non-compliance is recognised and the issues are addressed through providing additional training and other necessary measures. A step by step user guide has been developed and issued to all users to ensure staff are aware of the what is required of them.

There have been instances identified during 2013/14 where service areas have direct awarded contracts to suppliers without following the tender process as detailed in the procurement procedures. Some contracts have been extended beyond the contract duration date and value while a new contract is being investigated and tendered.

There were also a small number of occasions where in the development of the specification of a contract requirement, manufacturer details have been specified. This contravenes a Scottish Procurement Policy Note on limiting competitions and will not be permitted in future.

The Corporate Procurement Unit and service areas have been working together, including a series of procurement workshops, to ensure there is an understanding across the whole council of the process which must be followed. Corporate Procurement will continue to assist with tender activity from quick quote contracts to full European tenders.

In some urgent circumstances when a tender is required to be issued quickly, Corporate Procurement have not completed a contract strategy for the procurement exercise.

Conclusions Drawn from Report

During 2013/14 there has been compliance with relevant requirements for the large majority of contracts throughout the Council. A small number of issues have been identified as set out in the previous section. Appropriate action has been taken to ensure controls are in place to prevent such issues in the future, including a quarterly Procurement Board, which has a clear focus on compliance.

Matters for Forward Periods

None

Certificate by Head of Finance and Estates

I certify that, upon enquiry, during the financial year under review, apart from the issues identified in this statement, the Council's officers have complied with EU procurement rules and the Council's Standing Orders for the Regulation of Contracts, and Corporate Procurement Procedures.

Signature

Danell Forest

Date 23/4/2014

Local Code of Corporate Governance - Annual Statement of Compliance 2013/14

Name of Policy or Procedure:	Anti Fraud and Corruption Policy
Responsible Officer:	Donald Forrest – Head of Finance and Estates
Stated Requirement in Code:	<ol style="list-style-type: none">1. Annual statement of compliance2. Review Anti Fraud and Corruption Policy every administrative term
Report required by:	Corporate Management Team May 2014 meeting
Review Date	The Policy was last reviewed in June 2012
Report by the Audit and Risk Manager on the operation of the policy during 2013/14	<p>All Heads of Service have signed a statement confirming compliance with the Policy during 2013/14.</p> <p>Financial Regulations require all allegations of fraud to be reported to the Head of Finance and Estates. The Audit and Risk Management Unit investigates allegations in accordance with the terms of the Anti Fraud and Corruption Policy and the Procedures for the Investigation of Suspected Fraud and Irregularity. Where the resultant audit reports contain significant issues of concern, they are submitted to the Audit and Governance Committee. Audit reports also normally include an action plan containing agreed improvements to processes.</p> <p>A small number of allegations of fraud were received during 2013/14. None of these were considered significant. An allegation is deemed significant if it raises material governance issues that would require reporting to the Audit and Governance Committee.</p>

Conclusions Drawn from Report

Based on the report by the Audit and Risk Manager, it is concluded that the Policy is operating effectively.

Matters for Forward Periods

A report was submitted to the Partnership and Resources Policy Development and Scrutiny Panel on 12 March 2014 setting out proposed arrangements for a corporate counter fraud unit to be based, initially for 2014/15, within the Audit and Risk Management Unit. An action plan has been prepared which will involve investigating fraud and corruption on a more proactive basis.

Subject to the outcome of consultations with Human Resources and Legal Services, consideration will be given to setting up a whistleblowing hotline.

The council's Anti Fraud and Corruption Policy will be reviewed during 2014/15 to ensure that it remains fit for purpose.

Certificate by Head of Finance and Estates

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

Dana Eomst

Date 27/4/14

Local Code of Corporate Governance - Annual Statement of Compliance 2013/14

Name of Policy or Procedure:	Benefit Fraud, Prosecution and Sanction Policy / Fraud Policy and Strategy for Housing Benefit and Council Tax Benefit
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 2014 meeting
Review Date:	August 2014

**Report by Revenues
Benefits Manager on
operation of policy
during 2013/14:**

In the course of the year ending 31 March 2014, the benefit investigation team continued to identify and investigate allegations of benefit fraud. The team remain fully committed to the joint working partnership with counterparts within the Department for Work and Pensions, Fraud and Error Service (FES).

During 2013 a major structural change within the Revenues unit impacted on the benefit Investigation Team, with the transfer of the former team leader to The Audit and Risk unit to explore the possibilities of investigating corporate fraud.

The day to day activities of the team continue to involve comprehensive data matching exercises through the biennial National Fraud Initiative (NFI) and the Department for Work and Pensions, (DWP), monthly Housing Benefit Matching Service (HBMS).

The investigators technical knowledge is maintained by keeping abreast of any changes in legislation via DWP operational and fraud circulars pertaining to benefits. They also receive updates on good practice or changes to the law via the Scottish Local Authority Investigators Group (SLAIG). In addition to this the team once again carried out an online training package focussing on Fraud awareness. As with previous years this was rolled out to staff within Revenues and our partners within other services. An e-learning package is also available online for other staff within West Lothian Council.

Performance – As at 31 March 2014 there 44 sanctions compared to our target of 42 sanctions. The breakdown is as follows:

- **Prosecution cases submitted to the Procurator Fiscal** – 33 (28 cases in 2012/13. This means an 18% increase for 2013/14 figures). All prosecution cases were as a result of joint working with DWP
- **Administrative Cautions** – 7 (four cautions in 2012/13. This represents a 75% increase for 2013/14 figures).
- **Administrative Penalties** – 4 (four penalties in 2012/13. Our performance remained the same for 2013/14).
- **2013/2014 performance shows an overall increase in sanctions achieved of 22% based on our performance in 2012/13 (36 Sanctions).**

We also recorded nine guilty verdicts as a result of the prosecution cases that were submitted and accepted for prosecution by the PF.

Of the 152 cases investigated to a close by the team up to 31 March 2014, 29% (44) resulted in sanctions. This represents a considerable increase in the number of sanctions compared to 2012/13 where 187 closed investigations resulted in 36 Sanctions (19%).

Conclusions Drawn from Report:

In line with Inspection/Audit Bodies recommendations, it was agreed that the Prosecution and Sanction Policy should be a specific, stand-alone policy statement endorsed by members. This should set out its commitment to deter, detect and investigate benefit fraud through a range of investigation activities.

The Prosecution and Sanction policy was reviewed in April 2013 and was found to fit for purpose and therefore did not require any amendments. The Fraud Strategy policy was also reviewed and only minor changes were required to explain that, as of, 1 April 2013, Council Tax Benefit (CTB) was being replaced by Council Tax Reduction (CTR) and any period of investigation after this date would only focus on Housing Benefit and historical awards of Council Tax Benefit as CTR was not a Social Security benefit. The policy was found to be fit for purpose.

Matters for Forward Periods:

The emergence of the Single Fraud Investigation Service, (SFIS) during 2014/15 will mean that the investigation of Housing Benefit and historical Council Tax Benefit will transfer to the new organisation within DWP FES. West Lothian Council will use the time prior to the SFIS transfer (expected to be a minimum of one year) to continue the work initiated in 2013/14 that focuses on a structured corporate approach to investigating fraud.

The benefit Investigation team transferred to the Audit and Risk unit on 1 April 2014 where they will continue to undertake their current investigative duties.

Current systems and processes will be reviewed in conjunction with any additional duties the Benefit investigation team acquires.

The prosecution and Sanction Policy and the Benefit Fraud Strategy together with other fraud related procedures will continue to be published on the Webpage. To act as a deterrent against abuse of the benefit system, a summarised version of the outcomes of both sanction cases and Prosecution cases will also be publicised on the webpage.

Certificate by Head of Finance and Estates:

I certify that during the financial year under review the council's officers have:

- Operated in compliance with the relevant legislation and Council's Benefit Fraud Strategy, to identify, investigate and report cases of fraud related to Housing and historical awards of Council Tax Benefit.
- Reported appropriate fraud cases to the Procurator Fiscal, in compliance with the Council's policy on prosecution and sanctions.

Signature

Donald Forest

Date 23/4/2014

Local Code of Corporate Governance - Annual Statement of Compliance 2013/14

Name of Policy or Procedure:	Disclosure of Information by Employees (Whistle Blowing Policy & Procedure) and Code of Conduct for Employees	
Responsible Officer:	Julie Whitelaw – Acting Head of Corporate Services	
Stated Requirement in Code:	Annual Statement of Compliance	
Report required by:	Corporate Management Team	April 2014 Meeting Next report due April 2015
Report by Head of Corporate Services on Statements of Compliance with arrangements	<p>The Human Resource Service keeps the council's employment policies under continuous review. Targeted reviews are also undertaken in response to changing service requirements, developments in legislation and as part of the council's Equality Impact Assessment (EIA) process.</p> <p>Whistle – Blowing and Code of Conduct for Employees</p> <p>Services were issued with Annual Compliance checklists for the purposes of seeking confirmation of compliance with the Whistle- Blowing Policy and Code of Conduct for Employees (the latter in particular, relating to registered declarations of interest, disclosure of personal information and working with councillors).</p> <p>All services have duly confirmed that they have arrangements are in place to enable employees to report matters under the terms of the council's Whistle-Blowing Policy. Employees are reminded of those arrangements along with their responsibilities under the Code of Conduct through a variety of methods including induction, the PRPDP process, team meetings, one to one meetings and email reminders.</p> <p>In addition, a corporate reminder in relation to the Whistle-blowing Policy and Code of Conduct was issued in the form of a payroll insert in December 2013.</p> <p>Protected Disclosures</p> <p>Three complaints/disclosures were reported as whistle-blowing issues during 2013/14. Although not all were received through the councils agreed whistle-blowing policy reporting channels, they were considered appropriate to be recorded as whistle-blowing complaints. One complaint has been dismissed, one was partly upheld and the remaining complaint is still being investigated.</p>	

**Conclusions Drawn
from Report**

The Whistle Blowing Policy continues to be 'fit for purpose' but this does not preclude consideration being given to any potential improvements that can be made to the policy and the reporting protocols following on - going discussions with the council's Audit and Risk Manager. The fact that issues do not appear to be channelled through official policy reporting protocols suggests that staff awareness needs to be further reinforced and this will be taken on board in discussions with the council's Internal Audit Manager as part of 'Matters for Forward Periods'.

**Matters for Forward
Periods**

As indicated above, it is intended to discuss any recommended improvements to the current Whistle-Blowing arrangements with the Audit and Risk Manager using the results of the compliance checklists completed by the services.

The Whistle Blowing Policy and any subsequent amendments to that policy, together with all other council employment policies and procedures will continue to be publicised to employees through regular payroll inserts.

**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



Date 6/5/14.

Local Code of Corporate Governance - Annual Statement of Compliance 2013/14

Name of Policy or Procedure:	1. Disciplinary Procedure and Code 2. Procedure for Hearing Employee Grievances	
Responsible Officer:	Julie Whitelaw– Acting Head of Corporate Services	
Stated Requirement in Code:	Annual Statement of Compliance	
Report required by:	Corporate Management Team	April 2014 Meeting Next report due April 2015
Report by Head of Corporate Services on Statements of Compliance with arrangements	<p>The HR Policy & Advice Unit keeps the council's employment policies under continuous review. Targeted reviews are also undertaken in response to changing service requirements, developments in legislation and as part of the council's Equality Impact Assessment (EIA) process.</p> <p>The council's Disciplinary and Grievance Procedures continue to comply with ACAS recommendations on best practice and fair processes.</p> <p>Targeted Improvements</p> <p>During 2013/14 both the Disciplinary Procedure and Managers Guide have been reviewed and updated particularly with regard to the protection of vulnerable groups and investigation processes.</p> <p>During the same period a series of training workshops for Investigating Officers was delivered by Human Resources with a view to improving the skills portfolio of those called upon to undertake disciplinary investigations under the terms of the council's disciplinary, grievance and bullying/harassment procedures. A Process Guide for conducting investigations has been provided to accompany the training.</p> <p>Services nominated appropriate officers to be trained and to date 66 officers have participated in the bespoke training workshops. In addition, a further 13 officers have participated in other general training in handling disciplinary and grievance cases.</p> <p>Discipline and Grievance – Analysis of Cases</p> <p>The summarised position in respect of the council's Discipline and Grievance cases is as follows:</p> <p>During the financial year 2013/14, 84 cases were dealt with under the council's Disciplinary Procedures, 27 more than the previous year. The significant increase in Disciplinary cases can in part be attributed to a number of cases where multiple employees were disciplined in connection with a single incident. A separate record is created for each individual subject to the disciplinary procedures.</p> <p>During the same period, 16 cases were dealt with under the Procedure for Dealing with Employee Grievances, a decrease of 13 from the previous year.</p>	

DATA LABEL: INTERNAL ONLY

(*) Previous Year

Service Area	No. of Completed Cases (Disciplinary)	No. of Completed Cases (Grievances)
Operational Services	24	8
Education Services	4	2
Housing, Construction & Building Services	23	3
Corporate Services	4	0
Social Policy (CHCP)	20	3
Area Services	9	0
Total	(57*) 84	(29*) 16

Of the eighty four completed disciplinary cases, nine resulted in no action, fourteen resulted in an oral warning, twenty four resulted in a written warning, twenty seven in a final written warning and ten in dismissal. A further 36 cases remain open, to be progressed to a conclusion.

Grievances

Of the sixteen completed grievances, two were upheld and one not upheld at Stage 1. At Stage 2, five grievances were upheld, four upheld in part and four not upheld. A further three cases remain open at Stage 1 to be progressed to a conclusion.

Disciplinary/Sickness Absence Committee Appeals and Stage 3 Grievances

A total of twenty one appeals/grievances were lodged at Stage 3 (council Appeals Committee).

Of those twenty one appeals, five related to sickness absence dismissals, nine related to disciplinary matters and seven cases were in respect of escalated grievance issues.

One disciplinary case and three grievances being upheld in part.

One sickness absence case, six disciplinary and two grievance cases not upheld, and a further one grievance hearing was adjourned.

One sickness absence, two disciplinary, and one grievance case were withdrawn by the appellant prior to the meeting. Of the twenty one appeals lodged, the Appeals Committee elected to exercise discretion in three cases of dismissal.

During the year, three Employment Tribunal claims were lodged compared with eight cases in the previous year. One case was withdrawn before a hearing took place, the other two are at procedural stages and are not yet concluded.

Conclusions Drawn from Report

The council's disciplinary and grievances policies and procedures are operating effectively and comply with legal and corporate governance standards.

Matters for Forward Periods

To further strengthen the application of the council's Disciplinary and Grievance processes and build upon the Investigating Officers' training workshops delivered during 2013/ 2014, equivalent training for Nominated Officers is also being developed. Given that the Nominated Officer and Investigating Officer roles are pivotal to ensuring fair and effective disciplinary and grievance processes, a focus on those particular roles is expected to improve the standards of officer input to such cases.

Improvements to the functionality of the Human Resources Case Management System is also expected to generate more detailed performance monitoring and reporting of discipline, grievance and bullying and harassment cases. This management information will be used by Human Resources and services to help identify evolving trends and determine appropriate solutions which may include targeted training interventions, mediation requirements, policy improvements etc.

The reporting of bullying and harassment cases in future compliance statements based on case management data will also assist in assessing the effectiveness of the council's revised Policy and Procedure for Dealing with Complaints of Bullying and Harassment which was introduced on 29 October 2013 and replaced the former Fair Treatment at Work Policy and Procedure.

Certificate by Head of Corporate Services

In order to complete this statement of compliance I have consulted with Heads of Service and received written confirmation of their service compliance with the policy. Heads of Service have provided details of any incident of non - compliance where applicable.

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



Date 24/4/14,

Local Code of Corporate Governance - Annual Statement of Compliance 2013/14

Name of Policy or Procedure:	Occupational Health and Safety Policy
Responsible Officer:	Julie Whitelaw – Acting Head of Corporate Services
Stated Requirement in Code:	Annual Statement of Compliance
Report required by:	Corporate Management Team
Review Date	April 2014 Meeting
Report by Head of Corporate Services on Statements of Compliance with arrangements	<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>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 Depute Chief Executive. 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 Depute Chief Executives and Heads of Service along with an Executive Summary that provides an analysis of the data and recommendations for actions.</p>

In accordance with the annual audit plan, an audit was conducted of the council's compliance with school excursions within Education Services.

The reports highlighted a number of areas where improvements were required and an action plan was agreed with the Head of Service (Education) and Head of Service (Development). At the time of writing, the report has not yet been reported to the Audit and Governance Committee.

During the course of year there were 49 RIDDOR reportable incidents to HSE. One HSE Improvement Notice was placed on the council by HSE in relation to working at height. The HR Manager (Health and Safety) has issued a briefing note on working at height to all Heads of Service and responsible persons and training has been scheduled for relevant employees. The council received 9 visits and one enquiry from HSE with no follow up actions.

*2012/13

Service Area	RIDDOR reportable incidents to HSE	HSE Improvement Notices	HSE Visits/enquiries
Social Policy	0	0	0
Corporate	0	0	0
HCBS	6	1	8
Operational Area	29	0	2
Education	0	0	0
Finance & Estates	14	0	0
Planning & Ec Dev	0	0	0
Total	49 (*54)	1 (*0)	10 (*1)

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.

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.

There is a requirement for Health and Safety and statutory compliance to be a standing item on the agenda of all management team meetings.

**Certificate by Acting
Head of Corporate
Services**

In order to complete this statement of compliance I have consulted with each Head of Service and received written confirmation of their service compliance with the policies and procedures. Heads of Service have provided details of any incident of non compliance where applicable.

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

6/5/14

Local Code of Corporate Governance - Annual Statement of Compliance 2013/14

Name of Policy or Procedure:	Protecting Vulnerable Groups																	
Responsible Officer:	Julie Whitelaw – Acting Head of Corporate Services																	
Stated Requirement in Code:	Annual Statement of Compliance																	
Report required by:	Corporate Management Team	April 2014 Meeting																
Review Date	Next report due April 2015																	
Report by Head of Corporate Services on Statements of Compliance with arrangements	<p>The Protection of Vulnerable Groups (PVG) Scheme continues to be the means by which the council ensures that unsuitable individuals are not employed to work with vulnerable groups.</p> <p>Disclosure Scotland - PVG Membership Applications</p> <p>Prior to October 2012, Disclosure Scotland restricted the processing of applications for PVG membership to new employees and those currently employed who were moving to another regulated post in the authority.</p> <p>Retrospective Checking</p> <p>On 29 October 2012, Disclosure Scotland extended the processing of applications to include the 'retrospective checking' exercise. This involves a 3 year phased programme of processing applications for PVG Scheme membership for the remainder of all other individuals engaged in regulated work within registered bodies such as the council.</p> <p>The council has approximately 5107 employees in regulated work that require to obtain PVG membership by 29 October 2015. The council has to date processed 2791 retrospective PVG applications through Disclosure Scotland and is on target to complete the process by July 2015.</p> <p>During the period 1 April 2013 to 31 March 2014, the council has submitted a total of 3432 PVG scheme membership applications (inclusive of retrospective applications) for employees and volunteers. The table below shows a breakdown of the PVG applications re-charged to the relevant service areas during that period:</p> <table><tr><th></th><th>Education & Cultural Services</th><th>Community Health & Care Partnership</th><th>Other Service Areas</th><th>Total</th></tr><tr><td>Number of PVG Applications</td><td>1750</td><td>1579</td><td>103</td><td>3432</td></tr><tr><td>Percentage</td><td>51%</td><td>46%</td><td>3%</td><td>100%</td></tr></table> <p>Application of Policy and Procedure</p> <p>During 2013/14 three employees (Education and Social Policy Services) were referred to Disclosure Scotland in accordance with the criteria specified in the Protection of Vulnerable Groups (Scotland) Act 2007. Of those three individuals, Disclosure Scotland has confirmed that one has</p>				Education & Cultural Services	Community Health & Care Partnership	Other Service Areas	Total	Number of PVG Applications	1750	1579	103	3432	Percentage	51%	46%	3%	100%
	Education & Cultural Services	Community Health & Care Partnership	Other Service Areas	Total														
Number of PVG Applications	1750	1579	103	3432														
Percentage	51%	46%	3%	100%														

subsequently **not been** considered for listing ('Protected Adult List') . Disclosure Scotland has not yet confirmed the position on the other two referrals.

In discharging its statutory obligations under the Act, the council's actions demonstrate that the council's Policy and Procedure on the Protection of Children and Protected Adults is being actively and appropriately applied.

Internal Audit Recommendations

Recommendations from an Internal Audit review in March 2013 into the Covalent risk 'Protection of Vulnerable Groups' (COR006) resulted in the following improvements to the council's PVG procedures:

- An escalation procedure was developed to manage the failure of employees to return PVG applications within timescales specified under the retrospective checking process.
- A supporting policy and procedure on the protection of children and protected adults was developed for the Family Placement Team to address the requirements for PVG processing for foster carers and others.
- Development and implementation of an Annual Compliance Checklist that services must complete to confirm that they are compliant in all areas where PVG checking is required.

The Internal Audit review has been followed up by a further review scheduled for completion by 31 March 2014 with the objective of assessing the control measures in place for Covalent risk COR006 and to verify that agreed actions from the 2013 audit have been fully implemented in line with agreed timescales. The 2014 audit has now been completed and highlights a number of areas where the level of control requires improvement. The recommendations are being addressed.

Review of Protection of Children and Protected Adults Policy and Procedure

Following the 2013 audit, the PVG Policy and Procedure was reviewed in conjunction with Legal Services and in consultation with the recognised Trade Unions. The review resulted in the following:

- the council has ceased to act as an 'umbrella body' for the purposes of processing of PVG applications on behalf of third party transport providers.
- Head of Service discretion to appoint to a regulated post prior to receipt of a PVG Scheme Record check has been removed
- Other minor procedural amendments and improvements

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**

The retrospective checking process will continue to be monitored by Human Resources to ensure that the council remains on target to complete the exercise within the 3 year timescale specified by Disclosure Scotland thereby discharging the council's statutory obligations under the Protection of Vulnerable Groups (Scotland) Act 2007.

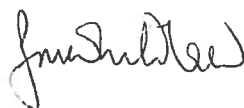
A review of the PVG compliance checklists returned by services is being undertaken by Human Resources and the Audit and Risk Unit with a view to identifying any areas in which further guidance and support measures may be necessary to assist services meet their statutory obligations.

**Certificate by Head of
Corporate Services**

In order to complete this statement of compliance I have consulted with the relevant Head of Service and received written confirmation of their service compliance with the policy. Heads of Service have provided details of any incident of non- compliance where applicable.

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

Signature



Date

6/5/14

Local Code of Corporate Governance - Annual Statement of Compliance 2013/14

Name of Policy or Procedure: Information Security Policy

Responsible Officer: Julie Whitelaw – Acting Head of Corporate Services

Stated Requirement in Code: Annual Statement of Compliance

Report required by: Corporate Management Team

April 2014 Meeting

Next report due April 2015

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 2013/14 financial year the following volumes of security incidents were recorded:

<i>Summary of Information Security Incidents 2013/14</i>				
<i>Service Area/Category</i>	<i>Low</i>	<i>Medium</i>	<i>High</i>	<i>Total</i>
Area Services	18	5	1	24
Housing Construction and Building Services	13	6	0	19
Finance and Estates	8	2	0	10
Education	12	3	0	15
Corporate Services	15	8	0	23
Social Policy	22	9	0	31
Operational Services	7	0	0	7
Schools	9	0	0	9
Planning and Economic Development	5	1	0	5
Total	109	34	1	144

Impact Categories: Low - relates to policy violations such as internet usage investigations, Medium - relates largely to virus outbreaks, High - relates to loss of equipment or data

A total of 144 incidents in 2013/14 compares to 167 in the previous financial year. This constitutes an overall reduction of 14%.

There was only one incident categorised as high risk (90% reduction) and there was a reduction in the volume of incidents categorised as medium risk (26% reduction). The overall risk profile has improved in that there was a reduction from 34% to 24% of total incidents that were of high and medium risk.

The incidents involving computer viruses mostly involved 'Phishing' and Spam emails. This was contained to only 19 incidents in 2013/14.

There were a similar number incidents relating to the loss of equipment, policy violations and data handling as in 2012/13. Improved security awareness and reporting mechanisms, extended legislation and a growth in mobile working have been factors in this figure not reducing. Processes and procedures on the recovery and erasure of council data on lost equipment have improved to such an extent that these are generally classed as low risk security incidents.

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 2013/14 there were 21 security incidents investigated to establish if they warranted a notification to the Information Commissioner. No incidents warranted notification. The investigations involve process checking, risk analyses, recording and reporting. This process is necessary to ensure that service areas are focused 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. There were no incidents that warranted notification by the council. There was 1 complaint by the public to the Information Commissioner during the year. The outcome of that complaint was that the Commissioner determined that the council had breached their Data Protection responsibilities but the Commissioner was satisfied that measures had been put in place to minimise the risk of a similar breach and no action was taken.

In July 2013, an incident occurred that was classified as 'High Risk'. This incident relates to an email sent by the council that contained the private email addresses of 947 recipients. This incident has a higher risk of action from the Information Commissioner as the council confirmed that it has implemented specific steps to prevent such breaches. This was following a similar incident in July 2011 where the Commissioner received 2 complaints from the public relating to the disclosure of private email addresses in an email sent to multiple recipients.

The specific actions taken by the council following the 2011 breach was to introduce:

- Staff training and awareness
- Management authorisation of emails of greater than 20 recipients
- Data labelling of emails
- Implementation of a self-subscribing eNewsletter system

There were no complaints to the Information Commissioner regarding the August 2013 incident. However, following a full Risk Assessment, the following actions were taken:

- A eNewsletter was set up for the service (same day)
- Staff disciplinary investigation and subsequent training
- A review of the use of mass emails across the service

Staff training in Information Security was refreshed during 2013/14. Direct email and the 'i-matters' monthly newsletter ensures that staff remain aware of their responsibilities in terms of information security.

The council successfully achieved annual compliance with the PSN (Public Services Network) on 14th January 2014. The Cabinet Office has introduced greater scrutiny and higher levels of security across Local Government.

**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.

Project Management Procedures will be further developed in light of the Information Commissioner's updated guidelines.

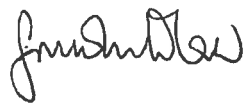
In line with the new Public Records (Scotland) Act, Data Sharing/Processing Agreements will continue to be applied to formal exchanges of information within the council and with 3rd parties.

**Certificate by Head of
Corporate Services**

In order to complete this statement of compliance I have consulted with each Head of Service and received written confirmation of their service compliance with the policy. Heads of Service have provided details of any incident of non compliance where applicable.

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



Date 25/4/14

Local Code of Corporate Governance - Annual Statement of Compliance 2013/14

Name of Policy or Public Sector Equality Duty Procedure:

Responsible Officer: Julie Whitelaw – Acting Head of Corporate Services

Stated Requirement in Code: Annual Statement of Compliance

Report required by: Corporate Management Team April 2014 Meeting

Next report due April 2015

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

The UK Government's Equality Act was introduced on 1 October 2010. The Act includes a positive duty to promote equality specifically focussed on public authorities.

The duty is in 2 parts - a duty in the Equality Act 2010 itself, often referred to as the 'general duty', and specific duties which are placed on most public authorities by Scottish Ministers. The purpose of the specific duties is to enable the better performance of the general duty.

The general duty in the Equality Act 2010 came into force on 5 April 2011. Since that date, Scottish public authorities have been subject to the general duty in the Equality Act 2010. Under this general duty they must have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

The Public Sector Equality Duty requires equality to be considered as part of the functions of public authorities, including decision-making, in the design of internal and external policies and in the delivery of services, and for these issues to be kept under review.

The specific duties require public authorities to:

- Report progress on mainstreaming the general equality duty;
- Publish equality outcomes and report progress;
- Assess new or revised policies and practices;
- Review existing policies and practices;
- Gather, use and publish employee information;
- Publish gender pay gap information;
- Publish an equal pay statement; and
- Consider award criteria and contract conditions in relation to public procurement.

Between May and November 2013 the Equality and Human Rights Commission in Scotland published a series of reports (entitled the Measuring Up project) on the compliance of public sector bodies with regard to: meeting the legislative timescales for publication of documents required by the Duty; compliance against the Duty to publish and analyse employment data and the standard of published equality outcomes.

Following the publication of the project findings, a gap analysis was completed for the council against the Commission's recommendations in order to ensure our compliance with the specific duties. While feedback for individual Authorities was not available, West Lothian Council were not issued with any recommendations for improvement from the Equality and

Human Rights Commission following the project. In addition, two good practice case studies within the reports were directly attributable to the council. We have also received informal feedback regarding our employment monitoring data and analysis which suggested the council have met the required standards. The council were identified as having the lowest gender pay gap across the Scottish public sector when measured against the standard calculation approved by the Commission.

The council's Corporate Working Group on Equality has been restructured for 2014 in order to focus on monitoring and compliance with regard to equality mainstreaming and outcomes implementation.

Conclusions Drawn from Report

The council has continued to manage the implementation of the Public Sector Equality Duty within the required legal framework.

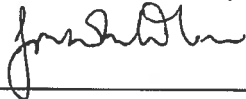
Matters for Forward Periods

The council has a legal requirement to publicly report on progress against our corporate equality outcomes by 30 April 2015. Progress on mainstreaming equality actions, updated employment monitoring data and analysis, gender pay gap information and occupational segregation data must also be publicly reported by 30 April 2015.

Certificate by Head of Corporate Services

I certify that arrangements are currently in place for compliance with the Public Sector Equality Duty.

Signature



Date 4/4/14

Local Code of Corporate Governance - Annual Statement of Compliance 2013/14

Name of Policy or Procedure:	Compliance with Regulation of Investigatory Powers (Scotland) Act 2000 and Regulation of Investigatory Powers Act 2000
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Responsible Officer:	Carol Johnston – Acting Chief Solicitor
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Stated Requirement in Code:	Annual Statement of Compliance
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Report required by:	Corporate Management Team
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Review Date	May 2014
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**Report by Acting
Chief Solicitor on
Statements of
Compliance with the
law**

The Council may grant authorisation for Directed 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. The Council has further powers in relation to the collection of telecommunications data in terms of the Regulation of Investigatory Powers Act 2000. During the year to 31 March 2014, 1 application was received in relation to Directed Surveillance as follows:-

No of Appls	Purpose of Surveillance
1	Trading Standards Test Purchase

By comparison, in the year to 31 March 2013, 1 applications received in relation to Directed Surveillance as follows:-

No of Appls	Purpose of Surveillance
1	Trading Standards Test Purchase

There were no authorisations granted in respect of collection of telecommunications data during this period.

The Council was subject to inspection by the Office of Surveillance Commissioners in May 2013. The Council had not been subject to detailed inspection since 2007, having been subject to limited scrutiny in 2010. The Report following inspection recommended that all policy and guidance documents be reviewed and that appropriate staff training be undertaken.

The year on year trend indicates a static position in relation to the number of occasions in respect of which Directed Surveillance is sought or granted. Joint working between Police Scotland and Housing Services in the Safer Neighbourhood Team appears to have been responsible for a general decline in the use of Directed Surveillance over a number of years. The periodic use of Directed Surveillance by Trading Standards is likely to continue at its present rate as Trading Standards fulfil their statutory obligations. There is unlikely to be any significant change in the use of powers under the Regulation of Investigatory Powers Act 2000 in respect of collection of telecommunications data.

Conclusions Drawn from Report The Council has appropriately exercised its statutory powers in relation to surveillance. The Council is subject to inspection by the Office of Surveillance Commissioners every 3 years, and provides annual returns to the OSC in relation to its exercise of its powers of surveillance.

Matters for Forward Periods The Council's procedures in relation to authorisation of surveillance are scheduled for review during the course of 2014/15.

Certificate by Carol Johnston Acting Chief Solicitor I certify that during the financial year to 31 March 2014, the Council has appropriately granted applications authorising Directed Surveillance, in compliance with the relevant legislation and that arrangements are in place to ensure compliance with the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000.

Signature



Date

6/8/14.

