Haringey Council

NOTICE OF MEETING

Standards Committee - Determination Hearing Panel

THURSDAY, 22ND OCTOBER, 2009 at 10:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

COUNCILLOR MEMBERS: Councillors Dodds and Winskill

INDEPENDENT MEMBERS: Mr Batterham, Ms Chambers, Ms Sykes

AGENDA

1. APOLOGIES FOR ABSENCE (IF ANY)

2. ELECTION OF CHAIR OF THE DETERMINATION HEARING PANEL FOR THE DURATION OF THE PROCEEDINGS

3. DECLARATIONS OF INTEREST

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

4. PROCEDURAL MATTERS

(i) Outline of Hearing process

(ii) The Determination Hearing Panel will be recommended to exclude the Public and Press in order to consider the lifting of the exempt classification on certain documents to be considered at this hearing, circulated as exempt documents.

Please note that the documents if released will be in a redacted form.

5. EXCLUSION OF THE PUBLIC AND PRESS

The following item is likely to be subject of a motion to exclude the press and public from the meeting as it contains exempt information as defined in Section 100a of the Local Government Act 1972; namely information relating to any individual, and information which is likely to reveal the identity of an individual; and also in accordance with the Standards Committee (England) Regulations 2008 (regulation 5), and Section 53 of the Local Government Act 2000.

6. CONSIDERATION OF RELEASE OF EXEMPT INFORMATION WITHIN THE PUBLIC DOMAIN DURING THE PUBLIC PART OF THE PROCEEDINGS

7. RE-INCLUSION OF THE PUBLIC AND PRESS

8. DETERMINATION OF COMPLAINT SC003/089 - COUNCILLOR AITKEN (PAGES 1 - 534)

Documents for consideration:

(i) Report of the Monitoring Officer

(ii) Pre-Hearing process summary

(iii) Agenda contents list detailing summary of documentation

(iv) Appendices 1 to 8

9. CONSIDERATION OF ANY ADDITIONAL PROCEDURAL POINTS

10. DELIBERATIONS OF THE HEARING PANEL ON DISPUTED MATTERS OF FACT

The Panel, having heard the representations of the parties concerned and considered the evidence, including any witnesses, will then deliberate.

All parties other than the Panel Members, Legal Adviser to the Panel, and Committee Manager will withdraw from the proceedings.

All parties will be invited back in to the proceedings. The Chair of the Determination Hearing will give the decision of the Panel.

11. DELIBERATIONS OF THE HEARING PANEL AS TO WHETHER ON THE FACTS THERE HAS BEEN A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

The Panel, having heard the representations of the parties concerned and considered the evidence, including any witnesses, will then deliberate.

All parties other than the Panel Members, Legal Adviser to the Panel, and Committee Manager will withdraw from the proceedings.

All parties will be invited back in to the proceedings. The Chair of the Determination Hearing will give the decision of the Panel.

12. DELIBERATIONS OF THE HEARING PANEL AS TO SANCTION TO BE IMPOSED IN THE EVENT THAT A FAILURE TO COMPLY IS FOUND

The Panel, having considered Form C and heard the representations of the parties concerned will then deliberate.

All parties other than the Panel Members, Legal Adviser to the Panel, and Committee Manager will withdraw from the proceedings.

All parties will be invited back in to the proceedings. The Chair of the Determination Hearing will give the decision of the Panel.

13. RECOMMENDATIONS TO THE COUNCIL

The Panel will consider recommendations from the investigating officer and will decide whether to make any recommendations to the Council with a view to promoting a high standard of conduct.

14. SUMMARY WRITTEN DECISION

The Panel will produce a short summary decision in writing. A full written decision will be approved by all Panel Members as soon as practicable and will be communicated to the parties.

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Deputy Head of Local Democracy and Member Services
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225 High Road
Wood Green
London N22 8HQ

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Committee Manager
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14 October 2009

Agenda Item 8

Haringey Council

Agenda item: **[No.]**

DETERMINATION HEARING PANEL ON 22 OCTOBER 2009

Report Title: **Local Determination Hearing into Complaint of Failure to Comply with the Members' Code of Conduct (Ref SC3/089)**	
Report of: **The Head of Legal Services and Monitoring Officer**	
Wards(s) affected: **All**	Report for: **Decision**

1. Purpose and Recommendation

1.1 The Panel is convened to hear and determine the complaint in accordance with the local procedure rules and guidance from the Standards Board

Report Authorised by: **John Suddaby, Head of Legal Services and Monitoring Officer**

Contact Officer: **John Suddaby, Head of Legal Services and Monitoring Officer**
Telephone: 020 8489 3974 email: john.suddaby@haringey.gov.uk

2. Local Government (Access to Information) Act 1985

2.1 This report is exempt from publication as it contains exempt information in the attachments under paragraphs 1 and 2 of Part 1 of Schedule 12 to the Local Government Act 1972 namely information revealing or likely to reveal the identity of individuals.

3. Report

3.1 This Hearing Panel was established to determine this complaint (ref SC3/089) at the special meeting of the Standards Committee on 9 September 2009.

3.2 The Pre-Hearing Process Summary attached to this report sets out the background, the pre-hearing process, the matters agreed, the matters in dispute and issues likely to arise including the extent to which the hearing should be held in public and the

exempt documents be made public.

3.3 The covering agenda summarises the steps in the hearing procedure. The full hearing procedure is the first document in Appendix 1.

4. Comments of the Chief Financial Officer

4.1 There are no direct financial implications.

5. Comments of the Head of Legal Services

5.1 This report is from the Head of Legal Services and Monitoring Officer

6. Equalities Implications

6.1 There are no specific implications

7. Use of Appendices

7.1 (i) The Pre-Hearing Process Summary
(ii) The Agenda Contents List
(iii) 8 Appendices – contents summarised in (ii)

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

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LOCAL DETERMINATION HEARING – COMPLAINT AGAINST CLLR AITKEN

CONTENTS LIST OF AGENDA PAPERS

APPENDIX 1 – Procedural Documents - public

Haringey Procedure Rules for hearings

Code of Conduct – SBE guidance on disclosing confidential information

SBE guidance (2003) on excluding the public from hearings

SBE guidance on Standards Committee determinations

APPENDIX 2 - exempt

Investigating Officer's report 27 July 2009

APPENDIX 3 - Investigating Officer's original appendices – exempt

Appendix A – schedule of evidence taken into account

Appendix D – chronology of events

Special General Purposes Committee exempt report 4 November 2008

Complaint Form dated 2 December 2008

Correspondence and emails in date order

Statements and evidence from IT security officers or about IT security

Interview recorded with Cllr Oakes and his comments

Interview recorded with Cllr Aitken and his comments

APPENDIX 4 - Investigating Officer's original appendices – public

Members Code of Conduct

Appendix B – meaning of confidential/exempt information

Appendix C – public interest test

Email Acceptable Usage Policy

Standards Committee Regulations 2008

Training on Revised Code of Conduct 2007

Miscellaneous Standing Orders - Part 4 Section C of Constitution

APPENDIX 5 – Cllr Aitken's documents – exempt

Form A – Response of Cllr Aitken to Investigation Report

Form B – Additional evidence from Cllr Aitken

Form D – Cllr Aitken's response on procedural matters

Form E – Cllr Aitken's witness details

Note by Cllr Aitken on Exempt Report to General Purposes Committee

APPENDIX 6 – Part 1 – Cllr Aitken's documents listed in Form B – public

Email and Briefing Note for Members on Distribution of Exempt Reports (2005)

Cllr Aitken's Note on Attendance at General Purposes Committee

Report to Full Council on "Council Reshaping" 13 November 2006

Plank Report – Independent Assessment of Haringey Council's handling of the Victoria Climbie Public Inquiry

Haringey's Community Engagement Framework

Portfolio Responsibilities of Cabinet Member for Community Cohesion and Involvement

APPENDIX 6 – Part 2 – Cllr Aitken's documents listed in Form B – public

Pre-Business Plan Review for Directorate of Policy, Performance, Partnerships and Communication

APPENDIX 7 - Additional documents from the Investigating Officer – public

Committee Procedure Rules - Part 4 Section B of Constitution

Protocol on Member/Officer Relations – Part 5 Section B of Constitution

Categories of Exempt Information – before and after 1 March 2006

APPENDIX 8 - Additional documents from the Investigating Officer – exempt

Initial Letter dated 14 August 2009 from Monitoring Officer to Cllr Aitken about hearing process

Letter dated 3 September to Cllr Aitken with notice of additional documentary evidence

Letter dated 18 September from Eversheds Solicitors with Cllr Aitken's responses to Initial Letter

Email dated 22 September from Investigating Officer's Representative to Eversheds with initial comments on Cllr Aitken's responses

Email dated 5 October from Investigating Officer's Representative to Eversheds with further comments on Cllr Aitken's responses and procedural matters.

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APPENDIX 1

[redacted]

Procedure for hearing allegations of breach of the Members' Code of Conduct by the Standards Committee or a Hearing Sub-Committee

Interpretation

1. "Subject Member" means the member of the Council who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the subject member's nominated representative. Where the hearing involves a complaint against more than one member then this includes all the subject members.

2. "Investigator" means the Monitoring Officer (MO) who referred the investigator's report to the Committee, and includes the MO's nominated representative. In the case of matters that have been referred to the MO or the Committee by an Ethical Standards Officer (ESO), the "investigator" mean the ESO or other appointed investigating officer, and his/her nominated representative.

3. "Committee" means the Standards Committee and includes to a Hearing Sub-Committee of the Standards Committee. Action taken by the Chair shall be deemed to be authorised by the Committee unless the Committee by majority vote determines otherwise at any time. When it is necessary or desirable to amend or amplify this Procedure, the Committee will take into account representations from the parties and its legal advisor but the Committee will determine all questions relating to procedure and the admission of evidence.

4. "Legal advisor" means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer, another legally qualified officer of the Council, or a lawyer appointed for this purpose from outside the Council.

Preliminary Matters

Date for Hearing

5. The date and time for the hearing shall be determined by an officer appointed by the Head of Local Democracy and Member Services in consultation with the Committee members, the subject member and the investigator. In the event that agreement between these persons cannot be reached within a reasonable time, the officer shall determine the date and time in consultation with the Chair of the Committee.

Attendance

6. If the subject member or the investigator fails to attend the Committee at the date and time fixed for the hearing, the Committee shall decide whether to proceed in their absence or whether to adjourn to another date having regard to any representations made by, or on behalf of, the absent party and any party present and any advice from the legal advisor. There will be a presumption that the hearing should proceed in the absence of a party who has had reasonable prior written notice of the date and time unless there are exceptional circumstances.

Representation

7. The subject member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Committee, another non-legally-qualified person.

Two or more Subject Members

8. If there are two or more subject members, then the Committee will agree such modifications to this procedure as will allow each subject member to be separately represented, if he/she so wishes, and to be given a separate opportunity to make representations and ask questions of witnesses. Any representations and evidence specific to one/some subject members, but not other subject members, shall be properly and separately considered.

Legal advice

9. The Committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the subject member and the investigator if they are present.

Setting the scene

10. After all the members of the Committee and everyone involved have been formally introduced, the Chair should explain how the Committee is going to run the hearing.

Preliminary procedural issues

11. The Committee should then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

Making findings of fact

12. After dealing with any preliminary issues, the Committee should then move on to consider whether or not there are any significant disagreements about the facts contained in the investigator's report.

13. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.

14. If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The Committee may give the subject member an opportunity to challenge any evidence put forward by any witness called by the investigator.

15. The subject member should then have the opportunity to make representations to support his/her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.

16. At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the subject member.

17. If the subject member disagrees with most of the facts, it may make sense for the investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.

18. If the subject member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, he/she must give good reasons for not mentioning it before the hearing. After considering the subject member's explanation for not raising the issue at an earlier stage, the Committee may then:

a) continue with the hearing, relying on the information in the investigator's report;

b) allow the subject member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary; or

c) postpone the hearing to arrange for appropriate witnesses to be present.

19. The Committee will usually move to another room to consider the representations and evidence in private.

20. On their return, the Chair will announce the Committee's findings of fact.

Did the Subject Member fail to follow the Code?

21. The Committee then needs to consider whether or not, based on the facts it has found, the subject member has failed to follow the Code of Conduct.

22. The subject member should be invited to give relevant reasons why the Committee should not decide that he or she has failed to follow the Code.

23. The Committee should then consider any verbal or written representations from the investigator.

24. The Committee may, at any time, question anyone involved on any point they raise in their representations.

25. The subject member should be invited to make any final relevant points.

26. The Committee will then move to another room to consider the representations.

27. On their return, the Chair will announce the Committee's decision as to whether or not the subject member has failed to follow the Code of Conduct.

If the Subject Member has not failed to follow the Code of Conduct

28. If the Committee decides that the subject member has not failed to follow the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the Council.

If the Subject Member has failed to follow the Code

29. If the Committee decides that the subject member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the investigator and the subject member as to:

a) whether or not the Committee should set a penalty; and
b) what form any penalty should take.

30. The Committee may question the investigator and subject member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

31. The Committee will then move to another room to consider whether or not to impose a penalty on the subject member and, if so, what the penalty should be.

32. On their return, the Chair will announce the Committee's decision.

Recommendations to the Council

33. After considering any verbal or written representations from the investigator, the Committee will consider whether or not it should make any recommendations to the Council, with a view to promoting high standards of conduct among members.

The written decision

34. The Committee will announce its decision on the day of the hearing and provide a short written decision on that day. It will also need to issue a full written decision shortly after the end of the hearing. It is good practice to prepare the full written decision in draft as soon as practicable after the hearing before memories fade.

THE CODE OF CONDUCT

Guide for members
May 2007



the Standards Board for England

Confidence in local democracy

You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings relating to a failure to comply with the Code of Conduct.

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code of Conduct, it is always wrong to bully, intimidate or attempt to intimidate any person involved in the investigation or hearing. Even though you may not have breached the Code of Conduct, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course.

If you intimidate a witness in an investigation about your conduct, for example, you may find yourself subject to another complaint that you breached this paragraph of the Code of Conduct.

Compromising the impartiality of officers of the authority

See Paragraph 3(2)(d)

You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the authority.

You should not approach or pressure anyone who works for, or on behalf of, the authority to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality. For example, you should not get officers to help you prepare party political material, or to help you with matters relating to your private business. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision.

Although you can robustly question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Disclosing confidential information

See Paragraph 4(a)

You must not disclose confidential information, or information which you believe to be of a confidential nature, except in any of the following circumstances:

- **You have the consent of the person authorised to give it.**
- **You are required by law to do so.**

- **The disclosure is made to a third party for the purposes of obtaining professional advice (for example, your lawyer or other professional adviser) provided that person agrees not to disclose the information to any other person.**

- **The disclosure is in the public interest. This is only justified in limited circumstances, when all of the following four requirements are met:**

  1. **the disclosure must be reasonable**

  2. **the disclosure must be in the public interest**

  3. **the disclosure must be made in good faith**

  4. **the disclosure must be made in compliance with any reasonable requirements of your authority**

In relation to the disclosure of confidential information in the public interest, the four requirements to be met are outlined in more detail below.

1. The first requirement, that the disclosure must be reasonable, requires you to consider matters such as:

   - Whether you believe that the information disclosed, and any allegation contained in it, is substantially true. If you do not believe this, the disclosure is unlikely to be reasonable.

   - Whether you make the disclosure for personal gain. If you are paid to disclose the information, the disclosure is unlikely to be reasonable.

   - The identity of the person to whom the disclosure is made. It may be reasonable to disclose information to the police or to an appropriate regulator. It is less likely to be reasonable for you to disclose the information to the world at large through the media.

   - The extent of the information disclosed. The inclusion of unnecessary detail, and in particular, private matters such as addresses or telephone numbers, is likely to render the disclosure unreasonable.

   - The seriousness of the matter. The more serious the matter disclosed, the more likely it is that the disclosure will be reasonable.

   - The timing of the disclosure. If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, the disclosure may be less likely to be reasonable than if the matter is continuing, or is likely to re-occur.

   - Whether the disclosure involves your authority failing in a duty of confidence owed to another person.

2. The second requirement, that the disclosure must be in the public interest, needs to involve one or more of the following matters or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:

   (a) A criminal offence is committed.

   (b) Your authority or some other person fails to comply with any legal obligation to which they are subject.

   (c) A miscarriage of justice occurs.

   (d) The health or safety of any individual is in danger.

   (e) The environment is likely to be damaged.

   (f) That information tending to show any matter falling within (a) to (e) is deliberately concealed.

3. The third requirement, that the disclosure is made in good faith, will not be met if you act with an ulterior motive, for example, to achieve a party political advantage or to settle a score with a political opponent.

4. The fourth requirement, that you comply with the reasonable requirements of your authority, means that before making the disclosure you must comply with your authority's policies or protocols on matters such as whistle-blowing and confidential information. You must first raise your concerns through the appropriate channels set out in such policies or protocols.

In summary, to decide whether the disclosure is reasonable and in the public interest, you may need to conduct a balancing exercise weighing up the public interest in maintaining confidentiality against any countervailing public interest favouring disclosure. This will require a careful focus on how confidential the information is, on any potentially harmful consequences of its disclosure, and on any factors which may justify its disclosure despite these potential consequences.

In some situations, it is extremely unlikely that a disclosure can be justified in the public interest. These will include where the disclosure amounts to a criminal offence, or where the information disclosed is protected by legal professional privilege.

[redacted]

GUIDANCE FROM STANDARDS BOARD FOR ENGLAND - JULY 2003

APPENDIX 4

Excluding the public from hearings

The Standards Board for England recommends that hearings should be held in public where possible to make sure that the hearing process is open and fair. However, there may be some circumstances where parts of the hearing should be held in private.

1 At the hearing, the committee will consider whether or not the public should be excluded from any part of the hearing, in line with Part VA of the *Local Government Act 1972* (as modified in relation to local determinations by Standards Committees). If the committee considers that 'confidential information' is likely to be revealed during the hearing, the committee must exclude the public by law. 'Confidential information' is defined for these purposes to mean information that has been provided by a Government department under the condition that it must not be revealed, and information that the law or a court order says cannot be revealed.

2 The committee also has the power to exclude the public if it considers that 'exempt information' is likely to be revealed during the hearing. The categories of 'exempt information' are listed in Appendix 3. The committee should act in line with Article 6 of the *European Convention on Human Rights*, which gives people the right to a fair trial and public hearing by an independent and unbiased tribunal. The committee also has a duty to act fairly and in line with the rules of natural justice.

3 Article 6 says that the public may be excluded from all or part of the hearing if it is in the interests of:

a morals;

b public order;

c justice;

d national security in a democratic society; or

e protecting young people under 18 and the private lives of anyone involved.

4 There should be a public hearing unless the committee decides that there is good reason, which falls within one of the five categories above (3a to e), for the public to be excluded.

5 The committee must also act in line with Article 10 of the *European Convention on Human Rights*, which sets out the right for people to 'receive and impart information and ideas without interference by public authority'. Any restrictions on this right must be 'prescribed by law and...necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary'.

6 Conflicting rights often have to be balanced against each other. The committee must act in line with Article 8 of the *European Convention on Human Rights*. Article 8 says that everyone has the right to respect for their private and family life, home and correspondence. It says that no public authority (such as the committee) may interfere with this right unless it is:

a in line with the law; and

b necessary in a democratic society in the interests of:

i national security;

ii public safety;

iii the economic wellbeing of the country;

iv preventing crime or disorder;

v protecting people's health and morals (which would include protecting standards of behaviour in public life); or

vi protecting people's rights and freedoms.

There is a clear public interest in promoting the probity (integrity and honesty) of public authorities and public confidence in them. For these reasons the hearing should be held in public unless the committee decides that protecting the privacy of anyone involved is more important than the need for a public hearing.

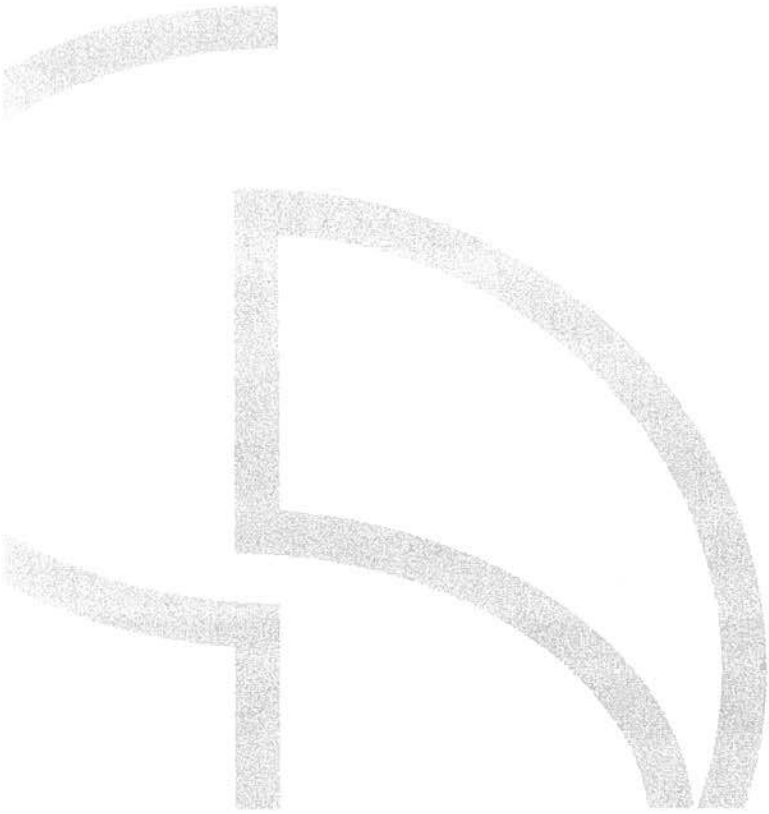
7 In relation to people's rights under both Articles 8 and 10 of the *European Convention on Human Rights*, it should be remembered that any interference with or restriction of those rights must be 'necessary in a democratic society'. A measure will only be 'necessary' if it meets 'a pressing social need', and any restriction on people's rights must be 'proportionate'.

8 The Standards Board for England recommends that a Standards Committee should move to a private room when considering its decisions. We do not consider that this will conflict with the rights under the *European Convention on Human Rights* or the duty to act fairly.

Contents

introduction
consideration meetings
hearings
findings
suspensions
appeals
costs
role of the monitoring officer

STANDARDS COMMITTEE
DETERMINATIONS



contents

introduction 3
Regulations
Background 4

consideration meetings 5

hearings 6
Timing of the standards committee hearing 6
Scheduling a hearing 7
The pre-hearing process 7
Key points for the pre-hearing process 7
Pre-hearing process summary 9
The hearing 9
Representatives 10
Evidence 10
Witnesses 10
Sanctions 11
Considering the sanction 12

findings 15
Notice of the standards committee's findings 15
Making the findings public 15
Written decision format 16

suspensions 17
Full suspensions 17
What responsibilities remain for suspended members? 18
Partial suspensions 18

10/6/2008

contents

appeals 20
- Appeals to the Adjudication Panel for England 20
- Appeal tribunals 20
- Outcome of the appeal 21
- Notice of the appeal tribunal's decision 21

costs 22

role of the monitoring officer 23

appendix 1 24
- Model documentation for the pre-hearing process 24
- Pre-hearing process checklist for authorities 24
- Checklist for members 26
- Pre-hearing process forms 28

appendix 2 29
- Model hearing procedures for the standards committee 29
- The written decision 32

appendix 3 33
- Categories of exempt information 33

10/08/2008

introduction

This guidance is designed to help members and officers in relevant authorities who are involved in the determination of complaints that a member may have breached the Code of Conduct. It reflects the Standards Committee (England) Regulations 2008 (the regulations). These regulations are mandatory and this guidance must be taken into account by your authority.

It details each stage of the determination of complaints process and offers suggestions for effective practice. In addition, it provides a toolkit of useful document templates that may be used or adapted by authorities as required. The guide is aimed primarily at members of standards committees and monitoring officers, but will also provide a useful reference tool for all members and officers involved in the determination of complaints.

It applies to:

- district, unitary, metropolitan, county and London borough councils
- English police authorities
- fire and rescue authorities (including fire and civil defence authorities)
- the London Fire and Emergency Planning Authority
- passenger transport authorities
- the Broads Authority
- national park authorities
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

Each authority must develop effective procedures to fulfil its legislative requirements. Members and officers involved in the determination of complaints must take this guidance into account when doing so.

Any reference in this guidance to a standards committee includes a reference to sub-committees established to consider a monitoring officer's investigation report and to consider determination hearings. Any reference to the "subject member" is a reference to the member who is the subject of the complaint that the Code of Conduct may have been breached.

You can contact the Standards Board for England on 0845 078 8181 or email enquiries@standardsboard.gov.uk

16/06/2008

introduction

Regulations

The Standards Board for England has issued this guidance to reflect the Standards Committee (England) Regulations 2008 (the regulations) in respect of holding determination hearings. These regulations derive from the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

The regulations set out the framework for the operation of a locally based system for the assessment, referral, investigation and hearing of complaints of member misconduct. Under the regulations, standards committees must take this guidance into account.

The regulations do not cover joint working between authorities. The government plans to issue further regulations to provide a framework for authorities to work jointly on the assessment, referral, investigation and hearing of complaints of misconduct by their members.

Background

The main purpose of the standards committee's determination hearing is to decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take. All complaints that a member may have breached the Code are assessed by the relevant authority's standards committee.

The standards committee must establish a sub-committee (the assessment sub-committee) which is responsible for assessing complaints that a member may have breached the Code. A complainant may make a request for a review of the standards committee's decision where it decides to take no further action on a complaint. The standards committee must establish a review sub-committee which is responsible for carrying out these reviews.

The standards committee should appoint a sub-committee (the consideration and hearing sub-committee) to consider a monitoring officer's investigation report and to hold determination hearings. This sub-committee must be chaired by an independent member of the standards committee.

On completion of an investigation the monitoring officer must make one of the following findings:

- There has been a failure to comply with the Code.
- There has not been a failure to comply with the Code.

They must write an investigation report and send a copy of it to the subject member. Alternatively, where a Standards Board ethical standards officer has completed an investigation and decided that a complaint should be determined by the standards committee, they will refer their report to the monitoring officer.

The monitoring officer must refer the report to the standards committee. A consideration and hearing sub-committee should be appointed to receive and consider such reports.

10/08/2008

consideration meetings

If the investigator, in their report, finds no failure to comply with the Code of Conduct, the standards committee must decide whether to accept that recommendation. The standards committee must also decide whether it or the Adjudication Panel for England should hear the case. This preliminary decision must be formally made and recorded.

A meeting of the standards committee to consider the monitoring officer's investigation report must be convened under Regulation 17 of the regulations. Regulation 8(6) allows the consideration of any information presented for that purpose to be considered as exempt information.

As with all exempt information decisions, the standards committee must decide whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. When advising on this matter the monitoring officer should consider the effect of Regulation 17(4). This regulation allows the subject member to prohibit the publication of a notice, stating that the standards committee has found that there has been no failure to comply with the Code.

Despite the ability of the subject member to prohibit the publication of a notice, the decision as to whether to maintain an exemption does not always have to result in the public being excluded from a meeting. It also does not always have to result in excluding details of the complaint from the report sent out in advance of the meeting. In most cases, the public interest in transparent decision-making by the standards committee will outweigh the subject member's interest in limiting publication of an unproven allegation that has not yet been determined.

A member of the standards committee who considers and overturns a monitoring officer's finding that there has been no failure to comply with the Code may participate in a subsequent hearing.

This meeting to consider the monitoring officer's investigation report provides a useful opportunity for the standards committee to consider the potential issues which might arise during the pre-hearing process.

This consideration meeting is separate to the meeting at which the hearing is conducted. If the investigation report finds that there has been a failure to comply with the Code a hearing must take place – unless the standards committee decides that the matter should be referred to the Adjudication Panel for England for determination.

hearings

Timing of the standards committee hearing

Under Regulation 18 of the regulations, a standards committee must hear a complaint within three months of the date on which the monitoring officer's report was completed. If the investigation was carried out by an ethical standards officer, the standards committee must hear the complaint within three months of the date that the monitoring officer received the ethical standards officer's report.

As with a meeting to consider a monitoring officer or ethical standards officer's report, when the standards committee is convened for a hearing under Regulation 18 it is also subject to Regulation 8(6).

When assessing whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information, monitoring officers similarly need to consider the effect of Regulation 20(2). This allows the subject member to prohibit normal publication of the committee's notice of the finding of no failure to comply with the Code of Conduct.

As before, despite the ability of the subject member to prohibit the publication of a notice, the decision as to whether to maintain an exemption does not always have to result in the public being excluded from a hearing. It also does not always have to result in excluding details of the complaint from the report sent out in advance of the hearing. In most cases, the public interest in transparent decision-making by the standards committee will outweigh the subject member's interest in limiting publication of an unproven allegation that has not yet been determined.

In most cases all parties will agree that the hearing should take place in public. It is sensible to seek the views of the relevant parties as early as possible to allow for legal advice to be sought if required.

If the standards committee decides that a hearing is appropriate they should give a copy of the report to:

- the subject member
- the clerk of any relevant town or parish council
- the standards committees of any other authorities concerned

The hearing must take place at least 14 days after the subject member receives a copy of the report from the monitoring officer. However, the hearing can be held sooner than 14 days after the member receives a copy of the report if the subject member agrees.

The standards committee may consider the report in the subject member's absence if the subject member does not go to the hearing. If the standards committee is satisfied with the subject member's reasons for not being able to come to the hearing, it should arrange for the hearing to be held on another date.

If the standards committee does not hear the matter within three months of receiving the completed report, it must ensure that the matter is heard as soon as possible after that.

10/08/2008

hearings

Scheduling a hearing

Except in the most complicated cases, standards committees should aim to complete a hearing in one sitting or in consecutive sittings of no more than one working day in total.

When scheduling hearings, standards committees should bear in mind that late-night and very lengthy hearings are not ideal for effective decision-making. Equally, having long gaps between sittings can lead to important matters being forgotten.

The pre-hearing process

The purpose of the pre-hearing process is to allow matters at the hearing to be dealt with more fairly and economically. This is because it quickly alerts parties to possible areas of difficulty and, if possible, allows them to be resolved before the hearing itself.

Other than in very straightforward cases, authorities should use a pre-hearing process to:

- identify whether the subject member disagrees with any of the findings of fact in the investigation report
- identify whether those disagreements are likely to be relevant to any matter the hearing needs to decide
- identify whether evidence about those disagreements will need to be heard during the hearing
- decide whether there are any parts of the hearing that are likely to be held in private
- decide whether any parts of the investigation report or other documents should be withheld from the public prior to the hearing, on the grounds that they contain 'exempt' material

The pre-hearing process should usually be carried out in writing. However, occasionally a meeting between the standards committee, the relevant parties and their representatives may be necessary. It is important for the monitoring officer advising the standards committee to consider pre-hearing matters carefully.

Some matters in the pre-hearing process may be decided only by the standards committee or consideration and hearing sub-committee (if one is appointed). Therefore, if it is necessary for the standards committee to meet, they will have to do so formally as with any other council committee meeting. However, it is usually more appropriate for the majority of the pre-hearing process to be dealt with by the monitoring officer or other suitable officer.

Key points for the pre-hearing process

The officer providing administrative support to the standards committee should write to the subject member proposing a date for the hearing, and they should do this in consultation with the chair of the standards committee.

10/02/2008

They should also outline the hearing procedure, the member's rights and they should additionally ask for a written response from the subject member within a set time. This is to find out whether the subject member:

- wants to be represented at the hearing by a solicitor, barrister or any other person
- disagrees with any of the findings of fact in the investigation report, including reasons for any of these disagreements
- wants to give evidence to the standards committee, either verbally or in writing
- wants to call relevant witnesses to give evidence to the standards committee
- wants any part of the hearing to be held in private
- wants any part of the investigation report or other relevant documents to be withheld from the public
- can attend the hearing

It is important for standards committee members involved in the pre-hearing process to bear in mind the distinction between the essential facts of the case and any inferences based on those facts. A critical part of the pre-hearing process should be an attempt to focus the relevant parties' attention on isolating all relevant disputes of facts between them.

This is because attention to the factual issues will save valuable time later on in the determination process.

The standards committee should start this process by requesting that the subject member makes clear precisely what findings of fact in the report it disagrees with and why.

It should invite the monitoring officer or ethical standards officer to comment on the subject member's response within a set time period. This is to ensure that all parties are clear about the remaining factual disputes and can prepare to deal with those issues on the appointed day.

The standards committee should also ask the relevant parties to provide outlines or statements of the evidence their witnesses intend to give. This will allow the standards committee to decide how many witnesses may reasonably be needed and to identify the issues they will be dealing with at the hearing.

It should only allow the relevant parties to raise new disagreements over factual matters in the investigation report at the hearing in exceptional circumstances, such as new evidence becoming available that the parties could not have produced before. The standards committee should make clear to the subject member that unless they comply with the above procedure, it may rule that it will not allow the new evidence to be presented at the hearing.

10/06/2008

Members of the standards committee should consider the evidence provided to them before the hearing to identify any potential conflicts of interest.

In addition they should consider the evidence to identify any connection with the people involved or any other doubts they have over the integrity of the hearing. If they have such concerns, they should seek advice from the monitoring officer as soon as possible. For example, they may know a witness who will be giving controversial evidence or they may have an interest in an important element of the case.

The determinations toolkit features model forms that can help the member respond to the standards committee. It includes a form to identify any findings of fact that the member disagrees with – Form A. It also includes a form to outline any further evidence for the standards committee – Form B.

The standards committee may also arrange for any other witnesses to be present who they feel may help in determining the case. This may include the complainant. However, the standards committee cannot order witnesses to appear or give evidence.

Pre-hearing process summary

The standards committee's clerk should consult with the committee's legal adviser and send a pre-hearing process summary to everyone involved in the complaint at least two weeks before the hearing. This should be done after the standards committee has received responses from the subject member and from the investigating officer. The pre-hearing process summary should:

- set the date, time and place for the hearing
- summarise the allegation
- outline the main facts of the case that are agreed
- outline the main facts which are not agreed
- note whether the subject member or investigating officer will go to the hearing or be represented at the hearing
- list those witnesses, if any, who will be asked to give evidence, subject to the power of the standards committee to make a ruling on this at the hearing
- outline the proposed procedure for the hearing

You can find a checklist for this pre-hearing process summary document in the toolkit – Form F.

The hearing

Members should bear in mind that a standards committee hearing is a formal meeting of the authority and is not a court of law. It does not hear evidence under oath, but it does decide factual evidence on the balance of probabilities.

hearings

The standards committee should work at all times in a demonstrably fair, independent and politically impartial way. This helps to ensure that members of the public, and members of the authority, have confidence in its procedures and findings.

The standards committee should bear in mind the need to maintain public confidence in the council's ethical standards. This requires that the standards committee's decisions should be seen as open, unprejudiced and unbiased. All concerned should treat the hearing process with respect and with regard to the potential seriousness of the outcome, for the subject member, the council and the public. For the subject member, an adverse decision by the committee can result in censure or in suspension for up to six months.

Representatives

The subject member may choose to be represented by counsel, a solicitor, or by any other person they wish. If the subject member concerned wants to have a non-legal representative, the subject member must obtain the consent of the standards committee.

The standards committee may choose to withdraw its permission to allow a representative if that representative disrupts the hearing. However, an appropriate warning will usually be enough to prevent more disruptions and should normally be given before permission is withdrawn.

Evidence

The standards committee controls the procedure and evidence presented at a hearing, including the number of witnesses and the way witnesses are questioned.

In many cases, the standards committee may not need to consider any evidence other than the investigation report or the ethical standards officer's report, and any other supporting documents. However, the standards committee may need to hear from witnesses if more evidence is needed, or if people do not agree with certain findings of fact in the report.

The standards committee can allow witnesses to be questioned and cross-examined by the subject member, the monitoring officer, the ethical standards officer or their representative. Alternatively, the standards committee can ask that these questions be directed through the chair. The standards committee can also question witnesses directly.

Witnesses

Generally, the subject member is entitled to present their case as they see fit, which includes calling the witnesses they may want and which are relevant to the matters to be heard. The subject member must make their own arrangements to ensure that their witnesses (and witnesses they would like to question) will attend the hearing.

10/08/2006

hearings

The standards committee has the right to govern its own procedures as long as it acts fairly. For this reason, the standards committee may limit the number of witnesses if the number is unreasonable.

The standards committee will normally take a decision on whether to hear any particular evidence or witness only after having heard submissions from both parties on the issue.

Witnesses of facts that are disputed would normally attend the hearing and should be prepared to be cross-examined. Witnesses as to the character of the subject member, if required, regularly present their evidence in writing and may or may not actually attend the hearing.

Witnesses, especially members of the public, often play an important part in the process and should be treated with courtesy and respect. Authorities may wish to consider developing a witness care scheme. At the very least, witnesses should be kept promptly informed of the relevant dates, times and location of the hearing.

Standards committees should recognise that subject members also need to be kept fully appraised of the process and any changes to it. Some authorities appoint an officer as a point of contact with the subject member for the duration of the process.

Sanctions

If the standards committee finds that a subject member has failed to follow the Code of Conduct and that they should be sanctioned, it may impose any one or a combination of the following:

- censure of that member
- restriction for a period not exceeding six months (three months for complaints received by the Standards Board before 8 May 2008) of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions meet both the following requirements:
  - i) They are reasonable and proportionate to the nature of the breach.
  - ii) They do not unduly restrict the person's ability to perform the functions of a member.
- partial suspension of that member for a period not exceeding six months (three months for complaints received by the Standards Board before 8 May 2008)
- suspension of that member for a period not exceeding six months (three months for complaints received by the Standards Board before 8 May 2008)
- that the member submits a written apology in a form specified by the standards committee
- that the member undertakes such training as the standards committee specifies
- that the member participates in such conciliation as the standards committee specifies

- partial suspension of that member for a period not exceeding six months (three months for complaints received by the Standards Board before 8 May 2008) or until such time as the member has met either of the following restrictions:
  i) They have submitted a written apology in a form specified by the standards committee.
  ii) They have undertaken such training or has participated in such conciliation as the standards committee specifies.

- suspension of that member for a period not exceeding six months (three months for complaints received by the Standards Board before 8 May 2008) or until such time as the member has met either of the following restrictions:
  i) They have submitted a written apology in a form specified by the standards committee.
  ii) They have undertaken such training or has participated in such conciliation as the standards committee specifies.

Suspension or partial suspension will normally start immediately after the standards committee has made its decision. However, if the standards committee chooses, the sanction may start at any time up to six months following its decision. This may be appropriate if the sanction would otherwise have little effect on the subject member. For example, in the case of a suspension or partial suspension where there are no authority or committee meetings which the subject member would normally go to in the period after the hearing has finished. The standards committee should also confirm the consequences, if any, for any allowances the subject member may be receiving.

Periods of suspension or partial suspension set by a standards committee do not count towards the six-month limit for absences from authority meetings, after which a member would normally be removed from office under section 85 of the Local Government Act 1972.

Considering the sanction

When deciding on a sanction, the standards committee should ensure that it is reasonable and proportionate to the subject member's behaviour. Before deciding what sanction to issue, the standards committee should consider the following questions, along with any other relevant circumstances:

- What was the subject member's intention? Did the subject member know that they were failing to follow the Code of Conduct?

- Did the subject member get advice from officers before the incident? Was that advice acted on or ignored in good faith?

- Has there been a breach of trust?

- Has there been financial impropriety, for example improper expense claims or procedural irregularities?

10/08/2008

- What was the result of failing to follow the Code of Conduct?
- What were the potential results of the failure to follow the Code of Conduct?
- How serious was the incident?
- Does the subject member accept they were at fault?
- Did the subject member apologise to the relevant people?
- Has the subject member previously been warned or reprimanded for similar misconduct?
- Has the subject member failed to follow the Code of Conduct before?
- Is the subject member likely to do the same thing again?
- How will the sanction be carried out? For example, who will provide the training or mediation?
- Are there any resource or funding implications? For example, if a subject member has repeatedly or blatantly misused the authority's information technology resources, the standards committee may consider withdrawing those resources from the subject member.

Suspension may be appropriate for more serious cases, such as those involving:

- trying to gain an advantage or disadvantage for themselves or others
- dishonesty or breaches of trust
- bullying

Sanctions involving restricting access to an authority's premises or equipment should not unnecessarily restrict the subject member's ability to carry out their responsibilities as an elected representative or co-opted member.

The following is an extract from useful guidance published by the Adjudication Panel for England on aggravating and mitigating factors they take into account when assessing an appropriate sanction:

> Examples, but not an exhaustive list, of mitigating factors are:

- An honestly held, although mistaken, view that the action concerned did not constitute a failure to follow the provisions of the Code of Conduct, particularly where such a view has been formed after taking appropriate advice.
- A member's previous record of good service.
- Substantiated evidence that the member's actions have been affected by ill-health.

hearings

- Recognition that there has been a failure to follow the Code; co-operation in rectifying the effects of that failure; an apology to affected persons where that is appropriate, self-reporting of the breach by the member.
- Compliance with the Code since the events giving rise to the determination.
- Some actions, which may have involved a breach of the Code, may nevertheless have had some beneficial effect for the public.

Examples, but again not an exhaustive list, of aggravating factors are:

- Dishonesty.
- Continuing to deny the facts despite clear contrary evidence.
- Seeking unfairly to blame other people
- Failing to heed appropriate advice or warnings or previous findings of a failure to follow the provisions of the Code.
- Persisting with a pattern of behaviour which involves repeatedly failing to abide by the provisions of the Code.

The Adjudication Panel for England also advises the following:

In deciding what action to take, the Case Tribunal should bear in mind an aim of upholding and improving the standard of conduct expected of members of the various bodies to which the Codes of Conduct apply, as part of the process of fostering public confidence in local democracy. Thus, the action taken by the Case Tribunal should be designed both to discourage or prevent the particular Respondent from any future non-compliance and also to discourage similar action by others.

Case Tribunals should take account of the actual consequences which have followed as a result of the member's actions while at the same time bearing in mind what the possible consequences may have been even if they did not come about.

This guidance does not include a firm tariff from which to calculate what length of disqualification or suspension should be applied to particular breaches of the Code. Any such tariff would in any event need to have regard to the need to make adjustments toward the lower end of the spectrum if there are mitigating factors and towards the upper end if there are aggravating factors.

10/08/2008

findings

Notice of the standards committee's findings

The standards committee should announce its decision at the end of the hearing. It is good practice to make a short written decision available on the day of the hearing, and to prepare the full written decision in draft on that day, before people's memories fade. The officer providing administrative support to the standards committee will normally also draft minutes of the meeting.

The standards committee must give its full written decision to the relevant parties as soon as possible after the hearing. In most cases this should be within two weeks of the hearing.

The relevant parties are:

- the subject member
- the complainant
- the standards committees of any other authorities concerned
- any parish or town councils concerned
- the Standards Board for England

Making the findings public

The standards committee must arrange for a summary of the decision and reasons for it to be published in at least one newspaper that is independent of the authorities concerned. The newspapers where the decision and reasons are published should be circulated in the area of the authorities involved. A summary of the decision may also be published on the website of any authorities concerned, and in any other publication if the standards committee considers it appropriate.

If the standards committee finds that the subject member did not fail to follow the authority's Code of Conduct, the public summary must say this and give reasons for this finding. In such cases, the subject member is also entitled to decide that no summary of the decision should be passed to local newspapers.

If the standards committee finds that the subject member failed to follow the Code but that no action is needed, the public summary must:

- say that the member failed to follow the Code, but that no action needs to be taken
- outline what happened
- give reasons for the standards committee's decision not to take any action
- state that the member may appeal against that finding

If the standards committee finds that a member failed to follow the Code and it imposed a sanction, the public summary must:

- say that the member failed to follow the Code
- outline what happened

10/6/2008

findings

- explain what sanction has been imposed
- give reasons for the decision made by the standards committee
- state that the member may appeal against that finding

The standards committee's reports and minutes should be available for public inspection for six years after the hearing. However, sections of documents relating to parts of the hearing that were held in private will not have to be made available for public inspection.

Written decision format

For consistency and thoroughness, standards committees should use the following format for their full written decisions.

The front cover of the standards committee's full written decision should include the name of the:

- authority
- subject member
- complainant
- standards committee member who chaired the hearing
- standards committee members who took part in the hearing
- monitoring officer
- ethical standards officer who referred the matter (if applicable)
- local investigator who investigated the matter (if applicable)
- clerk of the hearing or other administrative officer

It should also include:

- case reference numbers from the principal authority and from the Standards Board for England, (if applicable)
- the date of the hearing
- the date of the report

The standards committee's full written decision should include:

- a summary of the complaint
- the relevant section or sections of the Code of Conduct
- a summary of the evidence considered and representations made
- the findings of fact, including the reasons for them
- the finding as to whether the member failed to follow the Code, including the reasons for that finding
- the sanctions imposed, if any, including the reasons for any sanctions
- the right to appeal

10/08/2008

suspensions

The Local Government Act 2000 enables the Adjudication Panel for England and standards committees to suspend and partially suspend members found to be in breach of the Code of Conduct. But, it does not specify exactly what members can and cannot do in their official capacity during the term of suspension.

This has led to confusion in some authorities as to what representative roles, if any, a suspended member can perform. It has also led to confusion over what council facilities they are allowed to use and what entitlements they can continue to receive as a suspended member. This section clarifies what representative roles, if any, a suspended member can perform.

Full suspensions

Members under full suspension should not:

1) **Take part in any formal business of the authority**

   A member who is fully suspended may not exercise any of the functions or responsibilities of membership of the authority. Section 83(9) of the Local Government Act 2000 further provides that a suspended member should not participate in any committee or sub-committee of the authority.

2) **Have access to council facilities**

   Suspended members should not use or have access to council facilities. As the member is under suspension and unable to conduct council business, it follows that any use of council facilities by a suspended member would not be conducive to the discharge of the functions of the authority. This is because the member would not be performing council business while suspended.

3) **Receive their council allowance**

   Under Regulation 4(3) of the Local Authorities (Members Allowances) Regulations 2003, councils may specify in their member allowance schemes that:

> "Where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with part III of the Local Government Act 2000 or regulations made under that Part, the part of basic allowance payable to him in respect of the period for which he is suspended or partially suspended may be withheld by the authority."

It is recommended that members should not receive their allowance while under suspension because they are not performing their role as a member. But, the decision to withhold a member's allowance is ultimately at the discretion of the individual authority.

10/06/2008

suspensions

Members under suspension, should:

1) **Make their suspended status clear**

   While suspended members remain councillors, they should put 'suspended' after their name when referring to themselves in writing as members. They should also notify constituents of this when contacted by them on constituency business. This is to ensure that all concerned are aware that the member is under suspension and unable to perform council duties.

2) **Make arrangements for another member to handle their constituency work**

   With help from their council officers, suspended members can arrange for other ward members to handle their constituency work. Or, in the case of a single-member ward, suspended members can arrange for neighbouring ward members to take over their constituency work for the duration of the suspension. This ensures that constituents continue to be democratically represented.

What responsibilities remain for suspended members?

The Code of Conduct does not apply to a person who has been suspended in respect of a relevant function of office for a relevant period of time, so long as the member makes it clear that they have been suspended and does not purport to act as a representative of their authority.

However, when amendments to section 52 of the Local Government Act 2000 come into effect, three paragraphs under the Code of Conduct will apply, "at any other time, where that conduct constitutes a criminal offence". As such, these paragraphs will still apply to members who are suspended. These paragraphs will be:

- paragraph 3(2)(c) – intimidation of certain persons in relation to an allegation under the Code of Conduct
- paragraph 5 – disrepute
- paragraph 6(a) – improperly conferring or securing an advantage or disadvantage

Partial suspensions

Members can be partially suspended under sections 83(9) and (10) of the Local Government Act 2000. While members who are fully suspended cannot take part in any formal business of the authority during the period of suspension, members who are partially suspended are restricted only from certain activities or business.

The terms of a partial suspension must be set by the standards committee during sentencing. It will often involve suspension from certain committees, or restricted access to certain areas or individuals.

A partial suspension enables the committee to tailor a sanction to the particular breach, while still allowing the member to carry out other functions. For instance, a member who failed to uphold

10/08/2008

suspensions

the Code of Conduct at a planning committee could be suspended from taking part in planning committee meetings for a certain period. Or a member who bullied licensing officers about an application might be barred from contact with officers of the licensing department for a certain period. Again we recommend that members should not receive allowances relating to areas in which they are suspended from for the duration of their suspension.

Officers and members of the authority should be informed of a member's suspension and advised of the suspended member's rights and obligations, as detailed earlier. The council should also help the member make arrangements for another member, either from their ward or a neighbouring ward, to take over constituency work.

It may also notify the public in the authority's area that the member is suspended and unable to perform official council duties until the end of the suspension. Once the suspension has ended, the member is free to resume their duties in full as a member of the authority.

appeals

Appeals to the Adjudication Panel for England

A member subject to a standards committee finding may apply in writing to the President of the Adjudication Panel for England for permission to appeal against that finding.

The President must receive the member's written application within 21 days of the member receiving notice of the standards committee's decision. In this application, the member (appellant) must outline the reasons for the proposed appeal and apply for any sanction imposed to be suspended, if appropriate. They must also indicate whether they want the appeal carried out in writing or in person.

When deciding whether to grant permission to appeal, the President will consider if there is a reasonable chance of the appeal being successful, either in whole or in part. The President will give the appellant concerned their written decision within 21 days of receiving the application. The President will also give their written decision to:

- the Standards Board for England
- the standards committee of any authority concerned
- any parish or town councils concerned
- the complainant

If the President refuses to give permission, they will explain the reasons for that decision.

Appeal tribunals

If permission is granted, the President of the Adjudication Panel for England will arrange for a tribunal to deal with the appellant's appeal. The tribunal will be made up of at least three members appointed by the President. It may also include the President.

Any member of the Adjudication Panel for England with an interest in the matter may not be a member of the appeal tribunal. Likewise, any member of the Adjudication Panel for England who has been a member or officer of the authority concerned within the last five years cannot take part.

If the appellant does not agree to have the appeal carried out in writing, the appeal tribunal will hold a hearing. The tribunal must give the member notice of the hearing at least 21 days in advance. The appellant can be represented at the appeal hearing by counsel, a solicitor or any other person they choose. If the appellant wants to have a non-legal representative, the appellant must get permission from the tribunal beforehand. However, the tribunal may prevent that person acting as a representative if they are directly involved in the case.

The appeal tribunal can decide its own procedures. However, it is likely that both the standards committee and the monitoring officer or ethical standards officer will be given the opportunity to make representations in relation to the appeal. Additionally, in appropriate cases,

10/08/2008

they can attend or be represented at the appeal hearing.

If the appellant agrees to have the appeal carried out in writing, the tribunal may still decide to hold a hearing at which the appellant can attend in person and be represented as outlined above. However, the tribunal may choose to carry out the appeal entirely through written representations.

If, after being given reasonable notice, the appellant fails to go to an appeal hearing or be represented at it, the tribunal may determine the matter in the appellant's absence. However, if the tribunal is satisfied that there is a good reason for the appellant's absence, it will postpone the hearing to another date.

Outcome of the appeal

The appeal tribunal will consider whether to uphold or dismiss the finding or part of the finding made by the standards committee.

If the tribunal upholds the standards committee's finding, or part of the finding, it may:

- confirm any sanction imposed by the standards committee
- vary any sanction by substituting any other sanction that was available to the standards committee

If the tribunal dismisses the finding of the standards committee, the decision and any resulting sanction will no longer apply from the date of the rejection. The standards committee must act on any directions given by the appeal tribunal.

Notice of the appeal tribunal's decision

The appeal tribunal will give written notice of its decision to:

- the appellant
- the Standards Board for England
- the standards committee of any authority concerned
- any parish or town councils concerned
- the complainant

The tribunal will also publish a summary of its decision in one or more of the newspapers circulating in the area of the authorities concerned.

costs

Members are responsible for meeting the cost of any representation at a standards committee hearing or appeal tribunal. Local authorities are able to take out insurance to cover this.

However, most insurance schemes will only cover the costs incurred by members who are found not to be in breach of the Code. Therefore members are advised to refer to the terms of their own insurance scheme.

role of the monitoring officer

Monitoring officers need to be aware of the potential conflicts involved in advising the standards committee and advising members.

It is important that standards committees receive high quality, independent advice. For this reason a monitoring officer should be the main adviser to the standards committee, unless they have an interest in the matter that would prevent them from performing this role independently. If this situation arises, a monitoring officer should arrange for another appropriately qualified officer to advise the standards committee.

The monitoring officer or other legal adviser's role in advising the standards committee is to:

- make sure that members of the standards committee understand their powers and procedures
- make sure that the determination procedure is fair and will allow the complaint to be dealt with as efficiently and effectively as possible
- make sure that the subject member understands the procedures the standards committee will follow
- provide advice to the standards committee during the hearing and their deliberations
- help the standards committee produce a written decision and a summary of that decision

Monitoring officers play an important role in advising their members on a day-to-day basis. When performing this role, monitoring officers need to be aware of the potential conflicts of interest that can arise, as these conflicts could prevent them from advising the standards committee at a later stage.

However, conflicts of interest are not likely to arise simply from informal discussions between members and monitoring officers. Monitoring officers consider options for reducing the likelihood of such conflicts, including:

- arranging for another officer to advise members
- continuing to advise members, while identifying possible scenarios that may lead to future conflicts. They should also ensure that if their advice could be relevant to an investigation, they have another appropriately experienced officer who is prepared to support the standards committee in its hearings and deliberations.

Smaller authorities in particular may find it useful to make arrangements with neighbouring authorities to make sure that when a conflict arises, an appropriately experienced officer is available to advise the standards committee.

appendix 1

Model documentation for the pre-hearing process

Authorities should use a pre-hearing process to:

- Identify whether the subject member disagrees with any findings of fact in the investigation report.
- Decide whether those disagreements are significant to the hearing.
- Decide whether to hear evidence about those disagreements during the hearing.
- Decide whether there are any parts of the hearings that should be held in private.
- Decide whether any parts of the investigation report or other documents should be withheld from the public, prior to the hearing on the grounds that they contain 'exempt' material.

Below is a checklist for authorities to use before the hearing. At the end of Appendix 1 is model documentation to support it. The documentation is intended to give authorities a consistent approach to help them decide what the relevant issues are before the hearing itself. It is not compulsory.

Pre-hearing process checklist for authorities

The monitoring officer must give a copy of the investigation report to the subject member.

The officer providing administrative support to the committee, in consultation with the chair of the committee, should:

- provide a copy of the standards committee's pre-hearing and hearing procedures to the subject member
- outline the subject member's rights and responsibilities
- propose a date for the hearing
- ask for a written response from the subject member by a set time to find out whether they:
  - i) disagree with any of the findings of fact in the investigation report, including the reasons for disagreement
  - ii) want to be represented at the hearing by a solicitor, barrister or any other person. This should be done while noting that the standards committee will normally give permission for members to be represented by people who are not lawyers, but may refuse permission if the representative is directly involved in the matter being determined

10/08/2008

appendix 1

iii) want to give evidence to the standards committee, either verbally or in writing

iv) want to call relevant witnesses to give evidence to the standards committee

v) can attend the hearing on the proposed date

vi) want any part of the hearing to be held in private

vii) want any part of the investigation report or other relevant documents to be withheld from the public

- send a copy of the subject member's response to the monitoring officer or ethical standards officer and invite the monitoring officer or ethical standards officer to say by a set time whether they want:

  i) to be represented at the hearing

  ii) to call relevant witnesses to give evidence to the standards committee

  iii) any part of the hearing to be held in private

  iv) any part of the investigation report or other relevant documents to be withheld from the public

  v) to invite any other witnesses the committee feels are appropriate

The chair of the committee, in consultation with the legal adviser to the committee, should then:

- confirm a date, time and place for the hearing
- confirm the main facts of the case that are agreed
- confirm the main facts which are not agreed
- confirm which witnesses will give evidence
- outline the proposed procedure for the hearing
- provide this information to everyone involved in the hearing at least two weeks before the proposed date of the hearing

10/08/2008

appendix 1

Checklist for members

The officer providing administrative support to the committee, in consultation with the chair of the committee, should make sure that the subject member is aware of the following points.

Pre-hearing process

The subject member has the right to:

- go to the hearing and present their case
- call a reasonable number of witnesses to give relevant evidence to the standards committee
- be represented at the hearing by a solicitor, barrister or any other person. Note – the committee will normally give permission for members to be represented by people who are not lawyers, but may refuse permission if the representative is directly involved in the matter being determined

Any disagreements with the finding of facts in the investigation report must be raised during the pre-hearing process. The standards committee will not consider any new disagreements about the report's findings of fact at the hearing itself, unless there are good reasons why these have not been raised beforehand.

The subject member does not have to go to the hearing or be represented. If the subject member chooses not to go to the hearing, the committee may make a determination in their absence.

The hearing will be held in public and the relevant papers will be available for public inspection unless the standards committee is persuaded that there is a good reason to exclude the public. This is in line with the relevant access to information and human rights legislation.

Hearing process

After considering the written and verbal presentations, the standards committee will reach and announce its findings of fact, whether the subject member has failed to follow the Code of Conduct and whether a sanction should be applied. As well as announcing its decision at the hearing and providing a short written decision on the day of the hearing, the standards committee will give the member concerned its full written decision within two weeks of the end of the hearing.

If the standards committee decides that the member has failed to follow the Code and that the member should be sanctioned, it may do any one or a combination of the following:

- Censure the member. This is the only sanction available when dealing with a person who is no longer a member of the authority.
- Restrict the member's access to the resources of the relevant authority for up to six months, which could include limiting their access to the premises of the relevant authority.

10/08/2008

appendix 1

- Suspend or partly suspend the member for up to six months.

- Suspend or partly suspend the member for up to six months on the condition that the suspension or partial suspension will end if the member apologises in writing, receives any training, or takes part in any conciliation that the standards committee orders them to. Conciliation involves an independent person helping the relevant people to try to reach an agreement on the matter set out by the standards committee.

Sanctions may start immediately or up to six months after the hearing, if the standards committee wishes.

The standards committee will also arrange to publish a summary of its findings and any sanction applied in one or more newspapers that are independent of the authorities concerned and circulating in the area of those authorities. If the standards committee finds that the member has not broken the Code, the member can ask the standards committee not to have this information published.

The member who is the subject of a standards committee finding has the right to apply in writing to the President of the Adjudication Panel for England for permission to appeal against that finding.

Checklist for the pre-hearing process summary

After the standards committee has received responses from the subject member and the monitoring officer or ethical standards officer, it should prepare a summary of the main aspects of the case that will be heard.

The pre-hearing process summary should include:

- the name of the authority
- the name of the subject member
- the name of the complainant (unless there are good reasons to keep their identity confidential)
- case reference numbers of the principal authority or the Standards Board for England
- the name of the standards committee member who will chair the hearing
- the name of the monitoring officer
- the name of the ethical standards officer who referred the matter (if applicable)
- the name of the clerk of the hearing or other administrative officer
- the date the pre-hearing process summary was produced
- the date, time and place of the hearing

10/08/2008

appendix 1

- a summary of the complaint
- the relevant section or sections of the Code of Conduct
- the findings of fact in the investigation report that are agreed
- the findings of fact in the investigation report that are not agreed
- whether the subject member or the monitoring officer or ethical standards officer will attend or be represented
- the names of any witnesses who will be asked to give evidence
- an outline of the proposed procedure for the hearing

Pre-hearing process forms

These forms are a guide only and can be found in the Standards committee determinations toolkit. Authorities should prepare their own forms as appropriate.

Form A provides an example table to help the subject member identify any disagreements about the findings of fact in the investigation report.

Form B helps the subject member set out any other evidence that is relevant to the complaint made about them.

Form C helps the subject member set out any representations the standards committee should take account of if the subject member is found to have broken the Code of Conduct.

Forms D and E cover details of the hearing and the witnesses who will give evidence.

Also included is Form F which is a checklist of details for the pre-hearing process summary.

10/08/2008

appendix 2

Model hearing procedures for the standards committee

The model hearing procedures below aim to give standards committees a consistent approach to determining matters locally. These procedures are not compulsory, but authorities should make sure that any procedures they do use are consistent with the principles in this guidance.

Standards committees need to have an efficient and effective hearing process. This will help committees deal with all the issues that need to be resolved in a way that is fair to the member. It will also reduce the prospects of any successful appeal.

The model procedure below is intended to give standards committees a consistent approach to determining matters locally.

The model procedures are not compulsory. However, authorities should make sure that any procedures they use are consistent with the principles in this guidance.

Interpretation

1) 'Subject member' means the member of the authority who is the subject of the allegation being considered by the standards committee, unless stated otherwise. It also includes the member's nominated representative.

2) 'Investigator' means the monitoring officer or ethical standards officer and includes their nominated representative.

3) 'Committee' also refers to a sub-committee.

4) 'Legal adviser' means the officer responsible for providing legal advice to the standards committee. This may be the monitoring officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

Representation

5) The subject member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the committee, another person.

Legal advice

6) The committee may take legal advice, in private if necessary, from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the committee should be shared with the subject member and the investigator if they are present.

Setting the scene

7) After all the members and everyone involved have been formally introduced, the chair should explain how the committee is going to run the hearing.

09/06/2008

appendix 2

Preliminary procedural issues

8) The committee should then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

Making findings of fact

9) After dealing with any preliminary issues, the committee should then move on to consider whether there are any significant disagreements about the facts contained in the investigator's report.

10) If there is no disagreement about the facts, the committee can move on to the next stage of the hearing.

11) If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The committee may give the subject member an opportunity to challenge any evidence put forward by any witness called by the investigator.

12) The subject member should then have the opportunity to make representations to support their version of the facts and, with the committee's permission, to call any necessary witnesses to give evidence.

13) At any time, the committee may question any of the people involved or any witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the member.

14) If the subject member disagrees with most of the facts, it may make sense for the investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.

15) If the subject member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the investigator is not present, the committee will consider whether it would be in the public interest to continue in their absence.

After considering the member's explanation for not raising the issue at an earlier stage, the committee may then:

- continue with the hearing, relying on the information in the investigator's report
- allow the subject member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary

10/08/2008

appendix 2

- postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if they are not already

16) The committee will usually move to another room to consider the representations and evidence in private.

17) On their return, the chair will announce the committee's findings of fact.

Did the subject member fail to follow the Code of Conduct?

18) The committee then needs to consider whether, based on the facts it has found, the subject member has failed to follow the Code.

19) The subject member should be invited to give relevant reasons why the committee should decide that they have not failed to follow the Code.

20) The committee should then consider any verbal or written representations from the investigator.

21) The committee may, at any time, question anyone involved on any point they raise on their representations.

22) The subject member should be invited to make any final relevant points.

23) The committee will then move to another room to consider the representations.

24) On their return, the chair will announce the committee's decision as to whether the subject member has failed to follow the Code.

If the subject member has not failed to follow the Code of Conduct

25) If the committee decides that the subject member has not failed to follow the Code, the committee can move on to consider whether it should make any recommendations to the authority.

If the subject member has failed to follow the Code of Conduct

26) If the committee decides that the subject member has failed to follow the Code, it will consider any verbal or written representations from the investigator and the subject member as to:

- whether the committee should apply a sanction
- what form any sanction should take

27) The committee may question the investigator and member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

28) The committee will then deliberate in private to consider whether to impose a sanction on the subject member and, if so, what sanction it should be.

appendix 2

29) On their return, the chair will announce the committee's decision.

Recommendations to the authority

30) After considering any verbal or written representations from the investigator, the committee will consider whether it should make any recommendations to the authority, with a view to promoting high standards of conduct among members.

The written decision

The committee will announce its decision on the day and provide a short written decision on that day. It will also need to issue a full written decision shortly after the end of the hearing. It is good practice to prepare the full written decision in draft on the day of the hearing, before people's memories fade.

10/08/2008

appendix 3

Categories of exempt information under Schedule 12A of the Local Government Act 1972 (as modified in relation to local determinations by standards committees) are:

1) Information relating to any individual.

2) Information which is likely to reveal the identity of an individual.

3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a minister of the Crown and employees of, or office holders under, the authority.

5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6) Information which reveals that the authority proposes:

   - to give under any enactment a notice under or by virtue of which requirements are imposed on a person
   - to make an order or direction under any enactment

7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

7A) Information which is subject to any obligation of confidentiality.

7B) Information which relates in any way to matters concerning national security.

7C) Information presented to a standards committee, or to a sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000.

Source: Appendix 3 is an extract from the Local Government Act 1972 (as modified in relation to local determination by standards committee).

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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APPENDIX 4

Part Five, Section A Members' Code of Conduct

THE GENERAL PRINCIPLES

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by Leadership, and by example, and should act in a way that secures or preserves public confidence.

EXPLANATORY NOTE

Listed above are the general principles, as specified by the Secretary of State, which are to govern the conduct of Members and co-opted members of relevant authorities in England and police authorities in Wales, in accordance with section 49(1) of the Local Government Act 2000. The general principles are expected to govern only the official conduct of Members and co-opted members, apart from the second and eighth, which have effect on all occasions.

Members are required to give the authority a written undertaking that in performing their functions they will observe the Code of Conduct adopted by the London Borough of Haringey as set out below. This is based on the general principles above but contains more detailed mandatory requirements. A person who becomes a Member or co-opted Member of the Council may not act in that office until he/she has given the authority this written undertaking.

The monitoring officer of the authority must establish and maintain a register of interests of the Members and co-opted members of the authority under section 81 of the Local Government Act 2000. Members and co-opted members must register all their financial and other interests as specified in the Code and do so before participating in any business of the authority related to those interests. The register of interests will be available for inspection by the public at all reasonable hours.

SCHEDULE
THE MODEL CODE OF CONDUCT

Part 1
General provisions

Introduction and interpretation

1. –(1) This Code applies to you as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code–

"meeting" means any meeting of–
(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

Scope

2. –(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you–

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not–

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where–

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is–

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You–

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority–

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. –(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by–

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2
Interests

Personal interests
8. –(1) You have a personal interest in any business of your authority where either–

(a) it relates to or is likely to affect–

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body–

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of–

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is–

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. –(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. –(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant

that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business–

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of–

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where–

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. –(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority–

(a) you must withdraw from the room or chamber where a meeting considering the business is being held–

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3
Registration of Members' Interests

Registration of members' interests

13. –(1) Subject to paragraph 14, you must, within 28 days of–

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation

DECLARATION OF ACCEPTANCE OF OFFICE AND UNDERTAKING TO OBSERVE THE CODE OF CONDUCT

I, JOHN L. CAKES, being an elected Member of the London Borough of Haringey Council, undertake to observe the code as to the conduct which is expected of members of the London Borough of Haringey Council.

Signed

Date 2nd June 2014.

DECLARATION OF ACCEPTANCE OF OFFICE AND UNDERTAKING TO OBSERVE THE CODE OF CONDUCT

I, ..., being an elected Member of the London Borough of Haringey Council, undertake to observe the code as to the conduct which is expected of members of the London Borough of Haringey Council.

Signed

Date

APPENDIX B

Meaning of Confidential information

Under the Council's Access to Information Procedure Rules confidential information means information given to the Council by a government department on terms which forbid its public disclosure, information which cannot be publicly disclosed without a court order and information treated as "exempt" under the rules.

"Exempt" information means information falling within the 10 categories specified in the Rules. These categories include

1. Information relating to any individual

2. Information which is likely to reveal the identity of any individual

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

4. Information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority and a Minister of the Crown and employees of, or office holders under the authority.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

8. Information which is subject to any obligation of confidentiality.

9. Information which relates in any way to matters concerning national security and

10. The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of Section 60 (2) or (3), 64 (2), 70(4) or (5) or 71(2) of that Act.

The obligation under paragraph 4 is a serious one not least because an

unjustifiable disclosure could not only place a member in breach of the Code of Conduct and liable to sanction but also place a member in breach of the Council's protocol on Member/Officer relations and or the Protocol on the use of IT equipment and in certain circumstances such a disclosure could give rise to implications under the Data Protection Act 1998.

The Council is a registered data controller under the Data Protection Act and there are strict controls on the disclosure of personal data which is defined to include any information relating to or about a living individual who can be identified from the data. If a member were to knowingly or recklessly disclose personal data in breach of the Act then that member could be subject to criminal prosecution punishable by a fine. However the Act specifies circumstances in which a person may disclose personal data without committing an offence and these broadly mirror the exemptions contained within the Code, including where disclosure is in the public interest.

There are also circumstances in which the Council itself can incur liability for compensation if a member were to disclose personal data in breach of the Act and an individual suffers damage and distress as a result. The Council could also be subject to enforcement action by the Information Commissioner.

Article 2 of the Constitution provides that councillors will not make public information which is confidential or exempt without the consent of the council or divulge information which is given in confidence to anyone other than a councillor or officer entitled to know it. Section B of the Council's Protocol for Member/Officer relations also provides that members should not discuss with or disclose confidential or exempt information to the press.

APPENDIX C
Public Interest Test

Disclosure of confidential information in the public interest is only justified in very limited circumstances and when all four of the following requirements are met:

A. The disclosure is reasonable.

This depends on the facts of the case and is a matter of judgment. Here a member would need to consider issues such as:

- whether the member believes that the information disclosed and any allegation contained in it is true. If the member does not believe it is true, then the disclosure is unlikely to be reasonable
- whether the member makes the disclosure for personal gain. If a member is paid to disclose the information the disclosure is unlikely to be reasonable.
- the identity of the person to whom the member makes the disclosure. It may be reasonable to disclose the information to the police but not to the world at large through the media. It is extremely unlikely that disclosure of confidential information to the press will ever be acceptable.
- the extent of information disclosed. The inclusion of unnecessary detail is unlikely to be reasonable.
- whether the disclosure involves details of private matters such as names, addresses or telephone numbers (or identifiable individuals) it is unlikely to be reasonable.
- the seriousness of the matter. The more serious it is, the more likely it is that the disclosure will be reasonable.
- the timing of the disclosure. If the matter to which the disclosure relates has already occurred and is unlikely to occur again, then the disclosure may be less likely to be reasonable than if the matter is continuing or is likely to be recur.
- whether the disclosure involves the Council failing in a duty of confidence to another person.
- whether there is reason to believe that the disclosure may result in the Council being placed in breach of contract or subject to liability under the Data Protection Act or give rise to an actionable claim for breach of confidence. In such circumstances, a disclosure is unlikely to be reasonable.

B. The disclosure is in the public interest (i.e. the public interest outweighs the need for confidentiality)

For a disclosure to be in the public interest it needs to involve at least one of the following matters, or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the

future:

- a criminal offence is committed
- the council or some other person fails to comply with any legal obligation to which they are subject
- a miscarriage of justice occurs
- the health or safety of any individual is in danger
- the environment is likely to be damaged
- information showing any of the above is deliberately concealed

C. The disclosure is made in good faith

- To make a disclosure in good faith the member must not act with an ulterior motive, for example to achieve political advantage
- the member must hold a reasonable belief that they have the right to disclose the information.

D. The disclosure complies with the reasonable requirements of the Council.

The reasonable requirements of the council are:

- that the content of committee reports, minutes or appendices that are marked as confidential items will not be disclosed without the prior written approval of the relevant Head of Service.
- that details of legal or other professional advice is not disclosed without the prior written agreement of the relevant Head of service
- consideration is given to the Council's policy on whistle-blowing (found within the Anti-Fraud and Corruption policy available on the Councils website) together with the guidelines for reporting concerns (also on the website)
- the current officer-member protocol is consulted, found in Section B of the Protocol for Member/officer relations in the Constitution
- the members code of conduct and all guidance must be observed
- the advice of the Monitoring officer is sought prior to disclosure.

AUP/001
EMAIL ACCEPTABLE USAGE POLICY

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UNCLASSIFIED

Distribution List:	This document is for distribution to all individuals and companies as mentioned within the Scope of this Policy. Any other request to read this document must be authorised by a member of the IT Services Security Forum.

Document History

DATE	ISSUE NUMBER	SECTION	PROCEDURE NUMBER	REVISION DETAILS
14 November, 2000	1.0	All	All	New
3 September, 2001	1.1	All	All	General Revision
16 November 2004	1.2	All	All	General Revision
19 November 2004	1.3	All	All	Change to Arial Font. & General Revisions to AUP
20 July 2005	1.4	4	All	Section added relating to acceptable usage of web based mail
20 July 2005	1.4	9	All	Addition of Staff Sign Off section for authorised users of the Web Based Email facility
02/08/05	1.5	All	All	Correction of general syntax errors
02/08/05	1.5	4	10	Addition of Section 4.10
24/08/05	1.6	4	All	General revision
24/08/05	1.6	9	All	Section deleted
24/08/05	1.6	Appendix 1	All	Addition of new Appendix
26/08/05	1.7	Appendix 1	All	Amendment of Web Based Email requirements
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15/06/07	2.0	All	All	General revisions
07/08/07	2.1	All	All	General updates following comments from Legal Services.
09/10/07	2.2	All	All	General revisions following consultation with HR.
12/03/08	2.3	Appendix & Sections 1.2 and 4.0	All	Appendix removed. Security approach revised. Web mail usage provisions inserted.

101

CONTENTS

1.0 Introduction 5
1.1 What is Information? 5
1.2 What is the Security Approach? 5
2.0 Scope 5
3.0 Email Acceptable Usage Policy (AUP) 5
5.0 Enforcement Monitoring 7
5.1 Penalties for Non-compliance 8
5.2 Enforcement 8
5.3 Exceptions to the Email Acceptable Usage Policy 8
5.4 Non-compliance 9
6.0 Standards 9
7.0 Associated Information Security Policies 10
8.0 Review and Sign Off 10

1.0 Introduction

Information is a valuable asset and is an essential requirement for a local authority to carry out its legal and statutory functions. The information Haringey Council processes is about you, it can be highly confidential and very personal; therefore the Council has a legal duty to take care of it. This document will address why the Council needs to secure the information we process, identify the security measures required and provide guidance to users of Council information.

1.1 What is Information?

Information can be in a number of forms: -

- Spoken in conversations (including telephone)
- Printed out and or written on paper
- Sent by fax
- Sent via Email
- Sent via texts (SMS)
- Stored on computers
- Transmitted across networks
- Stored on mobile storage devices/media (including, but not limited to; tapes, disks, CD's, film, microfiche, memory sticks etc).
- Stored in databases
- As part of presentations
- Any other methods used to convey information and knowledge.

1.2 What is the Security Approach?

The most effective way of providing information security is to use a structured approach that will ensure appropriate controls are applied. The ISO 27001 International Standard for Information Security Management framework comprises a comprehensive set of controls, which define best practice in information security. This is the most widely recognised security standard in the world & compliance to ISO 27001 has become the benchmark by which all organisations are measured. Haringey Council's information security policies are certified to this standard.

2.0 Scope

This Email Acceptable Usage Policy (AUP) applies to all Haringey Council's systems and is effective from the date of issue of this document. The policy, rules and conditions apply to all Haringey Council Members, employees, contractors, consultants, agency staff, independent contractors and other users of Haringey Council information systems irrespective of the tools used or where users are located.

3.0 Email Acceptable Usage Policy (AUP)

Haringey Council provides users (identified within the Scope of this policy) with electronic communications tools, including an email system for business purposes.

Users may utilize the email system for limited personal use; within the strict parameters outlined within the Acceptable Use section of this policy.

Acceptable Use
Users are authorised to use Haringey Council's email facility for:

1. Haringey Council Business purposes.
2. Personal communication purposes during official / authorised work breaks only, where those communications do not breach any other aspect of Council policy
3. Personal communication purposes outside of official / authorised work breaks "with the express permission of your Manager", where those communications do not breach any other aspect of Council policy.

Unacceptable Use
Users are prohibited from using Haringey Council's Email facility:

1. To engage in activities or transmit content that is harassing, discriminatory, menacing, threatening, obscene, defamatory, fraudulent, embarrassing, indecent, profane, obscene, pornographic, racist, libellous, intimidating or considered by management to be inappropriate or in any way objectionable or offensive. *(Note - It is not a breach of policy to receive an inappropriate email, however a breach will occur if such an email is retained or forwarded internally or externally by a user. Users encountering such material must report it immediately to their Manager, Internal Audit or the IT Services Quality Assurance and Data Team).*
2. For commercial or personal advertisements, solicitations, promotions, political material or other unauthorised material without prior written permission from the Head of IT Services or authorised deputy.
3. To operate a business, conduct an external job search, solicit money for personal gain, campaign for political causes or candidates, or promote or solicit funds for a religious or other personal cause.
4. To operate personal web based email facilities (Hotmail, Gmail etc.) for business or personal communications.
5. To access, send, receive, solicit, print or copy, confidential, proprietary or personal information unless authorised to do so.
6. For personal communication purposes outside of official / authorised work breaks, unless you have the express permission of your Manager.
7. To access or attempt to access another users mailbox.
8. To send or attempt to send "All User" Emails. *(The Communications Team are the only authorised business unit who may send emails using the All User Email facility. All requests for use of the All User facility should be forwarded to Communications Team for review and action).*
9. To transmit "information classified as Confidential" without appropriate password protection or encryption. (*For further details please refer to the ISP003 Information Classification Policy & IPR007 Information Handling, Labelling and Disposal Procedure on Harinet).*
10. To open Restricted or Confidential Council information where unauthorised access may result.
11. Distributing unsolicited advertising, junk mail or chain letters.

Haringey Council is not responsible for the actions of individual users. A disclaimer notice will automatically be added to all external E-mail.

4.0 Web Based Email AUP

In addition, users granted access to the Council's Web Based Email facility must also:

1. Ensure they do not share the web based email facility and associated details, such as the URL, their Logon ID and Password, with any other user
2. Ensure they log out when away from the facility
3. Ensure that attachments are only saved into secure areas and are password protected from others including partners, friends and relatives.
4. Ensure that any attachments are deleted along with any other related documents when no longer required.
5. Ensure that printed emails are destroyed in a secure manner i.e. shredding.
6. Ensure additional precautions are taken when using internet cafés or any other such public facilities. Users must:
   - **Not** leave the facility unattended at any time whilst logged on
   - **Not** save attachments on to any public machines
   - **Not** view documents of a sensitive nature as viewed documents are saved as a temporary internet file that can be accessed at a later stage.

5.0 Enforcement Monitoring

Haringey Council has the legal right to monitor usage of its email system therefore users should not have an expectation of privacy in anything they create, send, or receive.

Monitoring of the Policy is the responsibility of all managers as part of their management role. Internal and External Audit may undertake reviews on a planned and ad-hoc basis as part of the audit process. The Quality Assurance and Data Team will conduct quality reviews on cyclical basis as part of their security role.

This policy complies with relevent laws and regulations, including but not limited to:

- The Data Protection Act (1998);
- The Human Rights Act (1998);
- The Regulation of Investigatory Powers act (2000); and
- Telecommunications (lawful business practice), and (interception of communications) Regulations 2000.

5.1 Penalties for Non-compliance
Haringey Council has an established staff Disciplinary Code of Conduct. Any breach of policies contained within this document will be dealt with in accordance with those procedures.

5.2 Enforcement
A violation of standards, procedures, or guidelines established in support of this policy will be brought to the attention of the Quality Assurance and Data Manager for investigation. The Quality Assurance and Data Team enforces this policy by continuously monitoring, through the use of software tools. Business Unit Management, Human Resources, Internal Audit and External Audit will be notified when it is considered a breach has taken place. It is the responsibility of all users (as defined within the Scope of this document) to ensure compliance with the policy. Failure to adhere to the policy may result in a breach of Financial Regulations, Standing Orders and or current legislation. In the event of a breach by a Haringey Council employee, IT facilities may be suspended/removed and disciplinary action taken against them in accordance with the Disciplinary Code of Conduct. A serious breach of the Email AUP may be considered as a gross misconduct offence and lead to a penalty up to and including dismissal. Action against non-Haringey Council employees may result in removal/suspension of IT facilities, removal from site, cancellation of any contracts and possible legal action.

5.3 Exceptions to the Email Acceptable Usage Policy
Haringey Council expects all users to achieve compliance with the directives presented within this policy. In the following exceptional cases, compliance with Haringey Council's Information Security policies may be relaxed. The parts that may be relaxed will depend on the particular circumstances of the incident in question. These exceptional circumstances are outlined below:

- If complying with the policy would lead to physical harm and/or injury to a member of staff or other third party (e.g. contractor).
- If complying with the policy would cause significant damage to Haringey Council's reputation and/or ability to operate
- If an emergency arises and a user has no alternative other than to breach Haringey Council policy to assist with the emergency.

In such cases, the Haringey Council employee or third party (contractor etc) concerned must take the following action:

- Ensure that a Business Unit Manager is made aware of the situation and the action to be taken.
- Ensure the situation and the actions taken are recorded in as much detail as possible
- Ensure the situation is reported to the Quality Assurance and Data Manager as soon as possible.

(Failure to take these steps may result in disciplinary action).

The Quality Assurance and Data Manager will:

Maintain a list of known exceptions and non-conformities to the Information Security Policies. This list will contain:

- Known breaches that are in the process of being rectified
- Minor breaches that are not considered to be worth rectifying
- Any situations to which the Information Security Policies are not considered applicable.
- Haringey Council will not take disciplinary action in relation to known, authorised exceptions to the Information Security Policies.

5.4 Non-compliance

Non-compliance is defined as any one or more of the following:

- A breach of Haringey Council's Information Security Policies, standards or controls. Unauthorised disclosure or viewing of confidential information belonging to Haringey Council
- Unauthorised modification to information, software or operating systems
- The use of hardware, software, communication networks, equipment, data or information for illicit purposes, which may include violations of law, regulation or reporting requirement of any enforcement agency or government body
- The exposure of Haringey Council to adverse publicity or actual or potential monetary loss through any compromise of security
- Any person who knows of, or suspects a breach of Haringey Council's Information Security Policies must report the facts immediately to the Quality Assurance and Data Manager or Senior Management, failure to do so will be treated as non-compliance to the Information Security Policy
- Violation or non-compliance with Haringey Council's Information Security Policy may be treated as gross misconduct.
- Penalties may include:
  - Suspension of system access rights
  - Action in accordance with the Council Disciplinary Code of Conduct
  - Termination of employment or contractual arrangements and civil or criminal prosecution

6.0 Standards

The following Standards should also be used in conjunction with this Policy.

Ref:	Standard
ISS002	Information Security Standards Manual

7.0 Associated Information Security Policies

The following Policies are also available to support the Email Acceptable Usage Policy

Policy	Document Number	Description
ISP	001	High Level Information Security Policy
ISP	002	Organisational Security
ISP	003	Information Classification
ISP	004	Personnel Security
ISP	005	Physical Security
ISP	006	Systems and Network Security
ISP	007	Access Control
ISP	008	System Development and Maintenance
ISP	009	Business Continuity
ISP	010	Compliance
ISP	011	Security Incidence Response

8.0 Review and Sign Off

Ratified By:	
Committee Name:	Management Board / CMG / CEMB
Date Authorised:	13/12/00

Reviewed and Sign Off By:			
Name:	Job Title:	Version:	Date:
Stephen Cornell	IT Security Manager	1.0	14/11/00
Stephen Cornell	IT Security Manager	1.1	03/09/01
Stephen Cornell	IT Security Manager	1.2	16/11/04
Stephen Cornell	IT Security Manager	1.3	19/11/04
Stephen Cornell	IT Security Manager	1.4	20/07/05
Stephen Cornell	IT Security Manager	1.5	02/08/05
Stephen Cornell	IT Security Manager	1.6	24/08/05
Stephen Cornell	IT Security Manager	1.7	13/09/05
Stephen Cornell	IT Security Manager	1.8	20/03/06
James Harding	QA & Data Manager	1.9	18/04/07
James Harding	QA & Data Manager	2.0	15/06/07
James Harding	QA & Data Manager	2.1	07/08/07
James Harding	QA & Data Manager	2.2	09/10/07
James Harding	QA & Data Manager	2.3	12/03/08

STATUTORY INSTRUMENTS

2008 No. 1085

LOCAL GOVERNMENT, ENGLAND AND WALES

The Standards Committee (England) Regulations 2008

Made - - - -	*14th April 2008*
Laid before Parliament	*17th April 2008*
Coming into force - -	*8th May 2008*

The Secretary of State, in exercise of the powers conferred by sections 53(6) and (12), 54(4), 54A(4), 55(8), 57C(7), 66(1) to (4A), 73(1) and (6) and 105 of the Local Government Act 2000(a), makes the following Regulations:

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Standards Committee (England) Regulations 2008 and shall come into force on 8th May 2008.

Interpretation

2. In these Regulations—

"the Act" means the Local Government Act 2000;

"the 1972 Act" means the Local Government Act 1972(b);

"the 1989 Act" means the Local Government and Housing Act 1989(c);

"Adjudication Panel" means the Adjudication Panel for England constituted under section 75 of the Act;

"ethical standards officer" means an ethical standards officer appointed under section 57(5)(a) of the Act;

"independent member" means a person appointed to a standards committee, or sub-committee of the standards committee, of an authority, who is not a member, or an officer, of that or any other relevant authority;

(a) 2000 c. 22. Section 54A was inserted into the 2000 Act by section 113(1) of the Local Government Act 2003 (c. 26); section 55 was amended by section 188(2) of the Local Government and Public Involvement in Health Act 2007 (c.28), and section 66 was amended by section 194 of the 2007 Act; section 57C was inserted into the 2000 Act by section 185 of the 2007 Act; section 73(1) and (6) were amended by section 194(8) of the 2007 Act. There are other amendments to section 73 which are not relevant to these Regulations.

(b) 1972 c. 70.

(c) 1989 c. 42.

"member", in relation to parish councils, includes persons appointed under section 16A of the 1972 Act;

"monitoring officer", in relation to an authority which is a relevant authority for the purposes of section 5 of the 1989 Act (designation and reports of monitoring officer)(a) means the monitoring officer designated under subsection (1) of that section and includes any person for the time being nominated by the monitoring officer as deputy for the purposes of that section and any person nominated under section 82A(2) or (3) of the Act(b) to perform any function;

"partner" includes a spouse, civil partner or someone a person lives with in a similar capacity;

"relative" means a partner, a parent, a parent of a partner, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of a partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece and the partners o any of the preceding persons;

"responsible authority" means a district council or unitary county council(c) which has functions in relation to parish councils for which it is responsible under section 55(12) of the Act;

"Standards Board" means the Standards Board for England constituted under section 57 of the Act.

PART 2

CONSTITUTION AND GENERAL PROCEEDINGS OF STANDARDS COMMITTEEES AND SUB-COMMITTEES

Interpretation of Part 2

3. In this Part "authority", except where the context otherwise requires, means a relevant authority in England other than a parish council.

Composition of standards committees

4.—(1) An authority must ensure that—

(a) at least 25% of the members of its standards committee are independent members; and

(b) where it is operating executive arrangements under Part 2 of the Act, only one member of its standards committee is a member of the executive.

(2) Where an authority is a responsible authority, it must ensure that at least two members of the standards committee are members of parish councils for which it is responsible, who are not also members of the responsible authority.

Appointments to standards committees

5.—(1) Subject to the following provisions of this regulation, a person may only be appointed as an independent member of a standards committee if the appointment is—

(a) approved by a majority of the members of the authority;

(b) advertised in one or more newspapers circulating in the area of the authority, and in such other publications or websites as the authority considers appropriate;

(a) As to "relevant authority", see the definition in section 5(8) of the 1989 Act. That definition was amended by the Local Government Act 2000 (c. 22), Schedule 5, paragraph 24(1) and (7). A relevant amendment to section 5 of the 1989 Act (the insertion of subsection (8A)) was made by paragraph 24(1) and (8) of that Schedule. There are other amendments to section 5 that are not relevant to these Regulations.

(b) Section 82A was inserted by section 113(2) of the Local Government Act 2003 (c. 26). Subsection (1) was amended by section 194(9) of the Local Government and Public Involvement in Health Act 2007 (c. 28).

(c) See section 55(13) of the Act for the definition of "unitary county council".

(c) of a person who submitted an application to the authority.

(2) But a person may not be appointed as an independent member of a standards committee if that person—

(a) has within the period of five years immediately preceding the date of the appointment been a member or officer of the authority; or

(b) is a relative or close friend of a member or officer of the authority.

(3) A person who is an independent member of the standards committee of a different relevant authority, may be appointed as an independent member of the standards committee of an authority unless that person—

(a) has within the period of five years immediately preceding the date of the appointment been a member or officer of that authority; or

(b) is a relative or close friend of a member or officer of that authority.

(4) An independent member appointed under paragraph (3) may, as an alternative to being appointed for a specified period of time, be appointed in relation to a particular allegation, or set of allegations against a member, co-opted member, former member, or former co-opted member, and the term of office of an independent member so appointed shall be fixed accordingly.

(5) Subject to paragraph (7), an authority may adopt such procedures as it thinks fit for the appointment to the standards committee of—

(a) independent members under paragraph (3) of this regulation; and

(b) members of parish councils.

(6) Any person appointed as an independent member of a standards committee of an authority under this regulation who becomes—

(a) a member or officer of an authority; or

(b) a relative of a member or officer of that authority,

shall cease to be a member of the standards committee.

(7) An authority must have regard to any relevant guidance issued by the Standards Board in making appointments under this regulation.

Sub-committees of standards committees

6.—(1) The standards committee of an authority shall, under section 54A of the Act—

(a) appoint sub-committees, each of which must be chaired by an independent member, to discharge any function specified in section 57A of the Act; and

(b) appoint sub-committees, each of which must be chaired by an independent member, to discharge any function specified in section 57B of the Act.

(2) If the standards committee of an authority appoints sub-committees to discharge functions under regulations 17 to 20 of these Regulations, those sub-committees must be chaired by an independent member.

Validity of proceedings

7.—(1) A meeting of a standards committee, or sub-committee of a standards committee, shall not be quorate unless at least three members of that committee or sub-committee are present for its duration.

(2) Where a meeting of a sub-committee of a standards committee is convened to consider a request under section 57B(2) of the Act, no decision on that request may be taken by the sub-committee if any member of that sub-committee is present who took part in the decision under section 57A(2) of the Act to which that request relates.

(3) Where a meeting of a standards committee, or sub-committee of a standards committee of an authority is convened to discharge any function specified—

111

(a) in sections 57A or 57B of the Act; or

(b) in regulation 17 to 20 of these Regulations,

no decision may be taken unless at least one member of that authority is present when such matters are being considered.

(4) Where a meeting of a standards committee, or sub-committee of a standards committee, is convened to discharge any function specified—

(a) in sections 57A or 57B of the Act; or

(b) in regulation 17 to 20 of these Regulations,

relating to a member or former member of a parish council, no decision may be taken unless at least one member of a parish council for which the authority is the responsible authority, who is not also a member of that responsible authority, is present when such matters are being considered.

Application of the Local Government Act 1972

8.—(1) Subject to paragraphs (2), (3), (5) and (6), Part 5A of the 1972 Act(**a**) shall apply in relation to meetings of a standards committee, or sub-committee of a standards committee, of an authority as it applies to meetings of a principal council in England.

(2) Sections 100E, 100G, 100J and 100K of that Part shall not apply.

(3) Where, by virtue of paragraph (1), a responsible authority must act in accordance with section 100A(6)(a), 100B(1) or 100C(1) of the 1972 Act it shall also give to every parish council for which it is responsible—

(a) written notice of the time and place of the meeting at least five clear days before that meeting or, if the meeting is convened at shorter notice, then at the time that it is convened;

(b) a copy of the agenda for the meeting and a copy of any report for the meeting at least five clear days before the meeting, except that—

(i) where the meeting is convened at shorter notice, the copies of the agenda and any report shall be given to the parish council at the time the meeting is convened; and

(ii) where an item is added to an agenda, of which a copy has been given to a parish council, a copy of the item (or of the revised agenda), and of any report to be presented at the meeting relating to the item shall be given to the parish council at the time the item is added to the agenda; and

(c) a copy of the minutes excluding so much of the minutes of proceedings during which the meeting was not open to the public under section 100A(2) or (4) of the 1972 Act, or where applicable, a copy of a summary made under section 100C(2) of that Act.

(4) Nothing in paragraph (3)(b) requires copies of any agenda item or report to be given to the parish council until copies are available to members of the responsible authority.

(5) (a) Where a meeting of a sub-committee of a standards committee is convened to consider an allegation received under section 57A(1) of the Act or to review a decision under section 57B of the Act, the following provisions of this paragraph shall apply, and the provisions of Part 5A of the 1972 Act shall not apply.

(b) The sub-committee shall produce a summary in writing of its consideration of the allegation or review of the decision.

(c) The written summary—

(i) must record the main points considered, its conclusion as regards the allegation or review of the decision and the reasons for that conclusion;

(a) Part 5A was inserted by the Local Government (Access to Information) Act 1985 (c. 43).

(ii) must be prepared having regard to any relevant guidance issued by the Standards Board;

(iii) may give the name of any member, co-opted member, former member or former co-opted member, who was the subject of the allegation, unless such disclosure is not in the public interest or would prejudice any investigation;

(iv) must be made available for inspection by members of the public at the offices of the authority for a period of six years beginning with the date of the meeting; and

(v) must be given to any parish council of which any person who is the subject of an allegation referred to in the written summary is a member;

but nothing in this sub-paragraph requires the written summary to be open to inspection or given to any parish council until the person who is the subject of the allegation has been given a written summary under section 57C(2) of the Act.

(6) Where a meeting of a standards committee, or sub-committee of a standards committee, is convened to consider a matter under regulations 13 or 16 to 20 of these Regulations, or referred under section 58(1)(c) of Act, the provisions of Parts 1 to 3 of Schedule 12A to the 1972 Act shall apply as if, after paragraph 7 of that Schedule, the following descriptions of exempt information were inserted—

"**7A.** Information which is subject to any obligation of confidentiality.

7B. Information which relates in any way to matters concerning national security.

7C. Information presented to a standards committee, or to a sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000.".

PART 3

PROCEDURES RELATING TO ALLEGATIONS

Interpretation of Part 3

9. In this Part—

"appeals tribunal" means a tribunal appointed by the president or deputy president of the Adjudication Panel consisting of members drawn from the Adjudication Panel;

"authority" except where the context otherwise requires, means a relevant authority in England;

"matter", in references to section 57A of the Act means a written allegation made under subsection (1) of that section;

"member", except where the context otherwise requires, includes a co-opted member, former member or former co-opted member of an authority;

"standards committee" means the standards committee, or sub-committee of a standards committee, which exercises functions in relation to an authority under Part 3 of the Act.

Written allegations

10.—(1) Every standards committee shall publish in such manner as it considers appropriate, details of the address or addresses to which written allegations under section 57A(1) of the Act should be sent.

(2) Every standards committee shall take reasonable steps to ensure that the details published under paragraph (1) continue to be brought to the attention of the public and that any changes to those details are promptly published.

(3) Every standards committee shall publish in such manner as it considers appropriate, details of the procedures it will follow in relation to any written allegation received under section 57A(1).

(4) In complying with its obligations under this regulation, every standards committee shall take account of any relevant guidance issued by the Standards Board.

Modification of duty to give written summary to subject of allegation

11.—(1) The duty in section 57C(2) of the Act to take reasonable steps to give a written summary to the person who is the subject of an allegation does not arise at the time the standards committee receives the allegation, if the standards committee determines that to do so would be contrary to the public interest or would prejudice any person's ability to investigate the allegation.

(2) In reaching a determination whether it is contrary to the public interest or would prejudice any person's ability to investigate the allegation, the standards committee must take account of any guidance issued by the Standards Board and may take account of any advice received from the monitoring officer or any ethical standards officer concerned.

(3) Where the duty in section 57C(2) of the Act does not arise at the time the standards committee receives an allegation, by virtue of paragraph (1), the standards committee must take reasonable steps to give a written summary of the allegation to the person who is the subject of that allegation—

(a) when the monitoring officer or ethical standards officer has advised the standards committee that it would no longer be contrary to the public interest or prejudicial to any investigation; and in any event

(b) before any consideration of any report or recommendation from a monitoring officer or ethical standards officer relating to that allegation.

(4) Nothing in this regulation prevents—

(a) a monitoring officer from notifying the subject of an allegation that an allegation has been made; or

(b) the standards committee from giving the subject of an allegation some details of the allegation if the standards committee is of the opinion that disclosure of those details would not be contrary to the public interest and would not prejudice any investigation.

Application of section 63 of the Local Government Act 2000 with modification

12.—(1) Subsection (1) of section 63 of the Act (restrictions on disclosure of information) shall apply in respect of information obtained by monitoring officers in the performance of any of their functions under Part 3 of the Act and regulations made under that Part, as they apply in respect of information obtained by ethical standards officers under sections 61 and 62 of the Act, subject to the modification set out below.

(2) The modification is the insertion, after paragraph (a), of the following paragraph—

"(aa) the disclosure is made for any one or more of the following purposes—

(i) enabling a standards committee or sub-committee of a standards committee established under this Part to perform any of its functions under this Part, or under regulations made under this Part, in connection with the investigation and consideration of an alleged breach of an authority's code of conduct; or

(ii) enabling a tribunal drawn from members of the Adjudication Panel to consider any appeal from a finding of a standards committee or sub-committee of a standards committee established under this Part in connection with an alleged breach of an authority's code of conduct.".

Referral of matters to monitoring officer for steps other than an investigation

13.—(1) This regulation applies—

(a) where a standards committee refers a matter to a monitoring officer under section 57A(2)(a) or 57A(3) of the Act; or

(b) an ethical standards officer refers a matter under section 60(2) or 60(3) of the Act,

with a direction to take steps other than carrying out an investigation.

(2) A standards committee may only make a referral under paragraph (1) after consultation with the monitoring officer.

(3) The steps referred to in paragraph (1) are—

(a) arranging for the member who is the subject of an allegation to attend a training course;

(b) arranging for that member and the complainant to engage in a process of conciliation;

(c) such other steps (not including an investigation), as appear appropriate to the standards committee, or as the case may be, the ethical standards officer.

(4) Where a matter is referred to a monitoring officer under this regulation, the monitoring officer—

(a) shall deal with the matter in accordance with the direction; and

(b) shall give notice that the matter has been so referred to—

(i) the member who is the subject of the allegation,

(ii) any person who made the allegation which gave rise to the referral,

(iii) the standards committee of any other authority concerned; and

(iv) any parish council concerned; and

(c) within the period of three months beginning on the day on which the direction was received, or as soon as is reasonably practicable thereafter, submit a written report giving details of the action taken or proposed, to comply with the direction—

(i) where the matter was referred to the monitoring officer under section 57A of the Act, to the standards committee; or

(ii) where the matter was referred to the monitoring officer under section 60 of the Act, to the ethical standards officer concerned.

(5) If the standards committee is not satisfied with the action specified in the report received under paragraph (4)(c)(i), it shall give a further direction to the monitoring officer.

(6) If the standards committee is satisfied with the action specified in the report received under paragraph (4)(c)(i), it shall give written notice to that effect to—

(a) the member who is the subject of the report;

(b) any person who made an allegation that gave rise to the referral;

(c) the standards committee of any other authority concerned; and

(d) any parish council concerned.

(7) If the ethical standards officer concerned is satisfied with the action specified in the report received under paragraph (4)(c)(ii), that officer shall give written notice to that effect to—

(a) the member who is the subject of the report;

(b) any person who made an allegation that gave rise to the referral;

(c) the standards committee of any authority concerned; and

(d) any parish council concerned.

(8) If the ethical standards officer concerned is not satisfied with the action specified in the report received under paragraph (4)(c)(ii), that officer may require the monitoring officer to arrange for a statement to be published in at least one newspaper circulating in the area of any authority concerned, giving—

(a) details of the direction given by the ethical standards officer;

(b) the ethical standards officer's reasons for being dissatisfied; and

(c) the monitoring officer's response to the ethical standards officer's reasons for being dissatisfied.

Referral of matters to a monitoring officer for investigation

14.—(1) This regulation applies where a matter is referred to a monitoring officer under section 57A(2)(a), 57A(3), 60(2) or (3) of the Act otherwise than in accordance with regulation 13(1).

(2) The monitoring officer shall, unless otherwise directed by the ethical standards officer or standards committee—

(a) inform

(i) the member who is the subject of the allegation;

(ii) any person who made the allegation which gave rise to the referral;

(iii) the standards committee of any other authority concerned; and

(iv) any parish council concerned,

that the matter has been referred for investigation;

(b) subject to paragraph (5), conduct an investigation into the matters referred;

(c) give any member who is the subject of the investigation the opportunity to comment on the allegation made;

(3) The monitoring officer shall, in conducting an investigation, have regard to any relevant guidance issued, and shall comply with any relevant direction given, by the Standards Board.

(4) The monitoring officer may, in conducting an investigation—

(a) make such inquiries of any person as the monitoring officer thinks necessary or expedient for the purpose of conducting that investigation;

(b) require any person to give such information or explanation as the monitoring officer thinks necessary or expedient for the purpose of conducting that investigation;

(c) require any of the authorities concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation;

(d) require any of the authorities concerned, other than a parish council, to meet the reasonable cost of any advice and assistance provided in accordance with sub-paragraph (c);

(e) if any of the authorities concerned is a parish council, require the responsible authority to meet any reasonable costs incurred by that parish council in accordance with sub-paragraph (d); and

(f) require any of the authorities concerned to afford reasonable access to such documents in the possession of that authority as appear to the monitoring officer to be necessary for the purpose of conducting the investigation.

(5) In the case of an investigation pursuant to a reference under section 60(2) or (3) of the Act, the monitoring officer of an authority may, at any stage prior to the completion of the investigation, by a request in writing to the ethical standards officer concerned, ask that the matter be referred back to that ethical standards officer for investigation; and any such request must set out the reasons for making it.

(6) The ethical standards officer must respond to a request under paragraph (5) within 21 days of its receipt and may—

(a) direct that the matter be so referred for investigation, in which case the investigation by the monitoring officer concerned shall cease; or

(b) direct the monitoring officer concerned to continue the investigation in accordance with these Regulations.

(7) Where a direction is given under paragraph (6)(b), the monitoring officer may not make a further request under paragraph (5) in respect of the same matter.

(8) On completion of an investigation under this regulation, the monitoring officer shall—

(a) make a finding—

(i) that there has been a failure to comply with the code of conduct of the authority concerned or, as the case may be, of any other authority concerned ("a finding of failure"); or

(ii) that there has not been a failure to comply with the code of conduct of the authority concerned or, as the case may be, of any other authority concerned ("a finding of no failure");

(b) prepare a written report of the investigation which contains a statement as to the finding;

(c) send a copy of that report to the member who was the subject of the investigation;

(d) refer the report to—

(i) the standards committee of the authority; and

(ii) the standards committee of any other authority, other than a parish council, of which the person who was the subject of the investigation is a member, if that other authority so requests.

Matters referred to monitoring officer after investigation

15. Where a matter is referred to a monitoring officer under section 64(2) or (4) of the Act the monitoring officer shall—

(a) send a copy of any report received from the ethical standards officer who has referred the matter, to any member who is the subject of such a report; and, after that member has received the report,

(b) refer the report to the standards committee of the authority for consideration under regulation 17.

References back from monitoring officer

16.—(1) Where a matter is referred to a monitoring officer under section 57A(2)(a) of the Act for investigation, the monitoring officer may, subject to paragraph (4), refer that matter back to the standards committee concerned if—

(a) as a result of new evidence or information, the monitoring officer is of the opinion that the matter—

(i) is materially more serious; or

(ii) materially less serious

than may have seemed apparent to the standards committee when it made its decision under section 57A(2) of the Act, and

(iii) that the standards committee would have made a different decision had it been aware of that new evidence or information; or

(b) the person who is the subject of the allegation—

(i) has died; or

(ii) is seriously ill; or

(iii) has resigned from the authority concerned, and

the monitoring officer is of the opinion that in the circumstances it is no longer appropriate to continue with an investigation.

(2) If a matter is referred back to a standards committee under this regulation, the standards committee shall make a decision under section 57A(2) of the Act as if the matter had been made to it under section 57A(1) of the Act.

(3) In forming an opinion for the purposes of paragraph (1)(a), a monitoring officer may take account of—

(a) the failure of any person to co-operate with an investigation; or

(b) an allegation that the member concerned has engaged in a further breach of the code of conduct of a relevant authority; or

(c) an allegation that another member has engaged in a related breach of the code of conduct of a relevant authority.

(4) Where a standards committee considers a matter referred back to it under this regulation, it may direct that the matter should not be referred back a further time.

Consideration of reports by standards committee

17.—(1) Where a monitoring officer refers a report to the standards committee of any authority under regulation 14 or 15, that standards committee shall convene to consider that report and make one of the following findings—

(a) that it accepts the monitoring officer's finding of no failure ("a finding of acceptance"); or

(b) that the matter should be considered at a hearing of the standards committee conducted under regulation 18; or

(c) that the matter should be referred to the Adjudication Panel for determination.

(2) A standards committee may only make a finding under sub-paragraph (1)(c) if—

(a) it has determined that the action it could take against the member would be insufficient were a finding of failure to be made; and

(b) the president or deputy president of the Adjudication Panel has agreed to accept the referral.

(3) As soon as reasonably practicable after making a finding of acceptance, the standards committee shall—

(a) give written notice of that finding to—

(i) the member who is the subject of the finding of no failure;

(ii) any ethical standards officer concerned;

(iii) the standards committee of any other authority concerned;

(iv) any parish council concerned; and

(v) the person who made the allegation that gave rise to the investigation; and

(b) subject to paragraph (4), arrange for a notice to be published stating that the standards committee have found that there has been no failure on the part of the member concerned to comply with the code of conduct of the authority concerned or, as the case may be, with the code of conduct of any other authority concerned.

(4) The notices referred to in paragraph (3)(b) shall not be published if the member concerned so requests.

(5) Unless paragraph (4) applies, the notice referred to in paragraph (3)(b) shall be published—

(a) in at least one newspaper circulating in the area of any authority concerned; and

(b) if considered appropriate by the standards committee, on the web page of any authority concerned; and

(c) if considered appropriate by the standards committee, in any other publication.

(6) A tribunal may be appointed from the members of the Adjudication Panel to deal with a reference under sub-paragraph (1)(c), as if the reference had been made under section 64(3)(b) of the Act and shall have the same powers to take action as in such a case.

(7) Where a tribunal appointed under paragraph (6) decides that a member has failed to comply with the code of conduct of an authority, the member may appeal to the High Court against that decision, or any other decision made by that tribunal.

Hearings by standards committee

18.—(1) Where a standards committee holds a hearing pursuant to a finding under regulation 17(1)(b), it shall ensure that—

(a) the hearing is conducted having regard to any relevant guidance issued by the Standards Board;

(b) subject to sub-paragraph (c), the hearing is held within the period of 3 months beginning—

(i) in the case of a report referred by an ethical standards officer, on the date on which the monitoring officer received the report; or

(ii) in the case of a report prepared by the monitoring officer, on the date on which the report is completed;

(c) the hearing is not held until at least fourteen days after the date on which the monitoring officer sent the report to the member who is the subject of the allegation, unless the member concerned agrees to the hearing being held earlier;

(d) if the hearing is not held within the period specified in sub-paragraph (b), it is held as soon as reasonably practicable thereafter;

(e) any member who is the subject of a report being considered by the standards committee is given the opportunity to present evidence and make representations at the hearing—

(i) either orally or, if the member chooses, in writing; and

(ii) either personally, or by counsel or by a solicitor or, with the committee's consent, by any other representative.

(2) A standards committee may, subject to paragraph (1)(a) and (e), conduct a hearing using such procedures as it considers appropriate in the circumstances.

(3) A standards committee may arrange for the attendance at a hearing of such witnesses as it considers appropriate.

(4) Subject to paragraph (5), a member who is the subject of a hearing may arrange for the attendance at that hearing of such witnesses as that person wishes.

(5) A standards committee may place a limit on the number of witnesses a member who is the subject of a hearing may call if it considers that the number that the member proposes to call is unreasonable.

(6) A member who is the subject of a hearing may be represented by counsel, by a solicitor or, with the consent of the standards committee, by any other representative.

(7) If a member who is the subject of a report to the standards committee fails to attend a hearing of which that member has been given notice, the standards committee may—

(a) unless it is satisfied that there is sufficient reason for such failure, consider the allegation and make a determination in the absence of that member; or

(b) adjourn the hearing to another date.

(8) A standards committee may, at any stage prior to the conclusion of the hearing, adjourn the hearing and require the monitoring officer to seek further information or

undertake further investigation on any point specified by it; but the standards committee shall not adjourn the hearing on more than one occasion under this paragraph.

(9) Paragraphs (10) to (13) apply only to cases where the report under consideration has been referred to a monitoring officer under section 64(2) or (4) of the Act.

(10) A standards committee may at any stage prior to the conclusion of the hearing, adjourn the hearing and make a written request to the ethical standards officer concerned that the matter be referred back to the ethical standards officer for further investigation; and any such request must set out the committee's reasons for making it.

(11) Where a matter is referred to an ethical standards officer under paragraph (10), the ethical standards officer must respond to the request within 21 days of its receipt and may—

(a) agree to accept the referral for further investigation and direct that the standards committee shall cease its consideration of the matter; or

(b) direct the standards committee to continue to deal with the matter in accordance with these Regulations, in which case the standards committee shall do so and shall not make any further request under paragraph (10) in respect of the matter.

(12) Where the ethical standards officer gives a direction under paragraph (11)(b), the standards committee shall convene to continue its consideration of the matter within three months of the receipt of the ethical standards officer's direction or as soon as practicable thereafter.

(13) Paragraph (1)(a), (c) and (e) and paragraphs (2) to (8) of this regulation shall apply to a hearing convened under paragraph (12) as they apply to a hearing convened under paragraph (1).

Findings of standards committees

19.—(1) Following a hearing held under regulation 18, a standards committee shall make one of the following findings—

(a) that the member who was the subject of the hearing had not failed to comply with the code of conduct of any authority concerned;

(b) that the member who was the subject of the hearing had failed to comply with the code of conduct of an authority concerned but that no action needs to be taken in respect of the matters which were considered at the hearing; or

(c) that the member who was the subject of the hearing had failed to comply with the code of conduct of an authority concerned and that a sanction under paragraph (2) or (3) should be imposed.

(2) If a standards committee makes a finding under paragraph (1)(c) in respect of a person who is no longer a member of any authority in respect of which it exercises any function under Part 3 of the Act, it shall censure that person.

(3) If a standards committee makes a finding under paragraph (1)(c) in respect of a person who is a member of an authority in respect of which it exercises any functions under Part 3 of the Act, it shall impose any one of, or any combination of, the following sanctions—

(a) censure of that member;

(b) restriction for a period not exceeding six months of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions—

(i) are reasonable and proportionate to the nature of the breach; and

(ii) do not unduly restrict the person's ability to perform the functions of a member;

(c) partial suspension(a) of that member for a period not exceeding six months;

(d) suspension of that member for a period not exceeding six months;

(e) that the member submits a written apology in a form specified by the standards committee;

(f) that the member undertakes such training as the standards committee specifies;

(g) that the member participate in such conciliation as the standards committee specifies;

(h) partial suspension of the member for a period not exceeding six months or until such time as the member submits a written apology in a form specified by the standards committee;

(i) partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the standards committee specifies;

(j) suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the standards committee;

(k) suspension of the member for a period not exceeding six months or until such time as that member has undertaken such training or has participated in such conciliation as the standards committee specifies.

(4) Subject to paragraph (5) and regulation 21 any sanction imposed under this regulation shall commence immediately following its imposition by the standards committee.

(5) A standards committee may direct that the sanction imposed under any of sub-paragraphs (b) to (k) of paragraph (3) or, where a combination of such sanctions is imposed, such one or more of them as the committee specifies, shall commence on such date, within a period of six months after the imposition of that sanction, as the committee specifies.

Notification of findings of standards committees

20.—(1) A standards committee shall, as soon as reasonably practicable after making a finding under regulation 19—

(a) give written notice of the finding and the reasons for it to—

(i) the member who is the subject of the finding;

(ii) the Standards Board;

(iii) the standards committee of any other authority concerned;

(iv) any parish councils concerned; and

(v) any person who made an allegation that gave rise to the investigation; and

(b) subject to sub-paragraph (2)(b), arrange for a summary of the notice under paragraph (1)(a) to be published—

(i) in at least one newspaper circulating in the area of every authority concerned; and

(ii) if considered appropriate by the standards committee, on the web page of any authority concerned; and

(iii) if considered appropriate by the standards committee, in any other publication.

(2) Where the standards committee makes a finding under regulation 19(1)(a),

(a) the notice under paragraph (1)(a) of this regulation shall state that the standards committee has found that the member who was the subject of the hearing had not

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(a) See section 83(7) of the Local Government Act 2000 (c. 22) for a definition of partial suspension.

failed to comply with code of conduct of any authority concerned and shall give its reasons for that finding; and

(b) paragraph (1)(b) shall not apply if the member concerned so requests.

(3) Where the standards committee makes a finding under regulation 19(1)(b), the notice under paragraph (1)(a) of this regulation shall—

(a) state that the standards committee found that the member who was the subject of the hearing had failed to comply with the code of conduct of an authority concerned, but that no action needs to be taken in respect of that failure;

(b) specify the details of the failure;

(c) give the reasons for the standards committee's finding; and

(d) state that the member concerned may apply under regulation 21 of these Regulations for permission to appeal against the finding.

(4) Where the standards committee makes a finding under regulation 19(1)(c), the notice under paragraph (1)(a) of this regulation shall—

(a) state that the standards committee found that the member who was the subject of the hearing had failed to comply with the code of conduct of an authority concerned;

(b) specify the details of the failure;

(c) give reasons for the standards committee's finding;

(d) specify the sanction imposed in accordance with regulation 19(2) or (3); and

(e) state that the member concerned may apply under regulation 21 for permission to appeal against the finding or sanction imposed.

Notices of appeals

21.—(1) Where a standards committee makes a finding under regulation 19(1)(b) or (c), the member who is the subject of that finding may, by way of notice in writing given to the president of the Adjudication Panel—

(a) seek permission to appeal; and, if appropriate,

(b) apply for the suspension of any sanction imposed under regulation 19(3)(b) to (k) until such time as any appeal is determined.

(2) The notice specified in paragraph (1) must be received by the president of the Adjudication Panel within 21 days of the member's receipt of the notice under regulation 20(1)(a) and must specify—

(a) the finding against which the member seeks permission to appeal;

(b) in the case of a finding under regulation 19(1)(c) whether the appeal is against the finding that the member has failed to comply with a code of conduct, or if it is against the sanction which has been imposed, or both;

(c) the grounds of the appeal;

(d) whether any application for suspension of any sanction is made; and

(e) whether or not the member consents to the appeal being conducted by way of written representations.

(3) An application for permission to appeal or to suspend a sanction, shall be decided by the president of the Adjudication Panel or, in the absence of the president, by the deputy president, on consideration of the application and, unless the president or the deputy president (as the case may be) considers that special circumstances render a hearing desirable, in the absence of the parties.

(4) In deciding whether to give permission to appeal, the president, or deputy president (as the case may be), shall have regard to whether, in their opinion, there is a reasonable prospect of the appeal being successful (either in whole or in part).

(5) Permission to appeal or to suspend a sanction may be given in relation to the whole or any specified part of the finding or sanction.

(6) The president, or the deputy president (as the case may be), shall, within 21 days of receipt of a notice given in accordance with paragraphs (1) and (2), send notice of their decision to—

(a) the member who gave the notice under paragraph (1);

(b) the Standards Board;

(c) the standards committee of any authority concerned;

(d) any parish councils concerned; and

(e) any person who made an allegation that gave rise to the investigation.

(7) If permission to appeal or for suspension of a sanction is refused, whether as to the whole or in part, the notice given under paragraph (6) shall give the reasons for the decision.

Conduct of appeals

22.—(1) Where permission to appeal has been given, the president or deputy president (as the case may be) shall refer the matter to an appeals tribunal which shall conduct the appeal in accordance with these Regulations.

(2) Where the member does not consent to the appeal being conducted by written representations, an appeals tribunal shall conduct an appeal hearing.

(3) The appeals tribunal shall give the member at least 21 days notice in writing of the date of the hearing.

(4) Where the member consents to an appeal being conducted by way of written representations, the appeals tribunal may either—

(a) conduct an appeal hearing; or

(b) conduct the appeal by way of written representations,

as it thinks fit.

(5) The member may appear at an appeal hearing in person or may be represented by counsel, a solicitor or, subject to the consent of the appeals tribunal, any other representative.

(6) The standards committee may be represented at an appeals hearing by any member of that committee, the monitoring officer of the authority concerned, by counsel, a solicitor or, subject to the consent of the appeals tribunal, any other representative.

Composition and procedures of appeal tribunals

23.—(1) An appeals tribunal shall consist of not less than three members appointed by the president of the Adjudication Panel (or, in the absence of the president, by the deputy president), from the members of the Adjudication Panel.

(2) The president or the deputy president of the Adjudication Panel may be a member of an appeals tribunal.

(3) A member of the Adjudication Panel may not at any time be a member of an appeals tribunal drawn from the Panel which is to conduct an appeal on a matter relating to a member of an authority if, within the period of five years ending with that time, the member of the Adjudication Panel has been a member or an officer of any of the authorities concerned or a member of any committee, sub-committee, joint committee or joint sub-committee of any of the authorities concerned.

(4) A member of the Adjudication Panel who is directly or indirectly interested in any matter which is, or is likely to be the subject of an appeal conducted by an appeals tribunal—

(a) must disclose the nature of the interest to the Panel's president or deputy president; and

(b) may not be a member of the appeals tribunal which conducts an appeal in relation to that matter.

(5) The procedure for conducting an appeal shall be such as the appeals tribunal considers appropriate in the circumstances.

Failure of member concerned to attend appeal hearing

24.—(1) If a member concerned has been duly notified of an appeal hearing and fails to attend or be represented at that hearing, the appeals tribunal may—

(a) unless it is satisfied that there is sufficient reason for such absence, hear and determine the appeal in that member's absence, or

(b) adjourn the hearing.

(2) Before deciding to determine an appeal in the absence of the member concerned, the appeals tribunal shall consider any representations in writing submitted by that member in response to the notice of the hearing and, for the purpose of this paragraph, any written reply to that notice shall be treated as a the member's representations in writing.

Outcome of appeals

25.—(1) An appeals tribunal must uphold or reject the finding or, where permission to appeal was granted as to only part of the finding, that part of the finding, to which the appeal relates, or may allow the appeal as regards a specified part of the finding.

(2) Where an appeals tribunal rejects the finding, the decision of the standards committee (including any sanction imposed) shall cease to have effect from the date of the rejection.

(3) Where an appeals tribunal upholds the finding of a standards committee made under regulation 19(1)(b), it may confirm the decision of that committee to impose no sanction or it may impose any sanction which was available to the standards committee.

(4) Where an appeals tribunal upholds the finding, or part of a finding, of a standards committee made under regulation 19(1)(c), it may confirm any sanction imposed by that committee, or vary it by substituting any other sanction which was available to the standards committee.

(5) Subject to paragraph (6), any sanction imposed under this regulation shall take effect immediately after its imposition.

(6) An appeals tribunal may direct that any sanction imposed under this regulation shall take effect on such date, within the period of six months after its imposition, as the appeals tribunal may specify.

(7) The appeals tribunal must give written notice of its decision to—

(a) the member who is the subject of the decision to which the notice relates;

(b) the Standards Board;

(c) the standards committee of any authorities concerned;

(d) any parish council concerned; and

(e) any person who made an allegation that gave rise to the investigation.

(8) The appeals tribunal must arrange for a summary of its decision to be published in one or more newspapers circulating in the area of any authorities concerned.

PART 4

AMENDMENTS TO REGULATIONS

26. The instruments specified in the Schedule to these Regulations are amended as specified in the third column of that Schedule.

Signed by authority of the Secretary of State for Communities and Local Government

John Healey
Minister of State
Department for Communities and Local Government

14th April 2008

SCHEDULE

Regulation 26

Amendments to Regulations

Regulations amended	*References*	*Amendment*
The Relevant Authorities (Standards Committee) Regulations 2001(a)	S.I. 2001/2812	In regulation 1(2) omit the words "relevant authorities in England, other than parish councils, and to". In regulation 2, omit the words "or 55(7)(a)" from the definition of "independent member" and omit the entry relating to "responsible authority". For regulation 3 substitute— "**3.** An authority must ensure that, where its standards committee has more than three members, at least 25% of them are independent members.". In regulation 7(1) for "paragraphs (2) to (4)" substitute "paragraphs (2) and (4)". Omit regulation 7(3). In regulation 7(4) omit "60(2) or (3), 64(2)" in both places.
The Local Authorities (Code of Conduct) (Local Determination) Regulations	S.I. 2003/1483	In regulation 1(2) omit the words "relevant authorities in England and to".

(a) Regulation 7(1) was amended, and regulation 7(4) was inserted by regulation 3 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (SI 2003/1483); and regulation 7 was further amended by regulation 2 of the Relevant Authorities (Standards Committee) (Amendment) Regulations 2006 (SI 2006/87).

2003

In regulation 2(1)—

in the entry relating to "Adjudication Panel", omit the words "in respect of a relevant authority in England, the Adjudication Panel for England established under section 75(1) of the Act and, in respect of a police authority in Wales,";

in the entry relating to "authority" omit the words "a relevant authority in England and";

omit the entries relating to "ethical standards officer" and "ethical standards officer concerned";

omit the entry relating to "the parish councils concerned"; and

in the appropriate place, insert the following—

Omit regulation 2(2).

Omit regulation 4.

In regulations 5, 6, 8, 9, 12 and 13, for the references to ethical standards officer (in whatever terms), substitute references to the Public Services Ombudsman for Wales.

In regulations 5(1), 6(1)(a)(i), 6(2)(b)(i) and 6(2)(c)(i) omit "64(2) or".

In regulation 5(2) omit "60(2) or (3) or".

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 53 of the Local Government Act 2000 ("the Act") requires relevant authorities in England and Wales (defined in section 49(6) of the Act) to establish standards committees to exercise functions conferred under Part 3 of the Act. Section 57A of the Act, (inserted with sections 57B to 57D, and section 58) by section 185 of the Local Government and Public Involvement in Health Act 2007 enables people to make a written allegation to the standards committee of a relevant authority in England that a member or co-opted member (or former member or former co-opted member) of the authority has failed to comply with the authority's code of conduct. These Regulations make provision for dealing with such allegations and confer powers on the monitoring officer of the relevant authorities concerned to carry out investigations. They also make provision for standards committees to reach decisions on allegations and to impose sanctions, and for appeals to tribunals of members of the Adjudication Panel for England ("appeals tribunals").

Regulations 1 to 3 contain citation, commencement and interpretation provisions.

Regulation 4 requires standards committees to consist of at least 25% independent members and restricts the number of members of the executive of authorities operating executive arrangements who may be members of the committee. Where an authority is responsible for parish councils it is a requirement that at least two members of the standards committee are parish councillors who are not also members of the responsible authority.

Regulation 5 makes provision as to the appointment to standards committees of independent members and parish councillors. The effect of paragraphs (3) and (4) is to permit standards committees to appoint persons who are independent members of the standards committees of other authorities for specified periods of time, or to sit on a committee or sub-committee considering a particular allegation or set of allegations.

Regulations 6 and 7 require standards committees to establish sub-committees, each chaired by an independent member, to undertake the initial assessment of allegations under section 57A of the Act. Differently constituted sub-committees, chaired by different independent members, must also be established to consider any request under section 57B of the Act to review decisions to take no action in respect of allegations made under section 57A of the Act. Standards committees may decide to establish sub-committees to consider reports or hold hearings, which must also be chaired by an independent member. At least three of its members must be present at meetings of a standards committee, or sub-committee of a standards committee, which must include at least one elected member of the authority. If a meeting is convened to consider an allegation against a parish councillor, the committee or sub-committee must include a parish councillor drawn from any of the parish councils for which the authority is responsible who is not also a member of the responsible authority.

Regulation 8 makes provision as to public access to meetings and documents of standards committee proceedings. Where a sub-committee of a standards committee is considering an allegation against a member under section 57A of the Act or a request under section 57B of the Act to review a decision to take no action, there is no public right of access to the meetings or documents. The sub-committee is required to produce a written summary of its consideration of those matters, which is to be made available to the public. Otherwise, the proceedings of standards committees and sub-committees of standards committees are to be open to the public in a manner similar to that in which other proceedings of local authorities are made open (see Part 5A of the Local Government Act 1972 (c. 70)). Standards committees of responsible authorities are required to supply certain information and documents to the parish councils for which they are responsible.

Regulation 10 requires standards committees to publicise the address or addresses to which written allegations of misconduct should be sent and to keep published details up to date.

Regulation 11 modifies the duty otherwise applicable to standards committees to give a written summary of an allegation to the subject of that allegation in situations where it would be contrary

to the public interest or would prejudice an investigation to provide that summary. In circumstances where a standards committee is not required to provide a written summary of an allegation at the time it receives the allegation, it must provide a written summary to the subject of the allegation before any hearing is convened under regulation 17 or 18 to consider any report on the allegation.

Regulation 12 prohibits monitoring officers from disclosing information they have obtained either through their investigation, or which has been supplied to them by an ethical standards officer, otherwise than for the purposes set out in section 63 of the Act, as modified by regulation 12. The modification authorises disclosure of information obtained for the purpose of enabling a standards committee, sub-committee of a standards committee or an appeals tribunal drawn from the Adjudication Panel for England, to perform any of their functions under Part 3 of the Act or Regulations made under that Part.

Regulation 13 makes provision in respect of cases where a sub-committee of a standards committee or ethical standards officer refers a matter to a monitoring officer with a direction to take steps other than carry out an investigation. A direction may require the monitoring officer to arrange for a member to attend a training course, to engage in a process of conciliation or to take such other steps as appear appropriate. The monitoring officer must report back to the standards committee or ethical standards officer and the regulation makes provision as to the steps they must take when they receive such a report.

Regulation 14 makes provision for monitoring officers to carry out an investigation into an allegation that a member or co-opted member (or former member or former co-opted member) has failed to comply with an authority's code of conduct. It makes provision as to who must receive notice that the matter has been referred for investigation, and confers powers on the monitoring officer to request information or an explanation of matters from any person and to require authorities to provide advice and assistance. The monitoring officer may apply to refer a matter back to the ethical standards officer who originally referred it and the ethical standards officer must notify the monitoring officer whether the referral back is accepted. Following an investigation, the monitoring officer must submit a report to the standards committee indicating whether in the opinion of the monitoring officer the person who is the subject of the report has failed to comply with the authority's code of conduct.

Regulation 15 requires a monitoring officer to send a copy of a report received from an ethical standards officer following an investigation, to the person who is the subject of the report and to refer the report to the standards committee for consideration under regulation 17.

Regulation 16 sets out the circumstances in which a monitoring officer may refer a matter back to the standards committee for reconsideration as to how an allegation that a person has failed to comply with an authority's code of conduct should be dealt with. The circumstances are:

(a) the receipt of new evidence or information that leads the monitoring officer to form the opinion that the matter is more (or less) serious than may have appeared to the standards committee and that the standards committee would have made a different decision if the evidence or information had been available to them;

(b) the death or serious illness of the person against whom the allegation was made; and

(c) the resignation of that person from the authority concerned.

Regulations 17 deals with a standards committee's consideration of reports received from monitoring officers. The committee must make one of the following findings:

(a) that it accepts the monitoring officer's findings that there has been no failure to comply with an authority's code of conduct;

(b) that the matter should be considered at a hearing under regulation 18; or

(c) that the matter should be referred to the Adjudication Panel for England for determination.

The regulation also imposes requirements as to notification and publication of its findings.

Regulation 18 deals with the procedure for the holding of a hearing. At any time before the conclusion of a hearing, a standards committee may, where the case under consideration has been investigated by an ethical standards officer, ask that ethical standards officer to take it back for further investigation. If the ethical standards officer does not agree to the referral the standards committee must continue with the hearing.

Regulations 19 and 20 makes provision as to the findings available to a standards committee following a hearing, the sanctions which it may impose on a person if it finds that the person has failed to comply with an authority's code of conduct and the manner in which those findings are to be notified and publicised.

Regulations 21 allows a person against whom a failure to comply with an authority's code of conduct has been made to seek permission from the president or deputy president of the Adjudication Panel for England to appeal against the finding and any sanction imposed, and to apply for the suspension of any sanction.

Regulations 22 to 25 deal with the conduct of appeals, the composition of appeals tribunals, the procedure to be followed and the notification of, and publicity to be given to, decisions of appeals tribunals.

Regulation 26 and the Schedule to the Regulations amend the Relevant Authorities (Standards Committee) Regulations 2001 (SI 2001/2812) and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (SI 2003/1483). The effect of the amendments is to disapply those Regulations in respect of English authorities. They continue to apply to police authorities in Wales.

Revised Model Code of Conduct

- Adopted by Haringey Council at AGM effective from 22 May 2007

- Members must sign up to Code within 2 months of its adoption by Council

Features of Revised Code

- Clearer, more enabling
- Rules on interests clearer, Members can act as community advocates
- Remove duty to report breaches
- Provision on bullying
- Clarify rules on confidential information
- Criminal activities covered by Code
- Must read Code together with general principles of conduct

General Obligations

- Treat others with respect –
- Not do anything to cause authority to breach any of the equality enactments
- Not bully any person
- Not intimidate or attempt to intimidate complainant, witness, investigator etc. (Members' obligation to report other Members removed).
- Compromise impartiality of officers
- Not prevent access to information to which person entitled

General Obligations

Not do anything to cause authority to breach any of the equality enactments

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975,
- the Race Relations Act 1976,
- the Disability Discrimination Act 1995,
- the Employment Equality (Sexual Orientation) Regulations 2003 and
- the Employment Equality (Religion or Belief) Regulations 2003

Bullying – SBE definition

Guidance

- "Bullying may be characterised as offensive, intimidating ,malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health"

General Obligations (cont.)

- Disclosure of Confidential Information
- Not disclose confidential information except where:
  - Have consent of person authorised to give it
  - Required by law to disclose
  - Disclose to third party for professional advice

General Obligations (Cont.)

Disclosure of Confidential Information only if disclosure is:

- reasonable,
- in public interest,
- made in good faith and
- in compliance with reasonable requirements of authority (including seeking advice of Monitoring Officer)

General Obligations

Disrepute – not bring office or authority into disrepute

Improper use of position –not use or attempt to use position as member to confer or secure advantage

Use of Resources –

- Act in accordance with authority's reasonable instructions
- Make sure resources not used for political purposes (simplification of previous rule)
- Have regard to Local Authority Code of Publicity

Scope of Revised Code

Applies

When you conduct business of authority including business of office elected/appointed to

Act, claim to act, give impression acting as representative of authority (extension of scope)

But some duties apply at **any other time**

Obligations applying at any time

Duties

- not to intimidate complainants/witnesses
- bring office into disrepute,
- improperly use position as member for advantage

Apply at **any other time** to conduct which is criminal offence for which Member has been convicted (when amendments to LGA 2000 are enacted).

0711

Reaching Decisions

- Must have regard to any relevant advice of Chief Finance Officer or of Monitoring Officer carrying out statutory functions
- Previously only in pursuance of duties under sections 114 LGFA 1988 or 5(2) LGHA 1989

Personal Interests

A member has a personal interest where the matter:

relates to an interest they must register

affects the well-being or financial position of themselves, or of a relevant person more than it would affect the majority of people in the ward affected by the decision

if a member declares a personal interest they can remain in the meeting, speak and vote on the matter – unless the personal interest is also prejudicial

Personal Interests

Must now consider if decision on matter impacts on welfare of relevant person

- any person with whom you have a close association' – more extensive than 'friend'
- Member of family
- Employer of above/firm in which they are partners/company in which they are directors
- Any person or body in whom relevant person has over £25k in shares (previously £5k)

Monitoring Officer

Personal Interests -

Can now compare

impact of decision on welfare of self/relevant persons

with

impact of decision on welfare of tax payers/inhabitants of ward

narrower scope

Personal Interests

New Category of Personal interest where business of authority relates to or is likely to affect:

Interests of any person from whom received gift or hospitality £25 or more in value – you don't have to declare this if registered more than 3 years before date of meeting

Monitoring Officer

Personal Interests – sensitive information

- Where your personal interest information is sensitive information and agreed as such with Monitoring Officer
  - No need to include that information when registering interest
  - Must notify change of circumstances within 28 days
  - Sensitive information is information which if made available for inspection creates serious risk that Member or person living with may be subjected to violence or intimidation

9711

Personal Interests -Exemptions

An exemption to declaring a personal interest applies:

when the interest arises solely from a member's membership of or position of general control or management on:

any other body to which they have been appointed or nominated by the authority

any other body exercising functions of a public nature (e.g. another local authority)

Personal Interests -Exemptions

Exemption to declaring a personal interest continued …..

in these exceptional cases, provided the member does not have a prejudicial interest, they only need to declare their interest if they speak

if the member does not want to speak to the meeting, they may still vote on the matter without making a declaration

Prejudicial Interests

A personal interest is prejudicial if all of the following conditions are met:

- a member of the public who knows the relevant facts would reasonably think the personal interest is so significant that it is likely to prejudice the member's judgement of the public interest

- the matter does NOT fall within one of the exempt categories of decision (under paragraph 10(2)(c))

Prejudicial Interests continued..

And

The matter affects your financial position or financial position of person or body described in paragraph 8 of Code

And/or

The matter relates to any approval, consent, licence, permission or registration in relation to you or person or body described in paragraph 8 of Code

Prejudicial interests – new exclusions

No prejudicial interest where business of authority relates to the functions of your authority in respect of:

- An allowance, payment or indemnity given to members
- Any ceremonial honour given to members
- Setting council tax or a precept under the LGFA 1992
- Previous exclusions of housing functions if not in arrears, authority's functions re. school meals and transport and re. statutory sick pay are retained

Prejudicial interests – new exclusions

- Prejudicial Interests relating to overview and scrutiny committees
- Where business of O&S relates to a committee/sub committee of authority of which you are a member you only have a prejudicial interest if you were present when the relevant action or decision was taken.

Prejudicial interests – new rights of attendance at meetings

If you have a prejudicial interest you may attend the relevant meeting:

- To make representations
- To answer questions or give evidence
- Provided the public are also allowed to attend the meeting for the same purpose
- Or where you have a statutory right to attend

You must withdraw from the room as soon as representations have been made

What can a member do/not do when they have a prejudicial interest?

What a member cannot do:

- exercise executive functions in relation to that business
- seek to improperly influence a decision about that business
- stay in the room when the business is being discussed (after speaking if they have been allowed to)

151

What can a member do/not do when they have a prejudicial interest?

What a member can do:

make written representations in their private capacity

use a professional representative to act on their behalf

get another member to represent the views of their constituents

Part Four, Section C Miscellaneous Standing Orders

MISCELLANEOUS STANDING ORDERS

1. SEAL OF THE COUNCIL

(1). The common seal of the Council shall be kept in a safe place in the custody of the Head of Legal Services.

(2). The common seal of the Council shall be affixed to a document only on the authority of:
(a) a resolution of the Council;
(b) a decision by the Council, or by a duly authorised committee, sub committee or officer, to do anything where a document under the common seal is necessary to complete the action.

(3). On civic or ceremonial occasions, the seal shall be attested by the Mayor or Deputy Mayor or another member of the Council and by the Chief Executive or Head of Legal Services.

(4). On all other occasions the Seal on documents shall be attested in accordance with Article 14.05 (in Part 2) or by any one of the following officers:

- Chief Executive
- Chief Finance (section 151) Officer
- Head of Legal Services
- Deputy Head of Legal Services

(5). An entry of every sealing of a document must be made and numbered consecutively in the book kept for the purpose and each entry must be signed by the person or persons who attested the Seal.

(6). The Head of Legal Services, or in his/her absence the Deputy Head of Legal Services, is authorised to sign any document to secure the effective administration of the functions for which the Legal Service is responsible, or any document to secure the effective implementation of any function, power, duty, policy, programme or decision of the Council or of any Committee, Sub-Committee, or other body or Chief Officer acting within their terms of reference and delegated powers.

2. ATTESTATION OF DOCUMENTS

(1). Any notice, order or other document which a local authority are authorised or required by or under any enactment to give, make or issue may be signed on behalf of the authority by the proper officer of the authority.

(2). Any document purporting to bear the signature of the proper officer of the authority shall be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the local authority.

(3). In addition to any other person who may be authorised by resolution of the Council for the purpose, the proper officer for the purpose of section 234 of the 1972 Act (authentication of documents) shall be the head of the authority's paid service, the Head of Legal Services, any chief officer of the Council concerned with the matter to which the document relates or any officer authorised in writing by such chief officer.

3. PAPERS AND ADVICE

(1). The agenda and papers for consideration at any meeting will normally be despatched to appropriate members of the Council leaving at least 5 clear days before the meeting.

(2). Services shall ensure that all papers are delivered to the Head of Local Democracy & Member Services leaving at least 7 clear days before the meeting (e.g. on Friday for a meeting on Wednesday 12 days later).

(3). The Chair of a Committee, Sub-Committee, or other body may only allow a late item/report to be considered at a meeting if satisfied that there are special circumstances. The special circumstances which, in the Chair's opinion, justify such action must be recorded in the Minutes of the meeting.

(4). The agenda and papers for any part of a meeting open to the public shall be made available for inspection by members of the public.

4. CONFIDENTIALITY OF REPORTS

Exempt Reports

(1). Reports and documents which are to be presented to meetings of the Council or of Committees, Sub-Committees, or other bodies and which in the opinion of the Head of Local Democracy & Member

Services, are likely to be the subject of a resolution to exclude the press and public from the proceedings on any of the grounds set out in the Local Government Act 1972 Schedule 12A and related or amending legislation must be marked in the top right hand corner "Not for Publication" because they contain exempt information. Categories of exempt information are set out in the Access to information Procedure Rules in Part 4 of this Constitution.

Confidential Reports

(2). Reports containing confidential information under the Access to Information Procedure Rules in Part 4 of this Constitution must be marked on the top right hand corner setting out the category of confidential information.

Duty not to disclose information

(3). It shall be the duty of all Council Members, other voting and non-voting members of committees or other bodies, assessors and advisers appointed to committees or other bodies and Officers of the Council not to disclose any information contained in reports and documents classified as 'confidential' or 'exempt' until the Committee, Sub-Committee or other body in question decides to make the information public, and appropriate sanctions will be taken in the event of this being breached.

Declassification of exempt reports

(4). It shall be the responsibility of the Proper Officer (Head of Local Democracy & Member Services) to determine as necessary whether at any future date it is appropriate to declassify any exempt reports.

5. INSPECTION OF DOCUMENTS

(1). A member of the Council shall have the right to inspect and be provided with copies of the following documents in the Council's possession or under its control in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

(2). A member must not use any information obtained in the exercise of the rights under this rule for any purpose other than the performance of his/her role as a member of the Council and must not knowingly inspect or request copies of any document relating to any matter in which he or she is professionally or personally interested or in which he or she has a personal or prejudicial interest under the Members' Code of Conduct. A member should never disclose or use confidential or exempt information for the personal advantage of him/herself or of anyone known to them, or to the disadvantage or discredit of the Council or anyone else.

6. INSPECTION OF LAND AND BUILDINGS

No member of the Council and no other member (whether voting or non-voting) of a committee, sub-committee or other body shall have any claim by virtue of his/her position:

(a) to enter any land or buildings occupied by the authority to which the public do not have access or to which members of the Council do not regularly have access except with the permission of the chief officer responsible for the service of the Council for which the land or buildings are occupied;

(b) to exercise any power of the authority to enter or inspect other land or buildings, except where specifically authorised to do so by the authority;

(c) to exercise any other power of the authority;

(d) to issue any order with respect to any works which are being carried out by, or on behalf of, the authority, or with respect to any goods or services which are being, or might be, purchased by the authority.

7. ABSENCE FROM MEETINGS

Any member who for six months fails to attend any meeting of the authority or its committees, sub-committees or other bodies shall cease to be a member unless within that period his or her absence is approved by the authority.

8. STATEMENT OF ATTENDANCES

A statement showing the actual and possible attendances of each member at meetings of the Council and its Committees and Sub-Committees since and including the last annual meeting shall be presented annually to the Council at its last meeting in each municipal year and be entered in the minutes. In addition, Members' attendance at meetings of other bodies - appointments, appeals, grievance panels and other bodies with variable membership may also be reported.

PART FOUR - RULES OF PROCEDURE
Section C Miscellaneous Standing Orders

9. MATTERS AFFECTING NAMED INDIVIDUALS OR COUNCIL EMPLOYEES OR FORMER COUNCIL EMPLOYEES

(1). If, during the course of a meeting, an issue arises concerning a named individual or about an individual Council employee or former Council employee, the body must first decide whether or not to exclude the public and press before discussing the matter further and for this purpose the advice of the Monitoring Officer or his/her representative will be considered.

(2). At no time shall there be discussion of any individual employee or former employee subject to outstanding disciplinary/appeal/grievance proceedings as such discussion could affect these proceedings.

(3). In the event of a Member wishing to criticise an individual employee or former employee of the authority the Member shall follow the provisions of the Protocol on Member/Officer Relations which provides for a complaint against an officer to be referred confidentially to the relevant Chief Officer. This shall not prevent Members from asking officers proper questions.

(4). In the event of a member having concerns about seriously improper, fraudulent or unlawful conduct by an officer the member should raise the matter confidentially with the Chief Executive under the Council's "Whistleblowing Policy".

10. INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

(1). If it comes to the knowledge of any employee of the authority, that he/she has a personal interest, direct or indirect, in any contract which has been, or is proposed to be, entered into by the authority, or in some other matter which is to be considered by the council or any committee or sub-committee, and which (in either case) is not

(a) the contract of employment (if any) under which he serves the authority

(b) the tenancy of a dwelling provided by the authority,

he/she shall as soon as practicable give notice in writing to the Head of Paid Service of the fact that he/she is interested therein.

(2). For the purposes of this standing order, a personal interest is an interest that, if the employee were a member of the council, and if the contract or other matter were to be considered at a meeting of the council at which he/she were present, he/she would have to disclose under the Members' Code of Conduct.

(3). The Head of Paid Service shall record in a book to be kept for the purpose particulars of any notice of a personal interest given by an employee of the authority. The book shall, during the ordinary office hours of the authority, be open for inspection by any member of the council.

11. WEBCASTING OR BROADCASTING OF MEETINGS

The Mayor, or the Chair of any subordinate body, shall have regard to any Protocol on Webcasting in force when deciding whether to permit the filming, or any other form of recording or broadcasting, of meetings. This rule does not affect the duty to keep a permanent sound recording of hearings under the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. no. 44)

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

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APPENDIX 6. PART 1.

E-mail from Terence Mitchison dated 11 August 2005, sent with Briefing Note For Members On The Distribution Of Exempt Reports

--- On **Thu, 11/8/05, Mitchison Terence** <*Terence.Mitchison@haringey.gov.uk*> wrote:

From: Mitchison Terence <Terence.Mitchison@haringey.gov.uk>
Subject: Briefing Note on Exempt Reports & Distribution
To: "All Councillors" <AllCouncillors@haringey.gov.uk>
Cc: "Fiore Davina" <Davina.Fiore@haringey.gov.uk>, "Suddaby John" <John.Suddaby@Haringey.gov.uk>, "Pryor Ken" <Ken.Pryor@haringey.gov.uk>, "Semambo Yuniea" <Yuniea.Semambo@haringey.gov.uk>, "Hart Clifford" <Clifford.Hart@haringey.gov.uk>, "Burbidge Richard" <Richard.Burbidge@haringey.gov.uk>, "Cripps Trevor" <Trevor.Cripps@haringey.gov.uk>, "Fishman David" <David.Fishman@haringey.gov.uk>, "Courcouf Lesley" <Lesley.Courcouf@haringey.gov.uk>, "Caller Max" <Max.Caller@haringey.gov.uk>, "Owa Yinka" <Yinka.Owa@haringey.gov.uk>, "Prince Raymond" <Raymond.Prince@haringey.gov.uk>, "Ginsburg Elaine" <Elaine.Ginsburg@haringey.gov.uk>, "Eaton Chloe" <Chloe.Eaton@haringey.gov.uk>
Date: Thursday, 11 August, 2005, 9:58 AM

<<ExemptRepBrf280705.doc>>

Dear Councillors,

In response to comments made by Cllr Bull, I have prepared a Briefing Note for all Members on the subject of "exempt" reports and their distribution. This is a complex area with several different rules that can appear confusing and contradictory. Please let me know if you have any questions or concerns.

Yours sincerely,

Terence Mitchison

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Haringey Council
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Cllr Ron Aitken Note on attendance at GP Cttee

Date	Attendance of Members not appointed to GP at Annual Mtg of Council.	Remarks.
11 March 08	Cllr Khan Cllr Kober	Substituted for Cllr Dobbie Leader of the Council substituted for Cllr Egan (Agenda Item 19 Exempt Report on termination of employment of [redacted])
26 June 08	Cllr Wilson	Substituted for Cllr Whyte.
4 Novemb er 08	Cllr Winskill Cllr Bull	Substituted for Cllr Bloch Chair of Overview and Scrutiny Committee. This was a SPECIAL meeting of the General Purposes Committee to discuss one item only - the severence of [redacted].
25 June 09	Cllr Williams	Substituted for Cllr Bloch Agenda included an Exempt Report on lessons learned from termination of [redacted].

BRIEFING NOTE FOR MEMBERS ON THE DISTRIBUTION OF "EXEMPT" REPORTS

1. This Briefing Note has been prepared in response to concerns expressed by Members about apparent inconsistencies in the way officers make available "exempt" reports. The concern has mainly been around the practice of making exempt reports available to Members who do not sit on the Committee in question but still obtain such reports if they attend meetings. This Note explains the different legal rules that can apply and the reasons for the apparent inconsistencies.

2. Members will be familiar with the term "exempt" information. There are 15 long-established categories of "exempt" information in local government legislation. These are set out in the Council's Constitution at Part D.2 Appendix A. This list is reproduced at the end of this Note (but see the footnote at the end of the list).

3. Where a report contains "exempt" information then the Committee concerned can pass the usual statutory resolution excluding the press and public before the report is considered at the meeting. The report will not be available to the public unless the Committee "owning" the information decides to release it. These rules may apply to the whole report or just to any part containing "exempt" information.

4. Council Standing Order 43.2 provides that, dependant on the Chair's consent, any Councillor, who is not a Member of the relevant Committee, may attend the exempt part of a meetings and may speak but not move a resolution nor vote. Normally the Chair will permit such attendance by non-Committee-Members but Chairs have discretion on this matter which cannot be challenged (see Council Standing Orders 46).

5. Where a non-Committee-Member is allowed to attend the private part of a meeting, it is logical that the Member should also be allowed to have the "exempt" report to enable them to participate to the extent stated above. All Members are obliged to observe the duty not to disclose "exempt" information (as detailed in paragraph 9).

6. Since permission to attend and to receive the "exempt" report will normally be agreed by the Chair at the meeting, non-Committee-Members should not expect to obtain "exempt" reports in advance of the meeting. The position would be different if a Member had a "need to know" or other entitlement discussed below. Such information would remain "exempt".

7. Non-Committee-Members will generally be excluded from active participation in Appointments Panels, Disciplinary Appeals and Licensing Hearings where there are special rules about membership of the body or special training for decision-makers. This is stated in CSO

43.2. This rule would not prevent Ward Councillors attending to support their constituents under the procedures that apply to Licensing meetings.

8. There is also a rule in CSO 43.4 that permits any Member, who is unable to attend a meeting of a Committee or body to which he/she has been appointed, to specify a named "substitute" Member. This must be done by written notice to the Head of Members' Services at least 3 clear days before the meeting. The right does not apply to specially nominated Appointments and Disciplinary Panels. As stated above, there are special rules about Licensing hearings.

9. As Members will know, the distribution of "exempt" reports is restricted to Members of the relevant Committee and to any other Members who have obtained the report under CSO 43 or the rules explained below. Any unauthorised disclosure of "exempt" information would be a breach of The Members Code of Conduct. This rule, obviously, applies to all Members obtaining an exempt report not just to the Members of the relevant Committee.

10. There is a specific statutory entitlement for all Members, whether they serve on the relevant Committee or not, to obtain any document held by the Council which contains material relating to any business to be transacted at a meeting of the Council, or a Committee or other Member body. This arises under section 100F of the Local Government Act 1972 ("the section 100F right").

11. Under section 100F, all Members have an automatic right to obtain certain categories of exempt information but not others. The exempt information that all Members can obtain is that stated in categories 7, 8, 10, 13 and 15 (i.e. financial affairs of others, Council expenditure under proposed contracts, the identity of tenderers, information about forthcoming enforcement action and the identity of informants).

12. Members should note that exempt information available to them under section 100F remains "exempt" and therefore not for disclosure to the public even though all Members may have it.

13. This right extends not just to reports but also to background papers and other related material. It only exists where there is to be a report to a forthcoming meeting. It cannot be used in relation to past decisions.

14. Members may be more familiar with requests under the "need to know". This is a right to inspect any documents held by the Council which relate to a Member's role as a Councillor. It is not limited to Committee reports or related material although a "need to know" may be easier to demonstrate when a significant decision is about to be made.

15. The "need to know" is specific to each Member. The rights to information of an Executive Member or Committee Chair will be much more extensive than those of other Members. But a Ward Councillor is still likely to be able to demonstrate a "need to know" in relation to matters raised by his/her constituents. Decisions on "need to know" issues are made on the advice of the Monitoring Officer.

16. Where a Member can show a "need to know" this may include an entitlement to exempt information in any of the 15 categories, not just the categories that can be disclosed under section 100F.

17. Exempt information obtained under the "need to know" remains "exempt" and therefore not for disclosure to the public or to other Members unless they too have been officially acknowledged to have the same "need to know".

18. Reports to which an individual Member can show an entitlement under CSO 43.4, section 100F or the "need to know" will be sent to the Member entitled in advance of the meeting in the normal way. This is in contrast to the position under CSO 43.2 noted in paragraph 6 above. This information would remain "exempt".

19. Independent of the "need to know", there is a procedure in the Protocol on Member/Officer Relations (Part C.3 of the Constitution at paragraphs 12.14 to 12.16) known as an access to information determination. This is a request for information, to which an individual Member is not otherwise entitled, that is addressed to the Leader of the Council and the relevant Executive Member and decided at their discretion.

20. Finally, Members of the Council have the same rights as any member of the public to make "Freedom of Information Act" ("FOIA") requests. This is not the place for an essay on the FOIA but there are 3 important points to be made.

21. First, information can be sought under the FOIA whenever the Council holds that information whether or not in relates to a Committee report or a forthcoming decision.

22. Second, once information is provided under a FOIA request it is public. It makes no difference who requested the information nor need a reason be given for seeking it.

23. Third, the categories of "exempt" information which need not be disclosed under the FOIA are similar, but not entirely identical, to the categories of "exempt" information under the local government legislation. For example, a request to reveal Counsel's Opinion under the FOIA might be allowed on the application of the "public interest" test event though the Opinion was "exempt" information within category 12 under the local government rules.

24. The Government has consulted upon a draft Regulation that would bring the long-established local government categories more into line with the FOIA categories. These Regulations have not yet been made.

25. This Briefing Note is being distributed to all Members. If any Member has concerns, or needs clarification of any point, then please contact Terence Mitchison on 8489 5936.

Terence Mitchison
for Head of Legal Services

11 August 2005

Appendix A – Access to Information – Exempt Information

PART I – DESCRIPTION OF EXEMPT INFORMATION

1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.

2. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular officer, former officer or applicant to become an officer appointed by:

(a) a magistrates' court committee, [within the meaning of section 27 of the Justices of the Peace Act 1997]; or

(b) a probation committee [within the meaning of the Probation Service Act 1993].

3. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.

4. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.

5. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.

6. Information relating to the adoption, care, fostering or education of any particular child.

7. Information relating to the financial or business affairs of any particular person (other than the authority).

8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.

9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

10. The identity of the authority (as well as of any other person, by virtue of paragraph 7 above) as the person offering any particular tender for a contract for the supply of goods or services.

11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.

12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:

(a) any legal proceedings by or against the authority , or

(b) the determination of any matter, affecting the authority (whether in either case, proceedings have been commenced or are in contemplation).

13. Information which, if disclosed to the public, would reveal that the authority proposes:

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

15. The identity of a protected informant.

[Footnote: There are in fact 20 categories of "exempt" information. Of the additional 5 categories not listed above, one relates to chief officers of probation boards and the other 4 apply only to Standards Committees/Sub-Committees when considering complaints of misconduct.]

PART II – QUALIFICATIONS

1. Information relating to a person of a description specified in any of paragraphs 1 to 5 of Part I above is not exempt information by virtue of that paragraph unless it relates to an individual of that description in the capacity indicated by the description.

2. Information falling within paragraph 7 of Part I above is not exempt information by virtue of that paragraph if it is required to be registered under

(a) the Companies Act 1985;
(b) the Friendly Societies Act 1974;
(c) the Industrial and Provident Societies Act 1965 to 1978
(d) the Building Societies Act 1962; or
(e) the Charities Act 1960.

3. Information falling within paragraph 8 of Part I above is exempt information if and so long as disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against other such persons.

4. Information falling within paragraph 9 of Part I above is exempt information if and so long as disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property or goods or services.

5. Information falling within paragraph 11 of Part I above is exempt information if and so long as disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.

6. Information falling within paragraph 13 of Part I above is exempt information if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for .which the notice, order or direction is to be given or made

7. Information falling within any paragraph of Part I above is not exempt information by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Cllr Ron Aitken Note on attendance at GP Cttee

Date	Attendance of Members not appointed to GP at Annual Mtg of Council.	Remarks.
11 March 08	Cllr Khan Cllr Kober	Substituted for Cllr Dobbie Leader of the Council substituted for Cllr Egan (Agenda Item 19 Exempt Report on termination of employment of [redacted])
26 June 08	Cllr Wilson	Substituted for Cllr Whyte.
4 Novemb er 08	Cllr Winskill Cllr Bull	Substituted for Cllr Bloch Chair of Overview and Scrutiny Committee. This was a SPECIAL meeting of the General Purposes Committee to discuss one item only - the severence of [redacted].
25 June 09	Cllr Williams	Substituted for Cllr Bloch Agenda included an Exempt Report on lessons learned from termination of [redacted].

Agenda Item 10

HARINGEY COUNCIL

Agenda item:

Council **On 13th November 2006**

Report Title: **Council Reshaping**	
Forward Plan reference number (if applicable):	
Report of: **Chief Executive**	
Wards(s) affected: **All**	Report for:

1. Purpose

1.1 This report proposes a reshaping of the Councils first and second tiers, and describes the associated organisational change process to implement the recommendation.

2. Introduction by The Leader

2.1 This Re-shaping is to enable us to make best use of resources and move the Council forward.

3. Recommendations

3.1 That the organisational structure proposed at paragraph 12.5 and detailed at Appendix A be adopted.

3.2 That the grades proposed at paragraph 13.8 be agreed and implemented from the date of appointment to the various posts

3.3 That the organisational change process described at paragraph 14.1 be noted as the Council's standard procedure.

3.4 That the arrangements to implement the organisational changes proposed at paragraph 14.4 onwards be agreed

3.5 That the resultant Constitutional changes arising from adoption of the Council reshaping report be implemented by officers.

Report Authorised by: **Chief Executive**

Contact Officer: **Ita O' Donovan 020 8489 2649**

4. Director of Finance Comments

4.1 The proposed changes in this report are cost neutral and therefore can be contained within existing approved budgets. A number of staff are affected by the proposals and therefore there is a risk that redundancy costs could be incurred, but it is expected that these will be kept to a minimum and therefore can be contained within the Council's overall budget.

5. Head of Legal Services Comments

5.1 Section 112 of the Local Government Act 1972 gives the Council the power to determine the general requirements regarding the staff necessary to carry out its functions. The Council's policies on handling organisational change are a fair and reasonable procedure for the authority to follow. The proposals set out in this report for the filling of the posts created in the new structure are an appropriate application of the Council's policies on organisational change. Paragraph 10.1 of the report sets out the consultation that has taken place with the staff concerned and trade union representatives to date. This consultation meets the statutory requirements of an employer.

5.2 Legislation allows Members to make appointments to first and second tier posts. Under the Regulations and Part K2 of the Council's Constitution, the Appointments Panels must have at least one Executive Member. The proposals in paragraph 14.11 of the report satisfy this requirement and the requirement for party political balance so far as practicable.

6. Local Government (Access to Information) Act 1985

6.1 Consultation report 2nd October 2006

7. Financial Implications

7.1 These are dealt with in the Director of Finance comments.

8. Legal Implications

8.1 These are dealt with in the Head of Legal Services comments.

9. Equalities Implications

9.1 An equalities impact assessment has been conducted to consider how the proposals impact staff by gender, ethnicity, disability, etc. The assessment has not identified any adverse impacts that require reporting.

10. Consultation

10.1 The proposals in this report have been the subject of staff and union consultation. A consultation paper was given to staff and union representatives in October 2006. The month of October was identified for staff consultation. Comments were received and where appropriate incorporated into the proposals in this report.

10.2 Advice and support has been provided by SOLACE (Society of Local Authority Chief Executives) Enterprises.

11. Background

11.1 The Council has achieved much during the last few years. We have earned ourselves the descriptor of Good. The challenge now is to extend ourselves and build our reputation for excellent services, innovation and good practice across, London, and the UK.

11.2 The Council faces a number of organisational challenges including:

- Redoubling our efforts to support all our members in their role as community leaders. This is aided by an agreed community engagement and involvement approach to neighbourhood management within an area assembly structure
- developing an integrated approach to regeneration so that we are improving the physical, transport, housing, environmental, social and economic aspects of Haringey. In other words creating a sense of wellbeing and place for our citizens.
- Reducing the crime rate remains a challenge
- Increasing our special emphasis on English and Maths at ages 7, 11 and 14.
- Achieving a three star rating on the harder test in October 2006 means we must retain a focus on performance and improvement.
- Making even clearer about our ambitions to protect vulnerable adults and to ensure the well being of all adults
- Placing even more emphasis on community cohesion, ensuring that the community safety and equalities agenda are aligned to best effect.
- Maintaining and developing our strong 'Better Haringey' brand which is important to people of Haringey.
- Developing an integrated approach to knowledge management so that service delivery is improved
- Stressing the importance of the commissioning role and the value of an integrated approach across children, young people, adults and older people. This is rapidly becoming a high skilled area
- Strengthening our approach to customer services by even more clearly placing the citizen/customer at the centre of what we do.
- Responding to the recent inspections reports i.e. the Comprehensive Performance Assessment and Joint Area Review.

11.3 The challenges above translate into organisational traits including a focus on community facing services; a strong policy capability; and efficient back office support services.

12. Proposed Council Shape

12.1 To ensure we maintain our focus and deliver our promises we need to build a strong core to take the Council forward and support the community leadership of Councillors. We must build upon recent improvements and star ratings with Members and Officers working together in partnership for the benefit of the people of the borough.

12.2 As we redefine our focus on priorities we must ensure that the budget allocation is seamlessly aligned, and that performance management arrangements make clear where accountability and responsibility lie for achievements. Members must have confidence that investments in services will deliver the stated outcomes. Investments made by the Council need to be programme managed to ensure that the benefits from a portfolio of related projects are realised with associated risks identified and treated. Efficiencies and savings on back office functions must be used to fund frontline service developments.

12.3 We also need to understand and clarify the most appropriate means to improve service delivery, which means continuing our programme of re-engineering services for better service design and looking at how shared services could be used internally to improve services and give better value for money.

12.4 We need to make the distinction between strategic and operational management so that there are clear lines of accountability and responsibility. We recognise that strategy and operational management inform one another and each makes a valuable contribution to services that are relevant to need. We expect all managers to contribute to the direction of their services.

12.5 The proposed reshaping of Council services is attached at Appendix A as organisation charts and described below by business unit:

DIRECTORATE	SERVICES
URBAN ENVIRONMENT	Planning Enforcement Streetscene Regeneration Housing Neighbourhood regeneration delivery (SRB) Capital
CHILDREN & YOUNG PEOPLE	Children & families School standards & inclusion Service delivery & performance Business support & development
ADULTS & COMMUNITY SERVICES	Adults Older People Recreation Libraries, Museums Adult Learning

DIRECTORATE	SERVICES
POLICY, PERFORMANCE, PARTNERSHIPS, COMMUNICATIONS	Improvement & performance Partnerships Strategy & Policy development Knowledge management Communications, consultation & reputation Community engagement Safer Communities, equalities Emergency Planning
CORPORATE RESOURCES	Benefits & Local Taxation Corporate Finance Corporate Procurement Audit & Risk Management Property IT Legal Customer Services
PEOPLE & ORGANISATIONAL DEVELOPMENT	Organisational Development Personnel Learning & Development Local democracy & Member Services Health, safety

13. Proposed Roles and Grades

13.1 It is proposed that the following first tier roles and grades apply. The grades have been determined with reference to the Council's job evaluation scheme for Chief Officers and have been verified by the Council's independent adviser on pay (Local Government Employers).

Director of Urban Environment

13.2 Brings together planning, transportation, streetscene, economic development, housing strategy and needs and environmental regeneration services aimed at delivering joined up regeneration with our communities. Regeneration activities will always require strong consultation with statutory and partner agencies coupled with clear community consultation and participation.

Director of Children & Young People

13.3 Delivers educational achievement for children and youths with a clear emphasis on the five outcomes for children and young people. At the heart of Directorate is the core commitment to protect all children. This directorate will experience minimal changes they are: Adult Learning will transfer to the new Directorate of Adults, Culture and Community Services. The Youth Service will need to work closely with

other youth related services, to address the performance issues in the Youth Service raised in the JAR inspection thus enhancing delivery to client groups.

Director of Adults Culture & Community Services

13.4 Delivers an integrated approach to the wellbeing of adults & older people. The recent white paper 'Our Health, Our Care, Our Say 'stresses the importance of protecting vulnerable adults and older people in our communities as well as thinking of the development opportunities including recreation and leisure to cultural events in the widest sense of the word from museums to libraries to learning that we can offer to our citizens of whom adults and older people are an integral part.

Director of Corporate Resources

13.5 Delivers services to support the efficient running of the Council through its finances, technologies, assets, with a clear focus on customer experience so that working with all directorates together we can ensure that residents enjoy positive service experiences. This will enable the integration of key governance functions to work together and develop capacity to deliver the corporate agenda strategically and ensure that the Council's interests are protected.

Assistant Chief Executive Policy, Performance, Partnerships & Communications

13.6 Brings together policy planning and development, knowledge and performance management, community engagement, partnership working, neighbourhood strategy, consultation services, community safety, equalities and communication services.

Assistant Chief Executive People & Organisational Development

13.7 Enables excellent services to be delivered through people, their performance and development as individual, team and Council. Members are integral to this process and there is a clear support role to Members as community leaders, council leaders and decision makers.

13.8 Proposed Grades Job	Proposed Grade	Current funding
First tier		
Director of Corporate Resources	CO3	CO3
Director of Children & Young People	CO3	CO3
Director of Adults, Culture & Community Services	CO3	CO2
Director of Urban Environment	CO3	CO2
ACE (Policy, Performance, partnerships & Communications)	CO1	CO1 &SM6
ACE (People & OD)	SM6	SM6
Head of Legal	SM6	SM6
Second tier		
Policy, Partnerships, Performance & Communications Service		
Head of Community Safety	SM4	SM3
Head of Partnerships	SM3	New post
Head of Performance & Policy	SM3	SM1
Head of Communications	SM3	SM3
People & Organisational Development		
Head of Human Resources	SM 3	SM4
Head of OD	SM 2	SM1/2
Head of Local Democracy	SM2	SM1
Corporate Resources		
Head of Corporate Finance	SM6	SM6
Head of Procurement	SM4	SM4
Head of Audit & Risk Management	SM2	SM2
Head of Benefits & Local Taxation	SM4	SM4
Head of Property	SM4	SM4
Asst Director Access & Customer Focus	SM6	SM5 & SM3
Urban Environment		
AD Planning Policy & Development	SM6	SM6
AD Economic Regeneration	SM6	New post
AD Streetscene	SM5	SM5
AD Enforcement	SM3	SM3
AD Housing Strategy & Needs	SM5	SM5
Adults, Culture & Community Services		
AD Adults & Older People	SM6	SM5
AD Recreation	SM3	SM3
AD Adult Learning, Libraries & Culture	SM4/5	SM3
AD Performance Planning & Resources	SM4	SM4
Children & Young People Services		
Dept Dir Safeguarding Children & Families	SM6	SM6
Dept Dir Learning Inclusion Attainment & Effectiveness	SM6	SM6
Dept Dir Business Delivery Performance, Resources Support & Delivery	SM5	SM5

14 Organisational Change Arrangements

14.1 The Council has well-established processes for implementing changes to the organisational structure. A range of techniques are available to fit the various scenarios of change that occur. In summary:

14.2 **Slotting-in**

Postholders may be assimilated into posts where the duties are substantially unchanged and where the number of posts remains unchanged.

14.3 **Recruitment to Stay**

Postholders are interviewed to assess their merit against the restructured roles. This is applied particularly in circumstances of potential redundancy created by either a reduction in numbers or change in job duties, and involves two options:

- Open Ringfences Used where similar posts are reduced or where the roles are changed significantly. Open ringfences do not guarantee any candidates an appointment and therefore are used where the changes in duties are sufficient to mark the job as different from the previous role, often by a change in the grade of the new job. An assessment of suitability is required even if only one person is identified in the ringfence.

- Closed ringfences Used where similar posts are reduced or where the changes to role are relatively minor often reflected by no change in the grade of the job. Closed ring fences guarantee that all the vacancies will be filled from the candidate pool. Assimilation applies if only one person is identified in the ringfence.

14.4 The proposals in this report create potential redundancies. Suitable alternative employment can be identified by applying the following measures:

14.5 **Assimilation**: It is proposed that assimilation applies to the following posts:

14.5.1 Director of Children & Young People because there is minimal change from the existing Director of Children's Services

14.5.2 Head of Legal Services because the duties of the post remain substantially unchanged even though the reporting line is amended to second tier.

14.5.3 All other second tier posts unchanged by the proposals signified by the retention of existing grades in the table at paragraph 13.8

14.6 **Closed ringfences**: It is proposed that closed ringfences apply to the following first tier posts:

14.6.1 Director of Corporate Resources because the proposed role replaces the deleted Director of Finance, and because the new post is predominantly composed of the former Finance functions. The additions of Customer Services

and IT whilst functional changes are of a smaller size than the retained Finance related services. This is reflected in the retention of the grade applied to the Director of Finance post.

14.6.2 Assistant Chief Executive Policy, Performance, Partnerships, and Communications because this post is an amalgam of the former ACE Access and ACE Strategy both of which are deleted in the proposed reshaping. The new post retains the grade applied to the ACE Access.

14.7 **Open Ringfences**: It is proposed that open ringfences apply to the following:

14.7.1 Assistant Chief Executive (People & OD) because this post replaces the current vacant ACE (OD) and the strategic elements of the current Head of Personnel. The Head of Personnel post in its current format is deleted and replaced with an operational service head. The differences between the current Head of Personnel role and the proposed ACE (People & OD) role are sufficient to warrant an open ringfence, partly evidenced by the difference in the grade.

14.7.2 Assistant Director Adults & Older People because the proposed role brings together the former separate AD roles for Adults and Older People, both of which are deleted. The new post is sufficiently different to each component of the predecessor to warrant an open ringfence.

14.7.3 Assistant Director Adult Learning, Libraries & Culture because the proposed post brings together the former Libraries and Adult Learning services. The current Head of Libraries, Archives & Museums is deleted. The new post is sufficiently different to warrant an open ringfence.

14.7.5 Assistant Director Access & Customer Focus because the proposed replaces the functions previously carried out by the Heads of service for the separate IT and Customer Services. There will remain a need for operational management to lead these functions.

14.8 **Redeployment**

14.8.1 Assistant Director Economic Regeneration to be treated as a redeployment from the ACE Strategy post, the postholder having formally indicated his wish to withdraw from the closed ringfence described at paragraph 14.5.2 above.

14.9 The proposals at paragraph 13.8 and ringfence arrangements at 14.5 to 14.8 replace the following posts:

- Director of Finance
- Director of Social Services
- Director of Environment
- ACE Access
- ACE Strategy
- Head of Economic Development
- Head of Personnel
- Head of Policy
- Head of Neighbourhood Management

- Head of Economic Regeneration
- Head of Improvement & Performance
- Head of ITS
- Head of Customer Services
- Assistant Director Adults
- Assistant Director Older People
- Head of Libraries, Archives & Museums

14.10 The process of reshaping is essentially a management activity. The Chief Executive is keen to ensure Member involvement and has asked that Member appointments take place to the first and second tier as provided within the Council's standard procedures. The effect of this is that a Member appointment panel will be required for all open ringfences as described at paragraph 14.6 above and for those closed ringfences where more than one person is identified in the ringfence. Closed ringfences of one person and assimilation as described at paragraphs 14.5 and 14.6 above do not require a selection process as the person is simply appointed to the new position.

14.11 General Purposes Committee has appointed to the Member Panels for the vacant posts of Director of Urban Environment and Director of Adults, Culture & Community Services.

14.12 It is proposed that for the remainder of first and second tier appointments requiring selection, Member panels of three Councillors are used comprising one Executive, one nomination of General Purposes Committee, and one Opposition Member. The selection panels for the first tier will be advised by SOLACE Enterprises and the Chief Executive. HR Advice for the second tier and beyond can be provided in-house using the Council's Personnel Services.

15 Recommendations.

15.1 That the organisational structure proposed at paragraph 12.5 and detailed at Appendix A be adopted.

15.2 That the grades proposed at paragraph 13.8 be agreed and implemented from the date of appointment to the various posts

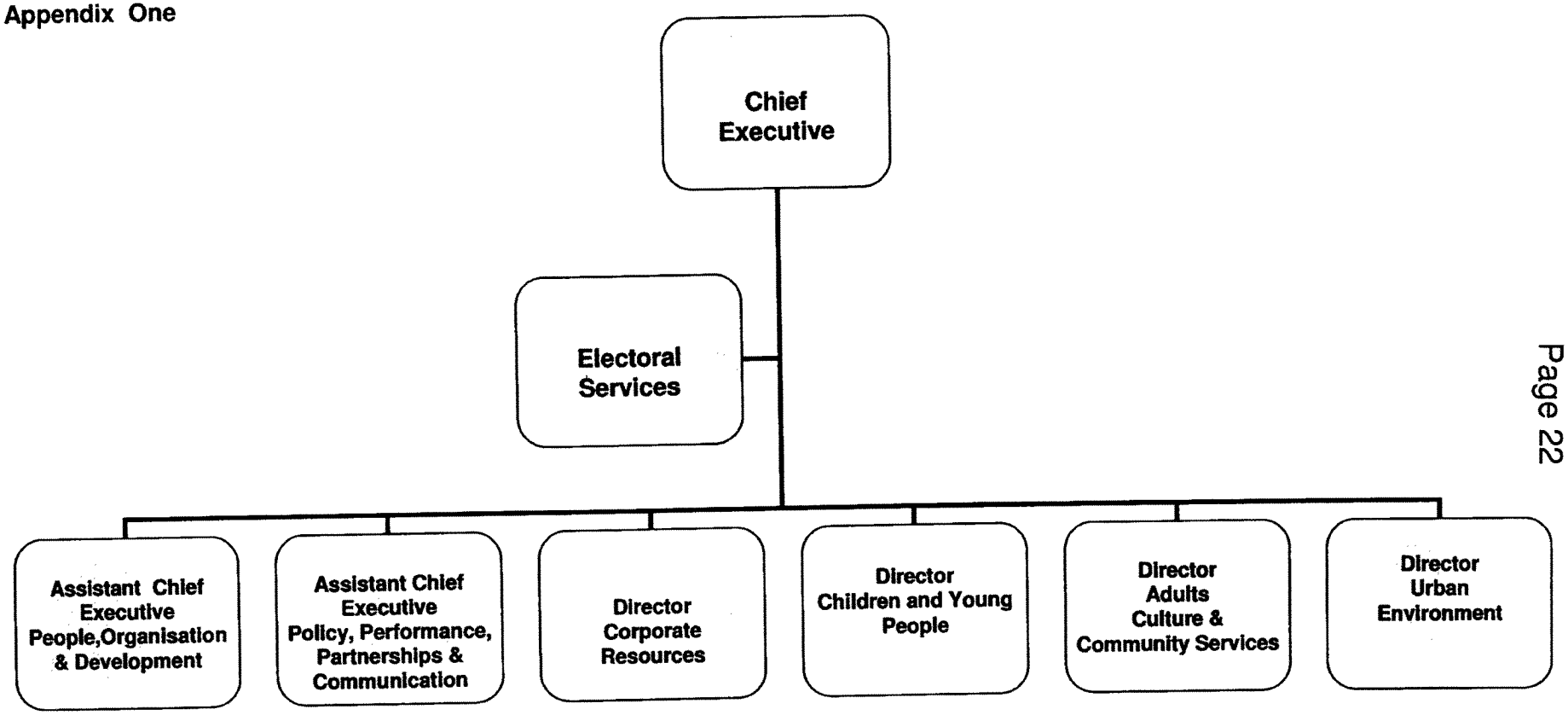
15.3 That the organisational change process described at paragraph 14.1 be noted as the Council's standard procedure.

15.4 That the arrangements to implement the organisational changes proposed at paragraph 14.4 onwards be agreed

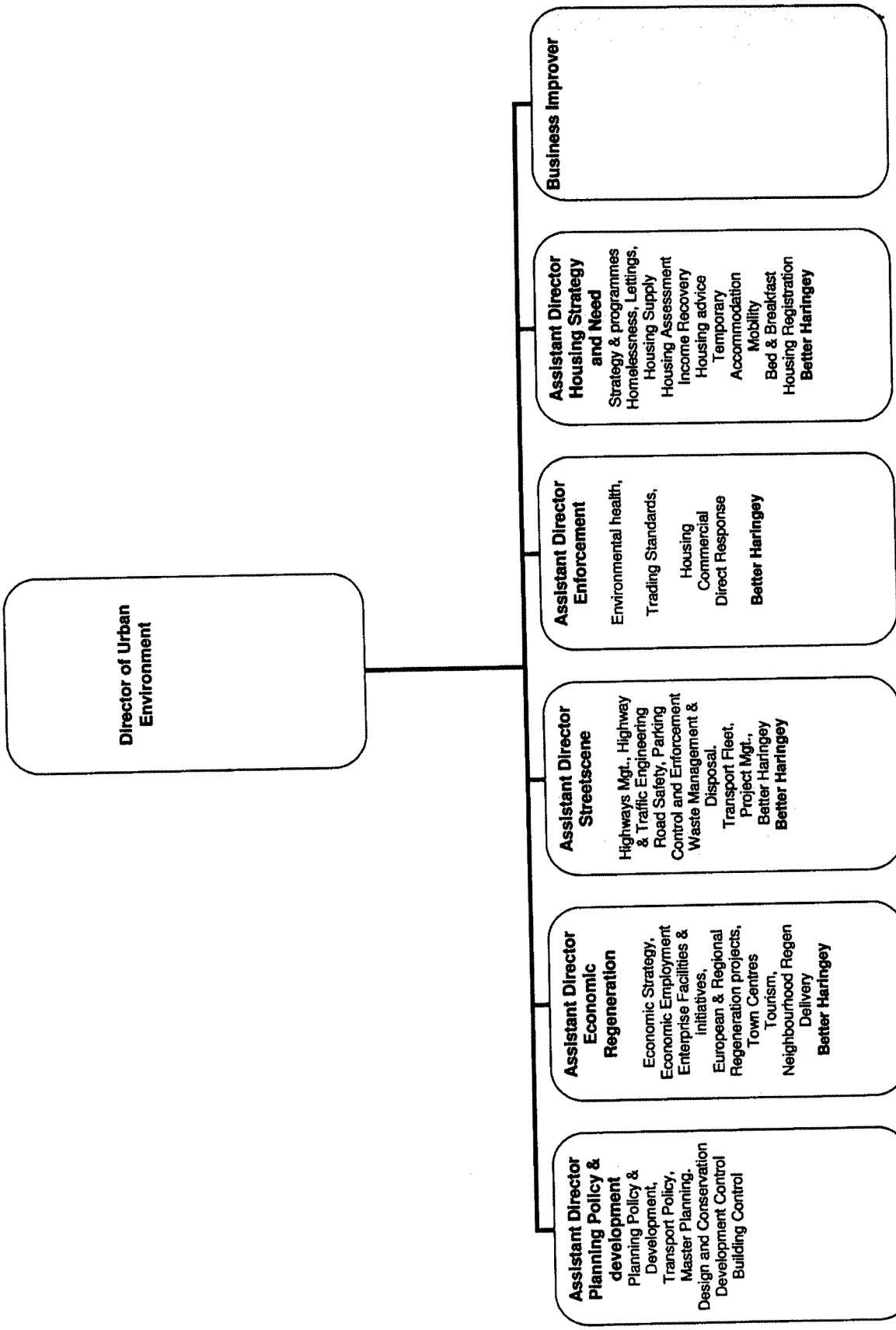
16 Use of Appendices / Tables / Photographs

16.1 Appendix A Organisational Charts

Appendix One



Director
of
Children and Young People
Services
Deputy Director
Learning Inclusion Attainment &
Effectiveness
School Improvement,
School Governance.
Early years & Play,
Primary Stds.,
Secondary Stds.,
Inclusion,
Special Educational Needs,
Music & Performing Arts
Youth Service
Deputy Director
Business Delivery Perf.,Resources
Support & Delivery
Finance, Planning& Performance,
Commissioning,
Strategy and Policy,
Childrens Networks Co-ordination
Information and research,
Admissions., Equalities,
Communications., Customer
relations, Admissions, ICT,
Property , Policy Development
Deputy Director
Safe Guarding Children and
families
Safeguarding,
Looked after children, Asylum,
Children & families, Family support,
Children with disabilities,

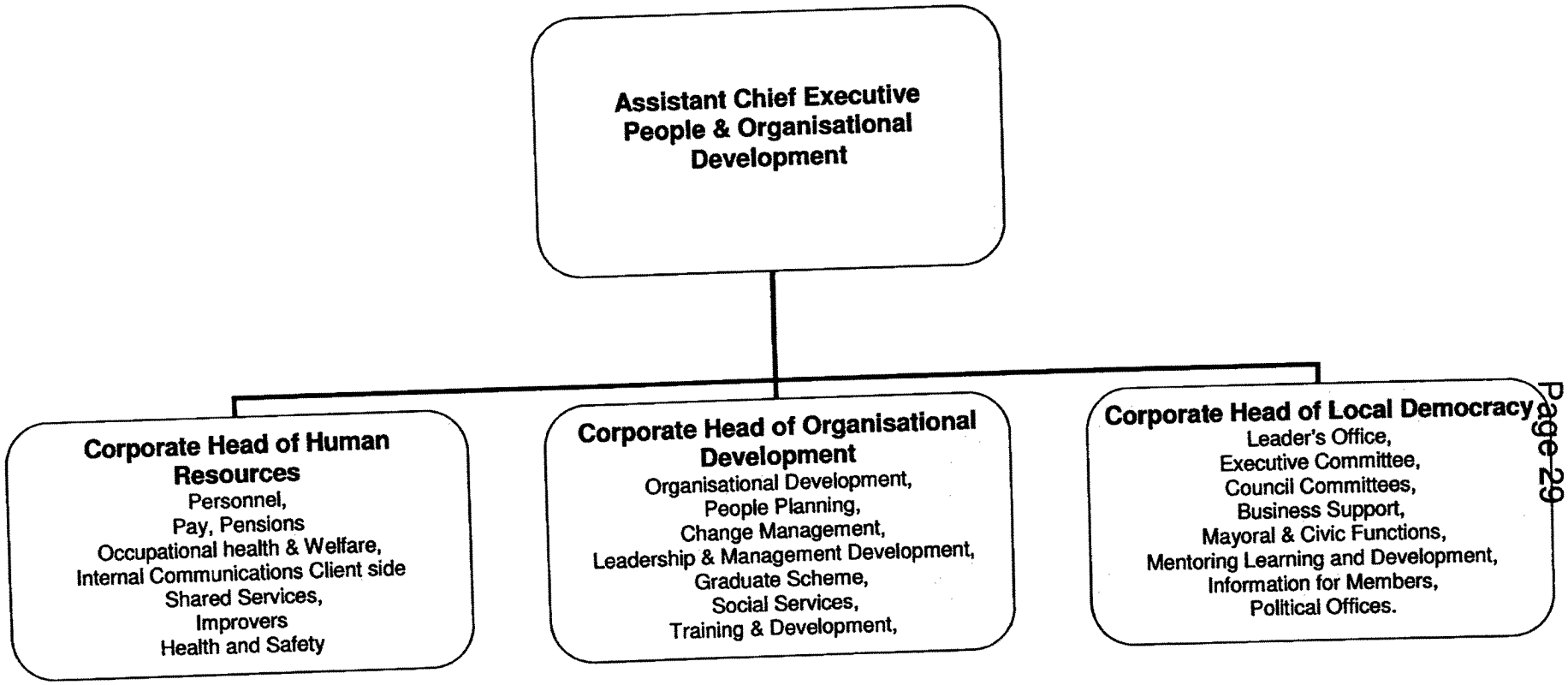

Director of Urban Environment
Assistant Director Planning Policy & development
Planning Policy & Development,
Transport Policy,
Master Planning.
Design and Conservation
Development Control
Building Control
Assistant Director Economic Regeneration
Economic Strategy,
Economic Employment
Enterprise Facilities & initiatives.
European & Regional Regeneration projects,
Town Centres
Tourism,
Neighbourhood Regen Delivery
Better Haringey
Assistant Director Streetscene
Highways Mgt., Highway & Traffic Engineering
Road Safety, Parking Control and Enforcement
Waste Management & Disposal.
Transport Fleet, Project Mgt.,
Better Haringey
Better Haringey
Assistant Director Enforcement
Environmental health,
Trading Standards,
Housing
Commercial
Direct Response
Better Haringey
Assistant Director Housing Strategy and Need
Strategy & programmes
Homelessness, Lettings,
Housing Supply
Housing Assessment
Income Recovery
Housing advice
Temporary Accommodation
Mobility
Bed & Breakfast
Housing Registration
Better Haringey
Business Improver

15

Director of Adults,Culture & Community Services
Assistant Director Adults and Older People
Mental Health, Physical Disability, Learning Disability, Substance & HIV
Home Care, Assessment & Care Management, Residential & Day Care
Assistant Director Recreational Services
Recreational Strategy, Leisure, Sports Development, Parks,
Ground Maintenance, Tree, Allotments, Cemeteries and Crematorium
Better Haringey
Assistant Director of Adult Learning, Libraries and Culture
Libraries, Adult Learning, Museums and Archives
Assistant Director Performance Planning & Resources
Performance Planning, Commissioning, Finance and Performance Business Support

Director of Corporate Resources
Head of Legal Services
Monitoring Officer
Births, Deaths Marriages
Local Land Charges
Litigation, Property, Contracts,
Social Services
Assistant Director Access and Customer Focus
ICT
Customer Services
Access to Service Project
Corporate Head of Property
Corporate Property Mgt
Commercial Group
General Professional Group
Property Mgt Group
Head of Corporate Finance
Head of Corporate Procurement
Head of Audit & Risk Management
Head of Benefits and Local Taxation

Assistant Chief Executive
Policy, Partnerships, Performance & Communication
Corporate Head of Community Safety
Community Safety
Youth Offending Team
Emergency Planning
Corporate Head of Partnerships
Haringey Strategic Partnership, GOL, Partnerships Co-ord & Governance. Voluntary & Community Sector, LAA., Neighbourhood Renewal Strategy. Neighbourhood Mgt. Assemblies, Community Engagement and Involvement
Corporate Head of Performance & Policy
Perf. Mgt. Business Planning, Prog.& Project support, Scrutiny , Corp.Complaints, CPA, Audit & Inspection .Mgt. VFM Reviews
Corporate Policy development
Knowledge Management
Corp. Planning & Policy, Equalities & Cohesion
Corporate Head of Communication
Brand Management, Consultation, Corporate and Service Marketing communications, E communications web services, media relations, Design and Print, Translation and Interpretation


Assistant Chief Executive
People & Organisational Development
Corporate Head of Human Resources
Personnel,
Pay, Pensions
Occupational health & Welfare,
Internal Communications Client side
Shared Services,
Improvers
Health and Safety
Corporate Head of Organisational Development
Organisational Development,
People Planning,
Change Management,
Leadership & Management Development,
Graduate Scheme,
Social Services,
Training & Development,
Corporate Head of Local Democracy
Leader's Office,
Executive Committee,
Council Committees,
Business Support,
Mayoral & Civic Functions,
Mentoring Learning and Development,
Information for Members,
Political Offices.

20

Independent assessment of Haringey Council's **handling of the Victoria Climbie Inquiry**

By David Plank
December 2002

HARINGEY COUNCIL

Contents

	Paragraph
Introduction	i. – xvii.
Priority and preparation Recommendation One	1.1 – 1.8
The Council's "case" Recommendation Two	2.1 – 2.18
Project management Recommendation Three	3.1 – 3.22
Providing documents Recommendation Four	4.1 – 4.39
Records management Recommendation Five	5.1 – 5.14
The Council's approach Recommendation Six	6.1 – 6.11
Management action Recommendation Seven	7.1 – 7.3
A concluding observation	8.1 – 8.10
The Inquiry's report	9.1
Acknowledgement	10.1
Attachment One – Disclosure of documents: brief summary of events	
Attachment two – Text of Director of Social Services' e-mail to "All staff"	

Independent Assessment

Introduction

Terms of reference:

i. I was commissioned by Haringey Council in late July 2002 to undertake an independent assessment of their handling of the Victoria Climbie Inquiry with the following terms of reference:-

1. To provide an independent assessment of the arrangements made to support the Inquiry
2. To consider the extent to which the difficulties which were encountered in providing the Inquiry with the information requested might have been avoided
3. To make recommendations in respect of the management of documents with particular attention to those records that do not relate to individual cases

The assessment is of the Council's handling of the Inquiry not the case.

ii. While being based on thorough analysis of what happened in the past, the assessment also focuses on the future and on support to the Council's plans for improvement. This is expressed in the form of the arrangements the Council should make for any future inquiry in which it might be involved.

Method of assessment:

iii. The assessment is based on interviews of relevant staff (including former staff), councillors, leading and junior Counsel and of Haringey Unison, and study of relevant documents and information.

iv. In all 28 interviews took place over a concentrated period of time. I made notes of the interviews and hold these as part of my information base. Without exception, all of those interviewed made measured, considered contributions which benefited from prior thought and preparation. An undertaking was given by me to interviewees that no comment made would be attributed to individuals in this report without their agreement, and that my manuscript interview notes would remain confidential to me.

v. The sets of documents and information studied were provided to my specification and on the initiative of Ros Greenwood and Gerald Lloyd of the Council's Inquiry Team. Having studied the volumes first provided, I specified further documents and information I wished to see. The documents included a number of papers specially prepared in response to my specification.

vi. The sets of documents first provided were read before the interviews took place and informed the questions asked and issues raised.

vii. I believe that the information compiled is a more than adequate evidence base for the analysis and recommendations that follow.

This report:

viii. The final draft of this report was shared with the Council for their comment. All comments have been considered and, where appropriate, taken on board. However, I have decided the final content of the report not the Council. This was an explicit condition of my undertaking the commission. The copyright in the report is mine. The Council will decide whether the report is to be made public.

Independent Assessment

ix. The report is longer than originally intended because full presentation of the analysis underpinning the recommendations is essential to understanding why they are made.

x. The report is structured simply under headings with recommendations, followed by comment. The comment covers analysis of what happened and issues that arise, together with explanation of the recommendations. A concluding observation is also provided. Attachments have been kept to a minimum.

The benefit of hindsight:

xi. This report has been written with the considerable benefit of hindsight; in particular the knowledge of what went wrong subsequently which of course was not known to those involved at the time! Also, while most of the information compiled for me was known at the time, the key actors did not have the same opportunity as I to read and reflect.

xii. It is also easy to give insufficient weight now to the very difficult circumstances that councillors and staff had to confront then. Most of the key officers had left the Council, including the former Director and the Chief Executive. The problems confronting the new Chief Executive and an even newer Director of Housing and Social Services were mountainous (appointed in May and October 2000 respectively). There was a complete turnover in the Housing and Social Services Management Team including the Assistant Director (Children's Services) who gave notice in October 2000 and the Deputy Director of Social Services; Housing and Social Services were yet to be demerged and the Director was not able to shed her Housing responsibilities until March 2001; the Social Services restructuring initiated by the previous Director was incomplete and enmeshed in problems; there was a major external inspection of the Benefits service and a large overspend in adult services; a poor Children's Services Inspection was reported and a warning issued by the Department of Health (closely followed by special measures at the conclusion of the murder trial in January 2001); there were considerable difficulties over the Part 8 Case Review report and in the Area Child Protection Committee; and the Social Services Department more generally was in turmoil with a large turnover of third and fourth tier managers as well as second tier and great problems of staff recruitment and retention at service level.

xiii. Corporately the Council was in no position to help Social Services due to a number of factors including : the significant issues in Education where the outsourcing contract had collapsed; a major cross council restructuring was in full swing to strengthen the authority for the future; the New Deal for Communities bid for Seven Sisters was under threat with a potential loss of £50m grant to the Council; there was a significant Council/Metropolitan Police issue which required the personal attention of the Chief Executive to resolve; and there were no officers available corporately to be deployed to help Social Services with the Inquiry or in other ways.

xiv. And all of this was in addition to the torrent of criticism and abuse from press and public alike following the trial of Kouao and Manning for the murder of Victoria Climbie, which had a huge impact on the confidence and morale of the Social Services Department and the Council more generally.

xv. The Inquiry took no account of these realities in its dealings with the Council, which is of course to be expected. It is important, however, that the reader of this report *does* take account of what was going on at the time in the wider world. The stern critic might say that the situation should have been otherwise but that would be an unreasonable position to adopt. It was in the stark context of this hugely demanding situation that the Council's officers and councillors had to handle the wholly unfamiliar prospect of the Inquiry.

xvi. Another important point to bear in mind throughout this report is the comment made to me by many people, viz. that the key players were diligent throughout and could not have put in more effort. Perhaps the Council should take some pride in this at least.

Independent Assessment

Credentials:

xvii. I recently retired as Chief Executive of the London Borough of Enfield, and before that was Chief Executive of Watford Council. Throughout the 1980s I was Director of Social Services successively in the London Boroughs of Hammersmith and Fulham and of Hounslow. Prior to that I worked for the Personal Social Services Council (which advised the Secretary of State for Social Services), the Greater London Council and the Ministry of Housing and Local Government. Amongst other things, at various times I have led the IDeA peer review team assessing a northern council, been a Specialist Adviser to the House of Commons Social Services Committee and Adviser to the Association of Metropolitan Authorities Social Services Committee. I am currently a Board Member of the London North Learning & Skills Council and Independent Chair of the North London Connexions Partnership. My commitment is to public service.

(continued on next page)

Priority and preparation

Recommendation ONE: That-

the Council should give real priority to any public inquiry, should prepare carefully for it and should resource it adequately.

Comment:

1.1 The recommendation in relation to giving real priority may seem surprising. However, it is clear from the comments of a large number of interviewees and from my own observation that the Council significantly under-estimated the likely impact of the Inquiry.

1.2 In January 2001 when the Inquiry was announced by the Secretary of State for Health, the Council's attention was concentrated substantially on holding the Social Services Department together in a siege like atmosphere and attempting to improve performance. This is not difficult to understand given the previous June's Children's Services Inspection, the imposition of special measures in January 2001, the vacancy in the Assistant Director (Children's) post and the abuse of staff by the public (including staff of the North Tottenham District Office being shouted at as "killers"). The result of these and other pressures was that the Inquiry was given insufficient priority.

1.3 While this is perhaps understandable, it appears to have increased the level of risk for the Council and should not be repeated in the event of a future public inquiry. As the Council knows better than I, public inquiries of this kind are potentially earth shattering events which if you are a key player, take you over and expose you mercilessly to a less than friendly world. They can and do have devastating effects on individuals and organizations; they can and do undermine the work that agencies have done to try to put things right. It is imperative, therefore, that they are given top priority in deed as well as word.

1.4 In the event and notwithstanding the warning present in the extensive press coverage of the murder trial, the Council did not prepare itself between the Secretary of State's announcement in January and early May when the first detailed communication was received from the Inquiry. Valuable time was lost. It is important to acknowledge, however, that during this period the Council did secure and supply a range of documents to the Social Services Inspectorate for the Inquiry. There were also meetings at councillor and officer level.

1.5 It is of course true that the detailed terms of reference and the Inquiry's procedures were not known until early May despite the Director's efforts to find them out. But the Council could have sought out the experience of those who had been through such inquiries and started addressing some possible scenarios. The time could also have been used to pursue the Council's analysis of what happened and why (see Recommendation Two) and to put in place an appropriately skilled and resourced project team (see Recommendation Three).

1.6 In the event these things were not done and the Council was not well prepared when the Inquiry's letter was received in May. From that time the Council was in practice on the back foot and struggling to respond to the increasing pace and volume of demand from the Inquiry. As one interviewee said, "Suddenly they're ready to go and they want everything yesterday!" This is likely to be the case with all public inquiries and should be planned for. All inquiries work to a budget and a timetable and have the relevant minister breathing down their necks. Witness the number of references Lord Laming has made to the cost to the public purse.

1.7 The Council attaching top priority to a forthcoming public inquiry is also essential to ensure that the message gets through to staff. In practice, when the Inquiry became known to Social Services managers it had little impact. There was not a real awareness then that this was inevitably going to be a really big, long drawn out public event for the Council to which staff needed to attach real priority.

1.8 While the Council did provide £500,000 in its budget for the Inquiry this was not enough to resource the work adequately (this is covered in detail under Recommendation Three). Public inquiries make huge demands on organizations if they are key players and decide to handle the inquiry proactively, as they should. The insufficient resourcing resulted in part from the lack of priority and preparation referred to above. It was also affected by the Council's inexperience of public inquiries of this kind.

(Continued on next page)

The Council's "case"

Recommendation TWO: That-

1. **the Council must be clear what its "case" to the Inquiry is;**
2. **the "case" should be based on the Council's own thorough analysis of what happened and why;**
3. **this analysis should benefit from a thorough document capture achieved by the Council for its own purpose;**
4. **the case should also demonstrate "lessons learned" in terms not only of resource and process improvements but also of actual performance for service users;**
5. **the Council's statement of its "case" to the inquiry should be based on and not conflict with its analysis of what happened and why, the lessons learned and results achieved, and should also be consistent with its adopted media and communications approach (key messages);**
6. **careful thought should be given to how the Council's "case" is to be communicated most effectively to the Inquiry; and**
7. **where possible, former staff should be closely involved in the development of the Council's "case", which should also take full account of new evidence coming forward from the witness statements of staff and former staff.**

Comment:

2.1 In practice the Council does not appear to have been clear about its "case" to the Inquiry and this caused difficulty throughout.

2.2 The Council's approach , as described to me by councillors and officers, was to apologize and to take responsibility for what had happened, not to blame other agencies and to deal with the evidence on an entirely factual basis as it emerged from the Inquiry. This does appear to have been successfully conveyed in the publicity immediately after the murder trial. However, in the Inquiry itself the Council was seen by the press and the public, and probably also by the Inquiry itself, as not apologizing, not taking responsibility individually or collectively, attempting to transfer the blame to others and withholding information from the Inquiry, i.e. the opposite of its stated intention. This is the cause of some annoyance to representatives of the Council who feel that their intentions have been misunderstood or miscommunicated by others.

2.3 The Council's intention is undoubted but the reality is that its Opening statement to the Inquiry is an apologia not an apology, and this is what set the Council's tone at the Inquiry from the outset of those very public hearings. The questioning of the Council's witnesses further confirmed this impression in the public mind and the perception also arose that the Council was attempting to interfere in the Inquiry when a letter was sent to Lord Laming questioning the apparently unequal weighting being adopted by the Inquiry in its questioning of non- social services witnesses. The late disclosure of documents and late submission of supplementary witness statements added to this impression. The Council's Closing Statement put the seal on all this by developing the themes of the Opening Statement at some length and adding a forceful critique of the Inquiry itself including argument that the Inquiry had exceeded its terms of reference.

2.4 It is important to make absolutely clear that I am describing the impression that was created despite the Council's stated intention. I have found no evidence whatsoever to support the allegation of attempted interference in the Inquiry. The evidence indicates that the Council worked very hard to support the Inquiry.

2.5 A further difficulty is that the Council's Opening Statement does not fit with the final Part 8 Case Review Report which provides an objective account of serious failings in the basics of child protection by a number of agencies including Haringey Council. These failings are not adequately acknowledged in the Opening Statement, or indeed in the Council's Closing Statement. Yet the

final Part 8 Case Review Report is an agreed report between the agencies making up the Haringey Area Child Protection Committee. Despite this the Council's Opening and Closing Statements do not to any significant extent acknowledge and apologize for the failure , for example, to carry out necessary assessments, follow through the decisions of strategy meetings or to supervise the casework adequately, which are comprehensively reported in the final Part 8 Case Review Report. Instead the main thrust of both Statements is to point out the responsibilities of others. It may be little surprise, therefore, that the public impression of the Council's stance is very different from what the Council intended.

2.6 Contrary to what some people told me, it is the Council's responsibility not Counsel's to be clear about what its "case" to the Inquiry should be. The Council has the child protection responsibility and should be as clear as it can be about what happened and why as a firm basis for its improvement plan. This in turn forms its "case" to the Inquiry, which is a single word to describe this is what we the Council on the basis of thorough investigation think happened, why it happened, what we are doing about it and with what results.

2.7 Yet on 2nd August 2001, leading Counsel was writing to the Council in the following terms: "It is only eight weeks to the start of the Enquiry and I still have no clear idea of what "the Council's" case to the Enquiry is supposed to be" (extract from letter from Elizabeth Lawson QC). As far as I have been able to determine, the Council's "case" to the Inquiry remains unclear.

2.8 The mountainous difficulties of the Council since Victoria Climble's death in February 2000 are understood. These include the "special measures" regime and a complete turnover in the Social Services Management Team and in relevant parts of Children's Services. People who I interviewed often said almost in passing that "no-one was left" in 2001 who were there when the events leading up to Victoria Climbie's death took place. This seems to have affected the wholly unacceptable delay in the production of the Part 8 Case Review Report. It was eventually signed off in August 2001, eighteen months after Victoria Climbie died. This undoubtedly impaired the Council's understanding of what had happened, and should not have been allowed to happen by the Haringey Area Child Protection Committee of which the Council is a leading member. This seems to have been due in substantial part to the level of representation on the Committee which was insufficiently senior as a result of factors which predated the current Director of Social Services' appointment.

2.9 The late production of the Part 8 Report also became a source of understandable aggravation to the Inquiry which showed increasing signs frustration at its non-production. This contributed to what, unfortunately, became a growing distrust of the Council by the Inquiry and culminated in Lord Laming's comment to the Chief Executive at the hearing on 11th December 2001: "...the fact that you are here today is not the result of a whim. I would not want you to entertain any ideas of that kind. It is the result of a build-up of frustration over the months that I set out earlier on... this has been an extremely frustrating experience but it has also been an experience which as you have heard this morning has slowed down the work of the Inquiry and that is something I regret very much indeed."

2.10 The Part 8 Report is essential to the Council's understanding of what happened but is not sufficient in itself as it relates solely to the management of the case. The Council needs to understand not only what happened but also why as a basis for service improvement. The quality of supervision and management, the quality of policy and of expert advice and support, the adequacy of resources devoted to the service, the quality of decisions made by councillors on budgets and other matters and the adequacy of the advice given by officers, other situational factors such as the quality of change management during restructuring and action taken to improve the Council's ability to recruit and retain staff of sufficient calibre, all of these things are pertinent to an assessment of why identified failings in the case management occurred. If they are not expressed explicitly, the basis for service improvement will be implicit and more difficult to test.

2.11 The Council did of course have the benefit of the Social Services Inspectorate's Children's Services Inspection and the subsequent improvement plan. However, there were very specific

issues relating to the management of Victoria Climbie's case which required very specific improvement. As the Ben Brown Report showed, the Council had put in significant additional resources on an interim basis to the North Tottenham District Office, which is to its credit. Yet the report suggests, on an impressionistic basis, that the quality of the service seemed not to have improved 16 months on from Victoria Climbie's death. This underlines the importance of thoroughgoing analysis of what happened and why in relation to the specifics and context of the management of this case by the Council and its partners.

2.12 I labour this point in part because it could be argued that not all child deaths will lead to an inquiry of these monumental proportions, and that analysis of the kind I am describing will not always be necessary because it could only be justified by an oncoming inquiry. This argument would miss the point. An analysis of the kind I have described is necessary in any event alongside the Part 8 Review as a basis for improvement across the board and in the area of service most directly concerned, and this is my recommendation for the future. I acknowledge that it would in practice have been difficult for the Council to have fully achieved such an analysis in the circumstances which confronted it after Victoria Climbie's death; please refer to paragraphs xii .to xiv. above. Internal staff were not available for the purpose and it would have been necessary to commission significant external support (see also Recommendation Three which stresses the importance of external input.) The analysis would also have been difficult given the delay in the Part 8 Review Report.

2.13 It is also important for the Council to understand that its "approach" as described above (para. 2.2), is essentially the key messages it wanted to get across to the Inquiry, the media and the public through its media and communications strategy. This is not the same thing as the Council's "case" which, as explained above, should be its detailed understanding of what happened and why, what it has done to put things right and with what result. While the need for an approach was clearly understood by the Council, the requirement to develop a "case" was not.

2.14 It is also of course essential that the media and communications "approach" of the Council should be consistent with its "case" to the Inquiry, which in this instance it was not. The Opening Statement was not consistent with the Council's media and communications approach. There was also a difficulty in the approach itself because while, rightly, it included not blaming others as an important element, in practice a key criterion of success as stated to me was "showing multi-agency responsibility". In terms of public impression it is difficult to achieve the latter without being seen to infringe the former, which in the event is what seems to have happened.

2.15 In all inquiries it can be difficult for an organization to get its case across given the reliance on examination of individual witnesses. This was particularly the case in this "inquisitorial" Inquiry where only Counsel to the Inquiry and the Chairman could question witnesses. Instead of cross-examination by counsel for the Interested Parties, questions could be lodged with Counsel to the Inquiry for him to put to witnesses at his discretion. This interesting procedure made it even more difficult for the Council and other Interested Parties. The situation was further exacerbated for the Council by the fact that most of the "Council's" witnesses were at odds with the Council in one way or another including some of the significant number who no longer worked for the Council. Managing this complex and demanding situation would tax most organizations to the limits of their capability.

2.16 Clearly, this underlines the importance of the Council's Opening and Closing Statements. However, other approaches need to be considered including a proactive approach to the production of witness statements and to the preparation and disclosure of documents. Proper analysis as a basis for the Council's "case" will provide an abundant source both of documents for disclosure and potential witnesses. It is important of course that the purpose of this activity is confined to clarifying the Council's understanding of the situation to the inquiry. In this Inquiry the Council did retain a separate barrister to assist all witnesses with the production of their statements and training and preparation was offered to all witnesses. These were important things to have done but in the future the Council needs to go further to ensure that its "case" gets across to an inquiry and the public.

Independent Assessment

2.17 A complexity for the Council was that many of the relevant staff had left its employment. This included senior staff who were likely to be the only people privy to some of the information essential to the Council's "case". In such circumstances it is important that the Council seeks the involvement of those former staff in its analysis of what happened and why, and in the development of the Council's "case" to the inquiry. This will not always be possible but it should be attempted. Such involvement will also help to reduce the suspicion between the Council and former staff that is likely to develop otherwise as the Inquiry proceeds. In practice the Council did attempt to involve former staff in their preparation for this Inquiry but some of the key people were not able to do this and were separately represented.

2.18 It is also probable that new information will come to light as witness statements are produced, particularly by those who see their interests as different from the Council's. Careful attention should be given to the assessment of this information not only to seek to rebut it where appropriate but also to gain insights that may not have been available before. Care should always be taken with rebuttal to ensure that the Council is certain of its information. All of this requires immediate attention by senior staff during the course of the inquiry as well as by the team directly responsible for the Council's handling of the inquiry. There is some evidence to suggest that the Council struggled with this during the Victoria Climbie Inquiry.

(continued on next page)

Project management

Recommendation THREE: That-

1. the Council's handling of an inquiry should be project managed using one of the well known approaches such as Prince 2; and that to this end the Council should put in place immediately after the inquiry is announced by government, adequate "client side" arrangements comprising a suitably skilled and resourced Project Team led by a skilled and experienced Project Manager, and a Project Board with senior Council membership. The Team, Manager and Board should perform the roles specified in the relevant project management approach;
2. the Project Team should be a permanent body for the duration of the inquiry and should comprise at a minimum and on a full-time basis:-
    - a skilled and experienced Project Manager to lead the Team who should also be a full member of the Project Board and have access to the Chief Executive and the Leader of the Council;
    - a senior officer at no less than third tier level with good knowledge of the department(s) concerned and a well established network with their staff;
    - A senior in-house solicitor;
    - An experienced Project Worker, preferably with some knowledge of the department(s) concerned; and
    - Good quality administrative support, preferably from a permanent employee with good knowledge of the department(s) concerned.

    In addition to adequate accommodation and equipment, the Project Team should also have under its direct control:-
    - an adequate budget;
    - a funded arrangement with an external firm of solicitors to draw down expert legal time for the preparation of witness statements and the giving of advice;
    - a facility to bring in well prepared extra staff at times of peak activity, for example when the inquiry receives the Council's witness statements and documents and starts asking detailed questions with tight deadlines; and
    - appropriately senior, skilled liaison officers in each relevant part of the Council with clear responsibilities and sufficient freed up time to carry them out. These responsibilities should include forensic investigation of records jointly with Project Team staff.

    To ensure necessary corporate perspective and a degree of independence, the Project Manager should report to the Chief Executive or to a Director whose service is not directly involved in the inquiry.
3. the Project Board should be a permanent body for the duration of the inquiry and should comprise:-
    - the Leader of the Council;
    - the relevant Executive Member;
    - the Deputy Leader of the Council or another leading Member with a specific remit to work on the "politics" of the inquiry;
    - the Chief Executive;
    - the relevant Director;
    - the Project Manager.

4. the Project Board should have regular scheduled meetings with adequate time to carry out its functions. It should:-
    i) perform a leadership role and not become over-involved in detail;
    ii) be responsible for deciding the Council's "case" on the basis of a thorough analysis of what happened and why, and with the advice of leading counsel;

iii) **be responsible for ensuring that the "many headed beast" that is a council acts as a coherent single entity including management of and decision-making on the inevitable conflicts of interest that arise;**
iv) **ensure that the Board and the Team have sufficient "stand back" time during the Inquiry to scrutinize the Council's strategy and tactics;**
v) **keep close to the Inquiry as a "customer" of the Council and attempt to "live the Inquiry from the inside", particularly at key points including submission of the Council's witness statements, circulation of the document bundles by the Inquiry, Counsel to the Inquiry's Opening Statement, issue of notices of criticism and the Inquiry's questioning of Council witnesses including those who are separately represented;**
vi) **ensure that the Project Team is able to get on with its job without undue interference, and give it authority particularly within the Council;**
vii) **give clear delegated authority to, for example, the Leader and the Chief Executive, to make urgent decisions on the Board's behalf including instructions to leading counsel ; and**
viii) **ensure throughout the Inquiry adequate briefing of the Opposition Group(s) through their Leader(s);**

5. **the councillor members of the Project Board should have support from members of the Majority Party Group who take a special interest in the Inquiry and assist in ensuring the necessary liaison with the Group. These members should report formally to the Leader; and**
6. **the Council should be very clear about whom leading counsel is representing as distinct from to whom the Council is providing support. Logically, leading counsel can only represent the Council and act in its best interests.**

Comment:

3.1 The Council did not know what to expect from a public inquiry of which it had no experience. It could have prepared better by seeking out those who had such experience, for example the Metropolitan Police who had participated in the Macpherson Inquiry into the death of Stephen Lawrence. However, its own experience does now provide a rich source from which lessons can be learned.

3.2 In drawing out these lessons I do not mean to reflect adversely on the performance of those involved. My assessment is that the councillors and staff directly involved worked diligently and with integrity to ensure appropriate input to the Inquiry and representation of the Council's best interests. The arrangements within which they worked, however, did not always aid their efforts. The Council's arrangements for the Inquiry included the Inquiry Team led by a Social Services Interim Assistant Director seconded from another authority for another purpose (service improvement in Children's Services), a corporate Officer Steering Group and a political steering or working group of councillors in which the Chief Executive, Director of Social Services and eventually the Interim Assistant Director also participated. These bodies appear not to have had clearly specified functions and seem not always to have worked as closely with each other as was desirable. It is interesting to note that knowledge at officer level of the political steering group was patchy. I was told by more than one officer that it did not exist. Many of those interviewed believed that the Council's "client side", i.e. the decision-making forum, was outside the corporate Officer Steering Group and the Inquiry Team but did not always seem to have a clear shape.

3.3 Communication between the "three circles" of this arrangement was difficult because of the very fact that there were three, and more difficult as a result of some key players seeing themselves as having been "out of the loop". For these and other reasons the Council ended up not acting as a wholly coherent entity.

3.4 A public inquiry is a major project for a key player such as the Council and needs to be managed as such. The risks are considerable if this is not done. An inquiry needs to be carefully prepared for, thoroughly thought through, planned, timetabled and resourced. Critical path

analysis and risk assessment are essential, as is a thorough logistical approach. Hence the recommendation of a project management approach using one of the well established techniques which help an organization to anticipate, plan and deliver. It is the same kind of approach as is required to a major external inspection but of a much more searching, rigorous and public kind and which places extreme pressure on individuals as well as the Council collectively.

3.5 The Council's Inquiry Team, which worked diligently throughout, was under-resourced. This is a widespread view amongst those I interviewed and is also my observation. The workload generated by the Inquiry was huge, a fact not necessarily appreciated by those at a little distance from the Inquiry Team. In addition, the Team's individual members were not selected against a skills specification. Given the reliance on internal staff it is unsurprising that the Team's composition was shaped by who was available and was not bespoke as it needed to be.

3.6 It should be recognized, however, that the Council did make significant resources available for the Inquiry which is to its credit. A budget of £500,000 was provided in 2001/02 including £290,000 for legal costs and £184,000 for Inquiry Team costs. In the event the legal costs were significantly higher at £497,000. The Council also appointed a consultant with appropriate experience as Press Officer for the Inquiry in the Media and Public Relations Team.

3.7 Despite the financial provision made by the Council the Inquiry Team had insufficient resource to cope with often complex work ranging from the preparation of witness statements to voluminous information demands from the Inquiry. Proactive search for documents was beyond its means without assistance. Necessary skills and experience were also not fully represented. No member of the Team was a trained project manager and only one junior full-time member had knowledge of the Children's Services Division. For whatever reason, the in-house solicitor was not in practice available full-time to the Team. In addition, there was no facility to call upon well-prepared additional staff to deal with peak demand, though it is acknowledged that efforts were made to increase the resources of the Team which resulted in an additional full-time member in August 2001. These difficulties underlie elements of Recommendation Three, 2. In making these points I am not seeking to criticize those who made the Inquiry Team arrangements. They did the best they could without knowledge of inquiries and in difficult circumstances for Social Services and the Council.

3.8 To achieve the necessary project team composition in the future it is essential that officers do not feel constrained to use in-house staff only, as they did in this Inquiry. It is unlikely even in normal circumstances that an authority of Haringey's size will be able to provide a team that fully meets the person specification. Indeed many much larger organizations would be hard put to it. Some external input is likely to be necessary and financial provision should be made for seconded, interim management or consultant staff.

3.9 Particular attention needs to be given to arrangements for the preparation of witness statements and supplementary statements. The Inquiry's deadline for these was unreasonable for the Council given their number and complexity, including the fact that a number of important witnesses no longer worked for the Council. However, it is sensible to anticipate this as the norm given the constitutional insensitivity of public inquiries to the need to keep ordinary business going in executive agencies. It also has to be said that the Council made a rod for its own back by requesting extensions, reluctantly granted by Lord Laming, the amended deadlines for which were then not met in all instances, leading to further irritation on Lord Laming's part at an early stage in the Inquiry.

3.10 It is also sensible to anticipate that for many witnesses, including those still involved with the Council, there are likely to be conflicts of interest between the person and the Council. Councillors, for example, may want to protect their professional reputations (in their day jobs) while not prejudicing the Council. This requires readily available, expert legal advice, and capacity to produce complex draft witness statements at speed.

3.11 Supplementary witness statements also require urgent expert attention. The Council's document disclosure difficulties were compounded in the Inquiry's eyes by a number of

supplementary statements produced very close to the due date for the questioning of the witness. This is not fair to the Inquiry or the other Interested Parties and inevitably leads to irritation. To be fair to the Council, in some instances this arose from witnesses it no longer employed and over whom it had no control.

3.12 The Council should not be deterred from providing supplementary witness statements by this Inquiry's reaction to them. Such statements are perfectly appropriate, for example in response to notices of criticism, and are provided for in the Inquiry's own procedures:-

> "4.12 In general the written statements of witnesses will stand as their evidence in chief. If it transpires that there are matters which are not covered in the statement then it would assist if a supplemental statement could be produced as soon as practicable. It is hoped that this will reduce the need for examination." (Inquiry guidance to Interested Parties.)

This provision is beneficial to the Inquiry as well as the witness.

3.13 An important point concerns the reporting relationship of the Project Manager (see Recommendation Three, 2, last sentence). There is nothing wrong as such in the Manager reporting to the relevant Director, and I am not in any way seeking to imply that anything untoward occurred in the arrangement adopted by the Council. However, the relevant Director does have a direct interest (either in terms of what happened or lessons learned, or both) and this could conceivably lead to a conflict of interest emerging with the Project Manager seeking to represent the broader Council interest. It is also the case that any public inquiry will raise broader corporate as well as service specific issues and require a corporate perspective at its centre from the outset. While a Director does of course have a clear responsibility for helping to secure such a perspective, issues of potential conflict with service interests or priorities have to be managed within an individual rather than between two people if both leadership responsibilities are carried by the same person. As these conflicts of interest can be considerable it may be better for the Council if they are carried by two people. This is the thinking underlying my recommendation for the future.

3.14 The detailed Project Board proposals (Recommendation Three, 3&4) pick up a number of lessons to be learned from the Council's recent experience which are explained in the paragraphs that follow.

3.15 The Board has many important functions to perform (see Recommendation Three, 4). These include deciding the Council's "case", strategy and tactics, and managing conflicting interests effectively so that the Council acts as a single entity. To perform these functions well requires permanence of membership, order and regularity in its work and adequate time to do the job. Insufficient time was allowed for this by the Council, meetings sometimes being squeezed in according to the usual local authority exigencies. It is also the perception of some that the meetings were not sufficiently structured or strategic.

3.16 It is essential that the Board membership includes the Council's leadership so that its functions can be performed effectively. A public inquiry is too important and too risky to allow otherwise. The leadership will have to be involved anyway and it is better if this is achieved in a team setting so that undue reliance on bi-lateral discussion is avoided ("bi-lateral" means Leader/Chief Executive, Executive Member/Director etc.) Such discussion is necessary but is not effective for some of the key functions the Council's leadership needs to perform in an inquiry, for example managing conflicts of interest.

3.17 The Board also needs to have what Recommendation Three, 4, calls "stand back" time. This should be scheduled in at the outset and refined when the inquiry timetable is known. The Council did not provide for this during the Inquiry, which inhibited the collective ability to reflect on what was gong on and to review the direction the Council was pursuing. "Stand back" time should ideally be provided at the following times: preparation for the Inquiry using scenarios; analysis of what happened and why and decision of the Council's "case"; decision of the Council's opening

statement, assessing the implications of the Council's witness statements and those of former and separately represented staff when submitted to the inquiry; assessing the implications of the document bundles when circulated; when the opening statements are known, particularly that of counsel to the inquiry; part way through the hearings before and after the Council's witnesses are questioned; decision of the Council's closing statement; after the closing statements are made; and when the inquiry issues its report.

3.18 If this pattern is followed, the Board will lead the Council's efforts to "live the inquiry from the inside", understand where it is coming from and how it is developing. This is important because the inquiry's judgement of the Council may be influenced significantly by the Council's perceived "demeanour". If the Council understands what is going on in the inquiry and why, it is in a better position to conduct itself in a way that will be seen favourably. Some may see this as overly manipulative. I would simply say it is good customer service and helps the Council to get its "case" across. This does not mean to say that the Council should not challenge the inquiry when necessary. However, this should be reserved only for the most important issues.

3.19 There is always a danger that those directly involved with the handling of a public inquiry can become isolated in an organization; the inquiry becomes their baby while everyone else gets on as if nothing is happening. This happened to an extent in Haringey. Such isolation is undesirable because a "whole organization" effort is needed. It is also unfair on those who are leading the work. Some mechanisms can help to overcome isolation. For example, at political level it is important to recognize what a formidable challenge an inquiry is to the Leader in particular, and also to the relevant Executive Member. Understanding what has happened and why, and keeping abreast of events is difficult to achieve given other pressures. And in addition to this, there is the clear expectation of both liaison with and accountability to the Majority Party Group. Taken together this is not only an unfair expectation but also omits to make best use of the talent available. This is the thinking that underlies the suggestions in Recommendation Three, 5&3(the third bullet point suggesting a remit to work on the "politics" of the inquiry).

3.20 To help potential isolation at officer level, the clear linkage between the Project Team and Board (Three, 3) and departments (Three, 2, last bullet point) are suggested. (N.B. The linkage between the Council's Inquiry Team and departments was reasonably well achieved through the Officer Steering Group but the Group had an unclear remit and was thought by some to have more potential than was realized).

3.21 The Opposition Group(s) through their Leader(s) are important communicators during public inquiries, and the information they have clearly affects what they communicate. This can have a significant effect on communication of the Council's "case". It would seem that until recently the main source of information for the Opposition has been the media rather than the Council, which has obvious deficiencies. This is the main reason for Recommendation Three, 4 viii. Briefings should take place as early as possible and, where necessary, on a confidential basis with clear time limits on that confidentiality where possible. For this arrangement to be effective the Opposition Groups would need to respect confidentiality to ensure that necessary trust is established, otherwise the facility is unlikely to be maintained. This would be to the Council's detriment.

3.22 It is particularly important that leading counsel should have clear instructions from the Council, and it is essential that the Council is very clear about whom counsel represents. Some ambiguity may be inevitable given the complex entities that local authorities are. However, it does seem that the Council's laudably inclusive approach (though it was not perceived in that way by some) caused difficulties to leading Counsel at times. At the end of the day leading counsel is retained to represent the Council and to pursue its best interests. Inevitably this will on occasion raise conflicts of interest with individual councillors and staff, some of them not resolvable without undue detriment to the Council. The Council should of course treat individuals with respect and sympathy but it should also recognize that on occasion it cannot protect everyone, and that to attempt to do so can place leading counsel in an invidious position. There may have been insufficient recognition of this at times during the Inquiry.

Providing documents

Recommendation FOUR: That with regard to providing documents to a public inquiry:-

1. **the Council should already have undertaken a thorough document capture as part of its own analysis of what happened and why. These and other documents if necessary, should be further searched in light of the Inquiry's terms of reference when known;**

2. **the Inquiry's terms of reference should be interpreted widely by the Council, for example concerning "lessons learned", and care should be taken to avoid any appearance of reluctance to disclose information that may be seen to conflict with the Council's case;**

3. **reliance should not be placed solely on departmental managers to locate and provide documents;**

4. **managers should be briefed in specific terms in writing and face to face on the scope of the documents being sought and the Council's expectations of them; this briefing should be updated as the Inquiry develops and interprets its terms of reference;**

5. **searches for documents should be undertaken of the most relevant service areas by appropriately skilled external staff in co-operation with staff from those areas- forensic legal skills are particularly valuable in this regard;**

6. **if necessary, further joint searches should be arranged as the Inquiry develops its understanding of its terms of reference;**

7. **if problems do arise, an approach of "if in doubt, put it in" should be avoided;**

8. **full account should be taken of document difficulties the Inquiry experiences with other interested parties; and**

9. **particular attention should be given to the provision of witness statements and supplementary statements (see also Recommendation Three, 2, seventh bullet point).**

Comment on what happened:

4.1 In light of the significance attached by the Council and the Inquiry to the difficulties experienced in document disclosure, I have looked carefully at precisely what happened. An outline of the events as seen from the perspective of the Inquiry is appended (Attachment One). It will be helpful to the reader to read the attachment before proceeding. There follows what I hope is a helpful commentary on those events informed by a detailed study of the papers provided to me and careful questioning of interviewees. The commentary is followed by a brief explanation of aspects of the recommendation.

4.2 I should make clear first of all that I have found no evidence of cover up either by the Council collectively or by individuals. Cock up rather than conspiracy is the explanation of the document disclosure difficulties, together with inadequate record systems, inadequate resourcing of the Council's Inquiry Team (see Recommendation Three, 2), and, most importantly, what seems to have been growing distrust in the relationship between the Inquiry and the Council.

4.3 It is difficult to put one's finger on the precise cause of this distrust. However, the potential difficulty was plain to see in the events at the Inquiry hearing on 16th October 2001, when the London Borough of Brent was criticized for late disclosure of documents containing observations material to the evidence of a number of Brent witnesses and information from a former member of staff concerning a disciplinary procedure. This information, of which Brent had not been aware previously, led to expressions of great concern by the Inquiry and comment about "drip feeding of information at this incredibly late stage". This issue was highlighted immediately to the Council's Inquiry Team by leading Counsel to the Council, Elizabeth Lawson QC, and in a subsequent circular letter from the Solicitor to the Inquiry dated 22nd October 2001. The letter made clear that "...such late production of documents is unacceptable...", and asked Haringey and other Interested Parties to confirm that all documents the Council's witnesses intended to rely on were "now in the Inquiry's possession".

4.4 I am given to understand that at that time the legal team suggested a search of the North Tottenham District Office in light of Brent's difficulties and knowledge that "personnel" records were held in a number of places. This was not taken up at that time. With the considerable benefit of hindsight, it would clearly have been a wise precaution.

4.5 The irony is that very few of the documents brought to light in December 2001 and February 2002, were of real significance to the Inquiry. They came to have importance primarily because they were disclosed late not because of their relevance. Unfortunately, a few of the documents were material and in addition dated from the "relevant period" as specified by the Inquiry.

4.6 In this regard it is important to remember that one of the key documents found in February 2002, would probably not have been found at all had it not been for the extraordinary events of that time. The Personal Development Review dated 29th July 1999 conducted by Carole Baptiste on Lisa Arthurworrey, described by Counsel to the Inquiry "...as a document of central importance..." (4th February 2002), had been misfiled on the file of another worker supervised by Carole Baptiste and who had subsequently died. The file was not even kept at the North Tottenham Office but was at the Hornsey Office, and would not, therefore, have been found if a search of the Tottenham Office had been carried out in October 2001(see paragraph 4.4). It was only because of the extraordinary efforts made by the Council in the extraordinary circumstances of February 2002 that the Hornsey files were searched and the document found. There is no reason to believe that the misfiling was anything other than accidental and misfilings do happen in the best regulated office.

4.7 Nonetheless most of these documents should have been brought to light much earlier, particularly the "personnel" records, and their relevance to the Inquiry assessed.

4.8 However, the event of greatest significance in this unfortunate saga concerned a document that was not held at the North Tottenham District or Hornsey Offices. It was the late disclosure of what came to be known as the Ben Brown Report on 30th November 2001, the day on which Rose Kozinos was to give her evidence. Despite the best efforts of the Council's Inquiry Team whose diligence and commitment are to be commended, this crucial late disclosure was seen by the Inquiry in the context of earlier events as follows:-

- difficulties in providing information in response to the Inquiry's many requests within the required timescales;
- delays, as the Inquiry saw it, in providing witness statements and the documents referred to in support of those statements;
- failure to meet some of the extended deadlines for witness statements requested by the Council and reluctantly agreed by the Inquiry;
- the absence of holding or incomplete replies to information requests which, if they had been given, might have reduced Inquiry frustration;
- presentation of relevant supplementary witness statements at very short notice before witnesses were due to be questioned;
- difficulties in providing "personnel" information to the Inquiry due to (a) employer/employee obligation of confidentiality issues needing to be thought through and

consulted on (with an apparent lack of understanding about this on the part of the Inquiry): and (b) , more importantly, the inadequate recording systems (though not markedly out of line with many other local authorities);

- in some instances an apparent lack of appreciation elsewhere in the Council of the urgency attaching to Inquiry information requests and as a result the Council being seen to drag its feet;
- the delay, as the Inquiry saw it, in the disclosure of the Monaghan Report (the management investigation of a number of staff) which the Inquiry was bound to see as wholly relevant to its terms of reference (though again the Inquiry seemed unsympathetic to the requirement on the Council to consult the staff concerned before releasing personal information);
- in response to enquiries from the Inquiry starting in July 2001, the finding by the Council on 19th November 2001 of caseloads information during and after the "relevant period" pertinent to the Inquiry's terms of reference, including information previously thought to be missing covering North Tottenham District Office staff including Lisa Arthurworrey;
- the "own goal" of the "paper-chase" comment in the Council's letter of 23rd November 2001, concerning the report to the Policy and Strategy Committee on 20th November 2001, covering the Part 8 Case Review Report: "The chasing of paper appears to have become an end in itself, rather than focussing on the issues which the Inquiry is meant to be looking at". This led to the unsurprising rejoinder from the Inquiry's Solicitor on 26th November, "It is for the Inquiry to judge the relevance of the document. In this instance the document clearly goes to the lessons learned....If it will assist you I can, of course, arrange for a summons to be served upon you to compel delivery". This immediately preceded the late disclosure of the Ben Brown Report and the serving of the summons on the Director of Social Services;
- the unnecessary hassle over disclosure of the covering report to the Policy and Strategy Committee on 20th November 2001, which led to the exchange noted in the last bullet point. After all, the covering report contained nothing that was not in the Part 8 Case Review Report which had already been disclosed to the Inquiry. The Council had also written to the Inquiry on 22nd October 2001, informing them that the report was to be put to Members. So, what was the problem? In the event the Inquiry was alerted to the report by an item in the Evening Standard of 22nd November, and further suspicions were raised.

4.9 The situation seems also to have been affected by an underlying impression in the Inquiry that Haringey Council was not taking the Inquiry sufficiently seriously or giving it proper priority. The Council's lack of preparedness had been expressed in the absence of senior representation at the Inquiry's Preliminary Hearing on 31stMay 2001, in contrast to the representation fielded by the other Interested Parties. This may have been seen by the Inquiry as the Council not treating it seriously. I am advised that the Council was the only directly involved agency not represented at senior councillor, senior officer or counsel level. Indeed had it not been for the initiative taken by less senior staff, the Council may not have been represented at all and its first comments to the Inquiry not made. This was not intentional and may seem to some a small matter, but these things do count.

4.10 So, it was in the context of all these preceding events and of the previous Brent difficulty, that the Ben Brown Report was handed by Elizabeth Lawson QC to Counsel to the Inquiry on the morning of 30th November 2001, the day when Rose Kozinos, who was separately represented, was due to give her evidence. This report on the performance of the North Tottenham District Office was commissioned by the Director of Social Services and was produced to her in June 2001. The commission to Ben Brown followed Rose Kozinos writing to the Director "...expressing concerns about her inability, and that of her team, to provide an efficient and effective service thereby placing users at risk..." (extract from paragraph one of the Report). "Concerns had (also) been previously raised in two recent case file audits about the state of service users' files at both the Tottenham and Hornsey offices" (paragraph two of the Report). The summary and conclusion to the Report expressed serious concerns about the performance of managers at the North Tottenham District Office. In light of all this the report was clearly pertinent to that part of the Inquiry's terms of reference concerning "lessons learned" in terms of whether or not actual performance for service users had improved, and should have been disclosed earlier to the

Inquiry. It should also have been disclosed earlier to Rose Kozinos and Haringey Unison who had asked to see it.

4.11 This is acknowledged by those I interviewed, as is the view that this was a significant turning point in the Inquiry's relationship with the Council. What had been frustration mixed with suspicion became distrust.

4.12 Is there any justification for that distrust? On the whole the Council has been thorough and scrupulous in response to the Inquiry's demands. It was not proactive, however, did not give the Inquiry sufficient priority, under-resourced its Inquiry Team and was constantly on the back foot. This seems to have contributed to an impression in the Inquiry's mind that the Council was dragging its feet and "drip feeding" information (remember the wording used by Lord Laming in relation to Brent's late disclosure). Additionally, however, I do also detect a reluctance to release information that might be seen not to support the general progress that the Council was making; in this instance some sixteen months on from Victoria Climbie's death. Some people in the Council share this impression, others do not. I suspect but do not know that this impression may have been received by the Inquiry.

4.13 I understand that the Ben Brown Report was regarded as not relevant to the Inquiry's terms of reference and it was not realized, therefore, that it should be disclosed. I am also aware of the related explanation given to the Inquiry that the Council had misunderstood the Inquiry's approach to Phases 1&2, and had been acting on the understanding that the Inquiry's focus in Phase 1 was on the "relevant period" only and not on "lessons learned". However, the Inquiry's first letter to the Council and other Interested Parties of 27th April 2001, was not only specific about the "relevant period" but also provided at Annex B, its "Provisional List of Issues For Part 1", which includes at Section F, "(1) The lessons which have been learned by Social Services since the death of Victoria as to the better performance of their functions." This is very clear but seems to have been lost sight of by the Council. As night follows day, therefore, the Inquiry was bound to pursue not only what the Council had learned but also what it had done and with what practical results on the ground for service users. Ben Brown's "Report of Visit to North Tottenham Children and Families Office" was directly relevant to this and appeared to have been available to the Council for five months before it was disclosed to the Inquiry on the very day when Rose Kozinos was due to give her evidence.

4.14 This analysis does bring into question the factual basis of the Council's very clear view that the Inquiry has "moved the goalposts". There is no doubting that the Council does feel this and feels it very strongly and sincerely. However, the Inquiry's terms of reference clearly do include in Phase 1 the lessons learned by Social Services since Victoria's death. The Council queries the breadth of the Inquiry's interpretation of the phrase "lessons learned" but I think it is difficult to argue that it does not cover whether things have actually got better for service users as well as evidence of new policies and action to implement them.

4.15 The fact that the Council through its Inquiry Team had by this time conscientiously and efficiently provided 750 documents to the Inquiry was far outweighed by these other events. The damage was done and set the scene for subsequent events. It led on the same day (30thNovember) to the serving of the Summons on the Director of Social Services. On the face of it, this could be seen as an over-reaction on the part of the Inquiry and was accompanied by an apparently entirely unreasonable deadline upon the Director given the breadth of its specification which included "Any documents relating to the lessons learned by Haringey Council as a result of the death of Victoria Climbie." This was explained, however, by the evident fact that despite its best endeavours, the Council had contributed to an impression in the Inquiry's mind that for whatever reason the Council was not to be trusted to assist the Inquiry. The Inquiry presumably also felt that the Council should already have provided these documents as a result of its 27thApril 2001 letter and all that had happened subsequently.

4.16 It was all downhill from this point. The Inquiry was now overtly distrustful of the Council.

Independent Assessment

4.17 The 263 "tangentially relevant" documents (Elizabeth Lawson QC's description) provided by the Council in response to the Summons were described by Counsel to the Inquiry as 630, which it is suspected refers to the number of pages. The wholly justified supplementary statement by the Council's former employee Mr. Kousoulou following a notice of criticism, was provided to the Inquiry by the Council only one working day before he was due to give evidence on 10th December 2001, and had not been seen by Lord Laming by that day. It was, therefore, bracketed in by the Inquiry with the late disclosure issue; unfairly perhaps but the notice of criticism had been issued at the beginning of November. Also, unfortunately the statement contained references to documents that had not been disclosed to the Inquiry because, it transpired, they had been passed to Mr. Kousoulou for the purposes of his statement and were not, therefore, on the files searched over the weekend of 1st and 2ndDecember 2001 in response to the Summons.

4.18 It now seemed to the Council that the Inquiry was looking for anything undisclosed that could in any way be related to its terms of reference whether or not it was relevant. This in turn created fear in the Council and led to the "if in doubt, put it in" approach. This had the unintended effect of greatly exaggerating the actual number of undisclosed documents.

4.19 This culminated in February 2002 in the disastrous late disclosure of large numbers of documents located at the North Tottenham and Hornsey Offices, which followed the happenchance discovery of documents in the top drawer of a Personal Assistant's filing cabinet. They were brought to light by a temporary P.A. new to the Tottenham Office who recognized some names on the files and remembered the Director's 2ndDecember 2001 e-mail. A very strong reaction occurred both in the Inquiry and in the Council with Lord Laming being "absolutely furious", the Chief Executive being even more exercised and the Director of Social Services initiating a widespread management investigation.

4.20 The Chief Executive made a statement to the Council meeting on 4th February 2002, which contained the following passage:-

> "Last Friday senior managers of the Social Services Directorate began holding disciplinary investigation interviews to establish the actions of all the staff who received the Director of Social Services memorandum demanding that they root out all documents. I want to establish whether the failure to find documents was due to
>
> (a) reasonable human error
>
> (b) incompetence
>
> (c) deliberate unhelpfulness, or
>
> (d) malice
>
> I take the view that staff who have failed to carry out their instructions would be guilty of gross misconduct, for which the sanctions include dismissal.
>
> The vast majority of the staff who work for this Council have the best of intentions to provide good quality services to our residents. We have put in place arrangements to help them achieve more as part of our commitment to be a high performing Council by 2005. However, I do believe some of our staff have the wrong agendas and intentions. I am sure I have the support of the whole Council to deal with them to the benefit of both our residents and the rest of the organization."

4.21 I have looked very carefully at this train of events using the information provided to me for this assessment, the interviews I have carried out and the results of the management investigation led by Stuart Young, Head of Personnel. This scrutiny does not support the stark conclusions that were drawn in the dark days of last February. A more mundane explanation emerges. However, Stuart young's investigation rightly concludes that some staff should have

taken more responsibility for finding relevant records than they did. Those staff failed to provide the Director of Social Services with the support she had a right to expect.

4.22 Given everything else that was going on, the Director of Social Services and colleagues made commendable efforts to brief Social Services staff on the Inquiry. However, until the Director issued her e-mail on Sunday 2nd December 2001 (the weekend of the Summons- issued on the Friday for response by the Monday), there was no written communication to Social Services staff specifying relevant categories of document and requiring their return. Requests were made by the Council's Inquiry Team for specific documents and information in response to Inquiry requests. But there does not appear to have been a more general expectation expressed to staff. This is not entirely surprising because at the outset (May and June 2001) the Inquiry's documentary requirements seemed circumscribed and the documents issue did not loom large until the events that directly led to the Director's 2nd December e-mail. The issue was bubbling away beneath the surface as described above until the incident of the Ben Brown Report led to an eruption.

4.23 Awareness of the Inquiry's document requirements in the North Tottenham and Hornsey Offices appears to have been limited to the specific requests coming from the Council's Inquiry Team. In addition, in those offices the "collective memory" of past events had been lost substantially as a result of dramatic staff turnover. This is important because there was no stated corporate or departmental expectation of record keeping and storage other than for case files. Other records may in some instances, therefore, have been regarded as "personal" to the staff who held them. This is not unusual in social work (or some other professions) and is not peculiar to Haringey. It does mean, however, that without a clear corporate or departmental requirement, records that become important in the unusual context of an inquiry can get "lost" as staff change. In such circumstances formal handover of records may be unusual and some records may be removed from the office because they are seen as forming part of the person's career. Clearly this is not desirable but it is not necessarily sinister either. It is likely to be the factual position, however, unless the Council acts to change it (see Recommendation Five).

4.24 So, up to 2nd December 2001, I have not found any demonstrable dereliction of duty on the part of North Tottenham, Hornsey or other Children's Services staff concerning the identification and provision of documents or other information.

4.25 With the benefit of hindsight I do question the sole reliance that appears to have been placed both before and after 2nd December on service staff, particularly of the North Tottenham Office, to search out documents. A number of interviewees said to me that given the history of that Office, this reliance was not prudent. I do not comment on the "history" because I have not sought it out. But I am aware of the harrowing experience of the Office from the conclusion of the murder trial through to February 2002. It would seem that there was a certain amount of "burnout" in the Office in addition to high levels of stress and of staff turnover. This indicates to me that external means should have been used to search the Office's records in addition to the efforts of Office staff.

4.26 The reference to "history" in the previous paragraph is not intended to be a reflection on the staff. I have not found evidence to support a conclusion that staff deliberately hid records or were negligent. Certainly, a former manager did give an assurance to the Council's Inquiry Team in June 2001 shortly before leaving the Council that relevant personal development/supervision records did not exist which was subsequently not sustained when some records of this kind were found in the locked storage area at the side of the North Tottenham District Office. The same manager some time in the year 2000 authorized the storage of old records in that area. However, the evidence does not provide substantial support for a conclusion that the assurance was given maliciously or to be deliberately unhelpful. A degree of disorganization in the Office's arrangements and preoccupation with keeping both the North Tottenham and Hornsey services going would also need to be taken into account in assessing the former manager's conduct. In practice, support to the Inquiry did not feature large in the life of the North Tottenham Office.The Office's main preoccupation appears to have been keeping a service going in the face of a hostile and sometimes abusive public and dramatic staff turnover. This may not be wholly surprising

given the commitment of the social work profession to service users and their interests. Special effort is often required to concentrate their attention on matters they may not feel to be central to this.

4.27 This appears to have been the context prior to the e-mail of 2nd December 2001 from the Director of Social Services to "All staff" (text attached at Attachment Two). This was written in the highly stressful, "muck and bullets" atmosphere of a Sunday evening after an exhausting weekend spent searching central records under the threat to her and her family of her early imprisonment should the Inquiry not discharge the Summons. The e-mail bears the marks of that undeserved experience.

4.28 The management investigation into the actions or inactions of staff referred to by the Chief Executive in his statement to the Council and commissioned by the Director was led by Stuart Young, Head of Personnel. Conclusions extracted from Stuart Young's report are as follows:-

> "...a number of repeated themes are apparent from either interview or questionnaire responses. These are:
>
> The instruction of the Director of Social Services was not consistently understood. Some confusion is reported about whether an instruction had been issued to actively search. There was a lack of awareness of what constituted documentation relevant to the Inquiry.
>
> The investigation was not uniformly communicated through the Directorate. Dates of communication range from 3rd to 12thDecember 2001. Reported methods of communication include oral, email, meetings, and post. These methods of communication themselves involve varying speeds and reliability of data transfer.
>
> Where searches of documentation took place, varying methods and degrees of extent of search are evident. A range of search methodology was identified to include looking in respondents own desks to organised and planned use of staff resources is reported.
>
> Where carried out, searches were locally organised. This resulted in differing degrees of detail and may have been more affected by other work prioritles than if searches had been centrally co-ordinated.
>
> Circulation lists were not as up to date as possible. A number of intended recipients were on annual leave or in the process of moving office accommodation.
>
> No breaches of the Council's disciplinary code were identified."

4.29 Having studied the report and the more detailed notes of the interviews carried out by Stuart Young and his staff, I think this is a fair summary. However, I also believe that two managers at least could and should have done considerably more to support the Director by proactively implementing her instruction. Documents directly relevant to the Inquiry's terms of reference were subsequently found in the February 2002 searches in the records of the services concerned. The managers are no longer employed by the Council.

4.30 The report of the management investigation indicates that there was not "deliberate unhelpfulness" or "malice". Nor does it show that "reasonable human error" or "incompetence" were necessarily the cause. The request was not sufficiently precise, which is hardly surprising given the harrowing circumstances of its production. The request unavoidably also contained the wholly unreasonable deadline imposed by the Inquiry, which most managers had no way of meeting. There was undoubtedly an unacceptably inert response by some managers who were unclear about what was expected of them and did not think to ask for clarification, as they should have done. As a result they did not give the Director the support she deserved. Having said that, the response described in the report is, regrettably, still a classic middle management response in

many social services and other departments. This underlines the importance of the management development programme upon which the Council is embarked.

4.31 The management investigation report's findings are reflected in key lessons identified by Stuart Young as follows:-

> "Instructions need to specify action, preferred outcome, and where necessary methodology for all activities required....
>
> Managers need to accept, question and/or action instructions. Inaction is not an acceptable response and should be actively discouraged.
>
> Staff need to accept responsibility for understanding, questioning and acting on instructions. Inaction due to lack of understanding is not acceptable and should be discouraged."

I agree with these statements.

4.32 It is important for the Council to recognize that damage continues to result from this episode and that further action should be taken to bring it to as constructive an end as possible; it is not ended yet as far as a number of people are concerned despite the action taken so far to bring it to a conclusion. The damage is reflected in anger at senior level expressed by councillors and officers, and strong resentment at a less senior level and among former staff where some feel that the finger of blame was and continues to be pointed unjustly. At present these events seem to have set back the Council's efforts to eradicate the "blame culture" of the past, which is an important element in its journey towards being a high performing council by 2005. It would be helpful, I suggest, if the management investigation is brought to a conclusion by the Chief Executive, Director of Social Services and the Leader of the Council jointly endorsing the conclusions of the report and arranging its circulation to those interviewed during the investigation, Haringey Unison and other interested parties.

Explanation of the recommendation:

4.33 Where the Council is a key player in the events leading to a public inquiry, it should already have undertaken its own analysis of what happened and why (see Recommendation Two, 2). A proactive document and information search is essential to such an analysis. The store of information created as a result should be properly organized to aid retrieval both for the Council and the inquiry.

4.34 To ensure that staff know what they are looking for they should be briefed both in writing and in person. This ensures the opportunity to emphasize priority and test understanding. Without such briefing staff are likely to be insufficiently aware of what is expected of them and why, and of the priority the Council attaches to it.

4.35 The actual search should be a joint exercise between the Council's Inquiry Team and relevant service staff, and should be undertaken co-operatively . This is likely to be the most productive approach. Service staff have the local knowledge but not necessarily the required forensic skills or motivation; the Council's Inquiry Team will have the motivation and the "big picture" and should have the search skills but will not have the local knowledge. Joint searches should be concentrated on the most relevant service areas, and leads to other areas should be followed up if identified. Administrative staff should be involved as well as managers as they are often in practice the collective memory of the office. Former staff should also be consulted prior to the search, particularly where there has been high staff turnover. Conflict with former staff should not necessarily stand in the way of seeking their help as they may well be willing to give it.

Independent Assessment

4.36 Reliance should not be placed solely on managers for document search because that is likely to produce a variable response. Perhaps this should not be so in an ideal world but it is the reality.

4.37 It is inevitable and entirely unsurprising that any inquiry will develop its own understanding of its terms of reference as it goes along. While this may be seen as surprising or even as inappropriate by the Council, it is still a fact to be responded to. This means that further joint searches for documents may be necessary and should be anticipated.

4.38 I sympathize with the Council's difficulty from December 2001 onwards when it must have seemed that the Inquiry would regard almost anything as relevant to its terms of reference. In the context of the huge embarrassment over the documents issue this led to the "if in doubt, put it in" approach. While understandable in the maelstrom of events, it had the damaging effect of greatly exaggerating the number of undisclosed documents, the vast majority of which were not referred to by the Inquiry. This should be avoided in future.

4.39 The late disclosure of the Ben Brown Report may well have appeared to the Inquiry to result from Council reluctance to provide information which potentially conflicted with its desire to show that Children's Services performance had improved, i.e. that lessons had been learned and were producing practical benefits. This impression does seem to pervade the Inquiry's subsequent dealings with the Council including Counsel to the Inquiry's questioning of the Director on 1st February 2002. In any inquiry it is imperative that such an impression is positively avoided. It is better to be seen to reveal all and attempt to demonstrate the action taken to overcome the failings in performance, which would have been possible in this instance.

(continued on next page)

Records management

Recommendation FIVE: That-

1. **the Council should adopt ISO/TR 15489 – 1&2, the International Standard on Records Management, as the Council's Standard, and should put in place an ordered, realistic and resourced plan for its implementation across the Council which takes account of new requirements under the Data Protection and Freedom of Information legislation and the issues arising from electronic document management;**
2. **the Council supports the joint work between the Social Services Directorate and Instant Library Limited which involves a pilot in two areas and an information audit across the Directorate with a view to establishing and implementing a records management policy compliant with the international Standard, and that, if not already established, a costed project plan and timetable be prepared;**
3. **in progressing 1. and 2. the Council adopt the approach to implementation recommended by Instant Library Limited which, through an audit process with staff, seeks to establish simple record management systems designed with benefits to service users and staff as the prime criterion and with the main aim of getting buy-in rather than seeking to impose centrally prescribed rules;**
4. **the Council should recognize fully the need for continuing investment in information and communication technology to assist the implementation plan which in practice requires consistently higher standards of practice than have been expected previously of non- client records management; and**
5. **in the short term pending the longer term implementation plan recommended above, the Council: (a) states its basic requirements of "personnel" records held outside the SAP based system that is due to be in place by February 2003, and to assist this explicit recording requirements are stated in the Social Services Directorate's Supervision Policy and in the Council's Performance Appraisal Scheme; and (b) addresses basic filing practice issues brought to light during the inquiry, in particular the removal of original records from files for a legitimate purpose without a copy being taken or a note being made on the file.**

Comment :

5.1 Clearly, records management practice in one part of the Social Services Directorate was found wanting under the searchlight directed at it by the Inquiry. It is not at all satisfactory that significant numbers of documents were not located and searched at an early stage to identify those requested by the Inquiry, including the widely defined "personnel" records which were stored in different systems (the definition, which was not made explicit by the Inquiry because there is legal understanding of the term, covered records of complaints against staff, disciplinary and grievance procedures, and of supervision, as well as the more routine definition of personnel records). Leading Counsel referred to personnel records as an area of potential difficulty for the Council, in light of her experience in other inquiries, when reporting back on 15th October 2001 on the late disclosure of documents by the London Borough of Brent.

5.2 This does need to be put into perspective, however. The Social Services Directorate successfully operates a large computerized "Client Index" and is directing considerable resources towards improving the use and quality of information within the Index. It has also embarked upon the e–Care programme to replace the Index in due course with a less cumbersome to use, modern Windows based Client Database for which a clear project plan is in place. In addition, the non–client records held in the office areas of staff responsible for providing community care services have been examined recently by Instant Library Limited and "found to be structured and well-organized" (extract from report dated August 2002, prepared by Diana Edmonds of Instant Library Limited for this Assessment). This suggests that poor non-client record management practice is confined to part of the Directorate only, though the Directorate as a whole has to take

responsibility for the lack of an implemented records management policy and the absence of recording requirements in other policies.

5.3 Also, while it is no excuse for poor practice, it should be acknowledged that what has been found in one part of the Council is not significantly out of line with the overall position in other local authorities. Nonetheless, significant improvement in the management of the Council's non-client records is clearly required.

5.4 It is likely that the need for improvement also applies elsewhere in the Council, and I am advised by Diana Edmonds that a collective effort by the Council will be necessary in any event. This requirement arises from new Data Protection and Freedom of Information legislation and the rapidly growing need for electronic document management. Hence the proposals made in Recommendation Five, 1, 2&4.

5.5 A single Council-wide standard is proposed because as the International Standard itself states: "The standardization of records management policies and procedures ensures that appropriate attention and protection is given to all records, and that the evidence and information they contain can be retrieved more efficiently and effectively, using standard practices and procedures." The International Standard ISO 15489 – 1and 2 is proposed for this purpose because, firstly, the International Standards Organization is a worldwide federation of national standards bodies and, secondly, it was developed in response to consensus amongst participating ISO member countries to standardize international best practice in records management using the Australian Standards AS 4390, "Records management", as its starting point. The Standard also applies to the management of records in all formats or media and covers records "for internal and external clients" of organizations. In other words, it is truly comprehensive.

5.6 While at first sight the Standard looks somewhat daunting because of its comprehensive nature, I am assured by Instant Library Limited that its practical application is not complex. (The two documents that comprise the Standard are in fact for the records management professionals not for records users). Essentially, the Standard covers four key areas:-

- access and retrieval of current records;
- a retention schedule;
- vital records protection; and
- storage of records including security.

5.7 A central message from Instant Library Limited is that the application of the International Standard should be kept simple. This underlies Recommendation Five, 3. At the end of the day successful records management depends on the staff who generate the records. As has been found in so many major government projects, if staff are not fully engaged in the process, have not contributed to its design from their knowledge and commitment to the service, or are not persuaded of the benefits, implementation will be impaired. So, the approach to implementation of the Standard being pursued by Instant Library Limited in their work with the Social Services Directorate, and which I recommend for the Council as a whole, requires joint work with managers in particular to produce simple record management systems with clearly understood benefits for service and staff, and which through gaining staff buy-in, will be used and developed. This requires determined and sensitive leadership to ensure effective delivery of the systems and, where appropriate, of the management information derived from them.

5.8 This approach, which is recommended for application across the Council, may be particularly beneficial in Social Services. In common with some other professions, social workers may regard some non-client records as personal not Council records. The lack of an implemented comprehensive records management policy in Social Services and of explicit recording requirements in relation to key processes such as supervision and performance appraisal means that this cultural assumption may not have been challenged in significant parts of the Directorate. Challenge through ordered engagement and involvement, will be more successful ultimately than top down instruction. (N.B. The not yet implemented Social Services "Draft Document

Management Policy" dated 8thAugust 2002, is not a comprehensive policy for records management. It relates to "key documents" such as policies and procedures and covers processes such as version control, issue of new documents and withdrawal of obsolete or rescinded documents. This is an important but small part of records management.)

5.9 The size of the task represented by Recommendation Five should not be under-estimated. It is a large endeavour. For this reason Five, 1, emphasizes the need for an "ordered, realistic and resourced" plan for implementation of the International Standard, and Five, 4, underlines the need for continuing investment in supporting information and communication technology. This investment is essential not only for the recording systems themselves but also for the management information derived from them.

5.10 It is not all cost to the Council. Diana Edmonds advises that, typically, application of the Standard in the manner described can reduce the storage requirement by two thirds through a mixture of disposal and more effective storage. This represents considerable potential space savings, which could form part of any accommodation strategy the Council is pursuing.

5.11 Some shorter term action on existing records and recording practice is also necessary (see Recommendation Five, 5). The Director of Social Services has already issued an instruction that when staff leave the Directorate, an envelope containing their supervision records is placed on their personal file. Databases have also been set up for disciplinaries, grievances, long-term sickness absence and for training (though there is not yet comprehensive coverage or updating of the last.) A number of further actions are recommended in Five, 5, which are self-explanatory.

5.12 The good practice recommendation in relation to legitimate removal of material from files is very basic and very important, as two incidents during the Inquiry serve to illustrate. Firstly, the competency assessment conducted by Carole Baptiste on Lisa Arthurworrey in July 1999, the month when Victoria Climbie's case was referred to her, had been on Lisa Arthurworrey's supervision file. That file had been searched for the purposes of the Inquiry but at the time of the search the competency assessment had been extracted from the file for provision to the Monaghan management investigation and was not, therefore, found. No note had been made on the file nor had the original been left there and a copy provided to the Monaghan investigation. Subsequently, the Inquiry noticed a reference to the competency assessment in the Monaghan Report when it was disclosed, and on 29th November 2001 asked for it to be provided. The assessment was provided on 6th December after a chasing letter from the Inquiry. The non-disclosure was then the subject of critical comment by Counsel to the Inquiry at the Inquiry hearing on 10th December.

5.13 Secondly, on the same hearing day the Council was criticized for not disclosing documents referred to by Mr. Kousoulou in his supplementary witness statement responding to new points in a notice of criticism. The documents had not been located in the weekend search on 1st and 2nd December in response to the Summons served on the Director because a note had not been made on the file of their provision to Mr. Kousoulou to help him with his supplementary statement.

5.14 These avoidable "own goals" added to the Inquiry's aggravation immediately after the Summons on the Director had been served and discharged. All records management systems no matter how good rely on basic good practice of this kind if they are to be reliable. This good practice is essential to normal operation as well as the unusual circumstances of an inquiry.

The Council's approach

Recommendation SIX: That –

1. **as part of its preparation for any public inquiry in which it is a key player, the Council should anticipate with confidence that it will feel itself to be hard done by;**
2. **the Council should accept this as a probable fact and deal with the inquiry in a dispassionate and objective manner, challenging the inquiry only when absolutely essential to do so and in a manner chosen with careful regard to its likely effect; and**
3. **there should be realistic expectations of an inquiry which will inevitably develop its understanding of its task as it goes along, requiring flexibility on the Council's part.**

Comment :

6.1 This recommendation may seem a little odd at first sight but I believe it is fundamentally important to the successful handling of any inquiry. It also reflects the position that the Victoria Climbie Inquiry appears to be unusual if not unique in its particular inquisitorial approach, its very public nature and in the media attention it has received. If this is an augury of things to come careful attention needs to be given by the Council and other public sector agencies to how best their proper interests can be advanced in any future inquiry. This recommendation deals with one aspect only of this issue. It is important to note that the ensuing comments have not had the benefit of input from the Inquiry itself as this is not part of my terms of reference.

6.2 It is clear to me from what people have said and from the documentation that the Council feels hard done by, and on occasion seems to have reacted emotionally to this. At times it feels as though the Council has regarded itself almost as a victim of the Inquiry. (This point has been made to me by some of the people I interviewed; it is not my observation alone.) To an extent this would be understandable given the difficulties the Council has experienced. However, if my assessment is accurate even to an extent, the question must be asked whether or not it is a good foundation for sound judgement and effective action. The point of the comments that follow is not to comment on the Inquiry but rather to convey how some aspects of the Inquiry may have seemed to some people in the Council. The issue of how the Council should react in such circumstances is then addressed.

6.3 It can be argued that there were issues in the actions of the Inquiry, for example in its appetite for documents and information. The original deadlines set by the Inquiry for receipt of documents and witness statements were very tight and almost impossibly so for the Council which had the most complex task to perform of all the agencies including the sheer number of its witnesses and the fact that many of them were no longer employed by the Council. No account seems to have been taken of this by the Inquiry. I am aware of requests from the Inquiry's "Documents Team" with deadlines that exactly coincide with the date on which they were received by the Council. This includes one letter requesting 50 documents, chased up shortly thereafter by another letter referring to "... deadlines... which have long since past". It can also be argued that the Inquiry may have shown a lack of understanding of the complexity of some of its requests and a lack of sympathy with the Council's difficulties in meeting them. It is also possible that there was a lack of understanding of the Council's proper wish to respect the obligation of confidentiality between employer and employee by consulting staff before releasing information.

6.4 It could also be argued that the Inquiry's "Documents Team" may have been over enthusiastic on occasion, for example when insisting on receiving a complex set of documents, the list of which was submitted in error with other papers by the Council and which seem not to be central to the Inquiry's terms of reference. Demands were also made for significant numbers of documents which, it seemed to be implied, the Council had not disclosed but which had already been submitted; which the Inquiry did not appear to realize. It has been put to me during this assessment that the Inquiry's methods appeared to generate a fearful way of doing business.

This concern, which may warrant attention in future consideration at national level of how best to undertake such inquiries, is not something upon which I can comment.

6.5 It could also be argued that the pointed criticism of Councillors' and the former Chief Executive's witness statements in Counsel to the Inquiry's Opening Statement is difficult to sustain and the reply to the Council's letter of protest less than satisfactory. Some might also argue that the Inquiry's unique media relations were difficult to justify in terms of the business it had to conduct. There may also some ground to support the perception of unequal weighting in the Inquiry's questioning of Social Services and Health witnesses.

6.6 So, for these and other reasons the Council clearly felt aggrieved and showed itself as such on a number of occasions. However, should a feeling of grievance even if sincerely held, be allowed to influence the Council's actions? I suggest that it should not because it tends to cloud judgement and impair necessary analysis. It can also have the unintended consequence , as I think it did in practice, of adversely affecting the Inquiry's and the media's opinion of the Council if it is seen not to be facing the music, to be seeking to divert attention or to interfere in the Inquiry. These may be unfair perceptions but the risk that they may be created should be weighed carefully before it is incurred. Feelings should not be allowed to over-influence these judgements.

6.7 It is also possible of course that what the Council may see as unreasonable may be seen as entirely reasonable by the other party in the context of their "world", i.e. the pressures they are under, their perception of your motivation, their deadlines, their assumptions about what is reasonable for you to provide, and so on. For this reason it is important to try to "live the inquiry from the inside" so that its behaviour can be better understood and the Council's conduct tailored accordingly. The pressures on a public inquiry, particularly its Chair, are considerable; for example, from the Secretaries of State and the Treasury in relation to timetable and the cost limit the inquiry has been set. The subject matter of this Inquiry is immensely complex and its logistics something of a nightmare given the deadlines that will have been intimated by ministers. The documentation is daunting and Counsel to the Inquiry and the Chair will almost inevitably have struggled to keep on top of the information in front of them.

6.8 In addition to this, any inquiry will take on a life of its own as evidence emerges and is tested, and as the press react. New lines of questioning will arise as the inquiry's understanding grows of what happened and why. This may well lead to impressions of the "goalposts moving" and of the inquiry exceeding its authority. Whereas the inquiry may see what they are pursuing as absolutely central to what it has been set up to do and what on earth is this council going on about!

6.9 It is important to recognize that all of this is "par for the course". It is to be expected; it is not so much a question of whether it will happen but how much it will happen. It should, therefore, be planned for. At the end of the day there may be little point in complaining about it too much because the Council has no real control over the inquiry and is not an equal party.

6.10 There may be little point in "kicking against the pricks" too hard and every point in judging carefully what issues to raise if at all and how best to raise them in light of the risks. For example, there is a choice whether to make representations in writing or from the floor of the inquiry. Experience suggests that points are often better raised from the floor in the context of the usual legal badinage and the working relationship leading counsel may have established with the Chair. Raising points formally in writing may run the risk of being seen to interfere not only by the Inquiry but also by the media and the sponsoring government departments.

6.11 I well understand the Council's reaction to the Inquiry given the relentless campaign to which it must feel it has been subjected. However, my advice in relation to public inquiries is to take it on the chin and deal with events in as dispassionate, objective and factual a manner as possible. All of this is said of course with full benefit of 20/20 hindsight.

Management action

Recommendation SEVEN: That –

The Council assesses carefully the risks that could be incurred from the pursuit of normal management action when a public inquiry is under way which is likely to reach conclusions on individual and collective responsibility.

Comment :

7.1 One of the more controversial aspects of the Victoria Climbie Inquiry concerns the Council's decision to initiate disciplinary proceedings against certain staff prior to their giving evidence to the Inquiry, following its consideration of the Monaghan Report. Judicial review proceedings followed in which evidence was filed on behalf of the Inquiry Chairman. The High Court upheld the application on behalf of staff to suspend the disciplinary proceedings. It seems that these events had an adverse effect on the Council both externally and internally.

7.2 I do not dwell on this episode except to note the general issue it raises. A decision of this kind may be perfectly justifiable in its own right. Clearly, however, it needs to be weighed even more carefully in the context of the inquiry and the risks as well as the benefits of proceeding. The legal advice on the Council's chances of success in resisting such an application is important; there may be little point in incurring the internal and external criticism of such an action if it has little chance of success.

7.3 It is clear that the Council did give careful consideration to this matter before proceeding. Amongst the considerations it had to weigh were the fact that a number of staff who had been the subject of disciplinary investigation were understandably asking for a clear decision on whether or not disciplinary proceedings would go forward. A number of them made the point that further delay would cause them unnecessary stress and adversely affect their health. Consideration also had to be given to the mounting criticism about staff suspended for long periods at public expense.

7.3 Nonetheless there are substantial risks in a decision to initiate disciplinary proceedings, and their potential adverse impact on the Council can be significantly greater in the cauldron of an inquiry than the deferment of the decision, as seems to have been the case in this instance. It also needs to be recognized that the inquiry may see the Council's action as either interfering in its proceedings or as attempting to preempt their conclusions. The inquiry itself may also produce evidence or make judgements of which the Council will need to be aware before arriving at a disciplinary conclusion on individual members of staff so that its own procedures are seen to be fair.

(Continued on next page)

A concluding observation:

8.1 It is clear that the Council has been on the receiving end of a most tremendous pummeling over recent years. This must have knocked confidence and produced great strains inside the Council and on occasion with partners. It is heartening to see the positive approach the Council is taking to this through its improvement agenda towards being a high performing council by 2005 and the progress that is being made.

8.2 Many people I interviewed during this assessment commented without prompting on a factor material to the Council's success in achieving its improvement aim. This concerns the historical and current "gap" that is seen to exist between senior management and staff across the Council as a whole, reduction of which is recognized to be critical to the Council's collective success. My own observation through the unusual "barium meal" of this assessment confirms the existence of this "gap" and of some history of adversarial relations.

8.3 From what I have seen and heard, there does now seem to be the potential for more of a shared agenda to reduce this gap notwithstanding the further strains imposed on the relationship as the Victoria Climbie Inquiry has progressed. I support this agenda and make the following brief comments which I hope are of some help.

8.4 As far as senior management is concerned, there seem to be two key issues at least, viz. quality improvement and the need to be both decisive and insistent that decisions are actually implemented. The Council appears to have had a problem with general management quality which has affected performance adversely. The determination to improve quality is commendable and its expression in the competency based "Organizational Development & Learning Programme 2002-2003" is excellent. In addition to the general management competences adopted by the Council which are vital to help staff improve quality, I suggest that there are Social Services specific management competences that are also important and should be given equal priority. It may well be that the Council are addressing these adequately. However, if that is not quite the case yet, I suggest that relevant work is put in hand on competences such as casework supervision, case allocation, case audit, other approaches to quality assurance at practice level, and Social Services budget management. As a matter of general practice across the country, my observation is that these critical Social Services competences are not receiving the consistent attention they require.

8.5 It is clearly essential that management is decisive and insistent that decisions are implemented. This does not need to be expressed, however, in an instructional style of which I have seen a number of examples during my brief assessment. Interestingly, these seem to be as much a carryover from the past as a new phenomenon. My experience is that staff involvement is a prerequisite for good, decisive management which has real impact on the ground. Staff surveys up and down the country indicate that the vast majority of staff want both clear, decisive leadership and real ability to influence decisions through their involvement and the giving of mutual respect.

8.6 In this context staff communication is particularly important and is felt by virtually all I have talked with to be a weakness in the Council. It is of course an issue in all large organizations but it does seem to be something requiring particular attention in Haringey. The staff newsletter, for example, though welcomed as an initiative is felt to be primarily a vehicle for top down management messages which, if it is the case, will not be an effective means of engagement through two way communication with staff. My experience is that a more co-operative approach to staff newsletters with a degree of independence from management and with active management contribution is more accepted and effective. Staff surveys also indicate the importance most staff attach to communication with their direct manager and the reliance they expect to place on that person for their information about the council. This helps to explain the importance most staff attach to team briefing by their manager, if reasonably well done, and their desire not to have to rely on rumour, gossip and the grapevine.

8.7 Another point that has been made to me powerfully concerns the need to trust staff with information warts and all. I am told there is reluctance to do this partly because of the high rate of "leakage". I also detect a desire on the Council's part to protect staff which in reality staff may not want. As a result staff may feel themselves to be in the dark and finding out about things from the papers that they feel they should have been told through their manager.

8.8 It does of course take two to tango; staff are also responsible for helping to narrow the "gap" with senior management, though the leadership responsibility does rest with the latter. In this regard I have been struck by the seemingly strong staff perception that the difficulties experienced by the Council in the Victoria Climbie Inquiry had little if anything to do with staff and were "the Council's" fault. Well, who is the Council if it's not its staff, i.e. all its staff? Staff are of course part of the Council and are responsible for giving active support to the Council including councillors and senior managers. Amongst other things, this means asking questions insistently if unclear about a senior management request until a clear answer is given, and checking the action to be taken if a deadline in a request has already passed. It means avoiding inertia, taking management instructions seriously and, where necessary, "managing up". There appears not be enough of this at present.

8.9 It is also important for all staff to recognize the impact that their actions or inactions can and do have on the Council's reputation and to take responsibility accordingly. The Council's reputation is vitally important both to the Council itself and to the people of the Borough. Many staff will be fully aware that its maintenance and improvement is not just a matter for "the Council" to attend to, i.e. "them up there", and that staff also have an important role to play. It is essential that this view of responsibility is owned by all Council staff.

8.10 These points are not central to my terms of reference but are offered for what they are worth.

The Inquiry's report:

9.1 I understand that the Inquiry is now due to produce its report to the Secretaries of State in November 2002 for publication probably in the six weeks after that. Clearly, the Council should be preparing carefully. It is suggested this preparation should take account of relevant points made in this report.

Acknowledgement:

10.1 I wish to thank the councillors and staff of the Council and leading and junior Counsel for their honest, open contributions to this assessment. In particular, a strong thank you is due to Ros Greenwood, Gerald Lloyd and other members of the Inquiry Team who have provided tremendous support. This support has not been a matter solely of organization but also of anticipating and meeting my information needs. I am grateful.

David Plank
30th September 2002
(final amendments 5th December 2002)
DP/DP

Attachment ONE

Disclosure of documents: brief summary of events as reported at the Inquiry's public hearings with explanatory comments

(Dates refer to Inquiry hearings)

27th November 2001:

A report to the Council's Policy and Strategy Committee (covering the Part 8 Case Review Report) was referred to as a result of a report in "last evening's" Evening Standard. The Chairman queried the non-disclosure as it contained, as he understood it, a summary of lessons learned.

The summary in the covering report simply lists the main conclusions of the Part8 Report which the Inquiry had already received. It contains no additional information.

30th November 2001:

Mr. Garnham reported that three documents, including the Ben Brown Report, had been handed to him that morning by Miss Lawson that were "of central importance to the evidence we are going to hear from Ms Kozinos", i.e. the next witness.

One of these had been in the document bundles previously circulated; two were not including the Ben Brown Report which also listed four further documents which the Inquiry thought it had not seen previously including two case file audits of the North Tottenham and Hornsey Offices.

The Summons was issued to the Director of Social Services the same day, i.e. a Friday. It summoned the Director to attend the Inquiry on the immediately following Monday, 3rd December, "... to produce any documents in your possession, custody or control likely to be material to the Terms of Reference of the Inquiry that have not already been disclosed to the Inquiry". Infringement of this requirement was punishable on conviction by a fine up to £1,000 or imprisonment up to six months, or both.

The Council then produced a large number of documents (263 according to the Council, 630 according to Mr. Garnham.)

The Director of Social Services on 2nd December issued her e-mail to "All staff" (see Attachment Two).

10th December 2001:

Mr. Garnham stated that a supplementary statement had been received from Mr. Kousoulou, a former Council employee. "That statement exhibits yet more documentation from Haringey."

These documents had been provided to Mr. Kousoulou to help him with his supplementary statement which concerned the issue of an integrated database raised in a notice of criticism issued by the Inquiry to him and the Council. A record of this had not been made on the file and the documents were not found, therefore, when the file was searched on the weekend of 1st and 2nd December.

Lord Laming complained that he had not seen Mr. Kousoulou's supplementary statement on which he was due to be examined that day together with his original statement. (The notice of

criticism to which the supplementary statement was responding was issued by the Inquiry in early November.)

Mr. Garnham also referred to a previously undisclosed competency assessment on Lisa Arthurworrey conducted by Carole Baptiste in July 1999, "the very month when this case was referred to Miss Arthurworrey, and deals with her competence, the issue which is close to the heart of this Inquiry." This assessment was listed in the Monaghan Report which had recently been disclosed to the Inquiry. The assessment had been requested by the Inquiry on 29th November and chased on 5th December The document had then been disclosed by the Council on 6th December.

The competency assessment had been extracted from Lisa Arthurworrey's supervision file for the purposes of the Monaghan management investigation and a note had not been made to this effect. So, it had not been found for the Inquiry when the file was searched.

The Inquiry Chairman decided to require the Chief Executive "... at 10 o'clock tomorrow morning to explain why I find myself in this position...", i.e. the position of potential difficulty for the conduct of the Inquiry of having to recall witnesses for further questioning in light of documents subsequently disclosed by the Council, including an important document from the "relevant period" now disclosed after the Summons to the Director of Social Services had been served and discharged .

11th December 2001:

Mr. Garnham reported that an unsolicited 30 page supplementary witness statement from a former Council employee, Carol Wilson, "volunteered to us by Haringey" had been received "On the evening of Thursday 6th December". It had not, he said, been possible to turn it round in the usual time of "less than 24 hours" because the "document team (had been) at full stretch dealing with the 630 new documents we have received from Haringey" in response to the Summons.

As a result of this the Inquiry decided that Carol Wilson should not give her evidence that day. Lord Laming's comments indicated that he held the Council responsible for this, though Carol Wilson was not strictly a Council witness and the Council had simply been facilitating her response.

The Chief Executive appeared before the Inquiry in response to the Inquiry's requirement that he attend to explain the Council's performance with regard to the provision of documents. The Chief Executive says that he is "... acutely embarrassed to be called here in respect of what has happened...".

13th December 2001:

Mr. Garnham said: "...as much in sorrow as in anger...late yesterday afternoon Haringey produced yet more documentation relevant to the Inquiry. It appears that these were searched for and located as a result of cross-examination of some of the trade union witnesses".

These were Local Joint Committee minutes submitted by the Council following evidence given by Haringey Unison. The Council had not been aware of these documents which were drawn to its attention by former staff who were present when Unison gave its evidence.

1st February 2002:

Mr. Garnham: "At 9 o'clock this morning my learned friend Miss Lawson came to see us downstairs bringing with her a bundle of further documentation. ...a considerable number...are material to a greater or lesser extent to the issues we have been considering, including issues relating to the evidence of Ms Bristow on Wednesday".

Independent Assessment

These documents had been found following a search of a Personal Assistant's filing cabinet at the North Tottenham District Office. They contained material dating from the "relevant period". The material had been noticed initially by a temporary P.A. who was new to the Tottenham Office, and had recognized some of the names and remembered the Director's 2nd December e-mail.

Lord Laming said that he was "absolutely furious" and suspended the day's proceedings so that the documents could be studied.

The Inquiry decided to require the Chief Executive to provide it with an affidavit explaining how these events had come to pass and stating in detail what the Council had done to comply with its obligation to provide relevant documents to the Inquiry.

4thFebruary 2002:

This was scheduled to be the last day of oral evidence to the Inquiry.

Mr. Garnham: " First, on Friday evening (1stFebruary) we were provided with a document of central importance to this Inquiry...It is a PDR dated 29thJuly 1999 conducted by Carole Baptiste on Lisa Arthurworrey. That is a PDR conducted on the very day or within 24 hours of the allocation by Baptiste to Arthurworrey of Victoria's case. It has observations which would have been relevant from the first day of this Inquiry. Then this morning, sir, we received yet further documents accompanied by a letter from Mr. Lloyd dated this morning... (which)...runs to five pages".Mr. Garnham read the following passages from the Council's letter: "On Friday those searching at the North Tottenham office were told that a large quantity of old files had been moved from the building to a locked storage area at the side of the building. This is where most of the material in the list below has been found. ...The Inquiry must appreciate the significance of these documents has only become apparent in recent weeks as the focus of the Inquiry has shifted or in consequence of the questioning of witnesses."

Mr. Garnham then commented as follows. "Sir, that last assertion that the focus of the Inquiry has shifted gives us some concern. In our submission the poverty of that argument is demonstrated by the headings for the documents disclosed provided by Haringey in their letter. Those headings are as follows: "Documents relating to Lisa Arthurworrey"; one might have thought it pretty obvious that those would be relevant given Miss Arthurworrey's involvement in this case. "Correspondence between Ann Graham and the Haringey Police CPT"; self-evidently relevant given that the liaison between the agencies was at the forefront of your terms of reference. "Investigation into the Rainbow Church", relevant at least since the time of the opening. "Documents in North Tottenham District Office relating to the NSPCC Family Centre", ditto. "Documents relating to restructuring", ditto. "Staffing, duty cover, allocation meetings in the North Tottenham District Office. Allocation, documents relating to Carole Baptiste's supervision."

Mr. Garnham then said: "Sir, it is possible that Haringey may believe that because we have reached what was planned to be the last day of oral evidence we would now be content with the documents we have. We will not. We will continue reading and questioning and demanding their proper cooperation with this Inquiry. If necessary we will call for further documents, serve summonses on those who hold the documents and recall witnesses. We are not sir content to leave this matter until we are satisfied that Haringey have done what they should have done in the first place and provided everything that is material."

Lord Laming also commented at some length. His comments included; "... I said on Friday that I was furious and I do not often use a word like that and I only use it when it is a feeling which is genuinely felt. Nothing that has happened since has helped me overcome my fury."

DP/DP
1stOctober 2002
(amended 2ndOctober 2002)

Independent Assessment

Attachment TWO

Text of Director of Social Services' e-mail to "All staff" dated 2nd December 2001

Re: Victoria Climbie Inquiry

I am writing to advise you to consider immediately whether you may hold any papers relating to death of Victoria Ciimbie or the lessons learned by the death of this child. This would include any documents relating to any concerns about the operation of Child Protection Services in Haringey.

If you believe you hold any such documents you must immediately and in any event no later than 2pm on Monday 3rd December 2001, provide a copy of these documents to my office.

Should you require any clarification on this instruction you should speak without delay to your Assistant Director or Rose Muir.

Anne Bristow
Director of Social Services

DP/DP
1stOctober 2002

Independent Assessment

haringey strategic partnership

Haringey's Community Engagement Framework:

Working together transparently so communities can influence and improve public services

June 2009

Executive Summary

Haringey's first Community Engagement Framework (CEF) reaffirms the Haringey Strategic Partnership's understanding of and commitment to community engagement.

Our **definition** of community engagement includes the following activities:

- Informing
- Listening
- Consulting
- Involving
- Collaborating
- Empowering

The **aim** of the Framework is to enable the Haringey Strategic Partnership (HSP):

'To engage with local communities and empower them to shape policies, strategies and services that affect their lives.'

The Framework will develop and extend good practice across organisations in the partnership. It does not prescribe community engagement activity, but acts as a guide to inform community engagement work.

The Framework includes clear **principles** to be used when carrying out community engagement activities in Haringey. The HSP partners will:

- Work in partnership to join up our engagement activities
- Engage when it will make a difference
- Be clear about what we are asking
- Be inclusive and aim to engage with all communities
- Communicate the results of engagement activities
- Build capacity of communities to take part in engagement activities

A Delivery Plan to accompany the Framework will be developed to identify the outcomes and related priorities for improving community engagement in the borough.

Foreword by the Chair of the Haringey Strategic Partnership

We are not starting from scratch. We recognise that good community engagement activity has and is happening in the borough. However, this is the first time that the HSP has taken a common approach to community engagement. Through the development and implementation of the Framework we hope to raise the profile, improve the quality and achieve better co-ordination of community engagement locally. Our purpose is to improve people's lives and the quality of public services, and make better use of resources.

To help us develop the Framework, we listened to what people have told us, reflected on previous and current community engagement in the borough and looked at research that has already been done here[1] and elsewhere in the country. This includes consideration of recent developments in national government policy and legislation, particularly the Government's white paper 'Communities in Control' and the new 'duty to involve' in the Local Government and Public Involvement in Health Act 2007.

The Framework has been signed up to by all members of the HSP and therefore applies to all the organisations on and sub groups under it.

Signatories to the framework:

- Barnet, Enfield and Haringey Mental Health Trust
- College of North East London (CoNEL)
- Greater London Authority
- Haringey Association of Voluntary and Community Organisations (HAVCO)
- Haringey Children's Trust
- Haringey Community Link Forum
- Haringey Council
- Haringey Members of Parliament
- Haringey Registered Social Landlords
- Haringey Youth Council
- Homes for Haringey
- Job Centre Plus
- Learning and Skills Council
- London Fire Brigade
- Metropolitan Police
- Middlesex University
- NHS Haringey
- The Bridge New Deal for Communities

[1] *Public officials and community involvement in local services*, Joseph Rowntree Foundation, November 2008

1. Introduction

Community engagement goes far beyond just consulting local people and communities. It lies at the heart of the services provided by the organisations that make up the Haringey Strategic Partnership.

The Department for Communities and Local Government has stated that community engagement is central to local service delivery:

"Bringing government closer to people, passing power from Whitehall to the town hall and direct to local communities, isn't just the right thing to do. It's the best way to revitalise the local roots of our democracy... the surest way of making local services reflect people's needs [and] the only way we can get to grips with some of the biggest challenges we face – from climate change to childhood obesity."

(Development Trusts Association Annual Conference, 17 September 2007)

Appendix A describes the national context for this work.

2. Why a Community Engagement Framework?

There are a number of compelling reasons why community engagement is central to the work of the HSP. Engaging with our local communities will help us to meet our Sustainable Community Strategy vision of:

'A place for diverse communities that people are proud to belong to.'

The **benefits** of achieving our vision are described below:

1. **Empowering people to define and shape their own community:**
   People have a right to shape and influence their own community. Getting people involved in shaping their own communities can help to create a greater sense of belonging.
2. **Responsive services tailored to meet people's needs:**
   Community engagement is central to evidence based policy and practice. Engagement with local people will help to plan and develop services that are more appropriate and responsive to their needs.
3. **Better informed citizens:**
   Engaging with local communities can bring greater understanding of the HSP policies and priorities. Community engagement can help to explain to local people the competing demands on local resources and help to manage expectations.
4. **Encouraging democratic involvement:**
   Community engagement is an exercise in participatory democracy which many people enjoy. The expansion and development of community engagement can reinvigorate the democratic process.

5. **Building responsible citizenship:**
   If communities are able to play a significant role in improving the area they live in they are more likely to develop a greater sense of responsibility or ownership. This strengthens the role of communities in the management of their neighbourhoods.

6. **Building capacity of people to take part in engagement activities:**
   Community engagement can help to build the capacity of participants by developing their knowledge and skills. They will learn about their community, its issues, organisational structures and processes. Community engagement can also help to develop practical skills: for example, communication, surveying and interviewing.

7. **Improving relationships between partner agencies and the public:** Community engagement makes organisations more accessible and open to the communities they serve which can, in turn, make services they provide more responsive to the needs of communities.

8. **Better monitoring and measuring of performance:**
   Community engagement, as performed through quantitative and qualitative assessments (surveys, focus groups and interviews) will provide the HSP with evaluative feedback essential for establishing baseline data and monitoring performance.

9. **Meeting our statutory obligations:**
   There are a number of statutory obligations on the HSP to engage with communities. Consultation is at the core of the Sustainable Community Strategy and community involvement is important in building local evidence for assessments within the Comprehensive Area Assessment.

3. What do we mean by engagement?

There are many different words used to describe community engagement – 'empowerment', 'involvement', 'consultation' and 'research' are just a few. All of these methods are important in engaging communities. All are equal in merit. We are working towards **empowering** local citizens but recognise that different methods of engagement are appropriate for different circumstances.

In Haringey we have defined the following different methods as community engagement:

- Informing
- Listening
- Consulting
- Involving
- Collaborating
- Empowering

All these methods include getting the participants' views on the engagement approach as well as feeding back the results of it to those who took part. Examples of these different methods of community engagement are outlined on the following page.

COMMUNITY ENGAGEMENT METHODS

Informing:
This is the simplest form of engagement and is all about giving information to communities and stakeholders
E.g. websites, newsletters and leaflets

Listening:
This is where research is undertaken in order to find out new knowledge and understanding of our community
E.g. NHS Community Survey

Consulting:
This is used to have a dialogue with our citizens to inform decision-making
E.g. Statutory consultation on school admission arrangements; consultation on the Sustainable Community Strategy; Local Area Assemblies

Involving:
This is where citizens are involved in decision-making on the future of their communities
E.g. Safer Neighbourhood Ward Panels; Young Advisors to Council

Collaborating:
This involves people and organisations both deciding and acting together and also sharing responsibility
E.g. Haringey Community Link Forum

Empowering:
This is the most ambitious level of engagement where communities develop and implement their own plans with support from the statutory and voluntary sector
E.g. Learning Disabilities services run by service users

4. What are the HSP's existing commitments to community engagement?

This Framework builds on our responsibilities contained within the Sustainable Community Strategy (SCS), which provides the overarching direction for the borough. The principles of this Framework support **all** of the SCS outcomes, and in particular:

- **People at the heart of change**
- **Be people and customer focused**

Haringey's Local Area Agreement also clearly demonstrates the HSP's commitment to community engagement. It contains the following indicators, which will allow us to measure and monitor this Framework:

- NI1: % of people who believe people from different backgrounds get on well together in their local area
- NI4: % of people who feel they can influence decisions in their locality
- NI6: Participation in regular volunteering
- NI7: Environment for a thriving third sector
- NI21: Dealing with local concerns about anti-social behaviour and crime by the local council and police – proxy % of people who feel well informed about what the council is doing to tackle anti-social behaviour
- NI140: Fair treatment by local services - proxy to what extent does your local council treat all types of people fairly

5. Aim of Haringey's Community Engagement Framework

The **aim** of this Community Engagement Framework is to enable the HSP partners:

'To engage with local communities and help empower them to shape policies, strategies and services that affect their lives.'

6. Haringey's Community Engagement Principles

The Framework develops and extends good practice across organisations in the partnership. It does not prescribe community engagement methods, but acts as a guide to inform community engagement work across the HSP. It draws together the actions of partners. We have developed a set of principles to be used in carrying out community engagement activities.

We will:

1. **Work in partnership to join up our engagement activities**
   - Adopt the COMPACT way of working which promotes good practice in partnership working
   - Work together to co-ordinate engagement activities and resources where possible, to avoid duplication and over-engagement
   - Build trust between our communities and the HSP
   - Ensure that the HSP has a clear understanding of Haringey's communities and a commitment to engaging with them
   - Work together to make better use of what we already know
   - Enhance community leadership by ensuring that voluntary and community organisations are effectively represented across the HSP

2. **Engage when it will make a difference**
   - Engage where there is a real opportunity for people to have an impact and influence decisions on those issues which local people care about
   - Engage when an initiative will have direct implications for local people
   - Ensure that the outcomes of community engagement are used to plan and deliver services, strategies and policies that reflect the needs and aspirations of local communities
   - Engage where there is an identified lack of knowledge among HSP partners
   - Promote the principles of community engagement within the work of all agencies of the HSP and ensure that engagement is carried out to a consistently high professional and ethical standard

3. **Be clear about what we're asking**
   - Make the aim of engagement clear
   - Provide clarity for local partners and local people about the opportunities there will be to shape services and what the benefits might be
   - Be honest about what can and can't be achieved or influenced from the beginning
   - Ensure that participants understand what they are taking part in and how their views will be used
   - Ensure that there are engagement opportunities from the beginning of any process to develop policies, strategies and services
   - Ensure that participants understand when consultation has finished and what will happen next

4. **Be inclusive and aim to engage with all communities**
   - Ensure that individuals have the opportunity to express their views and know that these views will be listened to and respected
   - Take into account particular needs of individuals or groups and aim to overcome any difficulties people may have in engaging

- Research ways of increasing involvement with communities who are not in touch with HSP organisations
- Engage with people of all ages and ensure that young people have engagement opportunities
- Ensure that communities who are directly affected by an initiative are aware of engagement opportunities
- Ensure that engagement methods are accessible and appropriate to the communities or individuals who are participating
- Engage communities of interest on specific issues

5. **Communicate the results of engagement activities**
   - Ensure that communities are aware of the impact of their input by making sure participants receive feedback as soon as possible, and that they are told when this will be
   - Ensure that communities who are affected by an initiative receive feedback on engagement activities, through a variety of channels where appropriate
   - Give participants the opportunity to feed back to partners on the engagement process
   - Review and evaluate the engagement process and learn from it

6. **Build capacity of communities to take part in engagement activities**
   - Ensure that the statutory and voluntary sector are supported to develop their skills and capacity in order to facilitate communities to engage effectively
   - Establish a coordinated and consistent approach to community engagement including better use of resources and sharing information between partners
   - Use engagement to strengthen partnership working to identify and solve community issues
   - Recognise and build on the strengths of volunteers to encourage community cohesion, wider participation in local life and the development of new skills.

We recognise that we need both human and financial resources to ensure good quality engagement and that organisations will have different access to these. We hope this framework will help us to make better use of all our existing resources, by changing our ways of working including sharing ideas, facilities, expertise and good practice. We aim to be transparent about the level of resources we have for improving community engagement locally by making sure that the priorities included in the final framework are adequately resourced.

7. How was this Framework developed?

We set up a multi-agency project group to develop this Framework. This group undertook engagement activities with local stakeholders, community groups and individuals to make sure the Framework focuses on those issues which local people care about. Engagement took place in two phases from January to April 2009, and included:

Phase 1:

- **Informing:**
  - We sent a letter to over 700 community and voluntary groups informing people about the planned Framework.
- **Consulting:**
  - We sent a questionnaire to the same groups asking for their views on how HSP partners could engage better.
  - We made the questionnaire available to everybody on the Haringey Council website.
- **Listening**:
  - We attended a meeting of Haringey's Community Link Forum (a forum for Haringey's voluntary and community groups) to listen to people's views on engagement in Haringey.
  - We received 100 responses and used these to develop the draft Framework.

Phase 2:

- **Informing**:
  - We sent a letter to the same 700 community and voluntary groups, and to other groups and individuals who asked to be informed,
- **Consulting**:
  - We sent the draft Framework and a questionnaire to the same groups, asking for people's views.
  - We made the draft Framework and questionnaire available to everybody on the Haringey Council website.
  - We put an article in Haringey People magazine (delivered to every household in the borough), encouraging people to take part in the consultation.
  - We attended the HSP Board and the HSP's six thematic boards to ask for people's views on the Framework.
- **Listening**:
  - We met with community groups to explain the purpose of the Framework
  - We attended another meeting of Haringey's Community Link Forum to listen to people's views on the draft Framework.
  - We used people's views to finalise the Framework.

8. How will we implement the Framework?

During the process of developing the Framework key actions will emerge as being essential to improving community engagement in Haringey and achieving the aim of the Framework.

The partner organisations will work together to deliver the aim of the Framework and the multi-agency group will lead on the development of priorities and an accompanying action plan which will monitored by the Performance Management Group of the HSP. The multi-agency project group has started this process by mapping existing community engagement work. This will be developed further following consultation on this draft framework.

While it is unlikely that the Framework will change significantly, it will be reviewed after two years to ensure that it is having a positive impact on the way community engagement is undertaken in Haringey. After this, the Framework will be reviewed every three years by a multi-agency group.

Equalities Impact Assessment:
An initial Equalities Impact Assessment (EIA) of the Framework is being carried out on the Framework and will be available at www.haringey.gov.uk/framework. A full EIA will be undertaken when the Delivery Plan is developed.

Further information:
For further information on Haringey's Community Engagement Framework please contact:

Corporate Policy Team
Haringey Council
7th Floor River Park House
225 High Road
London N22 8HQ

E mail: policy@haringey.gov.uk
Phone: 020 8489 2979

Appendix A

National Policy Context
Over the past few years, central government has placed increasing emphasis on how councils empower and engage people in all aspects of local public services. This is seen as essential to help renew local democracy, improve trust in public institutions, enhance community cohesion and encourage an active citizen culture.

The Government's White Paper on community engagement, 'Communities in control: real people, real power' sets out new duties for local authorities to engage with and empower local people. As of April 2009, local authorities have a duty to inform, consult and involve communities in local decisions, policies and services.

The following national policies demonstrate central government's drive towards involving communities:

- Local Government and Public Involvement in Health Act (2007)
- White Paper: Strong and Prosperous Communities (2006)
- White Paper: Communities in Control: real people real power (2008)
- Sustainable Communities Act (2008)
- Discussion Paper: National Framework for Greater Citizen Engagement (2008)
- Planning for a sustainable future (2007)
- Draft Local Democracy, Economic Development and Construction Bill (2008)
- Draft Policing and Crime Bill (2008)
- NHS Act (2006)

Definitions
Communities and Local Government (CLG) define community engagement as *'the process whereby public bodies reach out to communities to create empowerment opportunities'.*

CLG definition of empowerment is *'the giving of confidence, skills and power to communities to shape and influence what public bodies do for or with them.'*[2]

The Metropolitan Police define community engagement as *'the proactive harnessing of the energies, knowledge and skills of communities and partners not merely to identify problems but also to negotiate priorities for action and shape and deliver solutions.'*[3]

The National Institute for Health and Clinical Excellence guidance on community engagement states that it *'refers to the process of getting communities involved in decisions that affect them.'*[4]

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[2] See *An Action Plan for Community Empowerment: Building on Success* (CLG, 2007), p.12 for both definitions
[3] See the Metropolitan Police Authority and Metropolitan Police Service, *Community Engagement Strategy 2006-2009*, p.5
[4] See National Institute for Health and Clinical Excellence Public health guidance 9, *Community engagement to improve health*, February 2008, p.5

Cabinet Member for Community Cohesion and Involvement

Councillor Kaushika Amin

- Communications (operational)
- Area Assemblies
- Complaints
- Customer Services and Customer Focus
- Corporate Consultation
- Corporate Engagement
- Equalities
- Member Services
- Neighbourhoods
- Voluntary Sector.

Pre Business Plan Review Template

2009-10

PRE-BUSINESS PLAN REVIEW

PERFORMANCE SECTION

DIRECTORATE	Policy, Performance, Partnerships & Communication
PORTFOLIO	
BUSINESS UNIT	Corporate Partnerships
BUDGET HOLDER	Sean Burke, Susan Humphries & Mary Connolly
PBPR **completed** by	
PBPR **reviewed** by	
Version	1:0

Instructions - Please ensure that:
Any information provided in this file is accurate and thorough;
All abbreviations are fully explained on initial use;
The file is reviewed independently to check for errors prior to submission; and
The filename is saved according to the instructions at point 10
This file is emailed to the **'PBPR/Capital Appraisal'** mailbox upon completion, with **the business unit's name in the subject field**

APPENDIX 6. PART 2.

Pre Business Plan Review 2009 / 2010

Business Unit:	Type unit here	Portfolio(s):	Type Portfolio here
Budget Holder:	Type Budget holder's name	PBPR completed by:	Type Officer's name here
Directorate:	Type Directorate here	PBPR signed off by:	Type Head of Business Unit here

Section A:
Sets out progress against current year's objectives and performance.

Section B:
Identifies the factors that will affect the work of your business unit in the next 3 years

Section C:
Sets out proposals for the years ahead

Finance Section

Appendix 1
An excel spreadsheet which should be completed for all revenue savings, investments and capital bids. Please refer to the guidance document and savings target spreadsheet before you complete this.

Appendix 2
Capital Programme Application Form 2009/10 – 2011/12. Please read the capital guidance document before you complete this.

SECTION A – Where is the Business Unit now?

1. Vision

Please type here. State the vision for your business unit - this vision should be derived from the Council's overall vision. It should be a short and aspirational statement that will guide the work of your staff.

Corporate Partnerships will enable and support all of Haringey's communities to influence, improve and shape the quality of local services by bringing together all stakeholders to develop a culture which drives excellent services and encourages and builds upon community engagement with the Council and its partners to improve the quality of people's lives.

2. Objectives (Current Year)

In the following table, succinctly set out progress against current year objectives. You can use your quarterly performance review where you provide updates on your business action plans . Also identify any areas of work that will need to be carried forward to the next financial year.

Objectives	**Progress/ Key Achievements in the year so far**	**Anticipated progress at year end**	**Areas of work to carry forward**
Corporate Partnerships will drive forward the Council's and the HSP's priorities as set out in the Sustainable Community Strategy. This will be achieved by working at both a corporate and a local level with partners from the statutory, voluntary & community and private sectors.	Area based working is endorsed by members as priority. Active community engagement undertaken to deliver joint multi-agency partnership working. Community organisations and residents supported to engage with service providers to drive improvements in their local neighbourhoods. Partnership working through the HSP and thematic boards is being supported. Sustainable Community Strategy launched at the HSP +seminar. Also used to begin identifying the 35 improvement targets.	Borough-wide rollout of area based working (Urban Environment and SNTs). Support to Green Lanes Strategy Group, Middleton Road and Better Places Bruce Grove Neighbourhood Ongoing working to link thematic boards to the Sustainable Community Strategy and embed joint working to achieve the 35 improvement targets.	Local Area Assembly theme boards & Neighbourhood Conferences to confirm area priorities Gain agreement from GoL on strengthening thematic boards & gain commitment to the key targets and for working towards the CAA with Partners. Embed the Council's Lead Body Status for the HSP.

Build community engagement and the capacity of community organisations to actively and effectively engage with the Council and its partners to improve the quality of people's lives and create a safer, greener and more economically prosperous Haringey.	Accessible community engagement framework regularly delivered through the Area Assemblies	28 Area Assemblies delivered with increased attendance & improved community participation. Community engagement on CPZs; Community Justice; Community Leadership course; Falkland & Fairfax; MtD	Ongoing review of Area Assemblies & of MtD show case for community schemes. Improve Communications; improve agenda planning and support. Work to meet LAA targets for Community Cohesion & Engagement
	Working in partnership with HAVCO to develop 'Community Links' – the community empowerment network for Haringey.	New election process in place Representatives through 'Community Link' on the HSP Representatives trained in key skills to ensure proper & appropriate representation	Monitoring of the C.E.N. project with HAVCO
	Council Members supported in their "Community Champion" role. Regular Member briefings at neighbourhood level; agreed Member / officer protocols	roles of NM clarified Members aware of local issues & priorities	Engage Cllrs in local theme groups; maintaining partnership working involving ward councillors supporting key themes

	Neighbourhood partnership working has been developed and supported. Contribute to Over View & Scrutiny Review of Neighbourhood Mgt.	Wood Green, Philip Lane, Bruce Grove all with local Groups. Somali Forum; Access to Services Project for New Communities, HMO Group Green Lanes, Local Neighbourhood Charter Green Lanes Strategy Group	Neighbourhood Conferences contributing to LAA targets
Develop a rolling work programme which ensures the voice and views of local people and businesses contribute to achieving the HSP's priorities and the outcomes of the Local Area Agreement (LAA) and that they contribute to wider local and strategic planning.	Area Assemblies continually supported and serviced to provide borough-wide formal consultation. Cabinet Question time at Area Assemblies. This engagement informs Members and challenges thinking on policy issues, providing the forum for informal feedback on local priorities	PCT consultation on Health Strategy, Community Strategy, single issues in areas e.g. CPZs; Stop & Shop; Parkland Walk; Extended Schools; SNT.	Regular reporting on local area based issues and priorities. The Area Action Plans will drive forward the strategic objectives of the LAA with the principles of the Action Plan being derived from local priorities
	Sustained partnership working at neighbourhood level has delivered service improvements and contributed to the development and implementation of the LAA.	Joint working with SNT has led to joint initiatives e.g. targeted local dispersal orders, tackling drug dealing, illegal car sales, clean sweep projects, the Green Fair, & Access to Services	Area based working with intra agency partners to report to Neighbourhood Theme Boards and Area Assemblies
	Rolling work programme is setting key targets, and linked to the Area Assembly Priority Plans, to drive the delivery of local priorities.	Continuous review of performance & delivery of staff in Neighbourhood Teams	Improve performance, target resources to build greater accountability to both our communities and their ward councillors

Lead and drive work on exploiting opportunities for delivering locally accessible services which link to the priorities of the Community Strategy.	Continued effort to maximise funding from internal and external sources to deliver service improvements.	Secured NDC match funding for 2 Neighbourhoods, the Area Based Grant allocated to 6 of the neighbourhoods	To continue to secure funding for neighbourhood projects. In line with the Council Plan bid for funding to sustain community cohesion e.g. Somali Forum, Access to Services, Orthodox Jewish Community. Work with partner services to review service priorities to meet locally identified needs.
Strengthening the management systems for monitoring and evaluating and put in place an evidence based self assessment review which demonstrates outcomes to those organisations in receipt of core grant. CVST to make sure organisations support the work of the Sustainable Community Strategy & LAA targets	Introduction of evaluation system for the reviewing of 3 year funding agreements. This is currently being undertaken - 21 core funded organisations who are in the last year of their funding agreement	21 organisations reviewed and evaluated and new 3 year funding arrangements in place.	Review remaining 17 organisations in 2009/10 in line with the evaluation system
Provide specialist support on voluntary sector issues to other departments that engage with the voluntary sector	Provide advice and support to other departments on voluntary sector issues. Member of the HSP Co-ordinators Network and Commissioning Working Group, the JWAB – Community Assets, Council	Continue to represent voluntary sector issues as they relate to other Council departments	Identify specific areas in developing the Council's relationship with the voluntary and community sector

	and Voluntary Sector Wellbeing Group, CE Equalities Forum etc		
Support the effective implementation of the COMPACT by the Council and its partners.	Developed the Compact Proofing Tool Kit. This is being trialled through the ABG review.	From lessons learnt from the trial complete the Compact Proofing Took Kit for wider use across the Council	Share the Compact Proofing Tool Kit with other HSP partners and external agencies.
Work closely with Property Services to develop a strategy for the management of community buildings	Working closely with the JWAB – Community Assets and the Community Buildings Officer in Property Service to put in place a consistent approach to the Council's relationship with voluntary and community (VCS) agencies occupying Council buildings	To make sure the that decisions made about community buildings are Compact compliant	Continue to support the work of Property Services around community buildings.
Implementation and support across departments of the CVST Quality Assurance Measures (QAM) to those VCS agencies who have not engaged in quality assurance systems	Developed and consulted on the CVST Quality Systems (Stepping Stones) and introduced the new systems to Council officer working with voluntary agencies in Haringey.	Training on Stepping Stones to other officers and pilot with other Council departments.	Work with identified organisations to put in place QAM. Further develop Stepping Stones to Phase 2

3. Performance

Referring to your monthly and quarterly dashboards please identify any indicators, including Local Area Agreement targets, where targets are at risk of not being met. Set out action to bring performance to target.

The Policy and Performance Team can provide additional support and analysis if required. Please contact Richard Hutton on ext. 2549.

Ref	Description	2008/09 target /	2008/09 performance	2008/09 projection	Proposed remedial action to achieve target

		threshold	Apr-Aug		
NI 4	% of people who feel that they can influence decisions in their locality *(From LAA)*	33%	Not available	43%	*Resident Engagement* • Consultation on neighbourhood renewal issues and priority estates. • Festivals and events to inform and engage; • Engaging young people on ASB issues and in shaping youth provision and priorities. • Work with new communities *Capacity Building* • Community leadership training for resident activists and representatives. *Making the Difference* • Neighbourhood management to publicise Making the Difference (MTD) at Area Assemblies. • Community and voluntary sector to submit MTD bids via Area Assemblies for project proposals to enhance built environment or to promote social cohesion amongst communities. • Ward councillors to consider MTD proposals and shortlist projects to be delivered. • Partners deliver service improvements identified through proposals, where appropriate. *Area Assemblies* • Neighbourhood Manager to support chair and ward councillors in leadership role. • Neighbourhood teams to work across services to promote resident involvement in service planning

					and delivery and to identify future strategy/service changes for consultation with residents at assemblies. • Area Assembly Priority Plans are being developed in each area – these involve cross policy working across the HSP theme groups and underpinning the LAA. ***Area Based Grant*** • Add value to joint agency working. • Build social cohesion and community engagement. • Contribute to all HSP themes and youth diversion.
NI 1	% of people who believe people from different backgrounds get on well together in their local area *(From LAA)*	77%	Not available	81%	***Work with specific communities*** • Jewish community: research project to inform strategy development within the council. • Somali forum: improve access to service • *Under One Sun* healthy living and social exclusion programme. Work with eastern European communities to improve access to services.
MORI Q5	An increase in the number of people recorded as or reporting that they have engaged in formal volunteering on an average of at least 2 hours per week over the	464		80 or 7% increase	The CVST provide funding to support core activities in HAVCO to increase volunteering. The CVST refers all volunteering enquiries to HAVCO. (***NB*** *The project activity in the LAA identified as tackling this target is all related to HAVCO. Partnerships do not have any projects linked to this target within the LAA).*

	past year. *(From LAA and Performance Table)*				
MORI Q3	Percentage of residents reporting in increase in satisfaction with their neighbourhoods. *(From Performance Table)*				Whilst not directly responsible for this target work in the neighbourhoods contributes to resident satisfaction through increasing levels of community engagement and participation.

BV 226a	Advice and Guidance Services – CLS quality mark	£811,800	£398,100	£811,800	The CVST has a specific funding stream for legal and advice agencies. The grants have been made to Haringey Citizens Advice Bureau (CAB), Haringey Law Centre and Angola and Cabinda Advice Agencies.
BV 226b	Advice and Guidance Services – CLS quality mark	100%	100%	100%	The CVST ensures that all groups funded have a level 3 CLS quality mark (enables casework to be undertaken). CLS introduced the quality mark, but will no longer audit organisations under level 3. This may result in the quality mark being phased out over time.
BV 226c	Advice and Guidance Services – direct provision	£811,800	£398,100	£811,800	All groups funded provide direct provision. ***NB*** *Other agencies in the borough that also offer advice services may receive core funding from the Council but the core funding is not directly linked to providing an advice service.*
NI7	Thriving Third Sector	2,521,500	1,141,581	2,521,500	The core grants funding administered by the CVST targets those agency that are considered fit for purpose to support a thriving third sector in Haringey.

4. Value for Money (Cost, Performance, Perception)

4.a Looking at your unit costs, comparative performance and perception data comment on your service's cost effectiveness and how you aim to achieve value for money. The attached Value for Money profile provides you with some comparative analysis. You can carry out further analysis by using the Audit Commissions VfM tool

The Policy and Performance Team can provide additional support and analysis if required. Please contact Catherine Cobb or Richard Hutton on ext 297112549.

Neighbourhood Management Unit costs (calculated by population and unit cost)

Population (current estimate, ONS Mid-year 2006) – **225,700**

Neighbourhood Management Budget 2007-08 **£4,114,460**

Budget 2008-09 **£3,560,100**

In 2007-08 NM spent **£18.23** per person in Haringey

In 2008-09 NM will spend **£15.77** per person in Haringey.

Currently, the Neighbourhood Management Service does not have unit costs to compare to comparators since few boroughs in London have rolled out borough wide. Haringey's Neighbourhood Management Service is a member of the Young Foundation Consortium which consists of 20 local authorities that deliver services via Neighbourhood Area Offices. Neighbourhood Management will be taking the lead on benchmarking with the other local authorities to explore value for money. This will link with the LAA mandatory targets and the perception of community satisfaction. Neighbourhood management has contributed to increased resident satisfaction, which in turn contributed to the CPA rating. The Make the Difference Programme frequently invests in very local problems identified by residents which would not be tackled in services' normal programmes – in solving these both resident satisfaction increases and local priorities are met which are also important in achieving value for money.

CVST unit cost for the administration, monitoring, support and development of organisations in receipt of core grant funding is 7% of the total grant budget. The CVST also provide pan London, sub regional and strategic partnership representation for the Council in its relationship with the voluntary sector and statutory partners. With additional administration funding the CVST also supports the Supporting People Programme and LINks.

Core grant funding: £2.5 million per annum core grant funding is awarded to 41 organisations. In 2007/08 these organisation attracted an additional £8.5 million from other funding sources (excluding letting of their buildings) which equates to approx 350% added value on the initial grant aid award. The voluntary sector used the services of 1080 volunteers which brings additional added value to the services provided by the voluntary sector.

4.b Please outline any value for money reviews being undertaken in your area, any procurement initiatives (such as significant commissioning projects aimed at procuring quality services tailored to local needs or any category management projects. Please include joint commissioning with partners)
The new LINks for Haringey was successfully commissioned with the Shaw Trust following extensive community consultation and involvement with the procurement process.

5. Risk Management

This section reflects the requirements of the Council's Risk Management Strategy and the need for all Business Units to have various key documents in place and monitored on a regular basis in accordance with the business planning cycle. Therefore, please set out any issues or key risks (no more than 3) that might impact on your service in the coming year against the following items. Please ensure that any financial **risks** (relating to both revenue and capital items specifying items of significant value), **data quality or partnership risks** are included. Please note that, for most areas, the key issue/risk, current mitigation and further action can be taken directly from the listed documents. Please also include reference as to whether your business unit has a Business Continuity Plan and if not state this as an issue in the table below.

Item	Key issue/risks	Current Mitigation	Further actions required	Date of last review	Responsible Officer
Risk Register	Delay in confirmation and receiving the pump priming grant. As a result, projects have had a delayed start and ultimately there may be a risk to achievement of stretch targets	Money has been formally received but we are working to unravel the complex funding arrangements to provide maximum flexibility for spending over the 3 year period. Reviewing stretch target delivery plans to ensure effective actions will be in place.	Clarity on the arrangements for spending the PPG	May 2007	SB/SH/MC

	In addition to per agreed savings for Corporate Partnerships there is a reliance by Neighbourhood Management on external Area Based Grant. .	Agree a review of Neighbourhood Management Structure & Staff costs inline with resources available. BWFCC is being externally reviewed to assess its feasibility and to advise on business planning.	.Target available external funding to support Neighbourhood Management and partnership working. Review the role for Neighbourhood Management in the light of new legislation and the government agenda for Neighbourhood Working and Community Cohesion. Prepare regular performance reports to on Neighbourhood Working and its performance against LAA outcomes		
	Reputation risk – working relationships have been built that rely on trust and confidence. These may be at risk should operational ability of Corporate Partnership's be affected by proposed changes.	Need to be clear with Members, staff, our communities and voluntary groups, and partner agencies on any proposed changes to the Structure of Neighbourhood Management and the potential impact they may have	To ensure that briefings are accessible, clear, coherent and comply with best practice That any changes affecting the Voluntary and Community sector are COMPACT compliant.		

	Community engagement and partnership working.	If the event of reduced levels of resources resulting a reduction of staff then work must be targeted towards Haringey's priority neighbourhoods	This approach would need political support and commitment		
Business Continuity Plan	Plan in place		N/A	April 2008 (Draft)	SB/SH/MC
Health & Safety Risk Assessments	Risk assessments on going reviews		N/A	Quarterly	SB/SH/MC
Inspections and Accreditations	Checks updated and filed by Site Managers		N/A	Reviewed Regularly	Site managers

SECTION B

What will affect the work of your Business Unit in the next three years?

6. Legislative, regulatory, national policy changes or other external pressures including social, economic, environmental or demographic changes- *if there are financial implications arising from these please ensure these are explored and captured in Appendix 1 sections D&E*

Please identify and explain how these will impact on your business unit here.

The principal policy context relates to Neighbourhood Management borough-wide, and the Government's expressed commitment to new forms of local governance, with the renewed emphasis on local involvement and community participation. This is especially pertinent following the release of the Government's empowerment white paper 'Communities in Control' which seeks to set out ways in which communities can have more influence and take more responsibility in their local areas. The outcomes of the white paper; including the DCLG national strategy on participatory budgeting due at the end of 2008; the review into extending redress for citizens and the tenant participation compact review all have implications for the way we work with communities.

The new style LAAs; government focus on place-shaping; upcoming Comprehensive Area Assessments and the new Local Government and Public Health Involvement legislation with its imperative for Local Government to involve communities, will all have a significant influence on all three services within the Partnership's portfolio. The introduction of Councillor Calls for Action and extension of Scrutiny's role will also impact on Neighbourhood Management.

Other national policy issues and changes affecting Partnerships include the impact of the Quirk Review on transfer of publicly owned assets to community management or ownership ; the national community cohesion report 'Our Shared Future' by the Commission on Integration and Cohesion. These national policy drivers will clearly have an impact on services and partnership working in relation to our approach to multi- cultural working in the longer term.

7. Customer Focus

7a. Comment on perception/satisfaction levels of your service using the latest survey information including service surveys (at http://harinet.haringey.gov.uk/intranet/directorates/pppc/communications/ce_consult/surveys) that you may have carried out. *The Corporate GIS Team can provide additional support and analysis if required, please email* corporate.gis@haringey.gov.uk.

Customer type	Current assessment of perceptions based on Resident, BVPI, Tracker or local surveys	Proposed actions to improve perceptions to an acceptable level
Members	Regular ward councillor briefings prepared by the Neighbourhood Management teams. The briefings are valued by members and provide updates on the key work being undertaken by Neighbourhood Management.	Members generally hold a positive view of the service, but occasionally will focus on specific issues that concern them e.g. ward level and the interface of neighbourhood management and regeneration as well as safer communities issues. Corporate Partnerships will continue to work closely with its lead members and will continue to build productive relationships with all council members. Green Lanes Strategy Group, Myddleton Road Strategy Group, Area Based Working Groups and other member working groups will continue to involve ward councillors more closely in a range of Corporate Partnerships activities and will improve and define relationships with members.
Staff	*HSP Network Group*: Regular meetings held to develop partnership working and to support the implementation of systems and processes to better manage the HSP and thematic boards.	Corporate Partnerships is responsible for driving various corporate officer working groups sharing experience and practice (Voluntary Sector, Area Based Working, Funding Group, HSP Lead Officers Group). For example, a renewed focus on corporate voluntary sector strategy development is required particularly joint training, developing robust monitoring systems and engaging voluntary groups in planning "third sector" development. Corporate Partnerships will continue to provide a support role to CEMB and directors with lead strategic roles. Work on the strategic priorities, Sustainable Community Strategy and rolling out the LAA will provide the opportunity to improve engagement. Specific events to establish and promote engagement may need to be held.

	Corporate Grants Officers Group:	The Corporate Grants Officers Group (CGOG) was established to bring together business units from across the Council who have a significant relationship with the Voluntary Sector. The meeting shares information, establishes good practice, proposes policy and its implementation and oversees funding awards in order to support and promote COMPACT compliance.
	ACCS Voluntary Sector Meetings:	The ACCS meetings bring together organisations that work with the council on issues and policy related to Wellbeing. The CVST is a member of this group.
	Haringey Compact Implementation Group	This group. made up of Council officers, statutory partners and voluntary sector agencies, provides strategic direction and implementation of Haringey COMPACT
	Area Based Working:	Following approval by Members, Area Based Working is being rolled out borough wide with Neighbourhood Management taking a central role. It is currently in operation in six neighbourhoods. Area Assembly priority plans will reflect the HSP themes.
	Support for consultation: e.g. CPZs and Park and Shop schemes.	Neighbourhood Management have provided a key community engagement role, prior to formal consultation, on the outline proposals for controlled parking schemes and major capital works projects including transport initiatives.
External Funders	*London Funders Executive*	The teams within Corporate Partnerships have a good record of positive working relationships with external funders and sub-regional offices and it is expected that these will continue. This includes LDA, Home Office, GOL, London Councils, Lottery Network and the manager of the CVST is an executive member of London Funders
Partners	Corporate Partnerships provides support to develop the HSP, PMG and thematic boards .Key stakeholders in this work include: Haringey Council, Metropolitan Police, Haringey TPCT, Job Centre Plus, CoNEL, HAVCO, Learning and Skills Council, Cabinet	There are many good examples of positive working relationships with local partners, particularly the police and Haringey Teaching Primary Care Trust. The development and implementation of strategic priorities and the Sustainable Community Strategy together with delivery of the LAA will continue to build on existing relationships and provide excellent opportunities to engage others. However, Corporate Partnerships must recognise the increasingly regional focus being developed/promoted which can result in difficulties focusing on local strategies.

	Members, GOL . This area of Corporate Partnerships work is being developed. Current assessment of customer satisfaction is difficult, but the annual assessment of the HSP may indicate the effectiveness of partners and the HSP.	The review of the HSP and thematic boards has led to changes which Corporate Partnerships are implementing. Additionally, cabinet portfolio holders are now far more engaged with HSP
Voluntary and Community Groups	Recent questionnaire sent to the core funded sector showed a positive relationship between the sector and the CVST. The majority of responses were good to very good. The experience and skills of the team, along the approachableness and support of officers were highly valued.	Corporate Partnerships has an excellent working relationship with HAVCO and Haringey's strategic voluntary organisations. Relations with individual groups are mixed and are often dependent on the perceptions of "equitable" grant allocations. The fragmented and competitive nature of the sector makes engagement complex. The development and agreement of strategic priorities and the Sustainable Community Strategy together with the establishment of a new community empowerment network at HAVCO (Community Links) and work on the LAA outcomes should create new opportunities.
Businesses	Where neighbourhoods is active in place-shaping, local businesses are very positive with businesses contributing funding Xmas and festive lights, and engaging in local strategy groups such as Green Lanes and Myddleton Road	The predominance of small business in Haringey makes strategic partnership working challenging. City Growth activity over the last two years has meant that real advances have been made but arrangements are still fragile. Continued working with North London Ltd will support business retention and inward investment. Again, it is hoped that the development of strategic priorities and the Sustainable Community Strategy together with fulfilling the LAA outcomes will also provide new opportunities for closer working.
Haringey Residents	Participation has increased at Area Assemblies; over 500 bids made for Make the Difference and well attended community events are all measures of community engagement and involvement	The client group for Neighbourhood Management Service can extend to all Haringey's residents as the aim of the service is to involve local people in the planning and management of local services. There will be a drive towards targeting new and hard to reach residents through initiatives such as 'Access to Services days' and 'Meet the Neighbours' events at Area Assemblies. The priority for Neighbourhood Management is to work with residents and communities in the most disadvantaged areas where need is greatest.

In 2007/08 the CVST undertook a survey with all the organisations funded by the CVST's core funding stream to see if they were happy with the service provided by the CVST. Out of a possible 43 organisations replies were received from 32 (75%). The overall results of the survey showed that the 89% found the CVST to be good or very good in their relationship and help and advice to their organisations with the remaining 11% finding at average. The survey highlighted the sectors desire for the CVST to provide more capacity building training and support.

7b. Outline the key outcomes of any needs analyses or Equality Impact Assessments carried out by your service. Give a brief update of what action is being taken to address the outcomes.

This is draft for Neighbourhood Management (September 2008)

A 2007/8 Equalities Impact Assessment on the Grant Aid Standards highlighted a number of areas around organisational quality that may have prevented some voluntary and community organisations from getting grants and contracts from the Council and from other sources. As a result, the CVST developed the **Stepping Stones Quality Assurance System** to help improve organisational policies and practices and to improve the chances of under-represented groups in successfully winning grants or contracts.

The assessment found that on the whole, and across all diversity strands, Stepping Stones will impact positively on CVS organisations and will have no negative effects on any group.

Equality Impact Assessment

Directorate: PPP&C Date:

Business Unit: Neighbourhood Management

Title (of the policy/practice/strategy): Pre Business Plan Review 2009/10

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1. The aims of the policy/practice/strategy.

The Pre-Business Plan Review aims to set out what the vision and objectives are currently for PPP&C and for the next three years; whilst also addressing performance, value for money, risk, resources and policy change. The document also records assets.

2. List any other policy/practice/strategies that are likely to have an impact or are relevant to this impact assessment.

- Haringey Council Equal Opportunities Statement
- Haringey Council Equal Opportunities Policy 2008
- Haringey Council Equalities Staff Handbook 2008
- Haringey Council Race Equalities Scheme

3. Evidence of consultation with staff, community groups or stakeholders.

Neighbourhood Management is split into seven neighbourhoods or Area Assemblies. Area Assembly meetings are public meetings where residents have the opportunity to come and have their say on the matters that are important to the area. Residents also have the opportunity to set the agendas for these meetings.

Residents are given regular updates on the work that Neighbourhood Management and partners are doing in their area, and they are able to comment on this.

Neighbourhood Management's project and community development officers are regularly in contact with residents, community groups and other stakeholders and as such are able to feed back their opinions via team meetings. I turn Neighbourhood Managers are able to escalate these views via the Senior Management Team meetings.

There are structures in place to allow consultation between Managers and Staff, and these include Senior Management Team (SMT) meetings and Neighbourhood Team Meetings. Neighbourhood Managers are informed of policy and strategy changes via SMT and are able to comment within this forum. Neighbourhood Management Officers are consulted via team meetings, which give Managers the opportunity to give information to the team on policy and strategy changes happening at a higher level.

There is also consultation between directorates and the unions via the Directorate Consultative Committee (DCC).

4. Assessment of likely positive or negative impact on:

a) The equality groups by age, disability, gender, race, religion or belief and sexuality.

This Pre Business Plan Review will have a broadly positive impact on all equality groups as the work it sets out aims to increase their involvement in decision making.

Activities will be targeted towards different equality groups via; 'Access to Services' days for specific groups, the Haringey Somali Forum and community development work with the Orthodox Jewish Community.

The Area Action Plans will examine each area assembly area individually and identify where there are pockets of deprivation across the borough so that resources can be targeted effectively.

Neighbourhood Management will also be continuing its programme of Community Leadership courses in conjunction with the University of Westminster. This course has already been run twice by neighbourhood management and has been highly successful in its aim to empower community members by equipping them with the skills to be more effective citizens and have more of a say in how their services are run.

It is possible that there may be some negative impacts which neighbourhood management will need to mitigate. For example, it is possible that the department will spread itself too thin in trying to achieve a number of aims.

There is also a risk that of a lack of clarity in neighbourhood managements role within PPP&C as well as in the council as a whole. There will be a need to ensure that our partners deliver, whilst still making sure that we are not delivering a parallel service.

b) Any linked **policy/practice/strategies** (as listed in number 2).

Neighbourhood Management will aim to underpin the policies, practices and strategies outlined in the documents listed above, in order to ensure best practice in all of our work.

Staff will be signposted towards all of these documents, especially the Haringey Council Equalities Staff Handbook 2008, in order that they work within the recommended practices.

5. Can the negative impact be justified, if yes please detail.

The negative impact can be justified as the positive outcomes are so great that they justify any potential negative impacts. However, Neighbourhood Management will be taking steps to mitigate any potential negative impacts as outlined below.

6. Consideration of alternative measures to reduce any adverse impact.

Neighbourhood management will make every effort to recognise the potential negative impacts and take steps to guard against them or reduce any adverse impact.

For example Neighbourhood Management will undertake community engagement to ensure that residents and businesses are part of the service delivery redesign process; empowering them to take an active role in decision making and improving their access to local services.

Neighbourhood Management will also be working closely with partners and other council departments to ensure clarity of roles and constantly monitor workloads to ensure targets are realistic.

7. Identify any further action that needs to be taken. Ensure that the key elements are incorporated into your Business Plans and any training needs in your People Plan.

Neighbourhood Management intends to monitor the changing demographics of the individual neighbourhoods in Haringey as the years go by as this will impact service delivery. Different demographic groups will have varying needs and Neighbourhood Management may need to change its approach to ensure that these groups needs are being met.

8. Set out the monitoring and reviewing arrangements.

The Area Assembly Area Plans will be reviewed on a yearly basis and the changing demographics of the borough will be monitored as part of this process. The priority plans drawn up as part of the Area Plans will be adapted according to the changing needs of the area assembly area.

The staff profile will be reviewed and updated yearly as part of the People Plan included in the Pre-Business Plan Review. Through this process the directorate will assess its staffing needs and ensure that there is clarity of roles throughout. At this time training needs will be assessed and Neighbourhood Management will ensure that there is the appropriate access to training opportunities for its staff.

This will be reviewed as part of the process to adopt the business plan.

9. Where is this Impact assessment to be published?

This impact assessment will form part 7b - Customer Focus, in the Pre-Business Plan Review which will be published on the Haringey website.

This Equality Impact Assessment was carried out by:

Name:_____ **Designation:**_____

Contact Details:

Approved by: _____ **Designation:**_____

8. Managing Resources

People Set out progress against your People Plan objectives and identify 3 key areas of work for 09/10. -	*THREE KEY AREAS OF WORK FOR 2009/10* 1. **Re-establish Values and Vision** Following the agreed service efficiency and proposed options for service reshape there is a need to re-establish the business unit's key values and visions are its role in contributing to the Council's and Haringey Strategic Partnership's plans and strategies. In addition, it is essential that this clarity of purpose and function is communicated within the business unit and with our partners in Haringey Council and with our partner agencies. 2. **Build a Sense of Team** In line with effectively managing change with in our business unit and embedding the re-shape of the business unit, it will be essential to maintain a sense of team working across Corporate Partnerships through ensuring good communication with staff. It is important to ensure that there are clear communication channels with all staff, but particularly those most at risk, and that they are informed of key organisational change resulting from the re-shaping. 3. **Focus on Staff Development** 69% of the workforce in Corporate Partnerships is over 35 with 31% of the workforce aged under 35. This reveals potential structural issues relating to an aging workforce. The business unit recognises the need to build up its valuable younger staffing resource available and to develop managers for the future. It is extremely important that all our workforce officers encouraged and involved in creating career development opportunities within Corporate Partnerships that maintains and builds a sustainable workforce.
Work methods and Technology	The Community Database for Neighbourhood Management Service is a continuing problem – as yet unresolved. It is difficult to access and it is extremely cumbersome and

Identify any IT or organisational change projects (e.g. Flexible Working) for the coming year to be undertaken by your service, aimed at improving service delivery.	cost-ineffective. This needs a total overhaul to be effective and enable staff to contact residents by email. This has been raised several times over the last few years. An alternative would be to develop a simple, effective and flexible database for contacting residents which maximises the potential of email. London Council's are piloting Guide Star, a database developed to manage information about voluntary sector groups, and if this is successful London Councils will consider purchasing this on behalf of all London Boroughs. Improved and smarter use of IT resources has been identified as an area for improvement for Corporate Partnerships: • Communication of all publicity materials by Neighbourhood Management provided through the web. • Universal use of Outlook calendar facility to manage meetings, annual key dates and assist in effective forward planning. • Comprehensive application of MS project management to manage and deliver programmes. • Improved design and presentation package e.g. Adobe Suite. The service will seek to strengthen staff IT skills, including effective use of the internet, so that it becomes an invaluable tool for the service. Encourage staff to use IT for creative but clear delivery of presentations to local people and partners. In addition, managers will be encouraged to promote other uses of IT to get information out to the community e.g. film and multi-lingual messaging in key community sites such as Customer, Service Centres, the Post Office, health centres and if possible through text messages to mobile phones. The service adheres to various working methods and policies including hot desking and ensuring that all members of staff are aware of and follow the clear desk policy.
Natural Resources Identify work being undertaken,	The service fully supports and embraces the Council's Greenest Borough Strategy and its principles and all of the offices are managed responsibly.

including any on physical assets, that will impact on the environment and reduce environmental risks.	We are working to: • Continue to develop SMART working practices to deliver a better quality of service. • Fulfil the accommodation strategy objectives to reduce overall council accommodation – including encouraging flexible working, hot desking and remote working. The service is aware of and supports the comprehensive staff travel plan for Haringey Council including the use of pool bikes and the electric cars.
Asset Management Outline how your service is managing assets in order to help deliver the Council's priorities and/or service needs. *This section needs to be cross-referenced to any growth or savings proposals in section D&E & I&J in Appendix I.*	Corporate Partnerships moved to Alexandra House in the summer of 2007 and various neighbourhood teams are located in community premises. These premises include: Northumberland Park Resource Centre and the Aspire Programme; Shropshire Hall; Milton Road and Broadwater Farm. Being based locally helps to build area based partnership working, drive community development and utilise resources effectively. The service has a rigorous commitment to team meetings and service planning workshops to sustain a common approach and awareness of the policies, legislation and changes which will impact on the service and area based working. This ensures that the neighbourhood team works collectively and strong linkages are made.

SECTION C

Strategic service planning for the years ahead

9. State your key objectives for the coming year (if possible for the next 3 years). These need to be linked to both to the Council Plan and the Community Strategy. The purpose of this section is to give an indication of the service focus for the next 3 years.

The Corporate GIS Team can provide additional support and analysis with regards to our customers for service planning if required, please email corporate.gis@haringey.gov.uk.

(Please also refer to Appendix I and ensure the financial implications are captured. Please also refer to Section A item 2 and section B of the Performance document for any areas to be carried forward.

No.	Objective	Key actions to achieve	Year(s) key actions are to be undertaken in	Link to existing strategy	Link to Council Plan priority	Link to Community Strategy priority	Projects * S	P	M
1.	Corporate Partnerships will lead on the Council's and the HSP's priorities as set out in the Sustainable Community Strategy, and as informed by the Council Plan. This will be achieved by working at both a corporate and a local level with partners from the statutory, voluntary	To ensure there is clear commitment and buy-in to jointly the outcomes agreed through the LAA and delivered through the HSP. Programme managing the LAA on behalf of the Council as Accountable body, and for the HSP. Supporting the thematic partnerships	2009/10 – 2011/12		Delivering excellent, customer focused, cost effective services	People and Customer focused			

	& community and private sectors.	to build consistency of approach and accountability for delivery within this programme Finance and programme management to ensure compliance and accountability. To brief Members, officers and partners on effective management of the programme Forward planning for the new LAA and the outcome of the CSR.							
2.	Build community engagement and the capacity of Council services and partner organisations to actively and effectively engage with the Council and its partners to improve the quality of people's lives and create a safer, greener and more economically prosperous	Continue developing a strong and active citizenship culture where local people contribute to service planning and priority setting Promoting social cohesion through targeted and localised engagement working across services with new, newer and newest communities –	2009/10 – 2011/12		Delivering excellent, customer focused, cost effective services Creating a Better Haringey: cleaner, greener, safer	People and customer focused People at the Heart of Change Safer for All			

	Haringey.	linking this to active citizenship Sustaining area based working – supporting services in reshaping what they do at local level to respond effectively to local needs and priorities. Problem solving; working with Safer Neighbourhoods Teams to solve enduring problems. Supporting Councillors in actively delivering their community leadership/champion role - having regard to government policy and legislation. Support local Councillors in playing a key role in the work of local area theme groups.							
3.	Develop a rolling work programme which ensures the	Sustaining and improving area assemblies and	2009/10 – 2011/12		Delivering excellent, customer	People and customer focused			

	voice and views of local people and businesses contribute to achieving the HSP's priorities and the outcomes of the Local Area Agreement (LAA) and that they contribute to wider local and strategic planning via the Area Assembly Action Plans.	developing robust Area Action plans. Linking these to community strategy priorities and LAA outcomes. Regular reporting on local area based issues and priorities. Gain agreement for borough wide neighbourhood themes to actively support Members in their role as Community Champion.			focused, cost effective services	People at the Heart of Change			
4.	To support the VCS to become part of a 'thriving third sector' in Haringey	In partnership with HAVCO drive the agreed work plan to embed Haringey's COMPACT To work with corporate procurement group to build capacity of the third sector to effectively engage in service commissioning.	2009/10 – 2011/12		Delivering excellent, customer focused, cost effective services	People and customer focused			

		Provide VCS policy and specialist support to other Council services and partners and continue to link closely with sub regional and pan London network Promote working within a quality assurance & good practice environment Provide support and guidance through contract management to the LINks project Further develop the Supporting People voluntary sector programme in line with identified need making clear links to the LAA targets and encourage partnership working for maximum impact Maintain and develop partnership working relationships with							

		funding partners and policy advisors on VCS issues. Work closely with the Haringey Community Legal Services partnership to develop a process for the transformation and co-ordination of the legal advice provision in line with LSC reforms.							

* Where actions applies to a project, identify whether this is a 'Service specific', 'Programme project' or 'Major project'.

10. Submitting the plan

Please save this document (and any other documents submitted with it) with filename(s) starting with your two letter directorate/division code then "_" then your (abbreviated) Business Unit Name.
(Adults, Culture & Community – **AC**; Corporate Resources – **CR**; Children & Young People – **CY**; People & Organisational Development – **POD**; Policy, Performance, Partnerships and Communication - **PPPC**, or Urban Environment – **UE**)

Then e-mail it to the PBPR/Capital Appraisal mailbox, ensuring that the subject of the e-mail gives your directorate / division and business unit.

Area	**Contact**	**Extension**
Finance/ Budget information	Service Finance Manager or Kevin Bartle	3743

PBPR / Business Planning	Eve Pelekanos or Margaret Gallagher	2508 or 2553
CPA /CAA	Eve Pelekanos or Christine Piscina	2508 or 2516
Programme / Project Management	Christel Kirk	3373
Organisational Development / People Plans	Philippa Morris	1088
Performance Indicators	Richard Hutton or Catherine Cobb	2549/2971
Risk Management	Anne Woods	5973
Workforce Planning/ HR Metrics	Stuart Young	3174
Procurement	Michael Wood	2120
Equalities & Diversity	Eve Featherstone/ Inno Amadi or Arleen Brown	2583/2580/2579
Consultation	Janette Gedge	2914
Community Strategy/ Policy Development	Helena Pugh	
Community / Geographical information	Lisa Simeon, Marlon Malcolm or Craig Ferguson	6012/2663/6941/6936
IT	Sheila Mair CES Julia McClure Social Services/Finance George Liveras Children's Services Aslam Osman Housing/Finance Jill Hellier Environment	4672 4675 3417 4677 4687
Completion of Appendix 1 & 2	Claudette Marcano / Jade Cheung	2846/4645

C PRE-AGREED SAVINGS																
			As Agreed by Council				Revised (if required)									
Directorate	Business Unit	Details of Efficiency	2009/10 over 2008/09 £'000	2010/11 over 2009/10 £'000	Total £'000	Progress	2009/10 over 2008/09 £'000	2010/11 over 2009/10 £'000	2011/12 over 2010/11 £'000	Total £'000	Variance 2009/10 over 2008/09 £'000	Variance 2010/11 over 2009/10 £'000	Variance 2011/12 over 2010/11 £'000	Cumulative Variance (Agreed - Revised)	Portfolio
Policy Performance Partnership & Comms.	PP03 Partnerships	Reductions in grants budget eg new initiatives grants and individual reductions to various grants allocated .	20	12	32	On target this will be delivered through the CVST's prudent management of Council's Grant Programme	20	12		32	0	0	0	0	Community Cohesion and Involvement
Policy Performance Partnership & Comms.	PP03 Partnerships	Review staffing levels and service efficiency in respect of Partnerships Support	10		10	This efficiency saving is on target for Corporate Partnerships to deliver.	10	0		t0	0	0	0	0	Community Cohesion and Involvement
Policy Performance Partnership & Comms.	PP03 Partnerships	Review of staffing levels and service efficiency within the Neighbourhood Management Service	105		105	This efficiency saving will be found through a further refinement of the staffing resource for the Neighbourhood Management Service for 2009-10	105	0		105	0	0	0	0	Community Cohesion and Involvement
Policy Performance Partnership & Comms.	PP03 Partnerships	Management and support		44	44	This saving will be met as part of the rationalisation of PPP&C overall	0	44		44	0	0	0	0	Community Cohesion and Involvement
Policy Performance Partnership & Comms.	PP03 Partnerships	Corporate Voluntary Sector Team	67	69	136	On target, this will be found from VS inflation	67	69		136	0	0	0	0	Community Cohesion and Involvement
Policy Performance Partnership & Comms.	PP03 Partnerships	Reorganise team for future delivery of outcomes for partnerships following settling in of new LAA's		68	68	This efficiency saving will be met through the proposed review of the Partnerships delivery team	0	68		68	0	0	0	0	Leader
Policy Performance Partnership & Comms.	PP03 Partnerships	Policy		18	18	This efficiency saving will be met through efficiencies for the Partnerships delivery team in 2010-11	0	18		18	0	0	0	0	Leader
	Grand Total		202	211	413		202	211	0	413	0	0	0	0	

2009-10
PRE-BUSINESS PLAN REVIEW
PERFORMANCE SECTION

DIRECTORATE	Policy Performance Partnership & Communications.
PORTFOLIO	Leader, Cabinet Member for Equalities & Community Cohesion, Chair of Scrutiny.
BUSINESS UNIT	Performance & Policy
BUDGET HOLDER	Eve Pelekanos, Head of Policy and Performance
PBPR **completed** by	Jaine Le Cornu
PBPR **reviewed** by	Eve Pelekanos
Version	Final version

Instructions - Please ensure that:
Any information provided in this file is accurate and thorough;
All abbreviations are fully explained on initial use;
The file is reviewed independently to check for errors prior to submission; and

The filename is saved according to the instructions at point 10
This file is emailed to the **'PBPR/Capital Appraisal'** mailbox upon completion, with **the business unit's name in the subject field**

Pre Business Plan Review Template

Pre Business Plan Review 2009 / 2010

Business Unit:	Performance & Policy	Portfolio(s):	Type Portfolio here
Budget Holder:	Eve Pelekanos	PBPR completed by:	Jaine Le Cornu
Directorate:	Policy Performance Partnerships & Communications	PBPR signed off by:	Eve Pelekanos

Section A:
Sets out progress against current year's objectives and performance.

Section B:
Identifies the factors that will affect the work of your business unit in the next 3 years

Section C:
Sets out proposals for the years ahead

Finance Section

Appendix 1
An excel spreadsheet which should be completed for all revenue savings, investments and capital bids. Please refer to the guidance document and savings target spreadsheet before you complete this.

Appendix 2
Capital Programme Application Form 2009/10 – 2011/12. Please read the capital guidance document before you complete this.

Pre Business Plan Review Template

SECTION A – Where is the Business Unit now?

1. Vision

'Informing policy, driving performance'

2. Objectives (Current Year)

Objectives	**Progress/ Key Achievements in the year so far**	**Anticipated progress at year end**	**Areas of work to carry forward**
1. To drive sustainable service improvement across the Council	• 1st phase of programmed Value for Money reviews have commenced (Communications, Learning Disabilities, Building Control) • Council Plan updated • Annual Report completed	VfM reviews will be completed to timescales set by the Achieving Excellence Programme.	• Rolling programme of Value for Money reviews • Updating of the Council Plan • Annual Report • Comprehensive Area Assessment
2. To create a corporate Geographical Information System (GIS) capability	• Corporate GIS team established. • Online GIS improved. • Procurement activity completed.	• Information and GIS Manager appointed and work to begin on developing an information framework and hub for the council and the strategic partnership	• The development of an information framework and hub for the council and the strategic partnership.
3. To lead on performance management across the Council and embed the HSP performance framework.	• New Performance Management arrangements for the Council have been implemented. • A new Partnership performance framework has been developed and	• Procurement and implementation of a council wide electronic performance management system	• Further development of the performance management system to include business and project planning.

Objectives	Progress/ Key Achievements in the year so far	Anticipated progress at year end	Areas of work to carry forward
	presented to Thematic Boards. • The team has co-ordinated the production of Business Plans. These and the accompanying improvement plans are available on Harinet. • The team supported the submission of the LAA outcomes framework. • The team organised a Data Quality event involving our external auditor and key performance staff across the Council. • The 2007/08 Best Value Performance Indicators outturn was published on the Council's website in accordance with the statutory deadline of 30 June. Targets for the 2008/09 indicators were reviewed and challenged through reports to CEMB/CAB and Cabinet. • Proposed project portfolio from capital funded projects established.	• Implementation of the HSP performance management framework. • Developing a data quality strategy and framework. • First level review of PMF completed and dynamic information refreshed • LBH maturity assessed, key issue to address identified & options appraisal completed.	• Co-ordination of the Business Planning process • Monitoring of the LAA • Performance Management and reporting. • Implementation of new Partnership performance framework. • Managing the Council's data quality audit • Implementation of Raising Standards project.
4. To support policy and strategy development	• Work on the 1st edition of the Borough Profile making good progress • Policy Network meetings are taking place. • Significant input to Child Poverty and Homelessness Strategies.	All chapters of Borough profile complete and published on Harinet.	• Policy and strategy support to services and Members. • Maintain Policy Network • Borough Profile

Pre Business Plan Review Template

Objectives	Progress/ Key Achievements in the year so far	Anticipated progress at year end	Areas of work to carry forward
5. To effectively manage customer feedback, member enquiries, data protection and freedom of information	• Corporate processes for the handling of subject access and information disclosure requests reviewed and improved • The average number of days it took us to respond to Local Government Ombudsman enquiries was 18.7 days at the end of July against the Ombudsman's target of 28 days and our own target of 18 days	All objectives met	All areas of work are ongoing
6. To deliver an effective Scrutiny service	• 2008/09 work programme developed and approved • Induction of new elected Members of Scrutiny undertaken • LG&IPH Act proposals included in Overview & Scrutiny work-plan • Process for budget scrutiny agreed with Leader	• 2008/09 scrutiny review programme completed, • Scrutiny Members briefed on changes proposed in recent government legislation and consultation papers.	• Participating members are responsible for the management and timetable of individual reviews; therefore it is not possible at this stage to identify reviews that may not be completed. • Development of yearly work programme • Budget scrutiny
7. To lead on Community Cohesion and Equalities	• The launch of Haringey's Equalities Stakeholder Group and revised Equal Opportunities Policy took place on 8th May. • The Community Cohesion Forum has been launched and has met twice	• Conference on inter-generational issues held in Autumn 2008. • 'Prevent' projects completed. • Equalities events undertaken in line with	Equalities initiatives, including events, are ongoing commitments

Objectives	Progress/ Key Achievements in the year so far	Anticipated progress at year end	Areas of work to carry forward
		agreed programme.	
8. To co-ordinate and implement strategies for the reduction of domestic violence in Haringey	• Draft Domestic Violence Strategy out for consultation	Domestic Violence Strategy agreed and work started on delivering the action plan.	DV initiatives, including events, are ongoing commitments

3. Performance

Referring to your monthly and quarterly dashboards please identify any indicators, including Local Area Agreement targets, where targets are at risk of not being met. Set out action to bring performance to target.

The Policy and Performance Team can provide additional support and analysis if required. Please contact Richard Hutton on ext. 2549.

Ref	Description	2008/09 target / threshold	2008/09 performance Apr-Aug	2008/09 projection	Proposed remedial action to achieve target
	Council wide member Enquires	90%	88%	90%	Recent Council wide performance has been affected by underperformance in Strategic Housing. Measures have been taken to address the causes of this, and backlogs have now been cleared. It is likely that the performance shortfall will be recovered by the end of the year.
	Council wide stage 1 complaints	90%	87%	90%	
	Council wide stage 2 complaints	85%	85%	85%	
	Stage 3 Complaints	90%	95%	90%	
	LGO Enquiries	18 days	18.7* days	18.0 days	

*LGO figure maybe revised down

4. Value for Money (Cost, Performance, Perception)

4.a Looking at your unit costs, comparative performance and perception data comment on your service's cost effectiveness and how you aim to achieve value for money. The attached Value for Money profile provides you with some comparative analysis. You can carry out further analysis by using the Audit Commissions VfM tool

The Policy and Performance Team can provide additional support and analysis if required. Please contact Catherine Cobb or Richard Hutton on ext 29711 2549.

The Policy & Performance business unit has achieved budget reductions of £279k over the last 3 years, and is tasked to cut a further £87k in the period 2009/10-2011/12. This represents a 16% reduction to the base budget and has been achieved during a period of re-shaping and expansion.

No specific VfM indicators have been identified for Policy & Performance. However, the unit cost of our consultancy activities has been established and the hourly rate remains below that of comparable private sector consultancy firms.

Policy & Performance budget and spending structure is being reviewed during 2008/09 financial year to enable the unit cost of each service area to be derived more readily. This together with a project management approach and the introduction of activity planning and costing for 2009/10 will make VfM analysis more meaningful and accessible for this business unit.

The unit is piloting hot-desking and other forms of flexible/home working with the aim of improving efficiency. The reduction of printing paper usage is being encouraged with current usage and cost displayed at the printer.

At the present time little or no relevant comparative data exists for our services to benchmark against.

4.b Please outline any value for money reviews being undertaken in your area, any procurement initiatives (such as significant commissioning projects aimed at procuring quality services tailored to local needs or any category management projects. Please include joint commissioning with partners)

None

5. Risk Management

This section reflects the requirements of the Council's Risk Management Strategy and the need for all Business Units to have various key documents in place and monitored on a regular basis in accordance with the business planning cycle. Therefore, please set out any issues or key risks (no more than 3) that might impact on your service in the coming year against the following items. Please ensure that any financial **risks** (relating to both revenue and capital items specifying items of significant value), **data quality or partnership risks** are included. Please note that, for most areas, the key issue/risk, current mitigation and further action can be taken directly from the listed documents. Please also include reference as to whether your business unit has a Business Continuity Plan and if not state this as an issue in the table below.

Item	Key issue/risks	Current Mitigation	Further actions required	Date of last review	Responsible Officer
Risk Register	Council's statutory PI's are qualified	Self assessment forms with evidence and audit trails supporting all BVPI's and other indicators feeding into the CPA completed. These are quality checked and validated by the corporate Performance Team. Monthly Finance and performance reports ensure data is regularly reviewed.	None	August 2008	RH
	Failure to publish statutory indicators either on time or at all	Process and resources in place to produce BVPI information in accordance with statutory timescales as we have done for the past 7 years	None	August 2008	RH
	Failure of the Council's overall performance management framework	Ongoing assessment and reporting of key performance information. Established process for business planning in place, integrated with	On-going	July 2008	CC

Pre Business Plan Review Template

Item	Key issue/risks	Current Mitigation	Further actions required	Date of last review	Responsible Officer
		performance management. Assessment of Haringey's performance management processes against CPA key lines of enquiry and best practice nationally.			
Business Continuity Plan	Failure of plan would impact mainly in the longer term. • Inability to meet statutory and internal deadlines for providing/publishing performance data and Plans. • Failure to achieve Member enquiry and Feedback performance targets. • Inability to support strategic decision making	Plan is in place and will be reviewed and updated in September 2008.	none	December 2007	JLC
Health & Safety Risk Assessments	Failure to carry out Health & Safety risk assessments may lead to litigation in the event that accident/injury occurs	Quarterly risk assessments for Policy & Performance floor area are undertaken Individual risk assessments take place during induction period	none	Apr/May 2008	IC/JRC
Inspections and Accreditations	Not applicable				

SECTION B

What will affect the work of your Business Unit in the next three years?

6. Legislative, regulatory, national policy changes or other external pressures including social, economic, environmental or demographic changes- *if there are financial implications arising from these please ensure these are explored and captured in Appendix 1 sections D&E*

The White Paper, *Strong and Prosperous Communities*, 2006 and *Local Government and Public Involvement in Health Act* (LGIPH), 2007, are introducing a new performance and inspection regime for local government from 2009. (Comprehensive Area Assessment, 35 improvement targets through the LAA, and a new set of 200 indicators) The Policy & Performance Team have the responsibility for preparing council services for the introduction of this new framework and any other changes introduced.

CAA Guidance

The White Paper and LGIPH Act will extend Scrutiny powers and introduce Community Call for Action. Both of these proposals will result in an increase in the Scrutiny team's work load.

The Empowerment White Paper, *Communities in control, Real People, Real Power*, 2008, builds on *Strong, Prosperous Communities* and the LGPIH and commitments contained within the *Governance of Britain,* 2007, Green Paper. It aims to further promote empowerment, enhance citizens' rights and make local services more accountable. The Corporate Policy Team will contribute towards developing an Empowerment and Engagement strategy.

The *London Child Poverty Pledge*, 2008, launched by Department for Children, Schools and Families, Department for Work and Pensions, and HM Treasury provides information for any organisation that delivers services for families in London. The pledge encourages organisations to make a strong and lasting shared commitment to increase their focus on child poverty and improve the impact of their services on parental employment, child poverty and the outcomes of poor children in London. The Corporate Policy Team will contribute towards the monitoring of the Haringey Child Poverty Strategy.

The white paper 'Framework for a fairer future' 2008, the Equality Bill, will introduce a raft of measures including more transparency on pay, gender pay audits, extending positive action, industrial tribunals to make action recommendations, new streamlined equality duty covering 6 equalities strands, the provision of goods and services to now include age. The Equalities team will have the responsibility for commenting on the draft recommendations and ensuring that the Council comply with the new legislation.

7. Customer Focus

7a. Comment on perception/satisfaction levels of your service using the latest survey information including service surveys (at http://harinet.haringey.gov.uk/intranet/directorates/pppc/communications/ce_consult/surveys) that you may have carried out. *The Corporate GIS Team can provide additional support and analysis if required, please email* corporate.gis@haringey.gov.uk.

Customer type	**Current assessment of perceptions based on Resident, BVPI, Tracker or local surveys**	**Proposed actions to improve perceptions to an acceptable level**
Residents/Service users whose complaints reach stage 3.	At the closure of stage 3 investigations we survey all complainants. Appendix A, attached to this PBPR gives a breakdown of complainants We consulted a focus group about complaints in July 2008	• Encourage services to provide clear information on what will happen on problems and requests that are not formally dealt with as complaints • Encourage services to log and use feedback received on problems and requests to improve service design and delivery • Produce short leaflet to go with formal complaint acknowledgements to explain our procedures • Consider introduction of regular phone surveys of complainants at all stages, and revise postal survey
Council managers and all staff (internal	We seek feedback from our clients on completion of cases and projects. Feedback has been used	Customer perception and feedback has informed our action plans and our business plan.

clients)	to amend our frameworks e.g. performance framework and methodologies e.g. efficiency review methodology.	
Elected Members of the Council	We seek feedback from participating Members on completion of scrutiny reviews and have sought suggestions for scrutiny review topics from all Members.	Those participating Members responding were generally happy with the officer support received and supportive of the scrutiny function. No suggestions on how to improve the way scrutiny operated were received. Eight suggestions for scrutiny review topics were made by Members; all were considered by Overview and Scrutiny Committee when deciding on the work programme. (2 were commissioned as in-depth reviews and 6 for feasibility report)
Project Managers and Project Sponsors	We sought feedback from project managers in January 2007 and in July 2008 from project managers and project sponsors. Opportunity for feedback is provided at quarterly networking events. Feedback has been positive about the support and advice provided by the Corporate Programme Office.	A report on the Corporate Programme Office will be taken to CEMB by September 2008.
Performance Network	The feedback from the performance network meeting in June 2008 showed that: ▪ 93% of respondents thought the network was a good idea ▪ 100% of members said the corporate performance team usually or always provided adequate support or guidance.	Next network meeting to focus on the CAA and the new performance management system
Policy Network	This network is still relatively new and we need to seek feedback in the coming months.	This will be informed by feedback results.
Equalities events	We always seek feedback at all Equalities Events and carry out Equalities Monitoring	The feedback will be used to make improvements. It has been established that participation is rising year on year.

7b. Outline the key outcomes of any needs analyses or Equality Impact Assessments carried out by your service. Give a brief update of what action is being taken to address the outcomes.		
Area Reviewed	**Current Equality Impact Assessments**	**Proposed actions to address outcomes**
Complaints Procedure	The EIA was carried out in August 2006	• We produced a short complaints leaflet in the main community languages • We agreed that ACC ask older people for comments about services rather than only encouraging complaining • We agreed that C&YPS promote the rights of young people to express themselves and voice concerns about Council services by working pro=actively with schools, libraries, play and youth services • We review monitoring data annually in the annual report
Local Area Agreement:	This EIA assessed all the National Indicators included in Haringey's LAA and found that none had any adverse or negative impacts on particular equalities group. Work towards the indicators was found to go some way towards reducing barriers to equality in Haringey. Owners of indicators, particularly those that are new, will decide as work progresses whether additional EIA's are required.	Actions which will assist in continuously monitoring for any adverse impact of work towards LAA targets are: • Improved equalities data collection through the development of GIS • Improved performance management of targets through the new HSP Performance Management Framework
The Domestic and Gender Based Violence Strategy	The EIA showed: • Under reporting of Domestic Violence by lesbians, gay men and disabled people. • Age, poverty and pregnancy were factors • More people accessed DV services in the East of Haringey • DV services are well used by black and minority ethnic groups.	There is a comprehensive action plan that addresses:- • Targeted outreach and publicity to the LGBT communities • Outreach to disabled people, groups and services • Continuation of the monitoring of DV information in community languages on the website • Targeted publicity

8. Managing Resources

<table>
<tr><td colspan="2">People
Set out progress against your People Plan objectives and identify 3 key areas of work for 09/10.</td></tr>
<tr><td>2008/09 objectives:
• To ensure the sustainability of the workforce within Policy and Performance through effective recruitment, retention and organisational structure
• Create a culture that fosters accountability and job satisfaction
• To continually develop people's skills and knowledge
• Ensure Equal Opportunities in employment</td><td>Progress to 31.08.08:
• Policy Manager, Information Project Manager, GIS Manager post recruitment complete by end of September. Organisational structure being reviewed during PBPR process.
• Individual work-plans reflect business plan objectives with relevant measures in place.
• Comprehensive development programme in development
• Recruitment process is adhered to and all staff have equal access to development opportunities.</td></tr>
<tr><td colspan="2">3 Key areas of work 2009/10
• Maintain skill levels required to deliver Business Plan and Council CAA
• Retain staff
• Ensure sickness levels are not exceeding Council targets.</td></tr>
<tr><td>Work methods and Technology
Identify any IT or organisational change projects (e.g. Flexible Working) for the coming year to be undertaken by your service, aimed at improving service delivery.</td><td>• Business Unit is to be a pilot for flexible/home working.
• The Central Feedback Team is working with Corporate IT on the replacement of the Council's complaints and Member Enquiries database.
• A central performance management system will be in place by April of 2009. Funding has been identified and the procurement process is underway</td></tr>
<tr><td>Natural Resources
Identify work being undertaken, including any on physical assets, that will impact on the environment and reduce environmental risks.</td><td>We are working towards reducing the quantity of paper we use. Most of the documents we produce (Council Plan, Borough Profile business plans) are in electronic form and published on Harinet. We monitor the level of paper used for photocopying and publicize the amount and cost on top of each of our photocopiers.
We encourage cycle use and have funded the purchase of 2 cycles in 2008/09.
We hold office Oyster cards to minimise car usage.</td></tr>
<tr><td>Asset Management
Outline how your service is managing</td><td>N/A</td></tr>
</table>

assets in order to help deliver the Council's priorities and/or service needs.	

SECTION C

Strategic service planning for the years ahead

9. State your key objectives for the coming year (if possible for the next 3 years). These need to be linked to both to the Council Plan and the Community Strategy. The purpose of this section is to give an indication of the service focus for the next 3 years.

The Corporate GIS Team can provide additional support and analysis with regards to our customers for service planning if required, please email corporate.gis@haringey.gov.uk.

(Please also refer to Appendix 1 and ensure the financial implications are captured. Please also refer to Section A item 2 and section B of the Performance document for any areas to be carried forward.

No.	Objective	Key actions to achieve	Year(s) key actions are to be undertaken in	Link to existing strategy	Link to Council Plan priority	Link to Community Strategy priority	Projects * S	P	M
1	To support policy & strategy development and implementation Community Strategy	Review the Community Strategy – 1yr on Input into the Child Poverty, Housing, and Empowerment & Engagement Strategies Organise the 'Policy Conversations' and maintain the council wide policy network Map and analyse implications of new Government Guidance & Legislation LAA Annual Refresh 2008/09 and	2009/10 Ongoing Ongoing Ongoing	Community Strategy Child Poverty Strategy Housing Strategy Empowerment & Engagement	All	All	S S		

No.	Objective	Key actions to achieve	Year(s) key actions are to be undertaken in	Link to existing strategy	Link to Council Plan priority	Link to Community Strategy priority	Projects * S	P	M
		midyear refresh for 2009/10	2009/10						
		Co-ordinate the implementation of the Domestic Violence Strategy action plan.	2009/10				S		
		Provide support to DV Partnership Board, Forum and sub groups	ongoing				S		
2	To lead on Performance and Programme Management	Council wide monthly and quarterly performance monitoring and reporting	ongoing		Delivering excellent services	All			
		Quarterly monitoring and reporting of the LAA indicators and associated activity to the HSP							
		Implementation and maintenance of the corporate performance management IT system					S		
		Undertake data quality reviews/spot checks and work with the Audit Commission of assessment.							
		Co-ordinate the preparation of business and pre-business planning.							
		Introduce and maintain programme and project management standards and discipline across the Area Based							

No.	Objective	Key actions to achieve	Year(s) key actions are to be undertaken in	Link to existing strategy	Link to Council Plan priority	Link to Community Strategy priority	Projects * S	P	M
		Grant projects. Provide quality assurance against the Regeneration and Better Haringey Programmes. Disseminate best Programme and Project Management practice					S		
3	Drive sustainable Service Improvement	Undertake value for money reviews in line with the Achieving Excellence, VfM stream board programme of work Undertake other service reviews as necessary Provide Business Process Re-engineering consultancy Undertake independent investigations of complaints at stage 3 of the Council's procedure. Deal with Local Government Ombudsman enquiries. Manage and monitor the Council's Member Enquiries, Data Protection, Freedom of Information requests and WOW.	ongoing		Delivering excellent services	Be people and customer focused	S S	P	

No.	Objective	Key actions to achieve	Year(s) key actions are to be undertaken in	Link to existing strategy	Link to Council Plan priority	Link to Community Strategy priority	Projects * S	P	M
		Analyse and report complaints at all stages across the council and initiate reviews in areas of persistent complaints - learning from complaints.					S		
4	To lead on council wide Information Management	Develop an information framework and hub for the council and the strategic partnership Carry out demographic analysis and ensure the Borough Profile is kept up to date. Ensure best use of GIS across the council. Input to the Joint Strategic Needs Analysis and other needs analyses to support the Community Strategy and other key Council strategies. Review and improve compliance with the Data Protection Act and Freedom of Information Act. Establish and maintain the Council's Publication Scheme as specified by the Information Commissioner	2009 onwards		All	All	S S S	P	
5	To co-ordinate and support Council wide external assessments and inspections	Understand and brief Members, managers and staff on the new Comprehensive Area Assessment.	Ongoing		All	Be people and customer			

No.	Objective	Key actions to achieve	Year(s) key actions are to be undertaken in	Link to existing strategy	Link to Council Plan priority	Link to Community Strategy priority	Projects * S	P	M
		Co-ordinate the Area Assessment: self assessment and its subsequent audit. Update the Council Plan Co-ordinate the Managing Performance element of the Organisational Assessment (CAA audit. Input to the Use of Resources element of the Organisational Assessment (CAA) Co-ordinate the Council's external assessment for achieving the new Equalities Standard (level 3 & 4) Respond to recommendations by the Information Commissioner and the Local Government Ombudsman.	2009/10			focused	S		
6	To contribute to developing greater Community Cohesion	Celebrating diversity across the council. Co-ordinate programme of equalities events. Ensure the 'Prevent' project with Muslim women is delivered.	ongoing		Better Haringey cleaner, greener, safer	People at the heart of change Safer for all People and	S		

Pre Business Plan Review Template

No.	Objective	Key actions to achieve	Year(s) key actions are to be undertaken in	Link to existing strategy	Link to Council Plan priority	Link to Community Strategy priority	Projects * S	P	M
						customer focused	S		
7	To provide an effective Scrutiny service	Carry out Scrutiny Reviews Introduce Community Call for Action and other change in the work of Scrutiny following the LGPIH Act 2007 and the Real People, Real Power White Paper. Provide support to Scrutiny Members	Ongoing 2009 onwards ongoing		All	All	S		
9	To manage our business and resources effectively	• Health & Safety • Business Planning • Business continuity plan • Budget monitoring • Financial Administration • Non-financial administration • Head of Service support • Appraisals, staff management	ongoing		Delivering excellent services	People and customer focused	S		
10	To champion customer focus throughout the Council	• Run second programme of ICS qualifications and assist with mainstreaming • Promotion of WOW! Awards • Compile and produce bi-monthly Network News	2009/10 Ongoing Ongoing		Delivering excellent, customer-focussed, cost-effective	People and customer focused	S		

No.	Objective	Key actions to achieve	Year(s) key actions are to be undertaken in	Link to existing strategy	Link to Council Plan priority	Link to Community Strategy priority	Projects * S	P	M
		• Evaluate and evolve Customer Focus Network • Promote and support council participation in the National Customer Service Awards • Contribute to corporate induction	2009 onwards Ongoing Ongoing		services				

* Where actions apply to a project, identify whether this is a 'Service specific', 'Programme project' or 'Major project'.

10. Submitting the plan

Please save this document (and any other documents submitted with it) with filename(s) starting with your two letter directorate/division code then "_" then your (abbreviated) Business Unit Name.
(Adults, Culture & Community – **AC**; Corporate Resources – **CR**; Children & Young People – **CY**; People & Organisational Development – **POD**; Policy, Performance, Partnerships and Communication - **PPPC**, or Urban Environment – **UE**)

Then e-mail it to the PBPR/Capital Appraisal mailbox, ensuring that the subject of the e-mail gives your directorate / division and business unit.

Area	Contact	Extension
Finance/ Budget information	Service Finance Manager or Kevin Bartle	3743

Pre Business Plan Review Template

PBPR / Business Planning	Eve Pelekanos or Margaret Gallagher	2508 or 2553
CPA /CAA	Eve Pelekanos or Christine Piscina	2508 or 2516
Programme / Project Management	Christel Kirk	3373
Organisational Development / People Plans	Philippa Morris	1088
Performance Indicators	Richard Hutton or Catherine Cobb	2549/2971
Risk Management	Anne Woods	5973
Workforce Planning/ HR Metrics	Stuart Young	3174
Procurement	Michael Wood	2120
Equalities & Diversity	Eve Featherstone/ Inno Amadi or Arleen Brown	2583/2580/2579
Consultation	Janette Gedge	2914
Community Strategy/ Policy Development	Helena Pugh	
Community / Geographical information	Lisa Simeon, Marlon Malcolm or Craig Ferguson	6012/2663/6941/6936
IT	Sheila Mair CES Julia McClure Social Services/Finance George Liveras Children's Services Aslam Osman Housing/Finance Jill Hellier Environment	4672 4675 3417 4677 4687
Completion of Appendix 1 & 2	Claudette Marcano / Jade Cheung	2846/4645

Pre Business Plan Review Template

C PRE-AGREED SAVINGS																
			As Agreed by Council				Revised (if required)									
Directorate	Business Unit	Details of Efficiency	2009/10 over 2008/09 £'000	2010/11 over 2009/10 £'000	Total £'000	Progress	2009/10 over 2008/09 £'000	2010/11 over 2009/10 £'000	2011/12 over 2010/11 £'000	Total £'000	Variance 2009/10 over 2008/09 £'000	Variance 2010/11 over 2009/10 £'000	Variance 2011/12 over 2010/11 £'000	Cumulative Variance (Agreed - Revised)	Portfolio
Policy Performance Partnership & Comms.	PP04 Performance & Policy	Review of resources in the Feedback and Information team	20		20	Feedback & information team resource requirements to be reviewed as part of wider business unit review of resource requirements	0	0	0	0	(20)	0	0	(20)	Community Cohesion and Involvement
Policy Performance Partnership & Comms.	PP04 Performance & Policy	Review of staffing levels in the Improvement and Performance Team	29	38	67	Wider review of business unit resource requirements	49	38		87	20	0	0	20	Community Cohesion and Involvement
	Grand Total		49	38	87		49	38	0	87	0	0	0	0	

Pre Business Plan Review Template

D - NEW INVESTMENTS											
Directorate	**Business Unit**	**Proposed Use of Investment**	**Which Council priority does this support?**	**2009/10 over 2008/09 £'000**	**2010/11 over 2009/10 £'000**	**2011/12 over 2010/11 £'000**	**Total £'000**	**No. of Staff Affected**	**Posts Affected (FTE)**	**Impact on Service / Performance**	**Portfolio**
Policy Performance Partnership & Comms.	PP04 Performance & Policy	To fund a comprehensive Information function, with geographical information system (GIS) capability, for the Council & HSP. Enables enhanced needs analyses to inform service provision. Essential to meet CAA requirements.	Supports all Council and Community Strategy priorities. Allows enhanced needs analyses to enable services to be tailored and targeted to users. Ensures VfM. Contributes to meeting CAA criteria.	102	4	4	110	2	2	Knowledge & Information management was identified as a weakness at the last Corporate Assessment . Knowledge & Information management is an essential element of the new CAA.	Leader
	Grand Total			**102**	**4**	**4**	**110**				

Pre Business Plan Review Template

E - NEW SAVINGS PROPOSALS												
Directorate	**Business Unit**	**Proposed Efficiency Saving**	**2009/10 over 2008/09 £'000**	**2010/11 over 2009/10 £'000**	**2011/12 over 2010/11 £'000**	**Total £'000**	**No. of Staff Affected**	**Posts Affected (FTE)**	**Impact on Performance (Service Delivery)**	**Impact on other Services**	**Dependent on Capital Investment?**	**Portfolio**
Policy Performance Partnership & Comms.	PP04 Performance & Policy	Review of staffing levels within Performance & Policy Team			107	**107**	tbc	3	By 2011/12 any savings will be met by deleting post/s (dependent on grade). This may result in redundancies and will reduce our ability to deliver business plan objectives and support Council priorities.	Reduced ability to support services	No	Leader
	Grand Total		**0**	**0**	**107**	**107**						

Pre Business Plan Review Template

2009-10
PRE-BUSINESS PLAN REVIEW
PERFORMANCE SECTION

DIRECTORATE	PPP&C
PORTFOLIO	Community Cohesion and Involvement
BUSINESS UNIT	Communications & Consultation
BUDGET HOLDER	
PBPR **completed** by	Mike Browne
PBPR **reviewed** by	Sharon Kemp
Version	1.3

Instructions - Please ensure that:
Any information provided in this file is accurate and thorough;
All abbreviations are fully explained on initial use;
The file is reviewed independently to check for errors prior to submission; and
The filename is saved according to the instructions at point 10
This file is emailed to the **'PBPR/Capital Appraisal'** mailbox upon completion, with the business unit's name in the subject field

Pre Business Plan Review 2009 / 2010

Business Unit:	Communications & consultation	Portfolio(s):	Community Cohesion and Involvement
Budget Holder:	Mike Browne	PBPR completed by:	Type Officer's name here
Directorate:	PPP&C	PBPR signed off by:	Type Head of Business Unit here

Section A:
Sets out progress against current year's objectives and performance.

Section B:
Identifies the factors that will affect the work of your business unit in the next 3 years

Section C:
Sets out proposals for the years ahead

Finance Section

Appendix 1
An excel spreadsheet which should be completed for all revenue savings, investments and capital bids. Please refer to the guidance document and savings target spreadsheet before you complete this.

Appendix 2
Capital Programme Application Form 2009/10 – 2011/12. Please read the capital guidance document before you complete this.

Pre Business Plan Review Template

SECTION A – Where is the Business Unit now?

1. Vision

To promote the council's work in the most positive light to help build a reputation for excellence in connecting with communities.

2. Objectives (Current Year)

In the following table, succinctly set out progress against current year objectives. You can use your quarterly performance review where you provide updates on your business action plans . Also identify any areas of work that will need to be carried forward to the next financial year.

Objectives	Progress/ Key Achievements in the year so far	Anticipated progress at year end	Areas of work to carry forward
To draft, consult on, secure agreement to and begin to implement a communication and consultation strategy for the council	Report to CEMB for consultation SMT considered	Communication strategy in place	Implementation of strategy. Consultation and engagement strategy to be developed
To re-develop the council intranet into a best practice communications channel and business support tool, with clear key performance	Quick wins under development	Quick wins completed. Specification for full review in place following IKM workstream vision exercise	Implementation of project

Indicators (KPIs).			
An approved communication strategy for HSP to be in place with clear and measurable objectives.	Initial presentation to HSP board made. HSP comms network established.	December presentation of HSP comms strategy to board	Implementation and resource identification.
To draft, consult on, secure agreement to and begin to implement an internal communication strategy for the council	See communications strategy		
A Translation and Interpreting Strategy to be in place which will encourage community integration between our long term and future English speaking residents and have clear and measurable objectives.	Research underway with service users and relevant communities	Draft strategy will be presented and consulted on	Strategy in place.
Review of and re-tendering for the design, print and distribution of Haringey People, the council's magazine for residents	Procurement Committee decision made in September. Contract to start in November	Project complete	

3. Performance

Referring to your monthly and quarterly dashboards please identify any indicators, including Local Area Agreement targets, where targets are at risk of not being met. Set out action to bring performance to target.

The Policy and Performance Team can provide additional support and analysis if required. Please contact Richard Hutton on ext. 2549.

Ref	Description	2008/09 target / threshold	2008/09 performance Apr-Aug	2008/09 projection	Proposed remedial action to achieve target
	Media stretch target		Evaluation not complete		Proactive media relations. Review of targets in 2nd quarter performance reporting

4. Value for Money (Cost, Performance, Perception)

4.a Looking at your unit costs, comparative performance and perception data comment on your service's cost effectiveness and how you aim to achieve value for money. A value for money review of communications is underway. This is looking at communications across the council, not just within the central team. This will provide a significant range of information to enable effective benchmarking. The information from this report will be used to complete this section once completed.

4.b A value for money review of communications is underway. This is looking at communications across the council, not just within the central team. This will provide a significant range of information to enable effective benchmarking.

5. Risk Management

This section reflects the requirements of the Council's Risk Management Strategy and the need for all Business Units to have various key documents in place and monitored on a regular basis in accordance with the business planning cycle. Therefore, please set out any issues or key risks (no more than 3) that might impact on your service in the coming year against the following items. Please ensure that any **financial risks** (relating to both revenue and capital items specifying items of significant value), **data quality or partnership risks** are included. Please note that, for most areas, the key issue/risk, current mitigation and further action can be taken directly from the listed documents. Please also include reference as to whether your business unit has a Business Continuity Plan and if not state this as an issue in the table below.

Item	Key issue/risks	Current Mitigation	Further actions required	Date of last review	Responsible Officer
Risk Register	In place				Mike Browne
Business Continuity Plan	Further comments received from the business continuity team on the redrafted document	Final minor revisions being made.	Submission of final document		Mike Browne
Health & Safety Risk Assessments					Angela Frappaolo
Inspections and Accreditations	CAA				

SECTION B

What will affect the work of your Business Unit in the next three years?

6. Legislative, regulatory, national policy changes or other external pressures including social, economic, environmental or demographic changes- *if there are financial implications arising from these please ensure these are explored and captured in Appendix 1 sections D&E*

The Place survey will impact on how we communicate. We will need to encourage positive perceptions of the borough as a place to live, as a place where people get on with each other.

CAA and the HSP mean that we need to take a more partnership approach to communications. The place survey assesses how well informed people feel and how able they think they are to influence decisions about local public services, we are therefore only as good as our weakest partner. Raising standards across public service communications and consultation will help address this. The first Place Survey will give us a benchmark to start from.

The economic downturn predicted by the OECD may have an impact on our ability to generate advertising revenue from sources such as street banners and Haringey People.

The duty to involve will have an impact on the development of our consultation and engagement strategy.

A more cluttered media environment means that we need to consider new, different and effectively targeted ways to get our messages heard.

The ever increasing number of people accessing services online needs to be tempered with the need to ensure that people who don't have internet access are not excluded.

Increasing awareness of the demographics of our population, our CRM and the mapping of local information will help us to effectively target messages.

7. Customer Focus

7a. Comment on perception/satisfaction levels of your service using the latest survey information including service surveys (at http://harinet.haringey.gov.uk/intranet/directorates/pppc/communications/ce_consult/surveys) that you may have carried out.

Communications have improved with residents and results from the resident survey 07/08 show 74% of residents think the council keeps them informed.

The pilot place survey shows that 55%residents feel informed about local public services overall. This could imply that the council is doing a better job in communicating than other local public services.

We now have information regarding different drivers of satisfaction in different parts of the borough. This will help drive local messaging and maximise customer impact.

7b. Outline the key outcomes of any needs analyses or Equality Impact Assessments carried out by your service. Give a brief update of what action is being taken to address the outcomes.
EIAs will be undertaken of strategies as they are finalised.

8. Managing Resources

People Set out progress against your People Plan objectives and identify 3 key areas of work for 09/10.	Team away afternoon held to contribute to the development of the communications strategy. CCU management meetings held monthly. • Sickness levels are too high – active sickness management is in place • Succession planning to be considered within all teams. • Cross skilling of admin team to be developed. • Wider awareness of comms strategy and implementation by whole team
Work methods and Technology Identify any IT or organisational change projects (e.g. Flexible Working) for the coming year to be undertaken by your service, aimed at improving service delivery.	• We need to implement a full Apple Mac solution for the design and print team in order for them to be able to effectively work with external organisations and meet targets for income generation. • We need a new T&I database solution. The current system does not meet our needs, crashes and causes inefficient working as a result. • A new content management system is required for intranet and internet. • Piloting of e-newsletter software is needed. • We need to find an owner for and a technological solution for the community contacts database. • We will need to understand the principles for smart working and identify which posts are appropriate.
Natural Resources Identify work being undertaken, including any on physical assets, that will impact on the environment and reduce environmental risks.	• We are investigating alternative paper types to ensure that Haringey People is an exemplar. • We are investigating e-newsletters. • We are investigating FSC accreditation for the Printing Service.
Asset Management Outline how your service is managing assets in order to help deliver the Council's priorities and/or service needs. *This section needs to be cross-referenced to any growth or*	

savings proposals in section D&E & I&J in Appendix1.	

SECTION C
Strategic service planning for the years ahead

9. State your key objectives for the coming year (if possible for the next 3 years). These need to be linked to both to the Council Plan and the Community Strategy. The purpose of this section is to give an indication of the service focus for the next 3 years.

The Corporate GIS Team can provide additional support and analysis with regards to our customers for service planning if required, please email corporate.gis@haringey.gov.uk.

(Please also refer to Appendix 1 and ensure the financial implications are captured. Please also refer to Section A item 2 and section B of the Performance document for any areas to be carried forward.

No.	Objective	Key actions to achieve	Year(s) key actions are to be undertaken in	Link to existing strategy	Link to Council Plan priority	Link to Community Strategy priority	Projects * S	P	M
	Continue to achieve a balance of news media in clear favour of the council Increase positive coverage in trade, national and BME media in order to influence key stakeholder perceptions.	Meet stretch targets	2009/10	Communicatio ns strategy	Excellent, customer focused, cost effective services	People at the heart of change			
	Drive the council's consultations to consistent best practice.	Develop consultation and engagement strategy and area		Draft consultation and	Excellent, customer focused, cost	People at the heart of change			

		based online consultation / petition tool.		engagement framework	effective services				
	Continue to develop the council's website "look and feel" with ITS to encourage maximum take up of e-services, optimum information flow and better dialogue with residents.	Begin specifying functionality requirements for new internet site Deliver new intranet site in line with Information & knowledge management strategy	2009/10 2010/11	Draft communicatio ns strategy	Excellent, customer focused, cost effective services	People at the heart of change			
	Work in partnership with HSP whilst protecting and enhancing the council's profile.	Implement HSP comms strategy. Identify and establish resources to deliver.		Draft communicatio ns strategy	Excellent, customer focused, cost effective services	People at the heart of change			
	Develop internal communications (including intranet) in support of all business units to help secure council objectives and deliver the Achieving Excellence programme	Recruit to internal comms post Launch new staff magazine. Launch new managers' e-newsletter. Publish annual internal comms programme		Draft communicatio ns strategy	Excellent, customer focused, cost effective services	People at the heart of change			
	Lead corporate	Implement Place	2010/11	Draft	Excellent,	People at the			

	customer surveys as a driver to improved service perception across the council.	survey Agree consultation and engagement strategy Undertake area based research Replace annual resident survey	2009/10	communicatio ns strategy	customer focused, cost effective services	heart of change			
	Gate keeping best practice and value for money in all corporate presentation and communication.	Develop comms planning template with council comms network Develop and implement a communications handbook for staff Maximise connections between service communications and corporate campaigns		Draft communicatio ns strategy	Excellent, customer focused, cost effective services	People at the heart of change			
	Ensure barriers to accessing information and taking part in consultation are removed through effective translation	Implement T&I strategy Create welcome to the		Draft communicatio ns strategy	Excellent, customer focused, cost effective services	People at the heart of change			

	and interpretation.	borough leaflet and web pages							

* Where actions applies to a project, identify whether this is a 'Service specific', 'Programme project' or 'Major project'.

10. Submitting the plan

Please save this document (and any other documents submitted with it) with filename(s) starting with your two letter directorate/division code then "_" then your (abbreviated) Business Unit Name.
(Adults, Culture & Community – **AC**; Corporate Resources – **CR**; Children & Young People – **CY**; People & Organisational Development – **POD**; Policy, Performance, Partnerships and Communication - **PPPC**, or Urban Environment – **UE**)

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CPA /CAA	Eve Pelekanos or Christine Piscina	2508 or 2516
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Performance Indicators	Richard Hutton or Catherine Cobb	2549/2971
Risk Management	Anne Woods	5973
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Procurement	Michael Wood	2120
Equalities & Diversity	Eve Featherstone/ Inno Amadi or Arleen Brown	2583/2580/2579

Pre Business Plan Review Template

Consultation	Janette Gedge	2914
Community Strategy/ Policy Development	Helena Pugh	
Community / Geographical information	Lisa Simeon, Marlon Malcolm or Craig Ferguson	6012/2663/6941/6936
IT	Sheila Mair CES Julia McClure Social Services/Finance George Liveras Children's Services Aslam Osman Housing/Finance Jill Hellier Environment	4672 4675 3417 4677 4687
Completion of Appendix 1 & 2	Claudette Marcano / Jade Cheung	2846/4645

Pre Business Plan Review Template

C PRE-AGREED SAVINGS															
			As Agreed by Council				Revised (if required)								
Directorate	Business Unit	Details of Efficiency	2009/10 over 2008/09 £'000	2010/11 over 2009/10 £'000	Total £'000	Progress	2009/10 over 2008/09 £'000	2010/11 over 2009/10 £'000	2011/12 over 2010/11 £'000	Total £'000	Variance 2009/10 over 2008/09 £'000	Variance 2010/11 over 2009/10 £'000	Variance 2011/12 over 2010/11 £'000	Cumulative Variance (Agreed - Revised)	Portfolio
Policy Performance Partnership & Comms.	PP05 Communication	Haringey People Magazine additional advertising revenue	42	42	84	On target for 08/09. To meet further targets, consideration will need to be given to changing distribution method or increasing page rates for internal and external advertisers.	42	42		84	0	0	0	0	Community Cohesion and Involvement
Policy Performance Partnership & Comms.	PP05 Communication	Print Efficiencies 08/09	79	41	120	New design & print framework should be in place from Jan 2009.	79	41		120	0	0	0	0	Community Cohesion and Involvement
Policy Performance Partnership & Comms.	PP05 Communication	Print efficiencies - Savings taken from budget		38	38	Most design and print expenditure is recharged to other budgets. Savings in these are not reflected in this budget.	0	38		38	0	0	0	0	Community Cohesion and Involvement
	Grand Total		121	121	242		121	121	0	242	0	0	0	0	

Pre Business Plan Review Template

E - NEW SAVINGS PROPOSALS												
Directorate	Business Unit	Proposed Efficiency Saving	2009/10 over 2008/09 £'000	2010/11 over 2009/10 £'000	2011/12 over 2010/11 £'000	Total £'000	No. of Staff Affected	Posts Affected (FTE)	Impact on Performance (Service Delivery)	Impact on other Services	Dependent on Capital Investment?	Portfolio
Policy Performance Partnership & Comms.	PP05 Communication	Savings arising from the VFM review, over and above the target within Achieving Excellence, will need to be captured in order to meet the 2011/12 target for additional savings			50	50			Reducing the number of council publications, if effectively managed in line with the communications strategy should not have a negative impact	Reductions in service communications will need to be effectively managed to ensure no impact on service take up	No	Community Cohesion and Involvement
	Grand Total		0	0	50	50						

2009-10
PRE-BUSINESS PLAN REVIEW
PERFORMANCE SECTION

DIRECTORATE	Policy, Performance, Partnerships & Communications
PORTFOLIO	Enforcement and Safer Communities
BUSINESS UNIT	Community Safety
BUDGET HOLDER	Jean Croot
PBPR **completed** by	Community Safety Management Group
PBPR **reviewed** by	
Version	1.3

Pre Business Plan Review Template

Pre Business Plan Review 2009 / 2010

Business Unit:	Community Safety	Portfolio(s):	Enforcement and Safer Communities
Budget Holder:	Jean Croot	PBPR completed by:	Community Safety Management Group
Directorate:	Policy, Performance, Partnerships & Communications	PBPR signed off by:	Jean Croot

The Teams within the Community Safety Business Unit are: Anti-Social Behaviour Action Team (ASBAT); Community Safety Team (CST); Drug & Alcohol Action Team (DAAT); Emergency Planning & Business Continuity team (EPBCT); and Youth Offending Service (YOS).

Section A: (Page 3)
Sets out progress against current year's objectives and performance.

Section B: (Page 13)
Identifies the factors that will affect the work of the business unit in the next 3 years

Section C: (Page 3)
Sets out proposals for the years ahead

Finance Section

Appendix 1
An excel spreadsheet completed for all revenue savings, investments and capital bids.

Appendix 2
Capital Programme Application Form 2009/10 – 2011/12.

Pre Business Plan Review Template

SECTION A – Where is the Business Unit now?

1. Vision

With partner agencies, to support Haringey to become an excellent Council by providing support in key policy areas and through the direct delivery of projects, and through the provision of both corporate and operational services across the areas of community safety, crime, anti-social behaviour and drugs/alcohol misuse reduction, and emergency planning and business continuity.

2. Objectives (Current Year)

The Community Safety Business Unit has an important role to play in all five of the Council's key objectives:

- To make Haringey one of London's greenest boroughs
- To create a *Better Haringey:* cleaner, greener, safer
- Encouraging lifetime wellbeing at home. Work, play and learning
- Promoting independent living while supporting adults and children when needed
- To deliver excellent, customer focused, cost effective services

The achievement of these is contained within the Business Plan Action Plans.

Objectives	**Progress/ Key Achievements in the year so far**	**Anticipated progress at year end**	**Areas of work to carry forward**
CST 1. Deliver agreed partnership actions around serious violent crime and acquisitive crime.	2008/09 is the baseline year for serious violent crime. All actions are on track. Current performance on serious acquisitive crime is ahead of target. All actions are on track.	First quarter return for serious violent crime indicates final year out-turn of 11.8 per 1,000 of population- matching 2007/08 excellent overall performance. Currently projected to exceed target. Burglary issues are being actioned by the revised Performance Management Group.	Further work on alcohol related violence and on partnership information sharing and response re young people at high risk. Intelligence led, targeted crime prevention advice. Expansion of area based working. Further work on vulnerable and repeat locations
2. Deliver actions to meet NI 21: Dealing with local concerns about Anti-social	This is measured through the Place Survey (results not yet available).	New ASB strategy prepared and currently under consultation.	Prompt responses to issues raised through ward consultation.

behaviour (ASB) and crime by local authority and police, with the **ASBAT**.		Significant progress underway on area-based working arrangements.	Joining up front-line service delivery and area based problem solving. Improving public communications.
3. Achieve personal robbery stretch target (adopted from previous Local Area Agreement).	Current performance continues to be excellent with a 39% reduction in Q1 08/09 compared with the same period the previous year.	Projected to achieve an annual total of 1,052 compared with the target of 1,343.	Rapid response (Q cars) operation. Joining up provision/ intervention for young people most at risk.
4. Reduction in proportion of people saying they fear being a victim of crime.	The target measured in the Haringey Residents' Survey relates to personal concern about crime. When last measured, there was a reduction of those fearing for their safety from 54% in 06/07 to 46% in 07/08.	Significant progress made on joint priority setting by Police and Council with feedback to residents. Problem solving progressed greatly and put to good use. Maintaining reduction will be challenging.	Improved and co-ordinated communication. Closer working with environmental services. Respond effectively to survey feedback.
5. Deliver Domestic Violence (DV) stretch targets (increased sanctioned detections and reductions in repeat victims).	Sanctioned detections (SDs) are at their highest ever in Haringey around 50%. Provision of the incidents of repeat DV victimisation has been held up but is being resolved. Data for Q1 and Q2 is imminent.	Likely to exceed SD target. Unlikely to meet repeat incidents of DV victimisation. Continuing strong performance from Hearthstone. Significant joint working between Council and Police Community Safety Unit including around MARACs and awareness-raising.	Perpetrator programmes. Further work to address causes. Work with new and most affected communities. Revisit the baseline with GOL.
6. Deliver Safer Communities Partnership annual strategic plan.	3-year partnership plan finalised and approved. All action plans finalised. Evaluation framework fully in place and engaging all key partners. Project management and financial skills significantly enhanced across the team. Intelligence led planning significantly improving due to strategic assessment.	Timescales on track. Partnership communications work behind schedule.	Co-ordinated communications and publicity. Strategic commissioning. Integrating youth provision. Embedding problem solving; enhancing analytical capacity.

Pre Business Plan Review Template

DAAT 1. To establish a robust accountable and sustainable commissioning infrastructure for planning, implementing. Re-sourcing and performance managing Haringey's drug Treatment strategy to March 2009.	Commissioning structure of the DAAT (Joint Commissioning Group JCG) is robust, accountable and has senior representation from key partnership agencies, chaired by Joint Director of Public Health. Commissioning decisions are based on evidenced need (annual needs assessment). Rigorous performance management system in place with monthly performance management meetings and timely contract review meetings.	Unit Costing underway to be completed by providers by August.	None. New treatment plan developed for 2009/10 by January 2009.
2. To Improve access and engagement within the drug treatment system.	Tier two services have been engaged and improved through the addition of a new poly drug service targeting primary crack users.	Completed.	
3. To increase the overall numbers of adults entering and being retained in effective drug treatment, whilst increasing the proportionality of PDU's.	Problematic Drug Users (PDUs) and overall numbers who are in effective treatment are steadily increasing currently at 912 and target is 954 and managed through robust Performance Management Group, which holds monthly meetings.	Success in increasing the numbers in treatment has seen an increase of non PDU's entering treatment thereby decreasing PDU proportionality.	
4. To further consolidate and develop a range of community resettlement services.	Needs Assessment has been started and will incorporate aftercare and resettlement needs is due to be completed by December 2008.	Needs Assessment completed by December 2008.	Analysing drug offending patterns of new starters to ascertain where growth in non-PDU's has arisen.
5. To continue to commission services to meet the diverse needs of Haringey.	Provision and effectiveness of harm reduction services through DASH commencing with contingency management pilot for Blood Borne Viruses.	Pilot completed.	

6. To improve the provision and effectiveness of Harm Reduction services. 7. To continue to widen access into treatment, improving engagement, retention and effective outcomes for those in criminal justice system. To establish an appropriate qualified, competent and sustainable treatment sector workforce. To continue to implement the service the service user involvement strategy. To develop meaningful carer involvement as a means of facilitating in the planning, commissioning and review of treatment services.	Treatment access widened through Drug Helpline launch. MiCase (Case Management System) is operational improving engagement and retention for those in the criminal justice system. Workforce knowledge and competency improved through NVQs at Thames Valley College. DAAT training schedule has been developed and circulated. Ongoing. Service user representation on all forums under DAAT. Carers representation is being developed across the forums. Carer now sitting on DAAT Board and Treatment Task Group, Children & Young People's Service (CYPS) reps now sit on contract reviews.	Helpline evaluated by March 2009. Completed.	Referral pathway review being undertaken from vulnerable groups.
EP&BC Team 1 Ensure effective cooperation and information sharing between partners locally and regionally regarding resilience matters. 2 Ensure joint assessment of risk with partners; communicate assessment appropriately assessment.	Effective partnership arrangements in place and working well. Risk assessment process reviewed, and revised processes in place and working effectively.	On track. On track.	Potential need to carry forward elements of emergency planning work due to uncertainties in relation to national guidance or regional working groups. Upgrade Emergency Control Centre may need carrying forward due to Accommodation Strategy review.

3 To develop and maintain plans to respond to an emergency affecting the London Borough of Haringey, either within the Council or in partnership with others. 4 To ensure robust arrangements are in place to ensure the continuity of Council services. 5 to deliver a programme to raise the awareness of emergency planning and business continuity amongst businesses and the public, ensuring the ability to communicate effectively during an emergency.	Emergency planning activity requires re-planning due to vacancies affecting performance. Business Continuity Plans completed by most Business Units. Work will commence when vacancies are filled.	Flu pandemic work will complete on schedule Flood planning work will be on track with national deadlines. Business Continuity Plans will be in place and under review. Communications plan will be in place and work under way.	
YOS 1. ASSET (assessment form) Completion – Ensure 100% of ASSETS are completed at satisfactory and above levels. 2. Provide a range of group work programmes to address offending behaviour.	Introduced new quality assurance. Form Unsatisfactory ASSETS being monitored. All managers received YJB and in-house ASSET training; all relevant staff received in-house training. Asset reviewed 21/8/08. Needs identified; group work programmes set-up and on-going. Group work programmes to be evaluated for end September. Additional factor - In process of devising more rigorous weapons courses at request of YJB and Home Office.	On track to achieve by end of year. On track to achieve by end of year.	Further training required to link Asset completion to intervention plans.

3. Supervise all relevant young people in accordance with national standards.	Assessed annually with results available in February 2009.	On track to achieve by end of year.	Supervise all relevant young people in accordance with national standards.
4. Provide performance management information to YOS Partnership Board and youth court representatives.	Quarterly information reports provided. Attendance at Court youth panel meetings.	On track to achieve by end of year.	Provide performance management information to YOS Partnership Board and youth court representatives.
5. Respond as appropriate to change in the ethnic make up of the caseload.	Data analysis completed and ongoing for intervention teams. Links made with African Women's Association; Diversity Forum set up. Monitoring of caseloads in place.	On track to achieve by end of year.	Need to complete data analysis for prevention team Respond as appropriate to change in the ethnic make up of the caseload.
6. Recruit to secondary learning mentor vacancy.	Achieved.	Action completed.	Recruit to secondary learning mentor vacancy.
7. Incorporate Connexions personal advisors into YOS.	Referral numbers being monitored PA involved in Prevent & Deter.	On track to achieve by end of year. Action completed.	Incorporate Connexions personal advisors in YOS.

3. Performance

The Safer Communities Business Unit leads on six of the local indicators in the Local Area Agreement. These are listed below.

Ref	Description	2008/09 target / threshold	2008/09 performance Apr-Aug	2008/09 projection	Proposed remedial action to achieve target
NI 15	Reducing serious violent crime.	No target set as yet	Stable	Stable (i.e. 11.8 per 1,000 pop)	Weapons awareness training for young people. Finalise weapons protocol with schools. Good practice from the tackling gangs national programme, where relevant. Much closer information exchange and joint working across services and partners. Constructive engagement with health services.

NI 16	Reducing serious acquisitive crime (robbery, burglary and vehicle crime).	37.6 per 1,000 population	On track	36.4 per 1,000 pop	Focus on burglary performance and commissioning action around need, following problem solving and strategic assessment. Targeted and timely crime prevention messages. Enhanced use of CCTV. Focus on Houses in Multiple Occupation (HMOs)
NI 21	Dealing with local concerns about anti-social behaviour and crime by the local council and the police. % very or fairly well informed.	Maintain at 24%	Place Survey	Stable perfor-mance	Attention to local issues, integrated responses at area-based level; enhanced working with Urban Environment; improved communication; deliver and publicise 3rd party reporting network; improve local stories and news profile through Haringey People including successes
NI32	Reduce repeat victimisation and incidents of domestic violence.	176 repeat incidents	N/K	N/K	April to July figures are not available until mid September.
NI 35	Building resilience to violent extremism.	To reach Level 2	Still at baseline	Level 2	Following advice and consultation from/with GoL, DCLG, MPA, London Councils and central MPS an action plan is being drafted which will mirror the proposed timelines e.g. · Consultation with Muslim Leadership groups in Haringey during September 2008 · Partnership "Prevent" structure in place by September 2008, being chaired by Paul Head from CONEL · Draft Action Plan and structure to be approved Oct 2008. · Formal Action Plan submitted to GoL by Jan 2009 in place for formal deliver 2009-2011.
NI 40	Getting drug users into effective drug treatment.	954	912 (Problem Drug Users)	On track to achieve target	The Joint Director of Public Health is now chair of the Joint Commissioning. A performance management system is in place through monthly performance management meetings with all service provider managers and through timely contract review meetings. New poly drug service targeting primary crack users. The Needs Assessment is due to be completed Dec 2008. It will incorporate aftercare and resettlement needs. Carers' representation is being developed across forums.
NI 111	Preventing young people aged 10 – 17 from entering the Youth Justice System.	No target set – expected Dec 2008	Q1 figure is 106 FTE's	End of year projection - 426	After 1st quarter figure, projection is much the same as last year. Pre-reprimand scheme introduced 7/7 should have an effect in reducing numbers.

4. Value for Money (Cost, Performance, Perception)

4.a

The latest estimates of the unit costs[1] to Crime & Drugs Reduction Partnerships for the relevant crimes types (as per NIs 15 & 16) are as follows:

Violence against the person	£1,928 per incident
Robbery	£2,601 per incident
Theft	£217 per incident
Burglary	£1,137 per incident

Examples of calculating value for money follow:

1. Robbery

There are two main specific activities carried out by the police in response to robbery: the Q Cars and Robbery Squad. The mainstream cost of these is £1 million+ per year each[2]. In addition, the partnership allocation is £55,000 for Q Cars and £35,000 for the Robbery Squad. Value for money can be crudely calculated based on reductions achieved against the partnership allocation. For example, for the £90,000 partnership allocation to be 'worth' spending on robbery initiatives, a reduction of 35 robberies would have to be achieved. (£90,000 / £2,601 = 34.6)

In 2007/08 there were 448 fewer robberies than in the previous year, a potential 'saving' of 448 x £2,601 = £1,165,248.

However, the £90,000 above does not include the other partnership expenditures. Although these additional expenditures are unlikely to be greater than £1 million, they reduce the 'value'.

2. Burglary

The Burglary Squad receives £25,000 of partnership funding (on top of £746K mainstream allocation) as does the Docket Squad which deals with forensics in burglary and motor vehicle crime (plus £254K mainstream). Around 60% of the work of the Docket Squad is on burglary, accounting for £15,000 of partnership allocation. Expenditure of £40,000 of partnership money would require a reduction of 36 burglaries to achieve value for money. (£40,000 / £1,137 = 35.2)

There were 168 more burglaries in 2007/08 than in 2006/07, which amounts to a cost of 168 x £1,137 = £191,016.

3. Other Crime Types

This method of estimating value for money is very crude and is easier for some crime types than for others. For example, the Q Cars and Robbery Squad are initiatives specifically targeted at robbery and their impact is obvious and easily measured, as are burglary specific operations. However, projects such as the Haringey Police and Community Boxing Club are more complicated to assess for value for money because their impact is broader and affects many crime types but in a less direct manner.

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[1] Taken from the Home Office report *"The economic and social costs of crime against individuals and households 2003/04"*. These are the latest estimates of costs.

[2] Mainstream funding comprises salaries, overtime and overheads. The total for Q Cars is £1.140 million; and for the Robbery Squad, £1.083 million.

4. Anti-Social Behaviour

The Home Office estimated the cost of ASB to be £64 per head per year. They suggest that if the perception of ASB drops by 5% in a borough with a 150,000 population, this would equate to an annual saving of £480,000. This is based on the argument that perceptions = reality. Therefore, if there was a 5% fall in perception of ASB in Haringey, there would be an annual saving of over £700,000.
Information is not available on how the £64 per head per year was calculated, and it does not take into account actual incidents of ASB or the number of individuals who were victims of ASB.
The National Audit Office has estimated the cost of some ASB interventions. For example, a warning letter is the cheapest intervention at approximately £66, whereas an Acceptable Behaviour Contract costs around £230 and an Anti-Social Behaviour Order around £3,100. This could be used to estimate crudely some of the costs of ASB, but does not help estimate value for money.
Value for money is very difficult to ascertain with preventative work and interventions as it is not possible to determine how many incidents of ASB were prevented and therefore the 'saving' to the borough. Hence, calculating value for money for ASB interventions is a complicated process which may not yield useful results.
The Value for Money review carried out by Homes for Haringey in 2006/7 stated that the ASBAT provided additional VFM over and above the Service Level Agreement in place and delivered excellent VFM for residents. Monthly performance meeting held since then with HfH have not identified any concerns.

5. Emergency Planning and Business Continuity

The Audit Commission's VFM tool place Haringey's EPBCT in the median range of authorities surveyed for Value For Money (7 out of 13) – based on £/head of population. Because the area is a high density urban area with significant risks from terrorism, flooding and flu pandemic, maintaining a reasonable level of investment in this work is required for the foreseeable future. The service has focused on mainstreaming Business Continuity through 2007-8 with the aim of improving the overall performance without escalating central costs. The team will continue to maintain this approach, to deliver improved corporate performance through 2009/10.

6. Youth Offending Service

The Audit Commission estimates each youth crime costs £5,000. However, the Youth Justice Board estimates that in 2006/07 youth offences in Haringey cost £3,915,00.

4.b Outline of value for money reviews being undertaken in Service, and any procurement initiatives.

The DAAT is currently taking part in a unit costing exercise for drug and alcohol providers' service, in conjunction with National Treatment Agency (NTA) to identify the unit costs for all commissioned providers of adult tier 3 services. Tier 2 and 4 services will be ascertained through NTA sampling. The providers are due to complete data entry exercise by end of August 2008. First reports are due to be available November 2008.
A Clinical Audit, based upon the technical N.I.C.E. guidelines of all modalities being undertaken 2008/09.

5. Risk Management

This section reflects the requirements of the Council's Risk Management Strategy and the need for all Business Units to have various key documents in place and monitored on a regular basis in accordance with the business planning cycle.

Item	Key issue/risks	Current Mitigation	Further actions required	Date of last	Responsible Officer
Risk Register	Reliance on short-term funding. Loss of Corporate Performance Assessment rating due to failure of Business Units to complete Business Continuity Plans. Threat from terrorism.	Actions have been identified in the Risk Register and will be completed.	Review Risk. Register in 6 months.	15.08.08	Jean Croot
Business Continuity Plan	Key risks affect the operational services (YOS and ASBAT). Loss of staff or buildings could disrupt the service.	Safer Communities Business Unit Continuity Plan been reviewed. Critical elements of services can be maintained. External providers have confirmed Business Continuity Plans.	None	15.08.08	Andrew Meek
Health & Safety Risk Assessments	Key risks identified relate to YOS building safety/security and to ASBAT surveillance officer	Staff awareness of risks, general vigilance and arrangements with the police. Plan being progressed to assess and address safety risks to ASBAT officer's work	Strengthening glass and improving CCTV coverage at YOS building. ASBAT Risk Assessment outstanding.	20.08.08	CS Managers
Inspections and Accreditations (YOS)	Effective Practice Quality Assurance reviews- completed on substance misuse and mental health. Lack of CAMHS input.	Assistant Director CAMHS actively searching for appropriate. Community Psychiatric Nurse via agencies.	Continued liaison with CAMHS.	June 2008	Linda James

SECTION B

What will affect the work of the Business Unit in the next three years?

6. Legislative, regulatory, national policy changes or other external pressures including social, economic, environmental or demographic changes

The social, economic, environmental or demographic changes that will impact on the Safer Communities Business Unit includes:

- Impending recession
- Further influx and service pressures from new communities
- High profile and disproportionate press coverage around crime and community safety

A number of 3-year strategies were published over the past 6 months which have set the framework for the coming 3 years (e.g. Crime Strategy, Drug and Alcohol strategies, National CCTV strategy etc).

Demand on the ASBAT has doubled since its inception in 2003 and maintaining the high service the ASBAT prides itself on providing is becoming increasingly difficult The ASBAT are also delivering on the various initiatives outlined in the Government's Respect Action Plan and the Youth Task Force Action Plan. This included the introduction of Good Neighbour Agreements and the ASBAT Parenting Service. However, the ASBAT is 100% externally funded, relying on short term external sources of funding. The ASBAT and YOS also face the challenges of dealing with the youth gang culture that has developed d over the past few years and taking action to protect residents from incidents of violence and knife crime. ASB Orders and ASB Injuctions have been used to full effect and it is anticipated that the ASBAT and YOS will become more heavily involved in addressing the growing problems associated with the rise in youth gang related harassment.

New legislation and guidance in the drug and alcohol areas of work include;

- The New Drug Strategy – Drugs: protecting families and communities. The 2008 drug strategy;
- Safe. Sensible. Social. The next steps in the National Alcohol Strategy;
- Decrease in Pooled Treatment Budget (8% - 2009-10 and 14% - 2010-11)
- National Audit Office – DAAT Review (due 2008)

There is a strong possible the ring fencing of the Drugs Intervention programme main grant will be removed and that this money will be further reduced.

The Civil Contingencies Act will be reviewed in 2008/9, which is likely to result in changes to statutory guidance and regulation in relation to Emergency Planning and Business Continuity. The key issues are likely to be (a) a requirement to achieve BS25999 accreditation for Business Continuity, (b) a requirement to increase the amount of community engagement required by the team. This may lead to changes in the National Indicator set. The Pitt Review of flooding has placed a greater emphasis on flood response that the Council will need to respond to. Increasing expectations more generally due to climate change, terrorism and the 2012 Olympics will require greater levels of assurance about the Council's response.

Crime and Immigration Act 2008 – some elements have already been introduced but the main change for YOS will be introduction of Youth Rehabilitation Order by September 2009. This will involve substantial changes to current work practices with introduction of scaled approach – resources/intensity of supervision follow risk and new National Standards.

The Youth Crime Action Plan 2008 will also have implications, including resource issues if all proposals are agreed after the consultation period.

The rise in serious, violent youth crime will impact on the limited resources of the YOS, as more young people require more intensive services and resources.

7. Customer Focus

7a. Perception/satisfaction levels of the Service using the latest survey information including service surveys

Last year, there was a significant reduction in people's perception of crime in the Borough from 54% to 46%. This may have been linked to the roll out and popularity of Police Safer Neighbourhood Teams and the way in which they are working with key Council services.
The Policy Officer for Crime received a WOW award.
Four officers from the ASBAT have received WOW awards and two officers also received Police Commendations

The EP& BC team (of three people) received two WOW award nominations.
The DAAT facilitates a Service User questionnaire, designed and implemented by service users, which is due to feedback to DAAT board January 2009.

All young people and relevant parents/carers known to the YOS are expected to complete an exit questionnaire at the end of orders but this is only analysed once a year as it is time consuming being a paper system.

7b. Needs analyses or Equality Impact Assessments carried out by the Service, with a brief update of what action is being taken to address the outcomes.

An action plan is currently being prepared that unites the key interventions across the Service which support the Equalities strands. Progress against these actions will be monitored in future by the new Community Safety Performance Management Group. The annual strategic assessment is using much improved data and has substantially improved in anti-social behaviour datasets and cross referencing (e.g. against mental health and alcohol related crime and disorder). From 2008/09, the focus will be on strategic recommendations and translating these back into project and partnership intervention and action plans for the year(s) ahead.

A full equalities impact assessment has been done on the 3 year *Safer for All* plan and an equalities impact assessment is currently being undertaken as part of the Haringey Alcohol Strategy.

The YOS Data analysis identified increasing number of Somali young people committing serious offences. Diversity forum has been set up and links made with the African Women's Association.

8. Managing Resources

People	The actions from the People Plan are being progressed according to timescales. Outstanding key issues are: • Sickness absence remains too high. This is a regular item on all management meetings and 1 2 1's, plus the Department are setting up a Sickness Absence Review Panel. • Use of agency staff needs to be further reduced. • Providing opportunities for young people (under 25 years) to be employed in the Service.
Work methods and Technology	All staff are required to respond to service demands e.g. attending evening meetings and weekend events as well as resident/Council committee/police meetings and meetings called by other agencies. A policy is being prepared by Human Resources to cover flexible working and TOIL arrangements, and this will be useful to the Service. The DAAT have implemented a new Case Management System (MiCase) improving case management and drug testing reporting. This has improved our DIP KPIs. The Drug and Alcohol Strategy Manager has commenced a DAAT Team Review which will be complete by late autumn – may result in changed patterns of working.

Work methods and Technology (cont.)	EP&BC team will desk-share from September 2008. EP&BC team will review the need for Incident Management System (IMS). In the YOS, Connectivity, a national case management system is being proposed; contact point; secure IDs for prevention team, PENY project (automated police notifications). CST will be using new technology to create maps and identify crime hot spots and trends (Mapinfo); this will compliment the Geocoding currently being used.
Natural Resources	The Service has started a bi-monthly 'competition' to identify the best green idea that is also practical and can be implemented. We have now adjusted all possible printers to always print double-sided. We also compost fruit/vegetable waste on the 3rd floor of Alexandra House and this is taken to an allotment in exchange for fruit/vegetables for staff. YOS awaiting clearance of harmful weed before taking over an allotment. Searching for funding for vegetable garden and gardening equipment.
Asset Management	The ASBAT has a CCTV covert van as well as other associated CCTV equipment including dome cameras. The value is estimated at around £150,000. Ad–hoc sums have been made available from the community safety budget to ensure that the equipment is maintained and representation is to be made to Homes For Haringey to invest financially into the service, so that new CCTV equipment can be purchased to keep abreast of new technology. Results for 2007/8 showed a 94% success rate in surveillance activity. The EPBCT emergency response vehicle is under review and is likely to need to be replaced in the next 18 months. This may be brought forward unless adequate maintenance regime can be agreed.

SECTION C
Strategic service planning for the years ahead

9. These are our key objectives for the coming year (if possible for the next 3 years), linked to both the Council Plan and the Community Strategy. The purpose of this section is to give an indication of the service focus for the next 3 years.

No.	Objective	Key actions to achieve	Year(s) key actions are to be undertaken	Link to existing strategy	Link to Council Plan priority	Link to Community Strategy priority	Projects S	P	M
1	To ensure the **ASBAT** responds appropriately to ASB reports made to the ASBAT, assessing requirements and addressing ASB issues.	1. To have adequate resources to meet the demands placed on the Service by the community. 2. To address and implement new requirements as directed by the Home Office, DSCF and DCLG.	Ongoing Ongoing, as required	Anti-Social Behaviour Strategy and *Safer for All* Strategy	Creating a Better Haringey: cleaner, greener, safer. Encouraging lifetime well-being at home, work, play and learning. Delivering excellent, customer focused, cost effective services	People at the heart of change. Safer for all. Healthier people with a better quality of life. People and customer focused.	S S		
2	The **CST** leads on strategies, policies and planning that ensures the Community Safety Partnership reduces crime and anti-social behaviour in Haringey.	1. To prepare and launch the *Safer for All* strategy. 2. To prepare and disseminate the annual Strategic Assessments. 3. To support Area Based Working and problem solving.	2008 2008 /2009 2010 Ongoing	*Safer for All* Strategy And All theme boards' annual plans and strategies	Creating a Better Haringey: cleaner, greener, safer. Delivering excellent, customer focused, cost effective services.	Safer for all. People and customer focused. People at the heart of change.		P	M M

3	The **DAAT** will lead for the partnership on reducing crime related drug and alcohol misuse, and increase drug and alcohol service users wellbeing.	1. To lead on the preparation of the annual Needs Assessment and the Treatment Plan and to monitor the implementation of the Plan. 2. To prepare and launch the Partnership's Alcohol Strategy. 3. To prepare a Reducing Re-Offending strategy. 4. To review the structure of the DAAT staff team	2008 /2009 2010 2008 2008/09 2008/09	Drugs Treatment Plan and Alcohol Strategy and Reducing Re-Offending Strategy	Creating a Better Haringey: cleaner, greener, safer. Delivering excellent, customer focused, cost effective services. Promoting independent living while supporting adults and children when needed.	People at the heart of change. Safer for all. Healthier people with a better quality of life. People and customer focused.	S	M M M	
4	The **EP&BC** will ensure Haringey is prepared for any emergency.	1. To develop a staff team that can prepare for and address emergencies as these arise. 2. To ensure all the Council's Business Units have an up-to-date Business Continuity Plan. 3. To participate in all relevant regional/borough level forums and partnership work.	2008/09 Ongoing Ongoing	Haringey Council's Emergency Plan and All Business Units' Business Continuity Plans	Creating a Better Haringey: cleaner, greener, safer. Delivering excellent, customer focused, cost effective services.	People at the heart of change. Safer for all. An environmentally sustainable future. People and customer focused.	S S	M	
5	The **YOS** will aim to reduce youth offending and to meet the new requirements from legislation, Youth Justice Board and other govt. departments	1. To ensure the YOS is fully prepared for the introduction of the Youth Rehabilitation Order and scaled approach by Sept 09. 2. To ensure staff are trained in relevant areas relating to YRO 3. To ensure adequate resources for anticipated increase in workloads 4. To implement new requirements in Youth Crime Action Plan with adequate resources.	2008/09 2008/0 2008/09 2008/09	Safer for All Strategy and Reducing Re-Offending Strategy and Changing Lives Strategy (C&YPS)	Creating a Better Haringey: cleaner, greener, safer. Delivering excellent, customer focused, cost effective services. Promoting independent living while supporting adults and children when needed	People at the heart of change. Safer for all. Healthier people with a better quality of life. People and customer focused.	S	M M M	

	Safer Communities Service To ensure all key partners and agencies are engaged with the Safer Communities Partnership's agenda and work plans.	1. Aim to achieve the targets in the 7 Safer Communities Local Area Indicators and the 50 National Indicators. 2. Building workforce capacity by attracting, retaining and developing talent in the Safer Communities Service.	2008/09/10 Ongoing	All above Strategies/Plans		Safer for all. People at the heart of change. An environmentally sustainable future. Healthier people with a better quality of life. People and customer focussed.	S	M	

* 'Service specific' **S**, 'Programme project' **P** or 'Major project' **M**.

Pre Business Plan Review Template

C PRE-AGREED SAVINGS																
			As Agreed by Council				Revised (if required)								
Directorate	Business Unit	Details of Efficiency	2009/10 over 2008/09 £'000	2010/11 over 2009/10 £'000	Total £'000	Progress	2009/10 over 2008/09 £'000	2010/11 over 2009/10 £'000	2011/12 over 2010/11 £'000	Total £'000	Variance 2009/10 over 2008/09 £'000	Variance 2010/11 over 2009/10 £'000	Variance 2011/12 over 2010/11 £'000	Cumulative Variance (Agreed - Revised)	Portfolio
Policy Performance Partnership & Comms.	PP02 Community Safety	Reconfigure Emergency Planning & Business Continuity Team and work load	10		10	Savings will be made as required through team restructure	10			10	0	0	0	0	Enforcement and Safer Communities
	Grand Total		10	0	10		10	0	0	10	0	0	0	0	

Pre Business Plan Review Template

D - NEW INVESTMENTS

Directorate	Business Unit	Proposed Use of Investment	Which Council priority does this support?	2009/10 over 2008/09 £'000	2010/11 over 2009/10 £'000	2011/12 over 2010/11 £'000	Total £'000	No. of Staff Affected	Posts Affected (FTE)	Impact on Service / Performance	Portfolio
Policy Performance Partnership & Comms.	PP02 Community Safety	Two new Anti-Social Behaviour Officer posts to cover the increased number of referrals and to reduce/remove the waiting list.	Creating a better Haringey: Cleaner, Greener and Safer	80	0	0	80	2	2	Increase in staff resources to improve the levels of enforcement action and prevention and intervention work in the community.	Enforcement and Safer Communities
Policy Performance Partnership & Comms.	PP02 Community Safety	Commissioning of alcohol services to implement the Alcohol Strategy	Creating a better Haringey: Cleaner, Greener and Safer	70	0	0	70			Mainstream funding for the DATT co-ordinator post to release £70k to be directed to the pooled treatment budget.	Enforcement and Safer Communities
	Grand Total			**150**	**0**	**0**	**150**				

APPENDIX 7

Part Four, Section B
Committee Procedure Rules

COMMITTEE PROCEDURE RULES (COUNCIL STANDING ORDERS)

APPOINTMENT OF COMMITTEES, SUB-COMMITTEES, ETC.

1. The Council at its annual meeting shall establish such Committees, Sub-Committees and other bodies as may be required by law or be necessary to carry out the work of the Council, and shall prescribe the number of voting members of each Committee or other body having regard to political balance in accordance with the 1989 Act, define their terms of reference and delegate to them such functions, powers and duties (except the power of levying the Council Tax) as the Council shall think fit or statute may require.

2. The Council may resolve that non-voting members, assessors and advisers shall also be appointed to any such committee or other body, and shall hold office until the annual meeting in the year following their appointment or for so long as the Council deem appropriate, whichever is the earlier; and if they resolve to make such appointments, shall specify the number of appointments to be made and the functions in relation to the body that each person so appointed may exercise.

3. Where appointments to Sub-Committees and other bodies are made by the Council, they shall be deemed for all purposes to have been made by their parent Committee (or, in the case of joint Sub-Committees and other bodies, by their parent Committees) and to be subordinate bodies of the Committee(s), which may make arrangements for a sub-committee to discharge any of the functions of the authority which the committee may discharge.

4. Where Chairs and Deputy-Chairs of Sub-Committees and other bodies have been appointed by the Council shall be deemed to have been appointed by their parent Committee(s).

5. From time to time other bodies may be established for the purpose of assisting or advising Committees in the exercise of their functions. They may be authorised to co-ordinate executive action across several Services or to develop policy in areas where special consideration is desirable.

6. Unless expressly provided for in the respective constitution or terms of reference, these rules will apply to all non-executive bodies

including the Licensing Committee. When the Licensing Committee and its Sub-Committees are conducting a hearing, then only the rules on Substitute Members shall apply.

7. Whenever:

(a) the Council is required to review the allocation of seats on committees between political groups, or
(b) the Council resolves to carry out such a review, or
(c) a committee is required to review the allocation of seats on a sub-committee between political groups, or
(d) a committee resolves to carry out such a review, the Chief Cabinet shall submit a report to the Council or committee (as the case may be), showing what allocation of seats would, in his/her opinion, best meet the requirements of section 15(4) of the 1989 Act.

8. In the light of such a report under paragraph 7 above, the Council or committee, as the case may be, shall determine the allocation of seats to political groups.

9. Whenever variations in voting membership of a committee or sub-committee occur in accordance with the wishes of a political group to whom the seat has been allocated, then the proper officer shall make or terminate the appointment accordingly except where a member has been removed or suspended from the body concerned.

11. These rules in respect of committees shall apply to the Standards Committee and Licensing Committee, to the extent indicated in paragraph 6 above, with the exception of the rules on political balance.

MEETINGS OF COMMITTEES, SUB-COMMITTEES, ETC.

12. The meetings of Committees and Sub-Committees shall be organised in accordance with a timetable approved each year by the Council and/or the Cabinet. The Chair may call a special meeting and may agree to the cancellation of a meeting on being satisfied that there is insufficient business to warrant it. Dates of meetings may be changed to a date decided by the Chair if it is in the interests of the Council's affairs or in the public interest to do so.

13. Other bodies may be timetabled or shall meet as and when required on dates to be decided by the Chair following consultation with the leading Opposition member.

14. The Chair of a Committee or sub-committee may call a special meeting if a requisition for a special meeting, signed by at least two, or one quarter of the total number of the voting members of a

committee or sub-committee, whichever is greater, has been presented to the Head of Local Democracy & Member Services.

15. If the Chair has refused to call a meeting or, without him/her so refusing, no special meeting has been called within seven days of the presentation of the requisition, then any two, or one quarter of the number of the voting members of the committee or sub-committee, whichever is greater, may forthwith call a special meeting of the committee or sub-committee.

16. Where any Members decide to call a special meeting of a committee or sub-committee, they shall signify to the Chief Executive that they have done so, the business to be transacted and the date and time for which the meeting is called. The Chief Executive shall thereupon ensure that the agenda is published and sent as at Standing Order No. 51 below.

17. The notice convening a special meeting shall set out the business to be considered, and no other business shall be considered.

18. No meeting shall continue after 10 p.m., except that discussion of the specific item or case in hand at 10 p.m. may continue thereafter at the discretion of the Chair of the meeting. Consideration of any business remaining shall be deferred to the next ordinary meeting, except where the matter(s) falls to be dealt with under the urgency provisions.

19. In the absence of the Chair, the Deputy-Chair(s) shall have authority to act for any of the purposes set out in paragraphs 1-4 above.

CHAIRS AND DEPUTY CHAIRS OF COMMITTEES, SUB-COMMITTEES, ETC

20. At each annual meeting, the Council shall appoint the members of the Cabinet and a Chair and Deputy Chair(s) for every Committee, Sub-Committee and other body for the year ahead, unless the constitution provides otherwise. If a vacancy arises during the year, the Chief Executive shall report to the next ordinary meeting of the Council to enable a member to be appointed to fill the vacancy.

21. If any appointment possible under the previous paragraph is not made, the committee, sub-committee or other body shall, from among their voting members, appoint a person to preside at their meetings.

22. In the absence of the Chair from a meeting, the Deputy-Chair shall preside. In the absence of both the Chair and a Deputy-Chair from a meeting and providing the meeting is quorate, any member may propose, at the request of the Head of Local Democracy & Member Services or his/her representative, the election of a voting member present to preside at the meeting.

23. The first proposal to elect a member to preside shall be voted upon before any further proposal is made. The Head of Local Democracy & Member Services or his/her representative, acting on the advice of the Monitoring Officer or his/her representative, shall determine any question of interpretation relating to the election procedure before a member has been chosen to preside. Unless a member is elected to preside, or the Chair or Deputy Chair returns, the meeting cannot transact any business.

24. If, while another member is presiding at a meeting, the Chair or Deputy-Chair enters the meeting, the member presiding shall stand down in favour of the Chair or Deputy-Chair at the conclusion of the item under discussion.

QUORUM

25. No business shall be transacted at any meeting of a committee, sub committee or other body, unless at least one quarter of the whole number of voting members are present, provided that in no case shall any business be transacted unless at least two voting members are present.

26. **Commencement of Meeting**

If there is no quorum after fifteen minutes from the time appointed for the start of the meeting, that meeting shall be postponed to a future date, to be determined by the Chair after consultation with the Opposition spokesperson.

27. **During Meeting**

If at any time after the commencement of a meeting there is not a quorum present, the Chair shall suspend the business for three minutes. If there is still no quorum at the end of three minutes the Chair shall terminate the meeting.

LIMITATION ON DELEGATED POWERS

28. Each Committee, Sub-Committee, or other body shall act in accordance with the Terms of Reference and Scheme of Delegation of Powers as approved by the Council (and in accordance with its own constitution) subject to the following general reservations:-

(a) Where powers have been delegated to a Committee, Sub-Committee, or other body it shall be competent for that body to refer any matter to the next higher authority for decision by them and the Head of Local Democracy & Member Services shall so arrange. A Chair of a body may, within two working days after the date of a decision being made and before

definitive action has been taken, delay by written notice to the Head of Local Democracy & Member Services, such definitive action to enable the decision to be confirmed or otherwise by the next higher authority.

(b) A matter referred by a joint body to the higher authority under sub-clause (a) above shall be submitted to the relevant parent body/bodies having responsibility for that aspect of the joint body's terms of reference.

QUESTIONS, DEPUTATIONS AND PETITIONS

29. Public Questions

29.1 Any resident, council tax payer or national non domestic rate payer of the borough may ask the Chair of any Committee or its sub bodies any question on anything for which the Committee is responsible at any ordinary meeting.

29.2 Notice of questions must be given in writing to the Head of Local Democracy & Member Services by 10 a.m. on such day as shall leave five clear days before the meeting (e.g. Friday for a meeting on the Monday 10 days later). The notice must give the name and address of the sender.

29.3 The proper officer may reject a question if it:

- Is not about a matter for which the local authority has a responsibility or which affects the Borough;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- Requires the disclosure of confidential or exempt information.

29.4 The Head of Local Democracy & Member Services may put questions into an appropriate form without affecting their substance and redirect them if necessary.

29.5 The questions to be asked shall be supplied to all Members no later than at the meeting.

29.6 The Head of Local Democracy & Member Services shall announce the question number and the name and address of the questioner. The questioner shall ask the question and the member shall reply orally or may ask another member to reply on his/her behalf.

29.7 The Chair may allow one supplementary question for elucidation only.

29.8 A total time of 20 minutes (excluding any adjournment) shall be allowed for public questions and answers, but a question being answered at the time limit shall be completed.

29.9 Any questions remaining unanswered after the time limit, and any questions for which the questioner is neither present shall be answered in writing.

29.10 Council Procedure Rules 10 (Deputations) and 11 (Petitions), appropriately modified, shall apply to meetings of Council Committees with the exception that the matter to be addressed must fall within the Committee's terms of reference

PRESENTATIONS

30. Presentations shall be made to Committees at the discretion of the Chair on matters of interest or concern to residents of the Borough which fall within the scope of the Committee's terms of reference.

31. The total time allowed for a presentation shall not exceed 30 minutes, including the time allowed for questions, unless the meeting approves some other limit.

CONFIRMATION OF MINUTES

32. Minutes of every meeting shall be presented to the next ordinary meeting.

33. The Chair shall put the question that the minutes of the meeting held on the (date) be confirmed as a correct record and signed.

34. No discussion shall take place upon the minutes except upon their accuracy. If no question is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

RULES OF DEBATE

35. Meetings are to be conducted with as little procedural formality as is consistent with the need for good order and the despatch of business.

36. The Chair shall conduct the debate and shall seek to prevent a member from wasting time, being repetitive or using unbecoming language. In matters of doubt the Chair shall have regard to the appropriate provisions of these Standing Orders. Each speaker must direct his or her speech to the question under discussion, or to a point of order, or to a personal explanation.

DISORDERLY OR OFFENSIVE CONDUCT BY A MEMBER

37. **Member not to be heard further**

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that member be not heard further. If seconded, the motion will be voted on without discussion.

38. **Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

39. **General disturbance**

If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary.

DISTURBANCE BY MEMBERS OF THE PUBLIC

40. **Removal of member of public**

If a member of the public interrupts proceedings, the chair will warn the person concerned. If they continue to interrupt, the chair will order their removal from the meeting room.

41. **Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

VOTING

42. Voting shall be by a show of hands.

43. Immediately after the vote is taken, a member may require to be recorded in the minutes whether he/she voted for or against the decision or abstained.

44. In the case of an equality of votes, the Chair shall have a second or casting vote, unless the constitution of the body as approved by the Council provides otherwise.

45. Proposals carried are recorded as resolutions or recommendations. Proposals lost are not recorded, except as provided for in (2) above.

ATTENDANCE

46. Any member of the Council may attend the public part of all meetings whenever he/she wishes and, with the Chair's consent, may take part in the business of a meeting of which he/she is not a member but may not move a resolution nor vote. Before a Member participates in or addresses a meeting under this rule, written notice should be given to the Chair, preferably before the meeting but in any event as soon as the Member arrives at the meeting. Members of the Council are not required to complete any form used by the public to request permission to speak at a meeting.

47. With the Chair's consent, any member of the Council may attend the exempt part of meetings whenever he or she wishes and may take part in the business of a meeting of which he or she is not a member but may not move a resolution nor vote. No Member, other than the appointed Members of the bodies concerned, may attend certain meetings affecting specific individuals, such as Appointments Panels, hearings and appeals where this is prevented in the Constitution or procedure rules of the body or where advised by the Monitoring Officer.

48. Every member attending a meeting shall sign his/her name on the attendance sheet provided for that purpose.

49. Where a Member is proposing to be absent for any reason from a meeting of a particular Committee/Sub-Committee to which they have been appointed they may give notice to arrange for a substitute Member in their place. The Chief Whip of a political group may give this notice in place of any Member from that group who will be absent.

50. Notice under 49 must be given in writing, including e-mail, to the Head of Local Democracy & Member Services by 10.00 a.m. on the day of the meeting if the meeting commences at 6.00 p.m. or later. Where the meeting commences before 6.00 p.m., the notice must be given by 10.00 a.m. on the previous working day before the meeting.

51. On receipt of notice under 49 above, the Head of Local Democracy & Member Services will notify the Chief Whip for the political group of the Member who will be absent. The Chief Whip will make arrangements for the attendance of a substitute Member from the list of reserve Members for that Committee/Sub-Committee nominated by the group. Where none of the listed reserve Members for the relevant Committee/Sub-Committee is available, or where no reserve Members have been nominated, then the Chief Whip may select any other Member of the group. The provisions of this rule are subject to 54 below.

52. The name of the Member selected to act as the substitute must be notified in writing, including e-mail, by the Chief Whip to the Head of

Local Democracy & Member Services no later than 3 hours before the time for commencement of the meeting stated on the agenda.

53. If the Chief Whip of a political group is absent or unable to act for any reason, then any action to be taken by the Chief Whip in this Standing Order may be undertaken instead by the group's Assistant Whips, Group Secretary and Group Chair.

54. In the case of meetings of Committees/Sub-Committees where prior Member training is required, only those Members who have attended appropriate training can be selected as substitutes. Currently these bodies are the Standards Committee and its Sub-Committees, the Planning Committee, Disciplinary Appeals Panels, Grievance Panels, Job Evaluation Panels and hearings conducted by the Licensing Committee and its Sub-Committees. Reserve Members will be trained for the relevant body as soon as possible after their appointment.

55. Substitutes properly appointed will be recorded in the minutes and shall carry full voting and other rights and responsibilities. This rule (in 49) does not apply so as to allow substitution at meetings of The Cabinet or its Committees or its subordinate bodies.

CHAIR'S PREROGATIVE ON INTERPRETATION OF STANDING ORDERS

56. The ruling of the Chair on the interpretation or application of any of these Standing Orders, or on any proceedings of the Committee, Sub-Committee, Panel or other body, shall not be challenged.

Part Five, Section B Protocol on Member/Officer Relations

1. Introduction

1.01. The purpose of this protocol is to guide Members and officers of the Council in their relations with one another.

1.02. Given the variety and complexity of such relations, this Protocol does not seek to be too prescriptive or comprehensive. It simply seeks to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.

1.03. This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is to help Members and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong.

1.04. This Protocol also seeks to reflect the principles underlying the respective rules of conduct which apply to Members and officers. The purpose of the rules and this protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.

1.05. An effective working relationship between Members and officers is crucial to the successful operation of the Council's business. This relationship within Haringey Council is characterised by mutual trust, respect and understanding between politicians and paid staff - this is one of the keys to achieving effective local government.

1.06. Members and paid staff each have their own separate Codes of Conduct. This code underpins those documents and focuses particularly on the interaction between Members and employees; deals primarily with Members' and officers' own separate responsibilities; and refers to the working relationship between Members and senior managers (Chief Officers and others) who formally advise the Council. The quality of the interface between Members and Officers is vital in ensuring that the highest ethical

standards permeate the Council in both its private and public dealings.

1.07. The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.

1.08. Thus, this document brings together many of the practices and values which have previously contributed to successful partnership. These include for example

(a) a bias for equality, natural justice and reasonableness,
(b) an increased emphasis on joint working between Members, staff and external partners,
(c) an intention to be open, honest, to work corporately, and to encourage participation within and outside the authority.

1.09. Most issues can be resolved informally. Nevertheless, the Council is not prepared to condone misconduct or let it go unchecked.

1.10. Openness and accountability are overriding values for the Council. It therefore expects staff and Members alike to:

(a) report any irregularities or matters which they feel have been dealt with improperly, and
(b) provide any evidence they have of such matters.

1.11. Any alleged breach by staff will be dealt with under the Council's disciplinary procedure. Serious breaches will be dealt with as gross misconduct and could lead to dismissal. Any serious or alleged breach by Members will be investigated by the Monitoring Officer[1] and referred to the Leader or the relevant party group and/or Standards Committee for consideration and action.

1.12. Breaches of this protocol which also constitute a breach of the Council's code of conduct for Members (a separate document) may be referred by any person to the Standards Board, an outside body, for investigation.

[1] The Council's Monitoring Officer is the Head of Legal Services

2. Distinction of roles of Members and Officers

2.01. Mutual respect between Members and staff is essential to good local government. The respective roles of Members and staff can be summarised as follows: Members and staff are servants of the public and they are indispensable to one another. But their responsibilities are distinct.

(a) Members are responsible to the electorate and serve until their term of office expires. As elected Members, they are responsible for determining Council Policy and Strategy.

(b) Officers are employed by, and are responsible to, the Council and as such are responsible for implementing policy and delivering services. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, the Cabinet, and relevant committees and the management of the Chief Executive and relevant Chief Officer.

3. Roles of Members

3.01. Members when acting as Councillors:

(a) are elected democratically. It is their policies, ideas and decisions which people vote for (not those of staff),

(b) represent the local community and ensure that its best interests are considered during policy making,

(c) set the Council's strategic direction, its policy framework, corporate goals, overall priorities and targets,

(d) develop policy proposals with professional advice from employees,

(e) scrutinise the implementation and effect of their decisions,

(f) add a political dimension,

(g) act as advocates for the interests of constituents,

(h) are accountable to the electorate for the delivery of their platform.

3.02. Members have three main areas of responsibility:

(a) determining the policy of the Council and giving it political leadership,

(b) representing the Authority externally, and

(c) acting as advocates on behalf of their constituents.

3.03. While it is not the role of Members to involve themselves in the day-to-day operational decisions made by officers under delegated powers, Members will receive sufficient information to facilitate general performance monitoring of Services and will be kept informed about sensitive issues.

3.04. **Members of the Cabinet, Chairs and Vice Chairs** - Members of the Cabinet and Chairs and Vice Chairs of Committees have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of Members without those responsibilities, and this is recognised in the expectations they are entitled to have.

3.05. **Opposition Members** - Members shall be given timely access to information that they request that they require in their role as Members. As individual Members of the Council, all Members have the same rights and obligations in their relationship with employees and should be treated equally. This principle is particularly important in the context of scrutiny and overview. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between staff, particularly those at a senior level in the organisation, and the administration shall differ from that with opposition groups.

4. Roles of Officers

4.01. Officers are employed by the Council to:

(a) deliver services to the community according to the policies and requirements set by the Council,

(b) work within and pursue Council policies and priorities unaffected by personal inclinations,

(c) undertake a variety of roles within the organisation.

At senior level that role may include:

(d) a specific duty to ensure that the Council acts lawfully,

(e) drafting policy proposals which accord with the overall framework set by Members,

(f) giving professional advice in the course of policy development,

(g) managing the organisation,

(h) being accountable to Members for the achievement and strategic goals they set.

At more junior levels the role will include:

(i) working to establish systems and protocols designed to deliver services fairly and equitably,

(j) working to the instructions of their managers, and not to individual Members of the Council - whatever office a Member might hold,

(k) responding to Members' questions on service practice

(l) being accountable to their manager and ultimately their Chief Officer.

4.02. The primary role of staff is to give advice and information to Members and to implement the policies determined by the Council.

4.03. Certain officers e.g. Head of Paid Service[2], Monitoring Officer, Chief Financial Officer[3] (Section 151 Officer) and the Statutory Chief Officers have responsibilities in law over and above their obligations to the Authority and its Members which they must be allowed to discharge.

5. Reasonable Member expectations

5.01. Members can expect from officers :-

(a) a commitment to the Authority as a whole, and not to any political group,

(b) respect, dignity and courtesy - to be helpful, respectful and courteous to Members,

(c) a working partnership,

(d) to do their job effectively and efficiently, and provide best value services,

(e) an understanding of and support for respective roles, workloads and pressures,

(f) keeping to the standards of work and conduct set by the Council,

(g) training and development in order to carry out their role effectively

(h) assist Members in carrying out their role as Members dealing with Council business

(i) refuse to assist Members with

[2] The Head of Paid Service is the Chief Executive
[3] The Chief Financial officer is the Director of Corporate Resources

(A) Private business
(B) Party political or campaigning activity (except insofar as the law[4] allows for officers appointed as political assistants)

(j) timely response to enquiries and complaints

(k) to deal with Members' enquires fairly, efficiently, truthfully and without omission of relevant information,

(l) to work with all Members equally and fairly,

(m) to act lawfully,

(n) to give advice or recommendations based on reasoned options - ensure that Members have all the information necessary to make informed judgements,

(o) professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers

(p) awareness of and sensitivity to the political environment,

(q) regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold

(r) integrity, mutual support and appropriate confidentiality - maintain confidentiality where it is proper for them to do so,

(s) to never canvass Members or otherwise seek to gain favour from them for personal or career advantage - that staff shall not use their relationship with Members to advance their personal interests or to influence decisions improperly

(t) never contact Members over the heads of managers about personal employment issues,

(u) avoid contacting Members at potentially inconvenient times unless in an emergency or otherwise agreed,

(v) That staff shall at all times comply with the relevant Code of Conduct.

6. Reasonable Officer expectations

6.01. Officers can expect from Members:-

(a) a working partnership,

(b) respect, dignity and courtesy - to be treated them in a reasonable manner,

(c) Political Leadership and direction,

[4] Section 9 the Local Government and Housing Act 1989

(d) an understanding of and support for respective roles, workloads and pressures,

(e) to be open and honest with them,

(f) act lawfully

(g) integrity, mutual support and appropriate confidentiality - to respect confidentiality when proper to do so

(h) fully consider advice and recommendations for the purpose of making informed judgements

(i) accept that officers:

(A) are accountable to their manager

(B) act independently of political bias

(j) avoid getting involved in the day to day management of the Council,

(k) avoid asking officers to breach Council policy or procedures, or to act unlawfully, or outside the terms of their job,

(l) avoid asking for or using influence or pressure to get special treatment for themselves or others,

(m) avoid seeking access to resources or information held by the Council to which they have no right or for an improper purpose,

(n) avoid asking staff to take sides in party politics, discussions of political decisions or differences, or criticism of other Members - even during the overview and scrutiny process,

(o) not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Members and officers, and the potential vulnerability of officers, particularly at junior levels,

(p) that Members shall not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly,

(q) respect the private life of the employee. Members needing to deal with an urgent matter out of hours will normally contact the Council's call-centres. They have access to relevant staff who are on duty or on-call

(r) that Members shall at all times comply with the relevant Code of Conduct.

7. Basic principles of Member Officer relations

The Principle of impartiality

7.01. Officers are employed by the Council, not by committees or individual Members, and are subject to the Council's employment

procedures. They serve the Council and are responsible to the Chief Cabinet and their respective Directors and not to individual Members of the Council whatever office they might hold. All officers will ensure that: -

(a) they respect the individual rights of all Members,

(b) they serve all Members and not just those on the controlling group,

(c) they will operate even-handedly with Members engaged in all aspects of the Council's function:-

(i) Cabinet, or
(ii) overview and scrutiny, or
(iii) area assemblies, or
(iv) other committees

(d) they will offer appropriate support to co-opted or independent Members,

7.02. Reports to committees should be written by the Chief Officer or another officer authorised by him or her. The report is the officer's and may not be amended unilaterally by the Chair, Cabinet Member or any other committee Member. However, in writing reports officers must aim to promote Council policies and priorities and must be sensitive to the proper concerns of individual Members. A committee Chair, Cabinet Member or individual Member cannot instruct an officer not to present a report to a committee if the officer has sound professional or management reasons for doing so. If the Chief Officer's report is not regarded as appropriate by the Chair or Cabinet Member, the remedy is for the committee / Cabinet Member to reject its recommendations or refer it back. Exceptionally the Chair / Cabinet Member may write his or her own report in addition to the report submitted by the Chief Officer. In this instance the Chair / Cabinet Member should under no circumstances pressure the Chief Officer to withdraw the original report.

7.03. By law, Members cannot be employed by the Council.

8. Officer relationships with party groups

8.01. Representations to political groups - Members and officers must understand that Council decisions can only be made by Full Council, the Cabinet, committees, or Chief Officers or Cabinet Members acting under delegated authority. Decisions by party political groups do not constitute Council decisions and should not be so presented to the public and press. Representations by interested parties on any matter for Council decision should be made to the appropriate

committee, and not exclusively to a political group, at which officer advice on the points raised is unavailable.

8.02. Party groups may ask the Chief Executive (or, in their absence another Member of the Management Board) to provide a senior employee to brief them on Council business in a professional capacity. Such requests are likely to be rare rather than regular. Other party groups will be similarly served should they so request. Normally, only the Chief Officer shall be expected to attend meetings or write reports for a party political group. At the appropriate Chief Executive's discretion, other senior officers may on occasions be invited to attend or write reports. However, neither the Chief Officer nor any other officer can be so instructed. This provision covers meetings of or reports to a party political group, or meetings designated for one party only. It is of course open to any committee to require a report from a Chief Officer on a matter within its terms of reference.

8.03. Members will respect the political neutrality of any employee attending a group meeting. As the Chief Executive decides which employee shall attend, it would become unfair for the employee to be identified with that party.

8.04. Officers will respect the confidentiality of any party discussions at which they are present and, in particular, they will not relay any such discussion to another group.

8.05. Officers may also be asked to give support in other ways such as briefing Chairs or spokespeople before a formal meeting. In practice, such support is likely to be in the most demand from the party group in control of the Council, but is equally available to all groups.

8.06. It is important though, for there to be regular contact between the Chief Executive, Directors, senior officers and the Leaders of Political Groups on matters affecting the Council: and between Directors, other senior officers, and Cabinet Members on matters affecting their respective portfolios.

8.07. Senior officers, except those who are not politically restricted, cannot be Councillors or Members of Parliament, nor can they "speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party". For example, they may not hold office in a political party, act as an agent, or canvass at any election, nor speak or write publicly on matters of party political debate. Such officers are nevertheless able to engage in such activity to "such extent as is necessary for the proper performance of their duties". (Sections 1-3 Local Government and Housing Act 1989 and Local Government Officers (Political Restrictions) Regulations 1990).

8.08. Preparation of reports - Any report to a party political group from a senior officer should be written as if the report was being prepared for the relevant committee, should include appropriate legal and financial advice, and must be accessible to Members of other parties. This reflects current legislation on access to information and the reality that the consideration of an issue in the party political group often represents an early stage of the decision making process.

8.09. Political groups, Cabinet Members and committee Chairs will often receive draft versions of committee reports in order that they may give preliminary consideration to the issues raised in them. There is nothing improper in this but there should be no expectation that reports will then be re-written. Committee reports contain officer advice and if this is at variance with the wishes of Members, the correct course is for Members to reject the advice in open committee and for the committee to decide upon an alternative course of action. However, there is equally nothing improper in reports being amended by the Chief Officer if this preliminary consideration discloses that key issues have not been adequately explained or that relevant options have not been properly addressed. Where a report to a committee has been considered in draft by a political group and amended in the light of that prior consideration, this should be stated in the final report and a copy of the earlier draft should be made available to the Shadow Cabinet Members and Shadow Chairs of the relevant committee.

8.10. Proper communication between Members and officers - Chief Officers must recognise that it is their duty to keep Members of all political groups (and not just Members of the majority party) fully informed about developments of significance in relation to Council activities. Chief Officers must also report promptly to the relevant Cabinet Member / committee any significant failure to implement a decision of that Cabinet Member / committee.

8.11. All should understand that:

(a) Employee information is limited to giving information and advice about Council business - it is improper for them to be involved in party business,

(b) It is best if officers are not present when party business is being discussed - the meeting should be structured to ensure this,

(c) Party group meetings can not make council decisions and any conclusions reached cannot be interpreted as such or acted upon

(d) Where staff provide information and advice to a political group this cannot act as a substitute for providing all necessary detailed information to a formal meeting,

(e) Officers will take care not to disclose confidential information to a party group that includes non-Members. As such, a person would not be bound by Council standards on declaration of interests and confidentiality.

9. Complaints and constructive criticism

9.01. Contact between Members and officers should always be courteous both in public and in private. From time to time, the relationship between Members and staff may break down or become strained. Whilst it shall always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Member, staff shall have recourse to the Council's Monitoring Officer, as appropriate to the circumstances. The Monitoring Officer shall decide whether the matter should be referred to the Chief Executive. The Chief Executive, who, having advised the Leader of the Council and where appropriate, the appropriate Group Leader shall decide on the course of action to be taken, following consultation with the Chair and Vice Chair of the Standards Committee.

9.02. In the event that a Member is dissatisfied with the conduct, behaviour or performance of an employee, the matter should be raised with the appropriate Director. Where the matter concerns a Director, it should be raised with the Chief Executive as Head of the Paid Service. A complaint about the Chief Executive should be raised with the Leader, who will consider whether the issue can be dealt with as part of routine liaison, supervision and appraisal, or should be referred for formal action in accordance with Council procedures and the statutory provisions governing disciplinary action against local authority chief executives. This does not however preclude a Member from making public, at a Council meeting or in another appropriate way, a concern about the manner in which a Council Department has acted, or dealt with a constituent, or a service has performed generally. Nor does it prevent Members at committee being critical of officer advice or action or of the quality of reports before them. But the manner of such criticism should have regard to the guidance issued within this document.

9.03. On rare occasions, a Member may wish to make a complaint against, or criticise the actions of an employee. Similarly, an employee may wish to complain about the conduct of a Member. Where the matter cannot be dealt with informally, they should use the appropriate procedure to deal with such cases.

9.04. Members should ensure that:

(a) any criticism is constructive and well-founded
(b) they avoid personal attacks on staff

(c) they have regard to the level of seniority of staff when questioning or criticising

9.05. Such actions would be damaging to effective working relationships and to the public image of the Council. An employee may take unfounded or unfair criticism as grounds for resignation. They could then bring a claim for constructive dismissal against the Council.

9.06. These principles are particularly important during meetings of overview and scrutiny committees

Formal complaints about Officers

9.07. Complaints about officers should be made to the relevant service head or Director.

9.08. Within 5 days, they will:

(a) acknowledge your complaint
(b) say if they intend to take action, or
(c) say how long they need to investigate

9.09. Members have a right to know if action has been taken to correct a matter, but they must not either

(a) seek to influence the level of disciplinary action to be taken against the officer, or
(b) assist (or appear to insist) that an employee is disciplined
(c) say how long they need to investigate

9.10. In all cases, Members and officers have an obligation to maintain confidentiality throughout.

9.11. Members have a right to be told the outcome of any disciplinary action case, but not the detailed information about the hearing or its conduct. If they are not satisfied that effective action has been taken, they may refer the matter directly to the Chief Executive for independent assessment.

9.12. Once the issue has been resolved, whatever the outcome, professional behaviour is expected from all involved. Any continued grudge may lead to unrest and it is not in the Council's interests. Any difficulties of this sort may be referred:

a) By the employee: to their service head, or
b) By the Member: to their party group Leader

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9.13. Members must avoid becoming involved in any employee related matters as this could jeopardise official consultation, grievance, disciplinary and appeal procedures

Formal complaints about Members

9.14. These should be made to the employee's service head. Within five working days, they will give an indication of how the matter will be dealt with and roughly how long it might take.

9.15. Normally they will:

(a) investigate the matter, and
(b) inform and involve the Monitoring Officer, and
(c) advise the Leader of the party group of the complaint.

9.16. Some issues are matters of party discipline. Such breaches of this protocol will normally be dealt with by the party itself. More serious breaches will be referred to the Monitoring Officer and to the Standards Committee.

9.17. However, where the alleged breach of this protocol also amounts to a breach of the code of conduct for Members (a separate document), this will be referred by the party Leader to the Standards Board, an outside body, for investigation.

9.18. Confidentiality should be maintained as appropriate.

10. Members using Council Services

10.01. When Members use Council services as a resident of the borough, they will ensure that they

(a) do nothing to seek preferential treatment
(b) expect the quality of service equivalent to that offered to other residents

10.02. The employee providing the service will

(a) treat the Member concerned in the same way as any other customer
(b) maintain full confidentiality where this is appropriate.

11. Members in their ward role and officers

Involvement of Ward Councillors

11.01. Whenever a public meeting is organised by the Authority to consider a local issue, all the Councillors representing the Ward or Wards affected should as a matter of course be invited to attend the meeting, the maximum possible notice being given. Similarly whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be consulted before the outset of the exercise.

11.02. Ward Councillors should be notified in advance about any issues likely to affect them. This would increase press releases relating to a particular Ward or significant matters likely to affect a Ward.

Member advocacy for constituents

11.03. One key role of Members is to represent the interests of their constituents. But in doing so, they must ensure that they:

(a) Make officers aware of any personal or financial interests,
(b) Avoid seeking special treatment on account of such an interest.

11.04. Members should avoid improper influence on staff with delegated authority to make decisions for the Council. This might lead officers to make decisions that

(a) are against normal procedures or Council policy,
(b) breach the Code of Conduct for officers,
(c) conflict with the Council's Constitution, procedure rules of financial regulations,
(d) are unlawful
(e) are not objective and cannot be accounted for,
(f) favour unfairly, one individual person or group over another.

11.05. Officers have a duty to report to their service head or Director any attempt to exert improper influence. The Chief Executive may investigate any such case as necessary.

Staff as constituents

11.06. Staff who live in the borough may, of course, attend local events, area assemblies, public meetings or ward surgeries in a personal capacity. The employee, as a resident and citizen may wish to voice concerns about certain services or facilities in the area, or to ask questions or make suggestions. This is natural and acceptable

provided that certain boundaries are maintained. Staff should take care not to:

(a) maliciously undermine the Council by adverse or negative comments,
(b) raise personal issues concerning their employment,
(c) disclose confidential information gained in the course of work,
(d) raise such issues with the Member in a work setting.

11.07. Members will respect the rights of the employee as a citizen. They will not:

(a) treat the individual concerned as an employee at such meetings,
(b) raise work issues with the employee,
(c) discuss or disclose private matters in the workplace,,
(d) show favour to those who live in the Borough or those who originated from the area,
(e) hold grudges against staff who raise reasonable concerns in public forums.

12. Member access to documents and information

12.01. Approaches by Members to junior officers are proper when casework is detailed and ongoing or matters are routine, but wherever appropriate Members should keep Directors of departments informed by copying them correspondence, e-mails, etc., and routing general enquiries through them. Serious problems can arise if Members by-pass appropriate lines of communication to Chief Officers and their senior colleagues and, for example, deal with more junior Members of staff to seek views on policy issues, non-routine business, or attempt to give instructions to staff. This has the effect of depriving Members of the formal, informed and accountable advice they have a right to expect from Chief Officers and which they have a duty to consider. It may also serve to undermine the formal accountability of staff to their line manager. Staff will not normally copy correspondence between them and a Member to another Member, unless they have a justifiable reason for doing so or have been requested to do so by the first Member. Otherwise, the employee will inform the Member and discuss the matter before doing so.

12.02. All Members have a statutory right to inspect documents containing material relating to any business to be transacted at a meeting of the Council, a Committee or Sub-Committee. This right applies whether or not the Member has a "need to know" and it permits a Member to

see documents within some, but not all, categories of "exempt" information (for these categories see above in Part 4, Access to Information Procedure Rules). The permitted categories are information within paragraphs 7, 8, 10, 13 & 15 of Part 1.

12.03. Normally, officers will accept that Members do not ask for information without good reason and will not question the Member's "need to know". But in the words of relevant legal judgements, a Member has no right to a "roving commission" and "mere curiosity or desire" is not sufficient. Nor can the Member exercise the right for some improper motive, e.g. to assist someone in litigation with the Council, its staff, suppliers or service users.

12.04. In rare cases, therefore a Chief Officer may apply the "need to know" test. The Member will need to show why the information is necessary to fulfil Council duties. Where an officer considers that a Member has not established a "need to know" in support of a request for access to information and refuses to provide the information requested, the officer shall state reasons for doing so.

12.05. A Member asking for complex or bulky information should be flexible in his or her demands if compiling and reproducing the documentation results in significant cost to a department. The Member will normally be able to retain material for a reasonable time, and to copy individual documents, but may not make use of such information for an improper purpose or one unrelated to the Member's duties as a councillor. The courts have given guidance on the circumstances in which a Member seeking information from an officer can be presumed to have a "need to know".

12.06. It may not always be appropriate for officers to provide copies of documents to Members in certain highly sensitive or confidential matters. In such circumstances, on the advice of the Monitoring Officer, Members may be offered an appointment to view documents within Council offices without the supply of copies

12.07. Members are presumed to have a good reason for access to all written material relating to a function controlled by a committee on which they served, and a Member of a committee would have a good reason for access to papers relating to the business of a sub-committee of that committee.

12.08. A Member with a legitimate concern in a matter in which they are representing a constituent or other person or organisation will also be able to demonstrate a "need to know" in relation to papers relevant to that matter, even if the Member concerned is not on the relevant committee.

12.09. However, even where a Member is a Member of a committee and wishes to see papers relating to the work of that committee or a sub-

committee of it, there will not be an automatic right of access to papers if the Member's interest springs from something other than the wish to pursue rights as a Member of that committee.

12.10. Party leaders should be presumed to have a good reason for access to written material relating to all committees, unless there is cause to think that the information may have been requested for an improper purpose or is otherwise unreasonable.

12.11. In this context, the courts have been critical of a request by a Member for details of many contracts, and have ruled that a request for details of a Chief Officer's attendance at the office amounted to harassment.

12.12. In order to give effect to the guidance set out above, officers will be required on occasion to ascertain the reasons for a request for information. Requests for information can be refused pending the provision of such reasons.

12.13. In the event of a dispute between a Member and a Chief Officer over the release of sensitive information, definitive advice on the legal issues will be given by the Monitoring Officer. This shall not preclude the Member from making an application to the Leader and the appropriate Cabinet member under the next paragraph.

12.14. In the event of a dispute, as mentioned in the last paragraph, any Member may apply to the Leader and the appropriate Cabinet Member for a decision (an access to information determination). This would be a decision whether or not to release information to the Member applying, even though that Member had not established a "need to know" or other right to obtain the relevant information. Any such decision should be regarded as a matter of policy on releasing information but not determinative of any legal issue.

12.15. Before taking a decision on an access to information determination, advice on any legal issues should be sought from the Monitoring Officer. The decision should take into account the reasons given by the Member applying for seeking the information, the role of that Member within the Council and the benefits and risks for good administration inherent in releasing the information requested.

12.16. In making such an access to information determination there must be a statement of the extent to which any information released can be shared with any other person(s) if at all. Any Member receiving information after an application must respect the statement on sharing that information.

Member Enquiries

12.17. Each Director / Head of Service is responsible for ensuring that Member enquiries are dealt with promptly and accurately in his or her directorate. Members will normally pursue enquiries

(a) at senior level (usually an appropriate line or service manager), or

(b) with officers whose role includes liaison with Members.

12.18. Other officers might feel awkward, unsure, or unduly pressurised to comply with Member requests.

12.19. The Council has a 10-day timescale for handling Member enquiries. This limit applies whether you make the enquiry in person, by phone, by electronic mail, or in writing. Members can therefore expect a full response within 10 days, unless it is impossible to meet the deadline. If the case, staff will tell you within 10 days what they are doing to pursue the matter and when you can expect a full response.

12.20. If an enquiry is very time consuming, the officer may discuss the enquiry's impact on other work with the Member and senior Members or managers.

12.21. Members are free to approach any other Council department for any information, explanation or advice that they need to assist them in carrying out their role as a Member. But Members will not request information

(a) about a matter in which they have an interest to declare, or

(b) that they have no "need to know" (unless the Member considers that there is good ground for applying for an access to information determination).

Personal Information

12.22. Members should ensure that a complaint (as distinct from an enquiry) on behalf of a constituent is put through the official complaints procedure.

12.23. The Data Protection Principles have the effect that Members are not entitled to personal information about an individual (say an employee) unless access is authorised by the data subject. Members will therefore avoid asking information about an individual unless there is a signed authorisation by the data subject.

12.24. Where the Member represents the Ward in which the data subject lives and the Member is acting on behalf of the data subject, consent will be presumed without signed authorisation except where the information is of a particularly sensitive kind.

Council documents

12.25. All Members (even those not on the relevant committee) have a legal right to inspect any Council document provided that they can show that it contains

(a) information reasonably necessary to enable them to perform their duty as a Councillor (the "need to know" principle),

(b) material related to any business to be transacted at a committee meeting. This rule is set out in detail in paragraph 12.2 above.

12.26. The term "Council Document" is very broad and includes any document produced on Council resources. However, by convention Members of one party group will not have "need to know", and therefore a right to inspect, a document which forms part of the initial workings of another party group.

12.27. Sometimes, a Member's "need to know" will be presumed. For example, a Member is unlikely to be refused opportunity to inspect documents relating to the functions of a committee on which they sit. At other times, for example when documents contain personal information about third parties, the Member will need to satisfy the service head about their "need to know". This is subject to a Member's right to apply for an access to information determination.

Correspondence

12.28. Approaches by Members to junior officers are proper when casework is detailed and ongoing or matters are routine, but wherever appropriate Members should keep Directors of departments informed by copying them correspondence, e-mails, etc., and routing general enquiries through them. Serious problems can arise if Members by-pass appropriate lines of communication to Chief Officers and their senior colleagues and, for example, deal with more junior Members of staff to seek views on policy issues, non-routine business, or attempt to give instructions to staff. This has the effect of depriving Members of the formal, informed and accountable advice they have a right to expect from Chief Officers and which they have a duty to consider. It may also serve to undermine the formal accountability of staff to their line manager. Staff will not normally copy correspondence between them and a Member to another Member, unless they have a justifiable reason for doing so. The employee will inform the Member and discuss the matter before doing so.

12.29. Staff who write to a Member or a group of Members will clearly indicate

(a) the names of any others who have been sent the same correspondence.

(b) include any who have been copied in for their information,

(c) act in the spirit of openness and avoid "blind" copies.

Confidentiality

12.30. Where any document, correspondence or information is stated to be confidential, Members and officers will strictly observe this.

13. Press Releases and Publicity

13.01. Haringey Council's aim is to make Haringey one of the best places to live and work in London (by 2005). Central to achieving this aim is how residents, businesses and opinion formers perceive Haringey through its public face in the local and national media. An effective and proactive PR and media protocol is a vital part of improving perceptions.

13.02. This protocol aims to:-

(a) set out procedures for continuing to develop an effective relationship with the media,

(b) clarify the expectations of Members and officers within the new governance arrangements.

13.03. All publicity activities carried out by the Communications Office will be in accordance with the Code of Recommended Practice on Local Authority Publicity issued by the DLTR. Key points of the code are:-

(a) Section 2 of the Local Government Act 1986 states that a local authority shall not publish (or assist others to publish) material that, in the whole or part, appears to be designed to affect public support to a political party.

(b) The code applies all the time, not only at elections, however, greater care needs to be taken in the run up to elections

(c) The basic aim of the code is to ensure the proper use of public funds for the council's publicity work.

13.04. When deciding whether publicity may fall foul of the 1986 Act and or the 1988 Code, the Council must consider

(a) content and style of materials,

(b) timing and circumstances of materials,

(c) likely effect on those to whom it is directed,

(d) whether it refers to a political party or politician,

(e) whether it advocates a particular view that can be easily identified with a political party,

(f) if it is part of a campaign, the effect that the campaign is designed to achieve.

13.05. The Code is clear that the Communications Unit may give to individual Members publicity support where it:-

(a) is relevant to their position and responsibilities within the Council,

(b) does not personalise the issues or promote personal image making,

(c) is not capable of being portrayed as party political,

(d) does not directly attack the policies or opinions of other parties, groups or individuals

The role of the Communications Unit

13.06. The Communications Unit works on behalf of Haringey Council as a whole. It is not for any political party.

(a) The Communications team works to:

(i) provide high quality information about the Council, its policies and services

(ii) protect and promote the Council's reputation,

(b) The Communications Team cannot:

(i) provide publicity support to individual Members - other than in their role as Council spokespeople

(ii) be seen to produce publicity that could be interpreted as party political

The role of the PR and Media Team

13.07. The PR and Media Team is part of the Communications Unit that deals specifically with media issues.

13.08. All media enquiries to the Council must be referred to the PR and Media Team. Sometimes media enquires will be received by an officer in another directorate. In these cases, the enquiry should be referred to the PR and Media Team as soon as possible and before any comment is offered. The PR and Media Officer will liaise with the relevant spokespeople (see protocol section) to produce an appropriate response.

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13.09. All Council press releases and corporate publicity will come from Haringey's Communications Unit - in close discussion and liaison with Members and officers.

13.10. As well as responding to enquiries, the PR and Media Team will work with the Council spokespeople to identify emerging issues and policies to plan proactive publicity.

The Protocol

Key issues

13.11. Members will not discuss with or disclose confidential or exempt information to the press. They will not use the media to:

(a) criticise officers unfairly,
(b) make personal attacks on them,
(c) undermine respect for them.

13.12. At the same time, Members expect staff to promote the policies and reputation of the Council. As with most large organisations, contact with the press and media is conducted through the PR and Media Office. This protects individual officers from unwanted media attention and allows the Council to properly manage its reputation.

13.13. Where possible, the Forward Plan, and other planning mechanisms, working groups and meetings will be used to identify key issues to be publicised.

Key spokespeople

13.14. The Council's key spokespeople are:

(a) the Leader;
(b) Cabinet Members within their portfolios;
(c) the Chairs of the Overview and Scrutiny Committee, scrutiny panels, the General Purposes Committee, Planning Applications Sub-Committee and Licensing Sub-Committee; and
(d) the Mayor.

They will be quoted or featured in publicity where it relates to their responsibilities on the Council.

13.15. Directors and senior Council officers will also act as spokespeople on their areas of expertise.

13.16. The role of the spokesperson is to present the facts about Council Decisions, the context in which they were taken, actions and issues faced by the Council. Spokespeople (both Members and officers) will receive media training to support them in this role.

13.17. Council officers will not discuss Council business with the press without prior permission from their service head or the PR and Media Office. This includes speaking, writing or giving interviews to the

media. Officers will always refer press enquiries to the PR and Media Office in the first instance.

13.18. And no employee should ever:-

(a) publicise confidential information gained in the course of work,

(b) maliciously undermine the Council by adverse or negative comments,

(c) take personal issues concerning their employment to the press,

(d) bring the Council into dispute by extremity of their views

13.19. News releases issued by the Council will not contain quotes from Members other than, where appropriate, from the Leader or Cabinet Member or the Chair of a committee or sub-committee, or the Mayor acting in a civic capacity. News releases may quote appropriate officers, where these quotations are purely factual or consistent with Council policy.

13.20. Where a news release is issued after an Cabinet Meeting, Area Assembly or other committee meeting any comments must relate to matters discussed at that meeting. Advance news releases which contain matters due to be discussed, should be limited to factual information only.

13.21. The Communications Office will be guided by the Leader, Cabinet Member or relevant spokesperson on whether a news release should be issued before or after a meeting. The PR and Media Office will give advice as to whether this is appropriate. Where there is a difference of opinion between the Cabinet Member and an officer, it will be referred to the Leader and Chief Executive for a final decision.

13.22. When news conferences or media events are arranged the PR and Media Office will liaise with the Leader, Cabinet Member or spokesperson when setting up photo-calls or media events.

13.23. All party political news releases issued by Group Leaders, Chairs, Group Spokespersons or individual Members should state clearly that the release has been issued by that person not on behalf of the Council.

Scrutiny

13.24. A named PR and Media Officer is assigned to each Cabinet Member, the Overview and Scrutiny Committee and each scrutiny panel and will work with Members and officers to identify publicity issues and plan media strategies

13.25. Publicity about scrutiny will concentrate on factual information about which scrutiny exercises the Council is conducting, who is involved, the processes they will follow and the decisions they will take.

13.26. Where scrutiny suggests a course of action that differs to or challenges one agreed by the Cabinet or any other Council-decision-making body, the Council will make this clear, together with the processes for resolving the difference.

13.27. Where decisions of the Cabinet are referred to Full Council for resolution, the PR and Media office will await the final decision of Council before conducting any other proactive publicity on the issue, save to report the outcome of the scrutiny exercise and factual information about what is happening.

Controversial information

13.28. On items of political controversy, Council publicity will feature the decision taken by the Cabinet or those actions taken within the broad policy framework set by the Council, subject to any call-in.

Publicity during an election

13.29. According to the amended 1988 Local Government Publicity Code, during the period between the notice of an election and the actual election the Council must avoid:

(a) Proactive publicity of candidates and other politicians involved directly in the election

(b) Publicity that deals with controversial issues. Where this cannot be avoided, the publicity should present issues clearly, simply and fairly. Opposing points of view should be represented

(c) Publicity that reports views, proposals or recommendations in such a way that identifies them with individual Members or groups of Members

However the Council can:

(d) Respond to events and legitimate service enquiries provided that the answers given are factual and not party political,

(e) Comment in an emergency on where there is a genuine need for a Member level response to an important event outside the Council's control.

13.30. The restrictions on publicity in an election period, apply equally to the publicity issued by third parties assisted by Council funding. Where it could be shown that Council funding is being used to pay for

the charity's publicity, for example, then the Council should take reasonable steps to ensure that that organisation complies with the Code of Publicity.

Other matters

Information for Members

13.31. All Council press releases, and the .pdf versions of all corporate publications, will be available to all Members on the Council's Internet and Intranet (*Harinet*). Lists of press releases will be published in *Insight*, the fortnightly bulletin for Members.

13.32. All Members will receive support and training to help them understand the role of Communications and to enable them to use the Council's Communication's Unit most effectively.

Other publications

13.33. All Council publicity and publications, including *Haringey People*, will be produced in line with the Local Government Code of Publicity.

14. Working relationships and the Constitution

14.01. The Council's Constitution gives Members different roles in providing accountable and transparent government. Members may ask for support as a Member of the Cabinet, as part of the overview and scrutiny function, or as Members of an Area Assembly or another committee.

14.02. The Council expects officers to:

(a) follow impartially the overall objectives of the Council and not to work against them. This includes supporting Members and taking direction from them in whatever constitutional role they have,

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(b) pursue every known lawful policy of the Council,

(c) ensure that they do not allow their own personal or political opinions to interfere with their work

14.03. As officer support to Members must extend across all functions, Members should:

(a) Avoid engaging officers in political differences between different functions,

(b) Accept that officers will not challenge the political direction they are given and will co-operate with it, unless

(i) It is illegal or
(ii) It is in conflict with the Council's Constitution

14.04. Within the framework of a formal meeting, it is natural that Members will make political statements. But Members should not:

(a) involve officers in party politics or discussions of party politics,

(b) assume that staff have allegiance to a political party,

(c) embarrass officers by, for example, expecting them to take sides, agree with a party line or criticise other Members.

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Cabinet functions

14.05. At a strategic level, it is legitimate for senior staff to seek political guidance in determining policy proposals.

14.06. However, when they write reports or give advice they have a duty to do so in their technical or professional expertise ad to make Members aware of all the options available.

14.07. In turn, Members should not therefore, seek to influence unduly the technical content of reports to Committee. Staff must be able to report as they see fit, although Members are equally entitled to reject proposals and recommendations that are put in them.

14.08. In the interests of openness and accountability, Members should not expect officers to conceal improperly any political direction given to them.

Overview and Scrutiny

14.09. Among other things, such Committees review the decisions and actions of the Cabinet, and other decision-making bodies of the Council.

14.10. During this process, Members must distinguish between the roles of officers and Members in decision-making. Officers may be asked about their own advice, actions and performance but should not be asked to offer opinions on or pass judgement about:

(a) Political issues,
(b) The performance or actions of other Members, bodies of Members, or
(c) The performance or actions of other officers.

14.11. Members should not ask managers to:

(a) Take sides,

(b) Disclose improperly in one forum matters which are confidential to another

(c) Conceal a matter that is not confidential.

14.12. Members should ensure that they do not criticise officers for following the political line given to them.

14.13. Members and officers should never hold a grudge against each other if, during the scrutiny process, they disclose a matter which it is proper for them to reveal.

Other Committees

14.14. Again Members should not ask managers to:

(a) Take issue with or criticise political direction given in another forum,

(b) Disclose improperly in one forum matters which are confidential to another

(c) Conceal a matter that is not confidential.

14.15. Members and officers should never hold a grudge against each other if, in the course of serving a duly constituted committee of the Council, they disclose a matter which it is proper for them to reveal.

Appendix A – Access to Information – Exempt Information

PART I – DESCRIPTION OF EXEMPT INFORMATION

1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.

2. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular officer, former officer or applicant to become an officer appointed by:

   (a) a magistrates' court committee, [within the meaning of section 27 of the Justices of the Peace Act 1997]; or

   (b) a probation committee [within the meaning of the Probation Service Act 1993].

3. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.

4. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.

5. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.

6. Information relating to the adoption, care, fostering or education of any particular child.

7. Information relating to the financial or business affairs of any particular person (other than the authority).

8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.

9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

10. The identity of the authority (as well as of any other person, by virtue of paragraph 7 above) as the person offering any particular tender for a contract for the supply of goods or services.

11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.

12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:

    (a) any legal proceedings by or against the authority , or

    (b) the determination of any matter, affecting the authority (whether in either case, proceedings have been commenced or are in contemplation).

13. Information which, if disclosed to the public, would reveal that the authority proposes:

    (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

    (b) to make an order or direction under any enactment.

14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

15. The identity of a protected informant.

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the National Assembly for Wales.".

(6) In subsection (4), after "order under this section" insert "made by the Secretary of State".

Access to information: exempt information

4. For Schedule 12A to the 1972 Act (exempt information)[2] substitute the Schedule set out in the Schedule to this Order.

Signed by authority of the First Secretary of State

Phil Woolas
Minister of State Office of the Deputy Prime Minister

18th January 2006

SCHEDULE

Article 4

" SCHEDULE 12A

ACCESS TO INFORMATION: EXEMPT INFORMATION

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

1. Information relating to any individual.

2. Information which is likely to reveal the identity of an individual.

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes—

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

PART 2

QUALIFICATIONS: ENGLAND

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—

(a) the Companies Act 1985[3];

(b) the Friendly Societies Act 1974[4];

(c) the Friendly Societies Act 1992[5];

(d) the Industrial and Provident Societies Acts 1965 to 1978[6];

(e) the Building Societies Act 1986[7]; or

(f) the Charities Act 1993[8].

9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992[9].

10. Information which—

(a) falls within any of paragraphs 1 to 7 above; and

(b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART 3

INTERPRETATION: ENGLAND

11. —(1) In Parts 1 and 2 and this Part of this Schedule—

"employee" means a person employed under a contract of service;

"financial or business affairs" includes contemplated, as well as past or current, activities;

"labour relations matter" means—

(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992[10] (matters which may be the subject of a trade dispute, within the meaning of that Act); or

(b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

"registered" in relation to information required to be registered under the Building Societies Act 1986[11], means recorded in the public file of any building society (within the meaning of that Act).

(2) Any reference in Parts 1 and 2 and this Part of this Schedule to "the authority" is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

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