

REPORT TO: POLICY AND RESOURCES COMMITTEE - 13 MAY 2002

REPORT ON: LOCAL CODE ON CORPORATE GOVERNANCE

REPORT BY: CHIEF EXECUTIVE

REPORT NO: 313-2002

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 recently issued by CIPFA and SOLACE. (Corporate Governance in Local Government - A Keystone for Community Governance)
- 1.2 The Chief Executive and Finance Departments have completed their review of the current structures, regulations and documentation within the Council and compared the results against Best Practice in Corporate Governance. They are satisfied that the Council meets almost all the requirements of the Code. The areas requiring action have been identified and are detailed in this report.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Committee endorses the requirement for a local code and approves the Local Code of Corporate Governance as detailed in Appendix 1.
- 2.2 It is recommended that the Committee agrees that steps be taken as identified to ensure the authority's compliance with the Code.

3 FINANCIAL IMPLICATIONS

- 3.1 Any financial implications arising from the adoption of the Local Code of Corporate Governance will require to be contained within existing budgets.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 None

5 EQUAL OPPORTUNITIES IMPLICATIONS

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

6 BACKGROUND

- 6.1 A joint publication recently produced by CIPFA and SOLACE has defined best practice in Corporate Governance and states that each Council should carry out a self-assessment against this document. It is recommended that all Councils adopt a Local Code of Corporate Governance by 31 March 2002.
- 6.2 Councils should include a statement in their 2001/02 financial statements to indicate that they have reviewed their corporate governance arrangements against best practice and have prepared a Local Code of Corporate Governance.

- 6.3 Corporate Governance is defined as "the system by which local authorities direct and control their functions and relate to their communities". The publication stresses the need for corporate governance within local authorities not only to be sound but be seen to be sound.
- 6.4 An internal assessment has been made based upon publicly available documents. These documents relate to policy, procedures, planning and reporting.
- 6.5 The review collated the documentary evidence required by the Best Practice guide. (Appendix 2)
- 6.6 For the successful implementation of the principles of Corporate Governance, it is essential that the principles are reflected in each of the main five dimensions of the Council's business listed in section 7.
- 6.7 A draft Local Code of Corporate Governance based upon the publicly available documentation reviewed by internal assessment has been prepared. (Appendix 1)

7 INTERNAL ASSESSMENT

7.1 **Community Focus**

The arrangements that the Council has in place are considered to be satisfactory and in line with best practice. However, it is recommended that a Consultation Database is compiled by consulting departments and that consultation exercises are registered therein. Updates should also be recorded and include the outcomes of the consultation and the degree of impact the consultation made on Council decision-making to improve co-ordination of consultation activities within the authority.

7.2 **Service Delivery Arrangements**

The arrangements in place are considered satisfactory and in line with best practice.

The Council publishes progress against its objectives on an annual basis. It also uses "Performance Management and Planning" techniques both corporately and departmentally. The authority has also published an Information and Communication Strategy which is central to future service delivery and is geared for the delivery of customer focussed government.

The Council has adopted a Voluntary Sector Policy and established a Voluntary Sector Liaison Group to strengthen links and improve communication.

7.3 **Structures and Processes**

The structure and processes are largely in place within the Council and are well documented and in line with best practice.

However, the best value programme will continue to improve methods of working, produce meaningful management information as well as information for the consumers of Council services.

7.4 **Risk Management and Internal Control**

The Council's internal control environment is satisfactory with an effective audit and risk management sub-committee function already in place. The Council has recently agreed to implement a Strategic Risk Management Strategy. Inherent within the Strategy is the compilation of Corporate and Departmental Risk Profiles.

7.5 **Standards of Conduct**

The arrangements that are in place in the Council are in line with best practice. The Performance Management and Planning and Best Value Review initiatives in Council departments, together with a Code of Conduct for Councillors and Employees, provide a framework for the maintenance of high standards of conduct.

8 **SUMMARY OF RECOMMENDATIONS FROM THE REVIEW**

- 8.1 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.
- 8.2 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.
- 8.3 A statement should be included in the annual accounts for 2001/2002 stating the extent of compliance with the Code of Corporate Governance.
- 8.4 To improve the Council's approach to consultation, a Consultation Database should be compiled by consulting departments and consultation exercises registered therein.
- 8.5 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.

9 **CONCLUSION**

- 9.1 The adopted Local Code of Corporate Governance should assist both Councillors and Officers to assess the standards required of them and the authority and should provide an appropriate source for future reference.

**ALEX STEPHEN
CHIEF EXECUTIVE**

BACKGROUND PAPERS

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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 "Dundee in Partnership".

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 was drafted as a result of the city's response to the government's Community Planning initiative.

The Council encourages individuals and groups from all sections of the community 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. (Annual Report)

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 Council fosters relationships and partnerships with other public, private and voluntary organisations in delivering services that meet the need 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 Power 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.

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 Director of 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 Director of 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.

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>Director of Finance Chief Executive Directors of Service Departments Chief Executive/Director of Neighbourhood Resources</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 Indicators</p>	<p>Chief Executive Director of Finance Director of Corporate Planning Directors of Service Departments</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</p> <p>External Audit and Inspectorates of Education Best Value Reviews and Best Value Sub Committee Tendering Procedures and Financial Regulations</p>	<p>Director of Finance</p> <p>Audit Scotland Benefits Fraud Inspectorate Education Inspectorate Director of Corporate Planning</p> <p>Director of Support Services</p>

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<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 they continue to work in practice.</p>	<p>Community Plan Development of Community Councils Neighbourhood Forums Development of Internet facilities Consultation exercises</p>	<p>Chief Executive/ Director of Neighbourhood Resources Chief Executive 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 Mission Statement per the Council Plan Committee Agenda and Minutes</p>	<p>Council/Chief Executive/ Director of Finance Council Director of Corporate Planning Director of 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 ICT Strategy Group Best Value Plan</p>	<p>Director of Corporate Planning Director of Information Technology Council Chief Executive Director of Neighbourhood Resources Directors of Service Departments</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 Neighbourhood Resources</p>

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

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<p>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</p>	<p>Funding and partnership with a wide range of voluntary organisations in the city. City Plan "Dundee in Partnership" Joint Boards Service Level Agreements</p>	<p>Dundee Partnership Group Council/SET Assessment of a Partnership "Excellence Model" Departmental Management Teams Director of Neighbourhood Resources</p>
<p>2f Local authorities should respond to the findings and recommendations of external auditors and statutory inspectors</p>	<p>Audit management letters and reports Inspectorate reports</p>	<p>Chief Executive Director of Finance Audit and Risk Management Sub-Committee Directors of Service Departments</p>

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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 Terms of Reference) Scheme of Delegation of Power to Officers</p>	<p>Chief Executive Council Director of 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 Power 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 Director of 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</p>	<p>Director of Support Services Council Best Value Reviews Service Plan Monitoring</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 Power to Officers</p>	<p>Council/Service Committees Director of 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>Budgeting/Service Planning Standing Orders Financial Regulations Community Planning Best Value Review Process</p>	<p>Director of Finance/Director of Corporate Planning Director of Support Services Director of Neighbourhood Resources 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) Councillors' Professional Development is available on a request basis.</p>	<p>Director of Personnel & Management Services Director of Support Services Director of Corporate Planning Council</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>Director of 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 Section 95 responsibilities Statutory provision</p>	<p>Chief Executive Monitoring Officer Director of 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 Director of Personnel and Management Services Director of 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 Director of 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	Director of Information Technology Director of Personnel and Management Services Director of 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 Better Neighbourhood Scheme Service Plans Council Strategy Best Value Plans Strategic Audit Plan Community Plan	Consultative Forums Partnership Groups Director of Corporate Planning Director of Finance
4c Local authorities should put in place arrangements to allocate resources according to priorities	Community Plan Service Plans Three year Budget Strategic Audit Plan	Consultative Forums Partnership Steering Group Director of Finance

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<p>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</p>	<p>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</p>	<p>Director of Finance Principal Internal Auditor Principal Insurance and Risk Management Officer Chief Executive</p> <p>Director of Corporate Planning Director of Personnel and Management Services</p>
<p>4e Local authorities should ensure that services are delivered by trained and experienced people</p>	<p>Job description/personal specifications Training plan Annual performance reviews</p>	<p>Director of Personnel and Management Services Directors of Service Departments</p>
<p>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</p>	<p>Risk based Strategic Audit Plan Risk Management Policy</p>	<p>Director of Finance Principal Internal Auditor Principal Insurance and Risk Management Officer Chief Executive Audit and Risk Management Sub-Committee</p>
<p>4g Local authorities should maintain an objective and professional relationship with their external auditors and statutory inspectors</p>	<p>Financial Regulations Inspection reports Annual audit letter</p>	<p>Audit and Risk Management Sub-Committee Chief Executive Directors of Service Departments</p>

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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>Director of Support Services</p> <p>Director of Corporate Planning</p> <p>Director of Personnel and Management Services</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>Director of Support Services</p> <p>Director of Finance</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>Director of Support Services</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 Disclosures Policy</p>	<p>Monitoring Officer</p> <p>Director of Support Services</p>