

REPORT TO: POLICY & RESOURCES COMMITTEE - 12 JUNE 2006

REPORT ON: LOCAL CODE ON CORPORATE GOVERNANCE

REPORT BY: CHIEF EXECUTIVE

REPORT NO: 62-2006

1 PURPOSE OF REPORT

- 1.1 To provide an update to the Policy and Resources Committee on progress made by the Council towards meeting the requirements of the Best Practice Guidelines issued by CIPFA and SOLACE (Corporate Governance in Local Government - A Keystone for Community Governance).

2 RECOMMENDATIONS

- 2.1 It is recommended that the Committee notes the implementation of the recommendations in Report 313-2002 and approves the updated Local Code of Corporate Governance as detailed in Appendix I.

3 FINANCIAL IMPLICATIONS

- 3.1 None.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 None.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 The updated Code should strengthen the authority's compliance with Equal Opportunities issues.

6 BACKGROUND

- 6.1 Report 313-2002 on the Local Code on Corporate Governance was agreed by Committee to adopt good governance principles. At that time a review by the Chief Executive and Finance Departments revealed that the Council met almost all the requirements of the Code although a few items were outstanding:-

- To improve the Council's Risk Management and Internal Control a Profile of Risks throughout the Council should be progressed as a matter of urgency and regularly maintained thereafter.
- To improve the Council's approach to Corporate Governance as a whole, the Council should publish, publicise and maintain a Local Code of Corporate Governance including, where appropriate, use of the intranet and internet facilities.
- A statement should be included in the annual accounts stating the extent of compliance with the Code of Corporate Governance.
- To improve the Council's approach to consultation, a Consultation Database should be compiled by consulting departments and consultation exercises registered therein.
- It be remitted to the Director of Support Services to amend Standing Orders to incorporate a provision regarding the adoption of a Local Code on Corporate Governance.

6.2 The recommendations at bullet points 1, 2, 4 and 5 have now been implemented. In respect of bullet point 3 there has been significant debate between Audit Scotland, LASAAC and local authority practitioners on the appropriate assurance statement to be included in the statutory accounts since the publication of the Local Code.

6.3 The Council is currently reviewing the requirement for a Statement of Assurance on Corporate Governance to be included in the annual accounts. The statement is not a statutory requirement and is not covered by the audit certificate but does provide the stakeholder with information on the Council's approach to Corporate Governance.

7 UPDATED LOCAL CODE OF CORPORATE GOVERNANCE

7.1 The original document approved in 2002 has been updated to incorporate current source documents and processes in place to demonstrate compliance with the Code, eg Annual Performance Report, Best Value Improvement Plan, Efficient Government Programme. The document has also been amended to reflect revisions to responsible officers.

8 CONCLUSION

8.1 From the reviews carried out to date the Council has in place almost all the requirements for following Best Practice in Corporate Governance. Consideration of the above measures will ensure 100% compliance with the Local Code on Corporate Governance

9 CONSULTATION

9.1 The Chief Executive, the Depute Chief Executive (Support Services), the Assistant Chief Executive (Community Planning) and the Assistance Chief Executive (Management) have been consulted in the content of this report.

10 BACKGROUND PAPERS

10.1 Report 313-2002 Local Code on Corporate Governance

**ALEX STEPHEN
CHIEF EXECUTIVE**

2 JUNE 2006

DUNDEE CITY COUNCIL

LOCAL CODE OF CORPORATE GOVERNANCE

FOREWORD

Dundee City Council strives to meet the highest standards of corporate governance to help ensure that it meets its objectives. The Council is determined to ensure that it delivers the best possible services to city residents. It has developed a modern and effective local democracy that responds quickly and flexibly, delivering high quality services when and where people need them.

The Council is committed to effective decision-making that is transparent and open to genuine scrutiny. It therefore provides on its website (www.dundee.gov.uk) details of its plans, procedures and performance.

DEFINITION

Corporate governance is the system by which Dundee City Council directs and controls its functions and relates to its community.

THE CODE

The Local Code of Corporate Governance for the Council consists of five main elements:-

- Community Focus
- Service Delivery Arrangements
- Structures and Processes
- Risk Management and Internal Control
- Standards of Conduct

COMMUNITY FOCUS

The Council's long-term strategic plan for the City has been drafted, entitled "Community Plan 2005-2010". It sets out a vision for the city in five years time. It describes the action that public agencies and their partners will take to achieve that vision. The Plan presents an integrated approach to public investment and service provision and it supersedes "Dundee in Partnership" which was drafted as a result of the city's response to the government's Community Planning initiative. The Plan also includes the promotion of joint working with NHS (Tayside) and other public bodies.

The Council has also prepared the Council Plan 2003-2007. Individuals and groups from all sections of the community are encouraged to contribute to and participate in the work of the authority. The development of Community Councils and Community Representative bodies for areas of the city within the boundaries of each parliamentary constituency is designed to encourage more grassroots participation in Council decision-making and to bring the Council closer to the people. In addition, the Council solicits views on a wide range of decisions and maintains a listing of community groups and voluntary organisations and invites their opinion on possible developments likely to affect them.

SERVICE DELIVERY ARRANGEMENTS

The Council reports regularly and publicly on the progress made towards achieving its vision in the Annual Performance Report which is published in August.

NB The Council also publishes, on an annual basis, Statutory Performance Measures.

A programme of Best Value Reviews has been undertaken within the Council examining the rationale for providing each service and considering the best method of service delivery.

The role of the Best Value Committee has expanded to deal with efficiencies and performance monitoring, the latter now being overseen by the Strategic Plan Monitoring database which contains details of all the Council's Plans.

The Council also recently underwent a Best Value Audit which all Councils in Scotland are required to do to ensure they are delivering Best Value.

Dundee's recent audit highlighted a number of areas in which the Council was seen to be performing well, including:-

- Strong commitment to social and economic regeneration
- Ambitious plans for the city
- Good community engagement and significant achievements in community planning and joint working
- Some services, such as housing repairs and community care assessments, becoming more efficient as a result of improved business processes
- Council services generally performing well

The audit also identified areas for improvement, and a plan to tackle these has been developed. Key improvements include:-

- Improving openness, transparency and scrutiny of decision making through our political management and performance reporting arrangements
- Reviewing our service planning to ensure that Council strategies are able to show responsiveness to customer views.
- Developing a human resources strategy to improve the management of our employees.
- Improving our management processes so that service planning and budgeting are more closely linked.
- Bringing a greater degree of corporate discipline to performance and financial management
- Ensuring that the Council can demonstrate its commitment to equal opportunities
- Making sure that asset management, risk management and procurement systems are in place in order to achieve Best Value
- Develop processes to share good practice within the Council

The Council is also committed to the Efficient Government programme and is in the process of identifying efficiency savings achieved by implementing this initiative.

The Council fosters relationships and partnerships with other public, private and voluntary organisations in delivering services that meet the needs of the local community.

The Council responds to findings and recommendations of Audit Scotland, other statutory inspectors and its own Internal Audit Section.

STRUCTURES AND PROCESSES

The roles and responsibilities of Councillors and Officers are clearly defined in the Standing Orders of the authority, the Scheme of Delegation of Powers to Officers of the Council, the Scheme of Tender Procedures and the Scheme of Financial Regulations.

The Council has Recruitment and Selection Policy Frameworks for employees to ensure that they are properly trained for their roles. Councillors' Professional Development is also available on a request basis. Councillors on the Appointments Sub-Committee must undertake Fair Selection training. There is also training for Elected Members sitting on the Licensing Committee and the Development Quality Committee and Councillors have also received training on the new Ethical Standards regime.

The Members Allowance Scheme sets out the terms of Councillors' remuneration.

The Council Chief Executive is responsible to the authority for all aspects of executive management.

The Chief Executive and the Deputy Chief Executive (Support Services) are responsible for ensuring that agreed procedures are followed and that all applicable statutes, regulations and statements of good practice are complied with.

The Deputy Chief Executive (Finance) is responsible for ensuring appropriate advice is given to the Council on all financial matters, keeping proper financial records and accounts and maintaining an effective system of internal financial control under the terms of the Financial Regulations. Improvements to the service are anticipated with the recent introduction of the CIPFA Financial Management Model which is designed to improve the quality of service provision.

The roles of senior officers are defined in agreed Job Descriptions. Staff performance is reviewed on an annual basis through a system of Staff Appraisal and Development.

RISK MANAGEMENT AND INTERNAL CONTROL

The Council has a developed Risk Management Policy. This states that "Dundee City Council is dedicated to the management of risk in order to:-

- safeguard its employees
- protect its property
- preserve and enhance service delivery
- maintain effective stewardship of public funds
- promote a favourable corporate image"

The main priorities within this policy are the identification, evaluation and control of risks which threaten the Council's ability to deliver services to the public.

Resources aimed at improving internal control within the Council are allocated according to priorities determined by the Strategic Audit Plan, which has, itself, been determined by a risk assessment matrix.

The Council's Annual Report includes a statement and assessment of the authority's internal control mechanisms and their effectiveness.

STANDARDS OF CONDUCT

The Council has a range of systems and procedures in place to ensure that members and employees of the authority are not influenced by prejudice or conflicts of interest in dealing with their citizens. The Council maintains a continually updated "Register of Members' Interests" which is available for inspection by members of the public.

The Council has a Members/Officers Code of Conduct in addition to the Financial Regulations, Standing Orders and Disciplinary Code. The Council has a "Helpline for Employees - Disclosure of Information" policy in place to provide for the direct reporting of problems to senior managers without fear of recrimination.

The Council also operates an Equal Opportunities Policy which involves both the elimination of discrimination and the use of positive action measures to ensure that employment opportunities, service provision and access to civic life are bias free and made equally and easily available to people from target groups.

REVIEW

The responsibility for the reviewing of the above documents to ensure that they continue to be suitable to meet the purpose for which they were prepared is clearly defined in the attached appendices.

The Dundee City Council Comparison with Cipfa Solace best practice

SCHEDULE TO ASSIST IN PUTTING PRINCIPLES INTO PRACTICE

DIMENSIONS OF A LOCAL AUTHORITY'S BUSINESS	COMPREHENSIVE SOURCE DOCUMENTS/ PROCESSES/OTHER MEANS WHICH DEMONSTRATE EFFECTIVE COMPLIANCE	RESPONSIBILITY FOR MONITORING/REVIEW/ACTIONS
<p>1 COMMUNITY FOCUS</p> <p>1a Local authorities should publish on a timely basis an annual report presenting an objective, understandable account of the authority's activities and achievements and its financial position and performance.</p>	<p>Annual Report and Accounts Council Plan Department Service Plans Community Plan</p>	<p>Depute Chief Executive (Finance) Chief Executive Directors of Service Departments Chief Executive/Director of Leisure and Communities</p>
<p>1b Local authorities should publish on a timely basis an annual report presenting an objective, balanced and understandable account and assessment of the authority's current performance in service delivery and its plans to maintain and improve service quality.</p>	<p>Best Value Reviews Performance Report Performance Pull-Out Statutory Performance Indicators and Reports</p>	<p>Chief Executive Depute Chief Executive (Finance) Assistant Chief Executive (Community Planning) Directors of Service Departments Council Management Team</p>
<p>1c Local authorities should put in place proper arrangements for the independent review of the financial and services reporting processes.</p>	<p>Audit and Risk Management Sub-Committee to oversee the Action Plans from Internal and External Audit reports CIPFA Financial Management Model EFQM External Audit and Inspectorates of Education</p> <p>Best Value Reviews, Best Value Sub Committee and Best Value Audit Improvement Agenda Efficient Government Programme Tendering Procedures and Financial Regulations</p>	<p>Depute Chief Executive (Finance)</p> <p>Audit Scotland Benefits Fraud Inspectorate Education Inspectorate Assistant Chief Executive (Community Planning)</p> <p>Depute Chief Executive (Support Services)</p>

DIMENSIONS OF A LOCAL AUTHORITY'S BUSINESS	COMPREHENSIVE SOURCE DOCUMENTS/ PROCESSES/OTHER MEANS WHICH DEMONSTRATE EFFECTIVE COMPLIANCE	RESPONSIBILITY FOR MONITORING/REVIEW/ACTIONS
<p>1d Local authorities should put in place proper arrangements designed to encourage individuals and groups from all sections of the community to engage with, contribute to and participate in the work of the authority and put in place appropriate processes to ensure that the continue to work in practice.</p>	<p>Community Plan Development of Community Councils Neighbourhood Forums Development of Internet facilities</p> <p>Consultation exercises</p>	<p>Chief Executive/Director of Leisure and Communities</p> <p>Chief Executive</p> <p>Directors of Service Departments</p>
<p>1e Local authorities should make an explicit commitment to openness in all of their dealings, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.</p>	<p>Standing Orders</p> <p>Mission Statement per the Council Plan</p> <p>Committee Agenda and Minutes</p>	<p>Council/Chief Executive/ Depute Chief Executive (Support Services) Council Assistant Chief Executive (Community Planning) Depute Chief Executive (Support Services)</p>
<p>1f Local authorities should establish clear channels of communications with all sections of their community and other stakeholders and put in place proper arrangements to ensure that they operate effectively</p>	<p>Community Plan Partnership Working Community Councils Equalities Committee Voluntary Sector Policy Best Value Plan ICT Strategy Group</p>	<p>Assistant Chief Executive (Community Planning) Director of Leisure and Communities Chief Executive Director of Leisure and Communities Directors of Service Department Head of Information Technology</p>
<p>1g Local authorities should ensure that a vision for their local communities and their strategic plans, priorities and targets are developed through robust mechanisms and in consultation with the local community and other key stakeholders and that they are clearly articulated and disseminated.</p>	<p>Community Plan Community Involvement Strategy</p>	<p>Chief Executive Director of Leisure and Communities</p>

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2 SERVICE DELIVERY ARRANGEMENTS 2a Local authorities should set standards and targets for performance in the delivery of services.	Council Plan Departmental Service Plans (eg Service Plans available on the Internet) Performance Management Systems in Depts Equality Action Plan	Chief Executive/Assistant Chief Executive (Community Planning) Elected Members Directors of Service Departments Depute Chief Executive (Finance) Director of Leisure and Communities
2b Local authorities should put in place sound systems for providing management information for performance measurement purposes.	Separate departmental systems as per Best Value Audit by Audit Scotland Statutory Performance Indicators	Directors of Service Departments Depute Chief Executive (Finance)
2c Local authorities should monitor and report performance against agreed standards and targets and develop a comprehensive and understandable strategy for achieving best value.	Best Value Audit submission Best Value Sub-Committee Reports Service Plan review Council A-Z Annual Housing Performance Report Departmental reporting mechanisms	Assistant Chief Executive (Community Planning) Directors of Service Departments Director of Housing Directors of Service Departments
2d Local authorities should put in place arrangements to allocate resources according to priorities.	Three year budgeting process Service planning process	Depute Chief Executive (Finance)/Assistant Chief Executive (Community Planning)

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2e Authorities should foster effective relationships and partnerships with other public sector agencies and the private and voluntary sectors in delivering services to meet the needs of the local community and put in place processes to ensure that they operate effectively in practice.	Funding and partnership with a wide range of voluntary organisations in the city City Plan "Community Plan 2005-2010" Joint Boards Service Level Agreements	Dundee Partnership Group Council/SET Assessment of a Partnership "Excellence Model" Departmental Management Teams Director of Leisure and Communities
2f Local authorities should respond to the findings and recommendations of external auditors and statutory inspectors.	Audit management letters and reports Inspectorate reports	Chief Executive Depute Chief Executive (Finance) Audit and Risk Management Sub-Committee Directors of Service Departments

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<p>3 STRUCTURES AND PROCESSES</p> <p>Balance of Power and authority</p> <p>3a Local authorities should ensure that the roles and responsibilities of members and senior officers are clearly defined, to ensure a proper balance of power and authority, such that no one individual has unfettered powers of decision-making.</p>	<p>Council Powers and Duties (Standing Orders and Order of Reference) Scheme of Delegation of Powers to Officers</p>	<p>Chief Executive Council Depute Chief Executive (Support Services)</p>
<p>3b Local authorities should put in place clearly documented protocols governing relations between members and officers.</p>	<p>Standing Orders Scheme of Delegation of Powers to Officers of the Council Code of Conduct for Members and Officers Guidance for members serving on Licensing and Planning Committees</p>	<p>Chief Executive Depute Chief Executive (Support Services)</p>
<p>Roles and Responsibilities - Members</p> <p>3c Members of local authorities should meet on a formal basis regularly, retain full and effective control over the authority and monitor service delivery.</p>	<p>Standing Orders Schedule of Council Meetings Financial Standards and Regulations Best Value Reviews Service Plan Monitoring</p>	<p>Depute Chief Executive (Support Services) Council</p>
<p>3d Local authorities should develop and maintain up to date, a scheme of delegated or reserved powers which should include a formal schedule of those matters specifically reserved for the collective decision of the authority.</p>	<p>Scheme of Delegation of Powers to Officers</p>	<p>Council/Service Committees Depute Chief Executive (Support Services)</p>

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<p>3e Local authorities should put in place clearly documented and understood management processes for policy development, implementation and review and for decision-making, monitoring and control, and reporting, and formal procedural and financial regulations to govern the conduct of the authority's business.</p>	<p>Budget/Service Planning Standing Orders Financial Regulations</p> <p>Community Planning Best Value Review Process</p>	<p>Depute Chief Executive (Finance)/Assistant Chief Executive (Community Planning) Depute Chief Executive (Support Services) Director of Leisure and Communities Directors of Service Departments</p>
<p>3f Local authorities should put in place arrangements to ensure that members are properly trained for their roles and have access to all such relevant information, advice and resource as necessary to enable them to carry out their role effectively.</p>	<p>Recruitment and Selection Policy Frameworks (Employees)</p> <p>Councillors' Professional Development is available on a request basis.</p>	<p>Assistant Chief Executive (Management)</p> <p>Depute Chief Executive (Support Services) Assistant Chief Executive (Community Planning)</p>
<p>3g The roles and responsibilities of all members of the local authority, together with the terms of their remuneration and its review, should be defined clearly in writing.</p>	<p>Terms of Reference/Delegations Members Allowance Scheme</p>	<p>Council</p>

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<p>Roles and Responsibilities - Officers</p> <p>3i A chief executive or equivalent should be made responsible to the authority for all aspects of executive management.</p>	<p>Performance management system Scheme of delegation Conditions of employment Job description/specification Statutory provisions</p>	<p>Statutory Role of Chief Executive</p>
<p>3j A senior officer should be made responsible to the authority for ensuring that appropriate advice is given to it on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.</p>	<p>Revenue and Capital Budget documentation Section 95 responsibilities Job description/specification Statutory provision Annual Report and Accounts</p>	<p>Depute Chief Executive (Finance)</p>
<p>3k A senior officer should be made responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations and other relevant statements of good practice are complied with.</p>	<p>Job description/specification Statutory provision</p>	<p>Depute Chief Executive (Support Services)</p>
<p>3l The roles and responsibilities of all senior officers, together with the terms of their remuneration and its review, should be defined clearly in writing.</p>	<p>Job descriptions/specifications Pay and conditions of service Officers emoluments accounts disclosure</p>	<p>Chief Executive Assistant Chief Executive (Management) Depute Chief Executive (Finance)</p>

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3m Adopt clear protocols and codes of conduct to ensure that the implications for supporting community political leadership for the whole Council are acknowledged and resolved.	Members/Officers Code of Conduct	Chief Executive Depute Chief Executive (Support Services)
4 RISK MANAGEMENT AND INTERNAL CONTROL 4a Local authorities should develop and maintain robust systems for identifying and evaluating all significant operational risks on an integrated basis.	Business Continuity Plan Health and Safety and Statutory Regulations Risk Management Policy Internal Audit Plan	Head of Information Technology Assistant Chief Executive (Management) Depute Chief Executive (Finance)
4b Local authorities should ensure that a vision for their local communities and their strategic plans, priorities and targets are developed through these mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated.	Decentralisation Community Regeneration Plan Better Neighbourhood Scheme Service Plans Council Strategy Best Value Plans Strategic Audit Plan Community Plan 2005-2010	Director of Leisure and Communities Assistant Chief Executive (Community Planning) Depute Chief Executive (Finance) Director of Leisure and Communities
4c Local authorities should put in place arrangements to allocate resources according to priorities.	Community Plan Service Plans Three Year Revenue and Capital Budgets Strategic Audit Plan	Assistant Chief Executive (Community Planning) Depute Chief Executive (Finance)

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4d Local authorities should put in place effective risk management systems, including systems of internal control and an internal audit function. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice and need to ensure that public funds are properly safeguarded and are used economically, efficiently and effectively and in accordance with the statutory and other authorities that govern their use.	Financial Standards and Regulations Internal Audit Plan Scheme of Delegation of Powers Performance Appraisal Treasury Management Policy Fraud policy and whistle blowing policy Best Value Reviews Employee Performance/Development Appraisal Risk Management Policy	Depute Chief Executive (Finance) Chief Internal Auditor Depute Chief Executive (Support Services) Chief Executive Depute Chief Executive (Finance) Assistant Chief Executive (Community Planning) Assistant Chief Executive (Management) Risk & Business Continuity Manager
4e Local authorities should ensure that services are delivered by trained and experienced people.	Job description/person specifications Training plan Annual performance reviews Investors in People Strategy	Assistant Chief Executive (Management) Directors of Service Departments
4f Local authorities should put in place effective arrangements for an objective review of risk management and internal control, including internal audit, to ensure effectiveness in practice.	Risk based Strategic Audit Plan Risk Management Policy and Plan	Depute Chief Executive (Finance) Chief Executive Audit and Risk Management Sub-Committee
4g Local authorities should maintain an objective and professional relationship with their external auditors and statutory inspectors.	Financial Regulations Audit Risk Analysis and Plan Inspection reports Annual audit letter	Audit and Risk Management Sub-Committee Depute Chief Executive (Finance) Chief Executive Directors of Service Departments

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<p>5 STANDARDS OF CONDUCT</p> <p>5a Local authorities should develop and adopt formal codes of conduct defining the standards of personal behaviour, to which individual members, officers, and agents of the authority should be required to subscribe and put in place appropriate systems and processes to ensure that they are complied with in practice.</p>	<p>Members/Officers Code of Conduct</p> <p>Performance Management</p> <p>Council-wide complaints procedure</p> <p>Discipline/Grievance Code in place</p>	<p>Chief Executive</p> <p>Depute Chief Executive (Support Services)</p> <p>Assistant Chief Executive (Community Planning)</p> <p>Assistant Chief Executive (Management)</p>
<p>5b Local authorities should put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice.</p>	<p>Financial Regulations</p> <p>Standing Orders</p> <p>Disciplinary Code</p> <p>Register of Members and Officers Interests</p> <p>Declaration of Acceptance of Hospitality by Members and Officers</p>	<p>Depute Chief Executive (Finance)</p> <p>Depute Chief Executive (Support Services)</p> <p>Council</p>
<p>5c Local authorities should put in place arrangements to ensure that their procedures and operations are designed in conformity with appropriate ethical standards, and to monitor their continuing compliance in practice.</p>	<p>Accounts Commission Audit of Council</p> <p>Management Arrangements</p> <p>Tendering Procedures</p> <p>Financial Regulations</p> <p>Standing Orders</p> <p>Disciplinary Code</p> <p>Register of Members and Officers Interests</p> <p>Declaration of Acceptance of Hospitality by Members and Officers</p>	<p>Chief Executive</p> <p>Depute Chief Executive (Support Services)</p> <p>Depute Chief Executive (Finance)</p> <p>Depute Chief Executive (Support Services)</p> <p>Council</p>
<p>5d Local authorities should put in place arrangements for whistle blowing to which staff and all those contracting with the Council have access.</p>	<p>Public Interest Disclosure Policy</p>	<p>Depute Chief Executive (Support Services)</p>