

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

<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 2011
<b>Review Date</b>	Previous review in May 2010. Next review May 2012.
<b>Report by Chief Legal Officer on Statements of Compliance with the law received from other Heads of Service in West Lothian Council</b>	<p>Having consulted with Heads of Service, the Chief Solicitor and the Internal Audit Manager, I can confirm that I am not aware of any actual or potential breaches of the law by the council in 2010/11 which have or will have a material or significant impact on the operations or finances of the council.</p> <p>The annual statements of compliance for 2010/11 by the Heads of Finance &amp; Estates and Corporate Services highlight breaches of the law in respect of the EU procurement regulations for supplies and services and health and safety legislation. Whilst serious within the context of the relevant services, none of those breaches is considered material or significant to the overall finances or operations of the council.</p>

**Conclusions Drawn  
from Report**

There have been no material or significant breaches of the law by the council in 2010/11 which have or will have a material or significant impact on the operations or finances of the council.

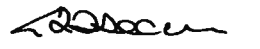
**Matters for Forward  
Periods**

None

**Certificate by Chief  
Legal  
Officer/Monitoring  
Officer**

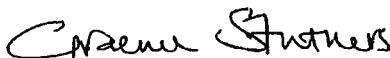
The council is complying in all material respects with its legal requirements.

**Signature**



**Date** 19 May 2011

**Local Code of Corporate Governance - Annual Statement of Compliance  
2010/11**

<b>Name of Policy or Procedure:</b>	<b>Compliance with European Union Procurement Regulations for Construction and Works</b>	
<b>Responsible Officer:</b>	John Hill -- Depute Chief Executive	
<b>Stated Requirement in Code:</b>	1. Annual Statement of Compliance 2. Review policy every administrative term	
<b>Report required by:</b>	Corporate Management Team	April 2011 Meeting Next report due April 2012
<b>Report by Depute Chief Executive on Statements of Compliance with arrangements</b>	Having reviewed the capital programme for 2010/11, 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 the Council's Standing Orders.	
<b>Matters for Forward Periods</b>	None.	
<b>Certificate by Depute Chief Executive</b>	I certify that the Council is complying with EU Procurement Regulations and the Council's Standing Orders and that the associated procedures are operating effectively and will continue to be monitored and reviewed regularly in keeping with Corporate Governance standards.	
<b>Signature</b>		<b>Date</b> 19/5/11



Local Code of Corporate Governance – Statement of Compliance 2010/11

Name of Policy or Procedure:	<u>Compliance with European Union Procurement Rules and Standing Orders for Contracts for Supplies and Services</u>
Responsible Officer:	<u>Donald Forrest – Head of Finance &amp; Estates</u>
Stated Requirement in Code:	1. Annual statement of compliance 2. Review policy every administrative term
Report Required by:	Corporate Management Team – May 2011 Meeting
Review Date:	Review of policy is currently ongoing and due for completion in 2011/12.
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:	<p>In March 2011, I made enquiries of all West Lothian Council Heads of Service and the Interim Procurement Manager to obtain a demonstration of compliance with EU Procurement Rules, for purchases over £156,442 and with the Council's Standing Orders for supplies and services. During 2010/11, there was compliance with the large majority of contracts throughout the council, however exceptions were identified. These included contracts for street lighting and automatic public conveniences which was reported to Audit Committee in December 2010 and June 2011 respectively.</p> <p>Appropriate action has been taken to ensure compliance for any exceptions, including a local bus contract, the agency services contract, IT hardware and peripherals contract, and the residential school contract.</p> <p>Following the disclosure in the 2009/10 statement of compliance regarding the Multi Functional Device framework contract, a revised MFD contract was retendered and awarded in November 2010. In terms of analytical services, which was also included in the 2009/10 report, a non competitive action form has been completed to continue with the current service pending the outcome of a Scotland wide review of analytical services.</p> <p>Controls have now been implemented to eliminate the practice of unofficial contract extensions and all future contract extensions require written authorisation from the Head of Finance and Estates Services.</p> <p>A full scale review of Procurement is currently being undertaken to ensure that systems are in place to secure full compliance across the council. Any issues of non compliance identified will be addressed for all future contracts.</p>
Conclusions:	During 2010/11, there was compliance with the large majority of contracts throughout the council however exceptions have been identified. Appropriate action has been taken to ensure that systems and controls are in place to prevent such exceptions taking place in the future.

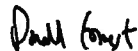
Points Forward:

A full scale review of Procurement is currently being undertaken to ensure full compliance across the council and any issues of non compliance identified will be addressed. Steps will be taken to progress the use of the PECOS ordering system across all council services which will improve control.

**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.

Action has been taken to resolve specific issues but more generally improvement action is essential to enhance procurement performance. To facilitate the required improvement in procurement, a review was initiated in November 2010. The results of the procurement review will be reported at the Partnership and Resources PDSP in June 2011 and an improvement plan will be implemented from summer 2011 onwards.



May 2011

Signature:

## Local Code of Corporate Governance – Statement of Compliance 2010/11

<b>Name of Policy or Procedure:</b>	<b>Anti Fraud and Corruption Strategy</b>
<b>Responsible Officer:</b>	<b>Donald Forrest – Head of Finance &amp; Estates</b>
<b>Stated Requirement in Code:</b>	1. Annual statement of compliance 2. Review policy every administrative term
<b>Report Required by:</b>	Corporate Management Team – May 2011 meeting
<b>Review Date:</b>	The policy was approved in March 2006. The policy has now been reviewed and a revised policy was presented to the Partnership and Resources PDSP on 18 February 2011. The Partnership and Resources PDSP agreed that reference be made to the Bribery Act 2010 and that the policy be submitted to the Council Executive with a recommendation that it be approved.
<b>Report by Internal Audit Manager on Operation of Policy in Year Under Review:</b>	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 2010/11.
<b>Conclusions:</b>	It is concluded that the policy is operating effectively.
<b>Points Forward:</b>	The 2011/12 audit plan includes a time allocation for the review of the effectiveness of key anti-fraud and corruption controls. Further audit work on the Standing Orders for Contracts is also planned for 2011/12.
<b>Certificate by Head of Finance:</b>	On the basis of the statements provided by the heads of service, and the information provided by the Internal Audit Manager, I certify that the council's anti-fraud and corruption policy has been complied with.
<b>Signature:</b>	<div>Donald Forrest</div> <div>8 April 2011</div>





## Local Code of Corporate Governance – Statement of Compliance 2010/11

**Name of Policy or Procedure:** **Fraud Policy and Strategy for Housing Benefit and Council Tax Benefit**

**Responsible Officer:** **Donald Forrest – Head of Finance & Estates**

**Stated Requirement in Code:**

1. Annual statement of compliance
2. Review policy every administrative term

**Report Required by:** Corporate Management Team – May 2011 Meeting

**Review Date:** May 2011

**Report by Revenues and Benefits Manager on Operation of Policy in Year Under Review:** In the course of the year ending 31<sup>st</sup> March 2011, the benefit investigation team continued to identify & investigate allegations of benefit fraud. We also remain committed to our joint working partnership with our counterparts within Jobcentreplus fraud investigation service. We continue to be engaged in comprehensive data matching exercises, through the biennial National Fraud Initiative (NFI) & 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 2010/2011, the following results were achieved;

	2010/11	2009/10
Total Number of Referrals Received	451	391
From Above, Number of Cases Accepted for Investigation	183	178
Number of Cases Investigated by Council	148	162
From Above, Those Related to Claimant Fraud	88	116
From Above, Those Related to Landlord Fraud	0	0
Number of Cases Involving Councillors	0	0
Number of Cases Where Surveillance Used	1	1
Number of Cases Where Data Matching Used	45	44
Number of Cases Prepared for Procurator Fiscal	17	14
Average Number of Authorised Staff in Post	4	4
Turnover of Authorised Staff in Year	0	0

**Conclusions:** The Benefit Fraud Strategy was reviewed in May 2010 and was found to be working satisfactory and considered fit for purpose. The next review will take place in May 2011. Our systems and procedures within the investigation team remain robust in the assisting and combating of benefit fraud.

**Points Forward:**

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

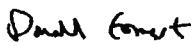
I certify that, during the financial year under review, the council's staff have operated in compliance with relevant legislation and the Council's Benefit Fraud Policy and Strategy, to identify, investigate and report cases of fraud related to Housing and Council Tax Benefits.

*David Conry*

Signature:


8 April 2011

## Local Code of Corporate Governance – Statement of Compliance 2010/11

<b>Name of Policy or Procedure:</b>	<b>Fraud Prosecution and Sanction Policy</b>																							
<b>Responsible Officer:</b>	<b>Donald Forrest – Head of Finance &amp; Estates</b>																							
<b>Stated Requirement in Code:</b>	1. Annual statement of compliance 2. Review policy every administrative term																							
<b>Report Required by:</b>	Corporate Management Team – May 2011 Meeting																							
<b>Review Date:</b>	May 2011																							
<b>Report by Revenues and Benefits Manager on Operation of Policy in Year Under Review:</b>	<p>Our procedures for considering sanction suitability continue to comply with the terms of this policy.</p> <p>To act as a deterrent, our benefit fraud web page was radically changed to include what work the benefit investigation team actually do and what can happen to those who abuse the benefit scheme.</p> <p>Our sanctions for the year ending 2010/2011 are as follows;</p> <table border="1"><thead><tr><th></th><th>2010/11</th><th>2009/10</th></tr></thead><tbody><tr><td>Number of Cases Investigated by the Council</td><td>148</td><td>162</td></tr><tr><td>Number of Cases of Administrative Caution</td><td>12</td><td>12</td></tr><tr><td>Number of Cases of Administrative Penalty</td><td>9</td><td>15</td></tr><tr><td>Number of Cases Reported to the Police/Procurator Fiscal</td><td>17</td><td>14</td></tr><tr><td>Number of Cases Prosecuted</td><td>17</td><td>14</td></tr><tr><td>Number of Cases Where a Guilty Verdict Brought</td><td>1</td><td>3</td></tr></tbody></table>				2010/11	2009/10	Number of Cases Investigated by the Council	148	162	Number of Cases of Administrative Caution	12	12	Number of Cases of Administrative Penalty	9	15	Number of Cases Reported to the Police/Procurator Fiscal	17	14	Number of Cases Prosecuted	17	14	Number of Cases Where a Guilty Verdict Brought	1	3
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<b>Conclusions:</b>	The Prosecution and Sanction policy was reviewed in May 2010 and was found to be working satisfactory and considered fit for purpose. The next review will take place in May 2011.																							
<b>Points Forward:</b>																								
<b>Certificate by Head of Finance and Estates:</b>	<p>I certify that, during the financial year under review, the council's officers have reported appropriate fraud cases related to Housing and Council Tax Benefits to the Police and Procurator Fiscal, in compliance with the Council's policy on prosecution and sanctions.</p> <p style="text-align: center;"></p>																							
<b>Signature:</b>	8 April 2011																							



**Local Code of Corporate Governance - Annual Statement of Compliance  
2010/11**

<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 2011 Meeting Next report due April 2012
<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>Whistle blowing is one of several key employment policies and procedures drawn to the attention of employees in six monthly payslip inserts, publicising the council's employment policies and where they can be accessed.</p> <p>During the 2010/2011 financial year, no issues were reported through the established Whistle –Blowing Policy.</p>	
<b>Conclusions Drawn from Report</b>	Whilst the Whistle – Blowing Policy continues to be 'fit for purpose' and is accessible electronically on Mytoolkit, it would benefit from being further publicised to employees.	
<b>Matters for Forward Periods</b>	<p>Following an Internal Audit report, the council's Code of Conduct which includes reference to the council's Whistle –Blowing Policy, has recently been reviewed. A key recommendation of the audit was to reinforce the requirements of services and employees to register and record declarations of interests under the Code.</p> <p>As part of the exercise to be carried out to refresh services/employees awareness of the Code and its contents, a reminder will also be issued with regard to the availability and purpose of the Whistle Blowing Policy and where it can be assessed.</p>	
<b>Certificate by Head of Corporate Services</b>	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.	
<b>Signature</b>		<b>Date</b> 19/5/11



**Local Code of Corporate Governance - Annual Statement of  
Compliance 2010/11**

<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 2011 Meeting																								
		Next report due April 2012																								
<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>The summarised position in respect of 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 2010/11, seventy one cases were dealt with under the council's Disciplinary Procedures. This represents an increase of three cases from the previous year.</p> <p>The Procedure for Dealing with Employee Grievances was applied in seventeen cases. This represents an increase of three cases from the previous year.</p> <p>(*) Previous Year</p> <table border="1"> <thead> <tr> <th>Service Area</th><th>No. of Cases (Disciplinary)</th><th>No. of Cases (Grievances)</th></tr> </thead> <tbody> <tr> <td>Operational Services</td><td>24</td><td>8</td></tr> <tr> <td>Education Services</td><td>11</td><td>5</td></tr> <tr> <td>Housing, Construction &amp; Building Services</td><td>14</td><td>Nil</td></tr> <tr> <td>Corporate Services</td><td>Nil</td><td>1</td></tr> <tr> <td>Social Policy (CHCP)</td><td>13</td><td>2</td></tr> <tr> <td>Area Services</td><td>9</td><td>1</td></tr> <tr> <td><b>Total</b></td><td><b>71 (68*)</b></td><td><b>17 (14*)</b></td></tr> </tbody> </table>		Service Area	No. of Cases (Disciplinary)	No. of Cases (Grievances)	Operational Services	24	8	Education Services	11	5	Housing, Construction & Building Services	14	Nil	Corporate Services	Nil	1	Social Policy (CHCP)	13	2	Area Services	9	1	<b>Total</b>	<b>71 (68*)</b>	<b>17 (14*)</b>
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	<p>Of the seventy one disciplinary cases, eight resulted in no action, sixteen resulted in an oral warning, twenty - two resulted in a written warning, nine in a final written warning, one in punitive action short of dismissal and five in dismissal. A further ten cases remain open, to be progressed to a conclusion.</p> <p>Of the seventeen grievances, four were resolved informally, two were upheld and eleven not upheld at Stage 1. One grievance was upheld and another not upheld at Stage 2.</p> <p>Four appeals were lodged at Stage 3 (Council Appeals Committee) resulting in one appeal being upheld in part, one 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.</p> <p>During the year, ten Employment Tribunal claims were lodged compared with no cases in the previous year. Seven of the ten cases relate to claims from teachers for accrued holiday pay arising from a change to statutory maternity legislation. All seven claims are in the process of being settled. Two of the three remaining cases are waiting to be heard and the outcome of the third is awaited from the ET</p>
<b>Conclusions Drawn from Report</b>	<p>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.</p>
<b>Matters for Forward Periods</b>	<p>A short - life working group is being set up with a view to developing further manager's guidance to supplement the existing Disciplinary Policy and Procedures based on best practice guidance received from the Scottish Government on Dealing with Allegations against Residential Workers.</p> <p>General guidance will be developed at the same time to regulate that implementation of precautionary suspension and the reporting of misconduct matters to professional registration bodies.</p>
<b>Certificate by Head of Corporate Services</b>	<p>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.</p>
<b>Signature</b>	<p><i>C. Anne Guthrie</i>      Date 19/5/14</p>



**Local Code of Corporate Governance - Annual Statement of Compliance  
2010/11**

<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	May 2011 Next report due April 2012
<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 will be 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.</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 191 audits having been completed by March 2011.</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.</p> <p>Improved 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> <p>There have been seven visits from the Health and Safety Executive during this financial year and one serious incidents. Action plans were developed for three of these incidents to ensure that the recommendations made were put in place, two visits had had enough action already taken to satisfy HSE and two visits did not require an action plans.</p> <p>One serious incident was investigated and recommendations for action were recorded with a view to achieving the effective reduction of the risk of re-occurrence. Lessons learned have been shared with other services.</p> <p>Following an incident in 2009 in Housing, Construction and Building</p>	

Services, the Council was fined in respect of a Breach under Section 3(1) of the Health and Safety At Work Act in February 2011. A fine of £80,000 was imposed.

**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 and included into 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 need to ensure that those employees who have responsibilities as 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

*Croemne Stuchus*

Date

19/5/11

**Local Code of Corporate Governance - Annual Statement of Compliance  
2010/11**

<b>Name of Policy or Procedure:</b>	<b>Child Protection Arrangements</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 2011 Meeting													
<b>Review Date</b>		Next report due April 2012													
<b>Report by Head of Corporate Services on Statements of Compliance with arrangements</b>	<p>During the period 1 April 2010 to 28 February 2011, the council undertook 2,966 Enhanced Disclosure checks. This figure is inclusive of disclosures carried out in respect of new employees, existing employees undertaking three yearly re-checks, employees moving between regulated posts and volunteers.</p> <p>A total of 5,149 Enhanced Disclosures were processed during the previous financial year April 2009 to March 2010.</p> <p>The table below shows a breakdown of the disclosures re-charged by service area between 1 April 2010 and 28 February 2011 :</p> <table border="1"> <thead> <tr> <th></th> <th>Education &amp; Cultural Services</th> <th>Community Health &amp; Care Partnership</th> <th>Other Service Areas</th> </tr> </thead> <tbody> <tr> <td>Number of Enhanced Disclosures</td> <td align="center">1513</td> <td align="center">1364</td> <td align="center">89</td> </tr> <tr> <td>Percentage</td> <td align="center">51%</td> <td align="center">46%</td> <td align="center">3%</td> </tr> </tbody> </table> <p>The council has had occasion to make one referral to the List of Individuals Disqualified from Working with Children during 2010/11.</p>				Education & Cultural Services	Community Health & Care Partnership	Other Service Areas	Number of Enhanced Disclosures	1513	1364	89	Percentage	51%	46%	3%
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<b>Conclusions Drawn from Report</b>	<p>The council's arrangements for the protection of children and other vulnerable groups have continued to be robust and 'fit for purpose'. This is reflected by the fact that the Protection of Children Manager's Guide has been appropriately applied in respect of the referral of one employee to the list of Individuals Disqualified from Working with Children (DWCL) in accordance with the criteria set out within the Protection of Children (Scotland) Act 2003.</p>														
<b>Matters for Forward Periods</b>	<p>The Protection of Children (Scotland) Act 2003 has since been superseded by the Protection of Vulnerable Groups (PVG) Act 2007, giving rise to the introduction of the new Protection of Vulnerable Groups</p>														

(PVG) Scheme in Scotland from 28 February 2011. The Scheme extends the current provisions for protection of children to include 'protected adults' and replaces the use of enhanced disclosures as a means of ensuring that unsuitable individuals are not employed to work with vulnerable groups. Instead, employees working in 'regulated posts' as defined by the PVG (Scotland) Act 2007 will require to become members of the new scheme.

New employees engaged by the council from 28 February 2011 are required to be PVG Scheme members. Existing employees will be brought into membership of the scheme on a phased basis over a three year period commencing February 2012.

The advantage of new PVG Scheme is that Disclosure Scotland continuously updates vetting information about an individual after the initial disclosure check so that new information indicating that they might be unsuitable to work in regulated posts can be acted upon. The council as a registered employer will be notified automatically should information arise that will result in the individual being barred or placed under consideration for disqualification from the type of work for which they are registered.

As a result of the introduction of the PVG Scheme, the Protection of Children Manager's Guide is being replaced by a council Policy and Procedure on Protecting Vulnerable Groups. An exercise is also underway to classify those posts in the council that constitute 'regulated work' as set out in the PVG (Scotland) Act 2007 and by definition require the post-holders to become scheme members.

The policy measures being taken by the council in conjunction with the improved vetting arrangements provided by the new PVG Scheme will assist the council in ensuring compliance with its obligations under the Protection of Vulnerable Groups (Scotland) Act 2007.

**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

*Graeme Stewart*

Date

19/5/11

## Local Code of Corporate Governance - Annual Statement of Compliance 2010/11

**Name of Policy or Procedure:**

Information Security Policy

**Responsible Officer:**

Graeme Struthers – Head of Corporate Services

**Stated Requirement in Code:**

Annual Statement of Compliance

**Report required by:**

Corporate Management Team

April 2011 Meeting

Next report due April 2012

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

IT Services maintain the Information Security Policy and are responsible for the continuous development and review of the policy and supporting procedures. IT Services also ensure compliance and manage and report incidents relating to breaches of the policy.

During the 2010/11 financial year the following volumes of security incidents were recorded:

Summary of Information Security Incidents 2010/11				
Service Area/Category	Low	Medium	High	Total
Chief Executive's Office	14	2	0	16
Community Health & Care Partnership	8	17	8	33
Corporate Operational & Housing Services	29	19	10	58
Education Planning & Area Services	82	43	6	131
Improvement Service	0	1	0	1
<b>Total</b>	<b>133</b>	<b>82</b>	<b>24</b>	<b>239</b>

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

This compares to 74 incidents in the previous financial year. The increase in volume is attributed to increased staff awareness and better alerting and reporting procedures being adopted as the policy is fully implemented in all service areas.

122 of the 239 total incidents related to computer viruses. This mirrors a general industry wide increase in the volume of viruses.

Of the 24 High impact incidents in 2010/11, 5 related to equipment losses (3 thefts reported to the police); 2 related to police investigations; 5 related to compromised network accounts; 1 related to a virus attack and 11 related to lost documents.

No incidents required notification to the UK Information Commissioner as all data losses were contained, recovered and internal processes have been updated as an outcome.

An audit of Information Security (22 Dec 2010) and subsequent report to the Audit Committee (15 Mar 2011) concluded that the level of security controls in place are effective.

The council successfully achieved annual compliance with the 23 high level security requirements of the GSX (Government Secure Extranet) code of connection on 7 Oct 2011.

General staff awareness has been maintained through the continued operation of online training and the development of 'awareness' posters.

A West Lothian council 'Data Processing Agreement' and 'Data Processing Standards' have been developed for use with third parties who manage or process information on behalf of the council.

**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 will continue to be reviewed and publicised to employees. The Information Handling Procedure will be reviewed. Further procedures and guidelines will be issued as part of the normal operation and development of the policy.

**Certificate by Head of  
Corporate 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**

*Craeme Struthers*

**Date**

*19/5/11*