Uttlesford District Council

Chief Executive: Peter Holt

Governance, Audit and Performance Committee

Date: Wednesday, 30th November, 2022
Time: 7.00 pm
Venue: Council Chamber - Council Offices, London Road, Saffron Walden, CB11 4ER

Chair: Councillor E Oliver
Members: Councillors H Asker, G Driscoll (Vice-Chair), J Emanuel, M Foley, A Khan, B Light, S Luck and J De Vries

Substitutes: Councillors A Dean, V Isham and G Smith

Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements, subject to having given notice by 12 noon two working days before the meeting. A time limit of 3 minutes is allowed for each speaker.

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AGENDA
PART 1

Open to Public and Press

1   Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

To consider the minutes of the previous meeting.

To note the update regarding sign off of the Councils accounts, the recommendations of the review and the amendments to the Constitution that the Monitoring Officer will make under delegated authority.

To note the updates and amendments made to the Constitution by the Monitoring Officer under delegated powers.

To note the contents of this report.

To note the report.

To consider and recommend the Grant Policy to Cabinet for formal adoption.

MEETINGS AND THE PUBLIC

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Members of the public and representatives of Parish and Town Councils are permitted to speak or ask questions at this meeting and are encouraged to do so in person. If you wish to make a statement, you will need to register with Democratic Services by midday two working days before the meeting. There is a 15-minute public speaking limit and 3-minute speaking slots will be given on a first come, first served basis.

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The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information, please call 01799 510510.

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GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on THURSDAY, 29 SEPTEMBER 2022 at 7.00 pm

Present: Councillor E Oliver (Chair)
             Councillors G Driscoll (Vice-Chair), J Emanuel, A Khan, B Light and S Luck

Officers in attendance: E Brooks (Internal Audit Manager), A Chessell (Chief Procurement and Risk Officer), B Ferguson (Democratic Services Manager), P Holt (Chief Executive), A Knight (Assistant Director - Business and Change Management), P Reilly (Locum Lawyer), J Reynolds (Assistant Director - Governance and Legal), C Shanley-Grozavu (Democratic Services Officer) and E Smith (Solicitor)

GAP61   **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies were given by Councillors Foley and De Vries.

Councillor Light declared a non-pecuniary interest as a member of Saffron Town Council and District Member for Saffron Walden.

GAP62   **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 31 August 2022 were approved as correct.

GAP63   **COUNTER FRAUD STRATEGY ACTION PLAN UPDATE AND ASSOCIATED DOCUMENTS**

The Internal Audit Manager updated members on the work undertaken on the Counter Fraud Strategy Action Plan between March and September 2022. She highlighted the inherent Council-wide Fraud Risk Assessment which had been carried out, and the review of mitigating controls which will now be undertaken arising from the assessment.

In response to members' questions about the Counter Fraud Working Group, the Internal Audit Manager clarified that the membership consisted of staff who have operational responsibility in departments with a high risk of fraud, such as Council Tax, Housing and Benefits. It was confirmed that the group would continue to exist beyond the Audit Manager leaving, as a way to provide greater resilience in tackling fraud.

Councillor Light asked a question on behalf of a resident regarding tackling the risk of members not declaring pecuniary interests. The Internal Audit Manager explained that the risk assessment should alert the Council to this, as the risk rating for conflicts of interest would be assessed, along with the controls that should be in place to mitigate those risks. This might then involve Internal Audit

making recommendations based on identified controlled weaknesses and ensuring that the conflict-of-interest policy was fit for purpose.

The Internal Audit Manager confirmed that the mandatory training would be rolled out for all staff and members around the refreshed Whistleblowing Policy and Anti-Bribery and Corruption. This training would also be mandatory for all new starters.

The report was noted.

GAP64   **PROCUREMENT ANNUAL REPORT - 2021/22**

The Assistant Director (Business and Change Management) and the Chief Procurement and Risk Officer presented their report on the activity of the Council's procurement services; currently provided by Chelmsford City Council. It was highlighted that Chelmsford City Council now also provided procurement support for the emerging Local Plan.

Members sought clarification on the Planning costs outlined within the Procurement Awards (Appendix A). Officers confirmed that these costings were related to studies and consultations commissioned for the emerging Local Plan.

In response to further questions from members, officers said that if Uttlesford District Council chose to break from an existing contract then procurement support would be provided by Chelmsford City Council to explore alternative options.

In addition, they explained that a value for money test formed part of the existing tendering process and the contract is then monitored and regularly reviewed by service managers, based on the specifications of the original agreement. However, under the proposed Procurement Strategy, these reviews would be supported by a dedicated Contract Manager.

The report was noted.

GAP65   **PROCUREMENT STRATEGY 2022-2026**

The Assistant Director (Business and Change Management) introduced the proposed Procurement Strategy which set out the Council's vision for its procurement activity over the next four years. She highlighted the three phases of the strategy as well as the LGA toolkit which would assess the maturity levels in each of the key areas of the strategy in order for the Council to set objectives and review progress.

In response to various questions, officers said:
- A nominated Member Champion would lead on the rollout of the strategy as well as assist in the toolkit self-assessment. However, officers would still expect other Lead Members to continue to communicate with managers in their area of responsibility about the performance of contracts.

- The Procurement Strategy fell into the remit of the Lead Member for Finance, and it was suggested that they would act as the nominated Member Champion.
- If approved, officers expected the Procurement Strategy to be embedded into services within the next 12 months, subject to staff recruitment. Following the introduction of the strategy and toolkit self-assessment, officers would then be able to move forward with the second phase which aimed to support the delivery of the Council's Climate Crisis Strategy in procurement activity.
- Whilst implementation was expected to take 12 months, the strategy as a whole would be expanded, and aspirations reached, over a four-year period.
- Where appropriate, procurement activities would support local tenders such as through advising staff to use local suppliers and ringfencing some contract opportunities to the region. In the longer term, the Council aspired to go even further through publishing forward intentions to the local market and running development sessions to help local suppliers grow and prepare for upcoming bids. This would ultimately proactively grow the local economy.
- The toolkit self-assessment would be used to help implement and develop the strategy, once it has been approved by Full Council. Officers at Chelmsford City Council were expected to lead on the self-assessment and then create an action plan for the training and development of the contract management framework.
- There would be a risk-based approach to contract management, whereby officers would be trained to be good Contract Managers without a large layer of administration.

> RESOLVED that the Committee recommend the Procurement Strategy for approval by the Council, as attached in Appendix A.

GAP66 **UPDATE REGARDING THE COUNCIL'S POLICY AND PROCESSES FOR THE CONDUCT OF INVESTIGATIONS UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000**

The Solicitor presented an update on the work carried out to ensure that investigations carried out under the Regulation of Investigatory Powers Act 2000 complied with the requirements of the Act and Codes of Practice. She confirmed that the Council was on track to comply with the recommendations made by Inspectors at the Investigatory Powers Commissioner's Office.

In response to members questions, officers clarified the following:
- If there were specific spots within the district that attracted fly-tipping, it was within the Council's powers to install a camera and relevant signage. However, the intention was not to catch possible perpetrators, but rather to act as a deterrent for the entire population.
- Where there was an offence which could be investigated by multiple responsible authorities, the Council had arrangements in place to co-operates with them, such as through MAPPA (Multi-Agency Public Protection Arrangements).

- It was outside the scope of the legislation to instruct the Council to publish more messaging on social media to prevent fly-tipping or other such offences.

The report was noted.

GAP67 **PROPOSED AMENDMENTS TO THE UTTLESFORD DISTRICT COUNCIL CONSTITUTION**

The Monitoring Officer introduced a report on proposed amendments to the Council's Constitution. She explained that the report was part of a wider review of the Council's governance arrangements which she had instigated and there was a need for updated guidance, based on good practice. She confirmed that it was not essential for the amendments to be approved by the next meeting of full council, scheduled for 11th October.

In response to member questions, officers clarified the following:
- The amendments had not been brought to any committee or working group prior to this meeting as it was in the remit of the Governance, Audit and Performance committee to examine the constitution.
- The work to refresh the Constitution had been instigated by the new Monitoring Officer, based on feedback and the lack of updates for a long time.
- The amendments were part of a larger, ongoing review of the council's governance arrangements and there would be further reviews of the constitution every quarter. They confirmed that the project would be reviewing the scrutiny terms of reference next.

Whilst they welcomed the track changes which illustrated where the amendments would be made, members raised concerns with aspects of the content, including some of the use of language and they highlighted the need for more in-depth consultation, given that both members and officers would have to abide to any changes.

Members discussed a proposal to defer the report so that the amendments could be reviewed either at a special meeting of the Governance, Audit and Performance committee or through the formation of a working group. They also requested that committee chairs be consulted on the proposed roles and responsibilities within their remits and provide feedback to the next meeting of the Governance, Audit and Performance committee. Officers explained that whilst the suggestion of a more in-depth review was welcomed, they would be unable to provide the resources for this to be done over multiple meetings

Furthermore, Members hoped that there would be a process of learning included during implementation of any amendments, so that there would be an understanding of what the changes would mean to people in their roles across the Council. The Monitoring Officer agreed that some training would be set up.

The Committee agreed to defer the paper, so that a special meeting could be arranged to review the amendments, and for committee chairs to be consulted

GAP68 **PROPOSED CHANGES TO THE SCHEME OF DELEGATION**

The Solicitor gave a summary of the proposed changes in the Council's scheme of delegation of functions to officers. She explained that the scheme was last reviewed in May 2019 and the revisions reflected the considerable changes to personnel and responsibilities which had taken place since then, including the deletion of the Council's Director of Public Services post.

In response to member questions, officers confirmed that the Section 151 Officer could write off up to £10,000 of bad debt and this was based on an existing policy which had been agreed at Full Council 3 years prior.

In addition, they clarified that the changes only applied to senior officers and that the Post Holders would be consulted through the usual means using the standard set of employment policies and procedures.

> RESOLVED that Members recommend the revised scheme of delegation for adoption by Full Council.

GAP69 **LOCAL GOVERNMENT OMBUDSMAN REPORT 2021/22**

The Chief Executive provided a summary of the annual review letter received from the Local Government Ombudsman summarising the complaints relating to the Council's services dealt with by the Ombudsman's office for the year ended 31 March 2022. He highlighted that the Ombudsman's office had received 19 complaints about Council services and two of these complaints were upheld with a total of £400 paid in compensation. He was keen to learn lessons from the areas where the Council was found to be at fault.

The Committee noted the contents of the Ombudsman's annual review letter and the position with regards to complaints and compliments for the year ended 31 March 2022.

GAP70 **2022/23 Q1 KPI & PI PERFORMANCE REPORT**

The Assistant Director (Business and Change Management) gave a presentation on the cost of living crisis; specifically focussing on the impact to the Council's income collection and the support provided for residents.

In response to member questions, officers clarified the following:
- Essex County Council had put together a leaflet for businesses and other organisations with information about help with rising energy costs. They assumed that schools, in particular, would come under the "vulnerable" category so would receive additional support from Essex County Council.
- Figures from the start of the year indicated a 22% increase in the use of food banks in the district and it was believed that these figures were now higher. Many of the users are in full-time employment.
- Employees of Uttlesford District Council and their families had access to the Employee Assistance program, and they were able to work in the Council offices to save money on energy costs.

- Staff working from home had been informed that they were able to claim tax relief to help cover additional heating and electricity costs.

The report was noted.

GAP71   **EXCLUSION OF PUBLIC AND PRESS**

AGREED that the public and press be excluded due to consideration of items containing exempt information within the meaning of Section 1001 and paragraphs 1,3 and 5 part 1 Schedule 12A Local Government Act 1972.

GAP72   **COMPLAINT UPHELD BY THE LOCAL GOVERNMENT OMBUDSMAN**

The Chief Executive introduced the report.

Members discussed details of the complaint and the actions taken by officers in response to the findings of the Local Government Ombudsman.

The report was noted.

The meeting closed at 9:25 pm.

Committee:	Governance Audit and Performance (GAP)	**Date: 30th November 2022**
Title:	Audit and Sign Off 2019/20 Accounts Review Update	
Report Author:	Jane Reynolds - Assistant Director Legal and Governance / Monitoring Officer JReynolds@uttlesford.gov.uk	

Summary

1. At the GAP Committee on the 31st August 2022 the Director of Finance and Corporate Services presented a report entitled "Audit and sign-off of the 2019/20 accounts".

2. Members will recall that the report provided an update on sign off of the Councils accounts and details of a quality assurance review (the review) to be conducted by Bevan Brittan Solicitors.

3. The results of that review have now been received and considered, and along with an update on the position regarding sign off of the accounts, are the subject of this report.

Recommendations

4. That members of the Committee note the update regarding sign off of the Councils accounts, the recommendations of the review and the amendments to the Constitution that the Monitoring Officer will make under delegated authority.

Financial Implications

5. None.

Background Papers

6. The following papers were referred to by the author in the preparation of this report:

   For information please note that tracked changes and footnotes indicate amendments to be made.

   Appendix A - Report to the GAP Committee of 31st August 2022.

   Appendix B - Bevan Brittan summary review and track changes to the Constitution

Appendix C – Revised Uttlesford Counter Fraud and Corruption Strategy 2022

Appendix D – Revised Uttlesford Draft Counter Fraud Strategy Action Plan

Appendix E – Revised Uttlesford Draft Whistleblowing Policy vs1

Appendix F – Revised Fraud Response Plan – Draft vs1

Appendix G – Revised UDC Inherent Fraud Risk Assessment 2022 Draft vs2

Appendix H – Revised Gifts and Hospitality Policy

Appendix I – Revised Probity in Planning

Appendix J – Revised Member Officer Protocol

Appendix K – Revised Fraud and Integrity Strategy – Electoral Services

Impact

7.

Communication/Consultation	N/A
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	N/A
Ward-specific impacts	None
Workforce/Workplace	None

Situation

8. The result of the review was that the Councils Governance Policies and Procedures were in good order with only minor amendments required to add new legislation, definition, and aide clarity. Having considered the content of the recommendations, the Monitoring Officer is able to and will make those amendments to the Constitution under delegated authority.

9. Members will note the policies / procedures listed as G and I within Appendix B are not included and will not be part of the subject matter of this report. The review recommended that a couple of points from the old Code should be included in the new Model Code as they would add further value and made some recommendations to the drafting of the code complaints procedure to aid clarity. The Monitoring Officer under delegated authority will make the additions to the new Model Code and in terms of procedure the review has been superseded by the fact that the Monitoring Officer is giving consideration to an entirely new system for dealing with Code complaints. The Monitoring Officer will make the amendments to the Code under delegated authority and consideration of a new procedure will be the subject of a report to the next Standards Committee and Council thereafter.

10. Members will also note that the review of the Member Officer Protocol at appendix J simply makes reference to the addition of an appendix to the Protocol. This requires no change as such an appendix already exists in the current Constitution in our Protocol section.

11. In regard to sign off of the Councils accounts the external Auditor will be presented with this information. However, the audit of the 2019/20 accounts will not recommence until the matters detailed in the last report have concluded.

Risk Analysis

12.

Risk	Likelihood	Impact	Mitigating actions
2	2	2	The amendments will mitigate any risk.

1 = Little or no risk or impact
2 = Some risk or impact – action may be necessary.
3 = Significant risk or impact – action required
4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Committee:	Governance, Audit and Performance Committee	**Date:**
Title:	Audit and sign-off of the 2019/20 accounts	Wednesday, 31 August 2022
Report Author:	Adrian Webb, Director - Finance and Corporate Services	
	awebb@uttlesford.gov.uk	
	Tel: 01799 510421	

Summary

1. This report sets out the current position with regards to the delay to earlier sign off of 2019/20 accounts, impact of a protracted police investigation into an alleged offence, and learning lessons therefrom.

Recommendations

2. That the Committee notes the report.

Financial Implications

3. None

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Situation

5. During the audit of the 2019/20 accounts, Officers made the external auditors (BDO) aware that there was a live police investigation into matters that in theory could impact on the Annual Governance statement (AGS), which forms part of the accounts.

6. BDO concluded that it would be important to wait to see what, if anything, ultimately came out of this police investigation before they felt able to complete their audit of the AGS. This meant that the 2019/20 audit has remained incomplete and unsigned.

7. In November 2020, the Director of Finance and Corporate Services updated the Committee that the failure to sign-off the accounts was not related to any financial issues, but solely due to the investigation and the AGS.

8. This indefinite delay in the 2019/20 audit therefore leads inescapably to a delay in completing the 2020/21 and 2021/22 annual audits – and will continue to knock on to future years until the matter is resolved, and outstanding audits are caught up with sequentially.

9. The signing off of the audits of Annual Governance Statements and Annual Accounts overall is not merely a statutory requirement for local authorities, it is a genuinely useful tool in enabling each authority to focus in on any areas requiring attention.

10. As of July 2022, the police have indicated, after extensive consideration of the product of their investigation by the Crown Prosecution Service (CPS), that no charges were to be laid.

11. It is important to understand that council officers' involvement in the actual police investigation was as a witness of fact and was not privy to details of the investigation generally. Nor now that the council has been formally and directly advised by the police that their investigation is over will the Council have the legal right to the investigatory file, witness statements, or the like. This means therefore that council officers were aware of the general nature and some (but likely not all) specifics of allegations or instances that led to the now-ended police investigation, which they considered sufficient to be able to identify and review relevant policies and procedures.

12. In anticipation that at some point in time a decision would be reached by the CPS, officers therefore duly identified a number of council policies and procedures which could be usefully reviewed in light of what they knew of the circumstances behind the matter that resulted in a police investigation. It should be noted that all of these policies and procedures form part of a standard suite of documents by which all local authorities manage their good governance. These Policies are listed at appendix one.

13. In order to provide Good Governance assurance to the External Auditor and the Council now the Investigation has concluded officers have, in addition to this internal review, commissioned an independent expert review and quality assurance from a well-established law firm with respected experience in local authority governance. The outcome of this piece of work is expected inside the next few weeks. The results will be reported to Members in due course.

14. With regard specifically to the audit of the 2019/20 accounts, there are a number of further actions that could see the process delayed once again. These include but are not restricted to:

    a. A further code of conduct on the matter that raised allegations of a criminal nature.

    b. If the police received any further information regarding criminal allegations and had to consider another investigation.

    c. As the CPS are not laying charges, the person(s) who the allegations were made against may make a code of conduct complaint against those who initially complained to the Police.

    d. As the CPS are not laying charges, the person(s) who the allegations were made against may decide to take other action against those who initially complained to the Police.

    e. If anyone exercised a right to review the decision of the CPS or challenged the decision of the CPS this can be done under the Victim

Right to Review or a decision can be challenged in some circumstances by judicial review.

15. As at the time of writing this report at least one of the possible options set out in paragraph 14 above has been initiated.

16. Whilst the external auditor has not yet confirmed their position, it is likely that the 2019/20 audit will once again be on hold.

17. A verbal update will be given at the meeting should this position change.

Appendix One

Ref	Policy/procedure
1	**Counter Fraud and Corruption Strategy 2022-24** (supported by an action plan for delivery)
2	**Whistleblowing Policy**
3	**Fraud Response Plan**
4	**Inherent Fraud Risk Assessment**
5	**Gifts and Hospitality Guidance for Members**
6	**Code of Good Practice - Probity in Planning**
7	**Councillors' Code of Conduct**
8	**Member/Officer Protocol**
9	**Procedure for considering a complaint under the Code of Conduct for Councillors**
10	**Fraud and Integrity Strategy**

Bevan Brittan 🅑

UTTLESFORD DISTRICT COUNCIL

SUMMARY OF CHANGES PROPOSED TO POLICY DOCUMENTATION

Introduction

1.   The following policies have been reviewed in accordance with the law and best practice:

A.(i) Counter Fraud and Corruption Strategy 2022

A.(ii) Counter Fraud Strategy - Action Plan

B. Whistleblowing Policy

C. Fraud Response Plan

D. UDC Inherent Fraud Risk Assessment 2022

E. Gifts and Hospitality Guidance for Members

F. Code of Good Practice - Probity in Planning

G. Councillors' Code of Conduct

H. Member/Officer Protocol

I. Procedure for considering a complaint under the Code of Conduct for Councillors

J. Fraud and Integrity Strategy

2.   Proposed changes, other than mere typographical corrections, are summarised below.

A(i) Counter Fraud and Corruption Strategy 2022

3.   The existing definition of 'corruption' is very broad and so may be of limited assistance to those needing to identify it. Therefore, it is proposed to replace it with the more tailored definition used in the Local Government Association's *A councillor's workbook on bribery and fraud prevention* (February 2017).

A(ii) Counter Fraud Strategy - Action Plan

4.   In accordance with best practice, it is proposed to:

4.1.   Add an action point to commit the right support and resources to tackling fraud. The Local Government Association's guidance, *Fighting Fraud and Corruption Locally: A strategy for the 2020s* [p.22] suggests this should be considered part of acknowledging fraud risks.

4.2.   Add an action point to pursue the full range of sanctions, in order to better tackle fraud. This may prioritise fraud recovery and the use of civil sanctions, but may also include

pursuing criminal, disciplinary and regulatory sanctions (The Local Government Association's guidance, *A Councillor's Workbook on Bribery and Fraud Prevention* [p.13]).

4.3. Add an action point to better facilitate the protection of residents from fraud by providing support and guidance across the community.

B. Whistleblowing Policy

5. It is proposed to:

5.1. Insert references to the Employment Rights Act 1996 in order to accurately reflect the current legislative position. The policy currently refers to the Public Interest Disclosure Act 1998, which made amendments to the 1996 Act. However, as further amendments to the 1996 Act have since been made by alternative pieces of legislation, it is important to refer to the 1996 Act independently. For example, the Enterprise and Regulatory Reform Act 2013 amended the 1996 Act so as to require disclosure to be made in 'the public interest' rather than in 'good faith'.

5.2. Remove reference to members of the public, who are not protected by whistleblowing laws. Whistleblowing laws contemplate protection from the detriment that might be imposed upon employees. Members of the public would need to seek redress against any detriment by other means.

5.3. Name an officer with responsibility for the policy. This would help ensure efficiency by making it clear who should be the first point of contact and who may consider further revisions to the policy.

5.4. Clarify, in the section regarding external disclosure to prescribed persons, in what circumstances external disclosures to prescribed persons would be protected.

5.5. Insert a section providing for effective implementation of whistleblowing arrangements, including the training of staff, auditing arrangements, and independently overseeing and reviewing those arrangements.

C. Fraud Response Plan

6. Only typographical errors are corrected. It is considered the plan represents good practice.

D. UDC Inherent Fraud Risk Assessment 2022

7. It is proposed to amend this to confirm that, not only does the Council gather information to identify fraud risks and assess the likelihood and impact of the fraud risks, but that it will also develop a response to those that present the highest risk (The Local Government Association's guidance, *A Councillor's Workbook on Bribery and Fraud Prevention* [pp.20-21]).

E. Gifts and Hospitality Guidance

8. It is proposed to:

2

8.1. Includes reference to the Bribery Act 2010; a key piece of legislation governing the acceptance of any advantages in public office.

8.2. Clarify that the offence of receiving a fee or reward (s.117(2) Local Government Act 1972) applies to officers rather than members.

8.3. Amend the guidance to better clarify that it can apply to officers in addition to members.

8.4. Make minor amendments to the wording to clarify that any gift and hospitality should be considered under the policy and it should always be considered whether or not a gift is acceptable, even if made to the Council or a particular service area as a whole.

F. Code of Good Practice - Probity in Planning

9. Only typographical errors are corrected. It is considered the plan represents good practice.

G. Councillors' Code of Conduct

10. The Local Government Association produced a model code of conduct in 2020, taking account of recommendations made in the Committee on Standards in Public Life's report on Local Government Ethical Standards. It is proposed to adopt the model code of conduct, with minor revisions to reflect additional provisions in the existing code of conduct that are thought to be helpful.

11. The key change to note in the model code is that it expressly identifies conduct by theme: (1) respect, (2) bullying, harassment and discrimination, (3) impartiality of officers of the council, (4) confidentiality and access to information, (5) disrepute, (6) Use of position, (7) Use of local authority resources and facilities, (8) Complying with the code of conduct, (9) interests, and (10) gifts and hospitality.

12. It is proposed to amend the model code so as to include certain provisions in the current code that are thought to be helpful. For example:

12.1. A requirement not to intimidate or attempt to intimidate anyone in relation to an allegation of failure to comply with the code [5.5, 2(4)].

12.2. A requirement to observe Council policies [5.13, 6(2)].

13. The provisions around members interests remain the same, save that minor points are clarified, such as that the rules apply to joint committees, and that members are required to disclose disclosable pecuniary or personal interests at meetings.

H. Member/Officer Protocol

14. In accordance with best practice, it is proposed to amend the protocol at paragraph 3.2 to provide that members must have regard to the advice given by officers, and particularly that of statutory officers with a particular responsibility to ensure the Council proceeds lawfully.

15. It is also prosed to add an appendix clarifying members' entitlement to see council documentation.

Bevan Brittan 🅑

I. Procedure for considering a complaint under the Code of Conduct for Councillors

16. It is proposed to re-draft this in order to take account of the recommendations from the Committee on Standards in Public Life's report on Local Government Ethical Standards and the Local Government Association's best practice guidance.

17. The key changes to note are:

    17.1. Clearly breaking down the policy into sections, to make it easier for readers to identify the relevant stage of any standards investigation.

    17.2. Clarifying what information should be included in a complaint, and referring expressly to the complaint form.

    17.3. Adding equality monitoring data to the complaints form.

    17.4. Clearly explaining the criteria to be applied upon an initial assessment of a complaint.

    17.5. Clearly identifying the information to be provided to complainants and subject members at the outset of any investigation.

    17.6. Clarifying that witnesses, including subject members, cannot be compelled to participate in an investigation, although subject members are strongly encouraged to do so.

    17.7. Clearly identifying the content to be expected in a report following a formal investigation.

    17.8. Clarifying the relevant timescales for steps to be taken, where appropriate.

    17.9. Clarifying the sanctions available to a hearings panel.

J. Fraud and Integrity Strategy

18. Minor changes are proposed to:

    18.1. Ensure the strategy reflects the changing titles of guidance provided by the Electoral Commission.

    18.2. Ensure the strategy makes realistic promises as to the steps that can be taken if a postal ballot paper is lost.

19. It should be noted that this may need to be updated when the relevant provisions of the Elections Act 2022 are brought into force.

Bevan Brittan LLP
30 September 2022

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UTTLESFORD DISTRICT COUNCIL

COUNTER FRAUD
AND CORRUPTION
STRATEGY
2022-2024

Contents

Foreword

We are the custodians of many millions of pounds of taxpayers' monies, and the holders of a wide range of statutory powers affecting the freedoms and lives of individuals and businesses alike, and so the propriety of our financial and operational activities is a top priority. Not only do we need to make sure that our own behaviours are above reproach, but we need to acknowledge that we operate in a complex world, doing business with thousands of individuals and companies, themselves often with complex supply chains. That's why our strategy to address fraud and corruption focuses both on personal behaviours and systems, internally to our elected members and staff, and externally to our fee and tax-paying residents and businesses to our supply chains and to our investments, ensuring appropriate levels of good governance, assurance, intelligence and checks & balances.

The UK has a proud record of selfless good governance at all levels of government, with shameful exceptions few and far between. This reputation is hard earned and preciously guarded and is one in Uttlesford we must strive continuously to remain worthy of. We fully commit to those efforts.

Peter Holt, Chief Executive

Cllr Edward Oliver, Chair of Governance, Audit and Performance Committee

Aim of the Counter Fraud and Corruption Strategy

The aim of this strategy is to minimise the risk of fraud and corruption and its impact, and ultimately to protect the public purse and Uttlesford Council services for its residents.

It also ensures that the Council's internal control measures are effective in either preventing fraud and corruption or where this isn't possible, that a consistent and effective approach to tackling fraud and corruption is in place. Robust investigations will be undertaken in line with legislation and best practice, and appropriate action taken where necessary.

Definitions

Fraud	Theft
A person can be found criminally in breach of the Fraud Act 2006 if they have acted dishonestly with the intention of making a gain for themselves or another, or causing a loss (or risk of a loss) to another • False representation • Failing to disclose information to a third party where they are under legal duty to do disclose such information • Abuse of position, where they are expected to safeguard the financial interests of another person and abuses that position. Other main offences under the Act include: • Making or supplying/possession of articles for use in frauds • Obtaining services dishonestly	The Theft Act 1968 states that a person is guilty of **theft** if they dishonestly appropriate property belonging to another, with the intention of permanently depriving the other of it.
	Bribery and Corruption
	Bribery Act 2010 defines **bribery** as financial or other advantage that is offered, requested or accepted with the intention of inducing or rewarding the improper performance of a relevant function. Section 7 of the Act also sets out the corporate offence of failing to prevent bribery. ~~Corruption is about improper conduct or the performance of a function or activity contrary to an expectation that the person concerned would act in good faith or impartially, or in accordance with a position of trust.~~ **Corruption** [1]involves the misuse of a person's position to commit offences, which can include theft, extortion and a number of other crimes, including the soliciting of bribes. The defining characteristic of corruption is that it involves collusion between two or more individuals and is often associated with those holding public office.

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[1] This definition is taken from the LGA guidance: *'A councillor's workbook on bribery and fraud prevention'* (February, 2017).

Stakeholders

All of the council's stakeholders can assist with being our first line of defense against attempts of fraud and corruption by:

- Being alert to the possibility of fraud and corruption and raise any concerns through the Council's Whistleblowing Policy at the earliest opportunity
- Fulfilling any legal and regulatory responsibilities
- Specialist knowledge to help identify and control fraud risk
- Input into the detection and investigation of fraud
- To assist in the reduction of fraud

More detailed responsibilities are outlined in the following table:

Stakeholder	Responsibility
All employees	Comply with the Council's relevant policies and procedures including code of conduct, financial rules, procurement procedures, conflicts of interest, as well as meet standards set by professional bodies to which they belong.
Councillors	Comply with Council's relevant policies and procedures including constitution, code of conduct, financial rules, procurement procedures, conflicts of interest.
Governance, Audit and Performance Committee	Approve and promote the Counter Fraud Strategy and receive reports relating to the Council's Counter Fraud activity, ensuring that resources are focused on the Council's highest risk areas.
Section 151 Officer (Statutory Duty)	Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a S151 Officer, also known as a Chief Financial Officer (CFO), to have responsibility for those arrangements.
Monitoring Officer/Assistant Director Governance and Legal (Statutory Duty)	Local Government and Housing Act 1989 requires the Monitoring Officer to report on matters they believe to be illegal or amount to maladministration, to be responsible for matters relating to the conduct of councillors and officers and, to be responsible for the operation of the council's constitution. Also acts as the Council's nominated Money Laundering Reporting Officer (MLRO)
Chief Executive and CMT (Directors and Assistant Directors)	Approve and promote the Counter Fraud Strategy and receive reports relating to the Council's Counter Fraud activity, ensuring that resources are focused on the Council's highest risk areas. Ensure that service managers are fulfilling their anti-fraud responsibilities (see SMT).

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Stakeholder	Responsibility
SMT (Senior Managers)	Establish and support an anti-fraud culture in their services. Ensure employees are aware of relevant policies and procedures relating to anti-fraud and bribery, code of conduct etc Adopt a robust control environment as well as ensuring any internal audit recommendations are implemented promptly. Managers of specific high-risk areas will form part of CFWG (see below) to ensure effective co-ordination and liaison in counter-fraud activity. Ensure that NFI (National Fraud Initiative) data matches are reviewed and investigated, where applicable and respond to enquiries from other matched bodies. Provide mandatory fraud statistics where applicable to meet Transparency Code requirements.
Counter Fraud Working Group (CFWG)	The Counter Fraud Working Group (CFWG) will provide operational oversight of the Council's counter-fraud activities across all areas of the Council, including those specifically recognised as high-risk areas.
Audit Manager	Chair of CFWG and highlight emerging fraud risks to CMT. Provide annual report of Cross-Council Counter Fraud activity to CMT and GAP. Provide investigative services to allegations of corporate fraud. Develop an annual risk-based approach to internal audit coverage with consideration of fraud risks and controls in line with its Internal Audit Charter. Provide anti-fraud controls assurance to CMT and GAP through internal audit reporting.
IT and Information Governance	Deployment of procedures and technical controls to minimise information security risks
Human Resources	Provide associated Council Policy and Training framework to support awareness of, and compliance with the strategy.
External Audit	In line with International Standard on Auditing (UK) 240, External Audit are responsible for obtaining reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error.
Contractors and Partners	Should have adequate systems and controls to ensure the prevention and detection of fraud and corruption.

PRINCIPLES AND OBJECTIVES

This strategy is based on guidance and best practice relating to fraud and corruption in the public sector including:

CIFAS Fighting Fraud and Corruption Locally 2020

CIPFA Code of Practice on Managing the Risk of Fraud and Corruption

Providing an outline for a coordinated response to fraud and corruption perpetrated against local authorities with the support of those at the top, Fighting Fraud and Corruption Locally (FFCL) sets out **five pillars of activity:**

PROTECTING ITSELF AND ITS RESIDENTS

Recognising the harm that fraud can cause in the community. Protecting itself and its residents from fraud.

GOVERN

Having robust arrangement and executive support to ensure anti-fraud, bribery and corruption measures are embedded throughout the organisation.

ACKNOWLEDGE

Accessing and understanding fraud risks.

Committing the right support and tackling fraud and corruption.

Demonstrating that it has a robust anti-fraud response.

Communicating the risks to those charged with governance.

PREVENT

Making the best use of information and technology.

Enhancing fraud controls and processes.

Developing a more effective anti-fraud culture.

Communicating its activity and successes.

PURSUE

Prioritise fraud recovery and use of civil sanctions.

Developing capability and capacity to punish offenders.

Collaborating across geographical and sectoral boundaries.

Learning lessons and closing the gaps.

GOVERN

Those who are charged with governance support the activity by ensuring that there are robust arrangements and executive support to ensure counter fraud, bribery and corruption measures are embedded throughout the organisation.

The internal arrangements that are put in place should be communicated throughout the organisation and publicly available to demonstrate the culture and commitment to preventing fraud

UDC will demonstrate this by:

/ *Developing a counter fraud and corruption strategy applying to all aspects of the Council's activities which will be communicated throughout the Council and acknowledged by those charged with governance.*

/ *Assessing its fraud and corruption risks, have an action plan to deal with them and regularly report to CMT and Members.*

/ *Presenting an annual report to CMT and GAP to compare against FFCL 2020.*

/ *Briefing CMT and GAP Committee on fraud risks and mitigation.*

/ *CMT and GAP Committee supporting counter fraud work to ensure that it is appropriate in terms of fraud risk and resources.*

/ *Scrutinising weaknesses revealed by instances of proven fraud and corruption and feed back to departments to fraud proof systems.*

ACKNOWLEDGE

In order to create a counter fraud response UDC must acknowledge and understand fraud risks and then demonstrate this by committing the right support and appropriate resource to tackling fraud.

This means undertaking a risk assessment of fraud areas and vulnerabilities, having a plan to address it, and have access to resources with the right capabilities and skills.

UDC will demonstrate this by:

/ *Undertaking an assessment against the risks and horizon scanning of future potential fraud and corruption risks. This assessment will include the understanding of the harm that fraud may do in the community.*

/ *Specifically considering the risks of fraud and corruption in the Council's overall risk management process.*

PREVENT

Fraud can be prevented and detected by making better use of information and technology, enhancing fraud controls and processes and developing a more effective anti-fraud culture.

UDC will demonstrate this by:

i/ *Putting in place arrangements to promote and ensure probity and propriety in the conduct of its activities and prevent and detect fraud and corruption as well as a mechanism for ensuring that this is effective and is reported to CMT and GAP Committee.*

i/ *Putting in place arrangements for monitoring compliance with standards of conduct across the Council covering: Codes of conduct including behaviour for counter fraud, anti-bribery and corruption, Register of Interests, Register of gifts and hospitality.*

i/ *Undertaking recruitment vetting of staff prior to appointment by risk assessing posts and undertaking the checks recommended.*

i/ *Ensuring that there is a zero-tolerance approach to fraud and corruption and independent whistle-blowing policy which can also be accessed by contractors and third parties, is monitored for take up and can show that suspicions have been acted upon without discrimination.*

i/ *Consulting counter fraud staff to review new policies, strategies and initiatives across departments and this activity will be reported to CMT and GAP.*

i/ *Ensuring the fraud response plan covers all areas of counter fraud work and is linked to the audit plan and communicated to CMT and GAP Committee.*

i/ *Ensuring that the Council actively takes part in mandatory NFI exercises and promptly takes action arising from it.*

i/ *Publicise successful cases of proven fraud/corruption to raise awareness.*

PURSUE

Punishing fraudsters and recovering losses by prioritising the use of civil sanctions, developing capability and capacity to investigate fraudsters and developing a more collaborative and supportive law enforcement response on sanctions and collaboration.

UDC will demonstrate this by:

i/ *Reporting statistics maintained by the Counter Fraud team which cover all areas of activity and outcomes.*

i/ *Developing a programme of proactive counter fraud work which covers risks identified in the fraud risk assessment.*

i/ *Collaborating with other Council services and external enforcement agencies, encouraging a corporate approach and co-location of enforcement activity*

i/ *Undertaking prevention measures and projects using data analytics where possible*

i/ *Ensuring the Counter Fraud team have unfettered access to premises and documents for the purposes of counter fraud investigation.*

i/ *Ensuring that there are professionally trained and accredited staff for counter fraud work, with adequate knowledge in all areas of the Council and the counter fraud team has access to specialist staff for surveillance, computer forensics, asset recovery and financial investigations where required.*

PROTECT

UDC will protect public funds, protecting the Council from fraud and cyber-crime and also protecting itself from future frauds as well as protecting against serious and organised crime, protecting individuals from becoming victims of crime and protecting against the harm that fraud can do to the community.

UDC will demonstrate this by:

i/ Assessing fraud resources proportionately to the risk the Council faces and are adequately resourced.

i/ Develop an annual fraud plan which is agreed by CMT and GAP Committee, reflecting resources mapped to risks and arrangements for reporting outcomes. This plan covers all areas of the Council's activities including those undertaken by contractors and third parties or voluntary sectors.

MONITORING AND REVIEW

UDC will consider its performance against each of the following key themes in line with FFCL:

Culture – creating a culture where fraud and corruption are unacceptable and that is measurable

Capability – assessing the full range of fraud risks and ensuring that the range of counter fraud measures deployed is appropriate

Capacity – deploying the right level of resources to deal with the level of fraud risk that is monitored by those charged with governance

Competence – having the right skills and standards commensurate with the full range of counter fraud and corruption activity

Communication – raising awareness internally and externally, deterring fraudsters, sharing information, celebrating successes

Collaboration – working together across internal and external boundaries: with colleagues, with other local authorities, and with other agencies; sharing resources, skills and learning, good practice and innovation, and information

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ANTI-BRIBERY AND CORRUPTION

The Council will follow the guidance issued by the Ministry of Justice on compliance with the Bribery Act. In particular, it will take account of the six principles set out in the guidance as part of ensuring a robust and effective anti-bribery approach.

Proportionate Procedures

The procedures to prevent bribery by persons should be proportionate to the bribery risks faced and to the nature, scale and complexity of the Council's activities. They should also be clear, practical, accessible, effectively implemented and enforced

Top Level Commitment

The Corporate Management Team is committed to preventing bribery by persons associated with the Council and to fostering a culture in which bribery is never acceptable. A report on the Bribery Act 2010 and the introduction of this policy will be approved by the Governance, Audit and Performance Committee.

Risk Assessment

The nature and extent of the Council's exposure to external and internal risks of bribery will be assessed as part of the Council's risk management process. Any risk assessment is intended to be an on-going process based on regular communication and review.

Due Diligence

A proportionate and risk-based approach will be taken in respect of persons and other organisations that perform services for or on behalf of the Council. Due diligence will include an evaluation of the background, experience and reputation of business partners. The transactions will be properly monitored, and written agreements and contracts will provide references to the Bribery Act 2010 and this policy. Reciprocal arrangements may be required for business partners to have their own policies in place. They will be advised of the Council's policy and be expected to operate at all times in accordance with such policy.

Communication (including training)

The Council will ensure that this policy and other related policies and procedures are embedded in the Council's working arrangements through appropriate communication, including training, which is proportionate to the risks the Council faces. The Council's induction programme will include reference to the Bribery Act 2010 and this policy.

Monitoring and Review

This policy, control arrangements, risk management processes and other related policies and procedures designed to prevent bribery and corruption will be monitored, reviewed and improved where necessary on a regular basis. All incidents of bribery or suspected bribery will be reported to GAP Committee.

UTTLESFORD DISTRICT COUNCIL

COUNTER FRAUD
AND CORRUPTION
STRATEGY
2022-2024

ACTION PLAN

Counter Fraud and Corruption Strategy and Policy – Action Plan

Action Ref	Action	CMT Sponsor	Service Manager	Target Start Date	Target Completion Date
GOVERN: Having robust arrangements and executive support to ensure anti-fraud, bribery and corruption measures are embedded throughout the organisation.					
G1	**Develop a Counter Fraud and Corruption Strategy which will be communicated throughout the Council and acknowledged by those charged with governance.**				
ABC Policy	**CMT and GAP are committed to preventing bribery by persons associated with the Council and to fostering a culture in which bribery is never acceptable.**				
G1.1	*Produce Counter Fraud and Corruption Strategy*	P Holt	E Brooks	Dec 21	Feb 22
G1.2	*Review by Counter Fraud Working Group*				Feb 22
G1.3	*Review and approval by CMT*				Mar 22
G1.4	*Review and approval by GAP*				Mar 22
G2	**Assess the Council's fraud and corruption risks, have an action plan to deal with them and regularly report to CMT and Members.**				
ABC Policy	**The nature and extent of the Council's exposure to external and internal risks of bribery will be assessed as part of the Cou-ncil's risk management process. Any risk assessment is intended to be an on-going process based on regular communication and review.**				
G2.1	*Undertake a risk assessment of the Council's activities susceptible to fraud and/or corruption*	P Holt	E Brooks	Apr 22	Aug-22
G2.2	*Review and monitor including any additional actions required.*		CFWG	Ongoing	
G2.3	*Brief CMT and GAP Committee on fraud risks and mitigation through Counter Fraud Annual Report*		E Brooks	Sep-22	Sep/Mar thereafter
G3	**Present an annual report to CMT and GAP to compare the Council's progress against FFCL 2020 and Counter Fraud and Corruption Strategy**	P Holt	E Brooks	Mar-23	Sep/Mar thereafter
G4	**CMT and GAP review annual report to ensure that the Counter Fraud and Corruption Strategy is appropriate in terms of its fraud risk and resources**	P Holt	E Brooks	Mar-23	Sep/Mar thereafter
G5	**Scrutinise weaknesses revealed by instances of proven fraud and corruption and feed back to departments to fraud proof systems.**				
G5.1	*Where fraud is identified, a report will be written outlining weaknesses which led to its perpetration and recommendations made to improve the control framework.*	P Holt	E Brooks	Ad hoc (updates in annual reporting cycle)	

Action Ref	Action	CMT Sponsor	Service Manager	Target Start Date	Target Completion Date
G5.2	*Follow up to be undertaken to assess the progress of implementation of recommendations to assess improvement of the control framework.*	P Holt	E Brooks	Ad hoc (updates in annual reporting cycle)	
ACKNOWLEDGE: Accessing and understanding fraud risks; Committing the right support and tackling fraud and corruption; Demonstrating that it has a robust anti-fraud response; Communicating the risks to those charged with governance.					
A1	**Undertake an assessment against the internal and external risks and horizon scan future potential fraud and corruption risks. Specifically consider the risks of fraud and corruption in the Council's overall risk management process.**				
A1.1	*Undertake a risk assessment of the Council's activities susceptible to fraud and/or corruption.*	P Holt	E Brooks	Apr 22	Aug-22
A1.2	*Ascertain the extent to which fraud and corruption risks are included within service planning and service risk registers.*	ALL	SMT	Apr 22	Aug-22
A1.3	*Review and monitor including any additional actions required.*		CFWG	Ongoing	
A1.4	*Commit the right support to tackle fraud and corruption*				
A1.54	*Brief CMT and GAP Committee on fraud risks and mitigation through Counter Fraud Annual Report*	P Holt	E Brooks	Sep 22	Sep/Mar thereafter
PREVENT: Making the best use of information and technology; Enhancing fraud controls and processes; Developing a more effective anti-fraud culture; Communicating its activity and successes.					
PRE1	**Put in place arrangements to promote and ensure probity and propriety in the conduct of activities and prevent and detect fraud and corruption and for monitoring compliance with standards of conduct across the Council covering: Codes of conduct including behaviour for counter fraud, anti-bribery and corruption, Register of Interests, register of gifts and hospitality, as well as a mechanism for ensuring that this is effective and reported to CMT and GAP Committee.**				
ABC Policy	**The procedures to prevent bribery by persons will be proportionate to the bribery risks faced and to the nature, scale and co-mplexity of the Council's activities. They will be clear, practical, accessible, effectively implemented and enforced, and embedded in the Council's working arrangements through appropriate communication, including training.** **The policy, control arrangements, risk management processes and other related policies and procedures designed to prevent bri-bery and corruption will be monitored, reviewed and improved where necessary on a regular basis.**				
PRE-1.1	*Remind all staff and Members of their role and responsibility in preventing and detecting fraud through promotion of the Counter Fraud and Corruption Strategy.*	ALL	SMT	Sep 22	Ongoing
PRE-1.2	*The roles within the Council (whether a Member, directly employed member of staff, agency, interim, contractor or consultant) most at risk of bribery and corruption will be identified and risk assessed by considering levels of seniority, budgetary responsibility, influences over procurement arrangements and the general nature of their duties.*	ALL	E Brooks	Apr 22	Aug 22

Action Ref	Action	CMT Sponsor	Service Manager	Target Start Date	Target Completion Date
PRE-1.3	*Remind service managers of their responsibility in monitoring these roles to ensure transparency over decision, and any conflicts or failures to disclose are managed appropriately .*	ALL	P Holt	Aug 22	Ongoing
PRE-1.4	*Develop training and awareness activities for new staff and Members (through induction) and existing staff and Members (through refresher training) to underpin understanding of anti-fraud and corruption responsibilities.*	R Auty	E Brooks/ N Roberts	May 22	Sep 22
PRE-1.5	*Remind service managers of their responsibility for establishing and supporting an anti-fraud culture in their services, ensuring all their team members are aware of relevant policies and procedures relating to anti-fraud and bribery, code of conduct etc and adopting a robust control environment, including ensuring any internal audit recommendations are implemented promptly through inclusion in service plans to be monitored and actions reported locally.*	ALL	P Holt	Aug 22	Ongoing
PRE-1.6	*Independent assurance on the effectiveness of the governance, risk management and control environment relating to fraud and corruption to be provided by Internal Audit.*	P Holt	E Brooks	Ongoing	
PRE2	**Undertake recruitment vetting of staff prior to appointment by risk assessing posts and undertaking the checks recommended.**				
ABC	**A proportionate and risk-based approach will be taken in respect of persons and other organisations that perform services for or on behalf of the Council.**				
PRE2.-1	*Review of Safer Recruitment procedures to ensure they mitigate fraud and corruption risks.*	R Auty	N Roberts		
PRE2.2	*Remind service managers of their responsibility for undertaking due diligence to evaluate the background, experience and reputation of business partners.*	ALL	P Holt	Aug 22	Ongoing
PRE2.3	*Written agreements and contracts will provide references to the Bribery Act 2010 and the Council's Counter Fraud and Corruption Strategy and the expectation that they will operate at all times in accordance with such policy.*	A Knight	A Knight		
PRE3	**Ensure that there is a zero-tolerance approach to fraud and corruption and independent whistle-blowing policy.**				
ABC	**All incidents of bribery or suspected bribery will be reported to GAP Committee.**				
PRE3.-1	*Develop new Whistleblowing Policy*			Underway	Aug 22
PRE3.2	*Review by Counter Fraud Working Group*	P Holt	E Brooks		Sep 22
PRE3.3	*Review and approval by CMT and GAP*				Sep 22
PRE3.4	*Produce corresponding Management Procedure*			Underway	Sep 22
PRE3.5	*Promote awareness of new Policy internally and externally*	ALL	SMT	Sep 22	Sep 22

Action Ref	Action	CMT Sponsor	Service Manager	Target Start Date	Target Completion Date
PRE3.6	*Align training to new Policy and promote refresher training*	R Auty	E Brooks/ N Roberts	May 22	Sep 22
PRE3.7	*Whistleblowing Team respond in line with Policy and record concerns and outcomes.*	P Holt	E Brooks/ N Roberts/ J Reynolds	Ongoing	
PRE3.8	*Monitoring Officer will provide regular anonymised report to GAP.*	P Holt	J Reynolds		Mar Annually
PRE4	**Consult counter fraud staff to review new policies, strategies and initiatives across departments and this activity will be reported to CMT and GAP.**				
PRE4.-1	*Remind service managers that new policies, procedures, strategies etc that may be connected to a fraud and/or corruption risk should be reviewed by the Counter Fraud Working Group for comments/amendments and to inform the Counter Fraud Risk Register.*	ALL	P Holt	Aug 22	Ongoing
PRE4.2	*Counter Fraud Working Group activity will be included in the Counter Fraud Annual Report to CMT and GAP.*	P Holt	E Brooks	Sep 22	Sep/Mar thereafter
PRE5	**Ensure the fraud response plan covers all areas of counter fraud work and is linked to the audit plan and communicated to CMT and GAP Committee.**				
PRE5.-1	*Produce Fraud Response Plan aligned to new Counter Fraud and Corruption Strategy and including specialist fraud areas i. e., Tenancy Fraud, Council Tax. Prevention of Money Laundering.*	P Holt	E Brooks	Underway	Aug 22
PRE5.2	*Review by Counter Fraud Working Group*				Sep 22
PRE5.3	*Review and approval by CMT and GAP*				Sep 22
PRE5.4	*Promote awareness of new Fraud Response Plan internally and externally*	ALL	SMT	July 22	Ongoing
PRE6	**Ensure that the Council actively takes part in mandatory NFI exercises and promptly takes action arising from it.**				
PRE6.-1	*Produce an NFI operations protocol outlining roles and responsibilities for partaking in exercises, including prompt review of matches.*	P Holt	E Brooks	Aug 22	Sep 22
PRE6.2	*Counter Fraud Working Group will review matches to consider any weakness/root causes and update Counter Fraud Risk Register accordingly.*	P Holt	CFWG	Ongoing	
PRE7	**Publicise successful cases of proven fraud/corruption to raise awareness**	P Holt	CFWG	Ad hoc (updates in annual reporting cycle)	

Action Ref	Action	CMT Sponsor	Service Manager	Target Start Date	Target Completion Date
PURSUE: *Prioritise fraud recovery and use of civil sanctions; Developing capability and capacity to punish offenders; Collaborating across geographical and sectoral boundaries; Learning lessons and closing the gaps.*					
PU1	**Reporting statistics maintained by the Counter Fraud team which cover all areas of activity and outcomes.**				
PU1.-1	*Transparency Code and NFI statistics will be collated annually and reported to CMT and GAP.*	P Holt	E Brooks	Apr 22	Mar Annually
PU1.2	*Statistics will be review by Counter Fraud Working Group to determine any trends/root causes and update Counter Fraud Risk Register accordingly.*	P Holt	CFWG	ongoing	
PU2	**Developing a programme of proactive counter fraud work which covers risks identified in the fraud risk assessment.**				
PU2.-1	*Internal Audit will align their Internal Audit Annual Plan with Fraud Risk Assessment*	J Reynolds	E Brooks	Dec 22	Mar 23
PU2.2	*Individual audit scopes will consider the Fraud Risk assessment and consider the prevention and detection of fraud.*	J Reynolds	E Brooks	ongoing	
PU3	**Collaborating with other Council services and external enforcement agencies, encouraging a corporate approach and co-location of enforcement activity**				
PU3.-1	*Counter Fraud Working Group will meet quarterly in line with its terms of reference and programme of work.*	P Holt	E Brooks	Feb 22	Quarterly thereafter
PU3.2	*Counter Fraud Working Group activity will be included in the Counter Fraud Annual Report to CMT and GAP.*	P Holt	E Brooks	Sep 22	Sep/Mar thereafter
PU3.3	*Counter Fraud Working Group to consider engagement plan with external agencies.*	P Holt	CFWG	Sep 22	Dec 22
PU3.4	*Demonstrate a commitment to pursuing the full range of available sanctions (criminal, civil, disciplinary and regulatory) against those found to have committed fraud and seek to recover funds that have been lost or diverted through fraud*				
PU4	**Undertake prevention measures and projects using data analytics where possible.**				
PU4. 1	*Internal Audit to consider use of data analytics in its annual key financial systems review and other counter fraud work where applicable.*	J Reynolds	E Brooks	ongoing	
PU5	**Ensure that there are professionally trained and accredited staff for counter fraud work, with adequate knowledge in all areas of the Council and the counter fraud team has access to specialist staff for surveillance, computer forensics, asset recovery and financial investigations where required.**				
PU5. 1	*Skills analysis ~~undertaken~~ to be undertaken by the Counter Fraud Working Group with training needs identified.*	P Holt	CFWG	May 22	Sep 22
PU5.2	*Training undertaken as required or identified skills gaps to be considered for inclusion in the fraud risk assessment.*	P Holt	CFWG	Jul 22	Mar 23

Action Ref	Action	CMT Sponsor	Service Manager	Target Start Date	Target Completion Date
PU5.3	*Counter Fraud Working Group to consider engagement plan with external specialist support where required.*	P Holt	CFWG	Sep 22	Dec 22
PROTECTING ITSELF AND ITS RESIDENTS: *Recognising the harm that fraud can cause in the community. Protecting itself and its residents from fraud.*					
PRO1	**Assess fraud resources proportionately to the risk the Council faces and are adequately resourced.**				
PRO1.1	*Resource analysis ~~undertaken~~ to be undertaken by the Counter Fraud Working Group with any gaps identified.*	P Holt	CFWG	Sep 22	Dec 22
PRO1.2	*Capacity gaps to be considered for inclusion in the fraud risk assessment.*	P Holt	CFWG	Sep 22	Dec 22
PRO1.3	*Counter Fraud Working Group to consider engagement plan with external support where required.*	P Holt	CFWG	Sep 22	Dec 22
PRO2	**Develop an annual fraud plan which is agreed by CMT and GAP Committee, reflecting resources mapped to risks and arrangements for reporting outcomes. This plan covers all areas of the Council's activities including those undertaken by contractors and third parties or voluntary sectors**				
PRO2. 1	*Annual fraud plan to be reviewed by Counter Fraud Working Group*	P Holt	E Brooks	Dec 22	Mar 23
PRO2.2	*Annual fraud plan will be included in the Counter Fraud Annual Report to CMT and GAP.*	P Holt	E Brooks	Mar 23	Sep/Mar thereafter
PRO3	**Protecting residents from fraud**				
PRO3.1	*Provide support and guidance across the community to help residents and stakeholders protect themselves against fraud, and advice on how to refer their concerns to appropriate bodies when fraud occurs.*				

<div align="right">**Appendix A**</div>

Action Plan (By Quarter[1])

Q4 (Jan to Mar 2022)

Action Ref	Action	Service Manager	CFWG	CMT/GAP
G1. 1 to 1.4	*Produce Counter Fraud and Corruption Strategy, review by CFWG, and approval CMT and GAP*	E Brooks	Mar-22	Mar-22

Q1 (Apr to Jun 2022 – Delayed to Sep 22)

Action Ref	Action	Service Manager	CFWG	CMT/GAP
G2. 1 & A1.1	*Undertake a risk assessment of the Council's activities susceptible to fraud and/or corruption*	E Brooks	Sep 22	
PRE 1.2	*The roles within the Council (whether a Member, directly employed member of staff, agency, interim, contractor or consultant) most at risk of bribery and corruption will be identified and risk assessed by considering levels of seniority, budgetary responsibility, influences over procurement arrangements and the general nature of their duties.*	E Brooks	Sep 22	
A1.2	*Ascertain the extent to which fraud and corruption risks areis included within service planning and service risk registers.*	SMT	Sep 22	
G2.2 & A1.3	*Review and monitor including any additional actions required.*	CFWG	Sep 22	
G2.3 & A1.4	*Brief CMT and GAP Committee on fraud risks and mitigation through Counter Fraud Annual Report*	E Brooks		Sep 22
PRE3. 1, 3.2, 3.3	*Develop new Whistleblowing Policy, review by CFWG, and approval CMT and GAP*	E Brooks	Sep 22	Sep 22
PRE3.4	*Produce corresponding Management Procedure*	E Brooks	Sep 22	

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[1] If the above insertions are accepted, they would need to be added to this section.

Action Ref	Action	Service Manager	CFWG	CMT/GAP
PRE5.1, 5.2, 5.3	*Produce Fraud Response Plan aligned to new Counter Fraud and Corruption Strategy and including specialist fraud areas i.e., Tenancy Fraud, Council Tax. Prevention of Money Laundering. review by CFWG, and approval CMT and GAP*	E Brooks	Sep 22	Sep 22
PU1.1	*Transparency Code and NFI statistics will be collated annually and reported to CMT and GAP* (Transparency Figures to be updated on Website (January going forward).	E Brooks	Sep 22	Sep 22
PU1.2	*Statistics will be reviewed by Counter Fraud Working Group to determine any trends/root causes and update Counter Fraud Risk Register accordingly.*	CFWG	Sep 22	
PU5.1	*Skills analysis undertaken to be undertaken by the Counter Fraud Working Group with training needs identified.*	CFWG	Sep 22	
PRE1.4	*Develop training and awareness activities for new staff and Members (through induction) and existing staff and Members (through refresher training) to underpin understanding of anti-fraud and corruption responsibilities.*	E Brooks/ N Roberts	Sep 22	
PRE3.6	*Align training to new Counter Fraud Strategy and promote refresher training*	E Brooks/ N Roberts	Sep 22	

Q2 (Jul to Sep 2022)

Action Ref	Action	Service Manager	CFWG	CMT/GAP
PRE1.1	*Remind all staff and Members of their role and responsibility in preventing and detecting fraud through promotion of the Counter Fraud and Corruption Strategy.*	P Holt/ CMT/SMT		
PRE1.3	*Remind service managers of their responsibility in monitoring these roles to ensure transparency over decision, and any conflicts or failures to disclose are managed appropriately.*	P Holt/ CMT/SMT		

Action Ref	Action	Service Manager	CFWG	CMT/GAP
PRE-1.5	*Remind service managers of their responsibility for establishing and supporting an anti-fraud culture in their services, ensuring all their team members are aware of relevant policies and procedures relating to anti-fraud and bribery, code of conduct etc and adopting a robust control environment, including ensuring any internal audit recommendations are implemented promptly through inclusion in service plans to be monitored and actions reported locally.*	P Holt/ CMT/SMT		
PRE2.2	*Remind service managers of their responsibility for undertaking due diligence to evaluate the background, experience and reputation of business partners.*	P Holt/ CMT/SMT		
PRE3.5 & 5.4	*Promote awareness of new Strategy and Policy and Fraud Response Plan internally and externally*	P Holt/ CMT/SMT		
PRE4. 1	*Remind service managers that new policies, procedures, strategies etc that may be connected to a fraud and/or corruption risk should be reviewed by the Counter Fraud Working Group for comments/amendments and to inform the Counter Fraud Risk Register.*	P Holt/ CMT/SMT		
PU5.2	*Training undertaken as required or identified skills gaps to be considered for inclusion in the fraud risk assessment.*	CFWG	Jul 22 (start)	
PRE3.6	*Align training to new Counter Fraud Strategy and promote refresher training*	E Brooks/ N Roberts	Jul 22 (complete)	
PRE4.2	*Counter Fraud Working Group activity will be included in the Counter Fraud Annual Report to CMT and GAP.*	E Brooks	Sep-22	Sep-22
PRE6.1	*Produce an NFI operations protocol outlining roles and responsibilities for partaking in exercises, including prompt review of matches.*	E Brooks	Sep-22	
PU3.2	*Counter Fraud Working Group activity will be included in the Counter Fraud Annual Report to CMT and GAP.*	E Brooks	Sep-22	Sep-22
PU3.3	*Counter Fraud Working Group to consider engagement plan with external agencies.*	CFWG	Sep-22	

Action Ref	Action	Service Manager	CFWG	CMT/GAP
PRE-1.4	*Develop training and awareness activities for new staff and Members (through induction) and existing staff and Members (through refresher training) to underpin understanding of anti-fraud and corruption responsibilities.*	E Brooks/ N Roberts	Sep-22 (complete)	

Q3 (Oct to Dec 2022)

Action Ref	Action	Service Manager	CFWG	CMT/GAP
PRE2.-1	*Review of Safer Recruitment procedures to ensure they mitigate fraud and corruption risks.*	N Roberts	Dec-22 (complete)	
PRE2.3	*Written agreements and contracts will provide references to the Bribery Act 2010 and the Council's Counter Fraud and Corruption Strategy and the expectation that they will operate at all times in accordance with such policy.*	A Knight	Dec-22 (complete)	
PRO1.1	*Resource analysis undertaken to be undertaken by the Counter Fraud Working Group with any gaps identified.*	CFWG	Dec-22 (complete)	
PRO1.2	*Capacity gaps to be considered for inclusion in the fraud risk assessment.*	CFWG	Dec-22 (complete)	
PU5.3 and PRO1.3	*Counter Fraud Working Group to consider engagement plan with external support where required.*	CFWG	Dec-22 (complete)	
PU5.2	*Training undertaken as required or identified skills gaps to be considered for inclusion in the fraud risk assessment.*	CFWG	Dec-22 (complete)	

Q4 (Jan to Mar 2023)

Action Ref	Action	Service Manager	CFWG	CMT/GAP
G3 & G4	*Present an annual report to CMT and GAP to compare the Council's progress against FFCL 2020 and Counter Fraud and Corruption Strategy and to ensure that the Counter Fraud and Corruption Strategy is appropriate in terms of its fraud risk and resources.*	E Brooks	Mar-23	Mar-23
G5.1	*Where fraud is identified, a report will be written outlining weaknesses which led to its perpetration and recommendations made to improve the control framework.*	E Brooks	Mar-23	Mar-23
G5.2	*Follow up to be undertaken to assess the progress of implementation of recommendations to assess improvement of the control framework.*	E Brooks	Mar-23	Mar-23
PRE3.8	*Monitoring Officer will provide regular anonymised report to GAP.*	J Reynolds	Mar-23	Mar-23
PRE7	*Publicise successful cases of proven fraud/corruption to raise awareness*	CFWG	Mar-23	Mar-23
PU1.1	*Transparency Code and NFI statistics will be collated annually and reported to CMT and GAP.*	E Brooks	Mar-23	Mar-23
PU1.2	*Statistics will be review by Counter Fraud Working Group to determine any trends/root causes and update Counter Fraud Risk Register accordingly.*	CFWG	Mar-23	Mar-23
PU2.1	*Internal Audit will align their Internal Audit Annual Plan with Fraud Risk Assessment*	E Brooks	Mar-23	Mar-23
PU3.2	*Counter Fraud Working Group activity will be included in the Counter Fraud Annual Report to CMT and GAP.*	E Brooks	Mar-23	Mar-23
PRO2.1 & PRO2.2	*Annual fraud plan to be reviewed by Counter Fraud Working Group and included in the Counter Fraud Annual Report to CMT and GAP.*	E Brooks	Mar-23	Mar-23

Ongoing

Action Ref	Action	Service Manager
G2.2 & A1.3	*Review and monitor including any additional actions required in Counter Fraud Risk Register.*	CFWG
G5.1	*Where fraud is identified, a report will be written outlining weaknesses which led to its perpetration and recommendations made to improve the control framework.*	E Brooks
G5.2	*Follow up to be undertaken to assess the progress of implementation of recommendations to assess improvement of the control framework.*	E Brooks
PRE1.6	*Independent assurance on the effectiveness of the governance, risk management and control environment relating to fraud and corruption to be provided by Internal Audit.*	E Brooks
PRE3.7	*Whistleblowing Team respond in line with Policy and record concerns and outcomes.*	E Brooks/ N Roberts/ J Reynolds
PRE6.2	*Counter Fraud Working Group will review matches to consider any weakness/root causes and update Counter Fraud Risk Register accordingly.*	CFWG
PU2.2	*Individual audit scopes will consider the Fraud Risk assessment and consider the prevention and detection of fraud.*	E Brooks
PU3.1	*Counter Fraud Working Group will meet quarterly in line with its terms of reference and programme of work.*	CFWG
PU4.1	*Internal Audit to consider use of data analytics in its annual key financial systems review and other counter fraud work where applicable.*	E Brooks

WHISTLEBLOWING POLICY (HRP61)

What is Whistleblowing?

Whistleblowing is the term used when a person passes on information concerning wrongdoing.

In order to be covered by whistleblowing law (Public Interest Disclosure Act 1998 and Employment Rights Act 1996), a person who makes a disclosure must reasonably believe two things:

1) That they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.

2) That they reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- criminal offences (this may include, for example, types of financial impropriety such as fraud)

- failure to comply with an obligation set out in law

- miscarriages of justice

- endangering of someone's health and safety

- damage to the environment

- covering up wrongdoing in the above categories

Any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council relating to these categories can be reported under this Whistleblowing Policy. This Policy is intended to enable those who become aware of wrongdoing in the Council, to report their concerns at the earliest opportunity so that they can be properly investigated.

If the nature of your concern is outside of these categories, other Council policies may be more appropriate for raising the issue e.g.:

- **Safeguarding**

- **Employee Grievance Policy**

- **Procedure for Considering a Complaint under the Code of Conduct for Councillor**

Principles of this Policy

- To enable the Council to take action against any potential wrongdoing to achieve the highest possible standards of service, including honesty, openness and accountability.

- To provide a framework to encourage individuals to feel confident in raising concerns and provide avenues in which to raise them.

- To ensure that all disclosures raised are dealt with appropriately, consistently, fairly and professionally, without fear of reprisal or victimisation for reporting in good faith the public interest.

- To ensure that the Public Interest Disclosure Act 1998 and Employment Rights Act 1996 is are applied in all cases.

This policy applies to:

- All permanent, temporary and casual employees of Uttlesford District Council *(NB Any clauses in settlement agreements do not prevent employees from making disclosures in the public interest)*

- Uttlesford District Council Councillors

- Agency workers

- Members of the public [1]

- Contractors working for UDC on Council premises, for services under a contract or in partnership with the Council in their own premises

Informal procedure

Some employee concerns of wrongdoing can quickly be resolved informally in discussion with your line manager, Service Manager, Assistant Director and/or Director.

In the event an employee feels unable to approach their manager, a representative from the Trade Union could be an appropriate contact for a employee to approach instead.

We encourage you to raise concerns as early as practicably possible and seek resolution in this way.

Formal procedure

If it is not possible or appropriate to resolve your concerns internally, or if you consider the matter is too serious to be handled informally, you can follow the formal procedure.

Anyone internal or external to the Council can report concerns of wrongdoing using the Council's Report Fraud Form. The form will be emailed to the Council's Audit Manager (Elizabeth Brooks). Alternatively, your concerns can be emailed directly to the Whistleblowing team as follows:

- Audit Manager (Wendy Lancaster, wlancaster@uttlesford.gov.uk Elizabeth Brooks) if the concern relates to suspicion of fraud or bribery

- HR Manager (Nicola Roberts, nroberts@uttlesford.gov.uk) if the concern relates to employee behaviour

- Monitoring Officer (Jane Reynolds, jreynolds@uttlesford.gov.uk) if the concern relates to Councillor behaviour.

A member of the Whistleblowing team will contact you within 5 working days where possible to acknowledge receipt of your concerns and give guidance on next steps.

Alternatively, if this route is not appropriate due to the officers involved, then please contact:

- the Section 151 Officer, Adrian Webb on 01799 510421 awebb@uttlesford.gov.uk; or

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[1] Members of the public are not the subject of the legislation

- the Chief Executive, Peter Holt on 01799 510400 pholt@uttlesford.gov.uk

To help ensure your concerns are addressed as soon as possible please provide as much information as possible. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation and advising when and where you can be contacted.

The Council's Audit Manager[INSERT JOB TITLE] is responsible for the maintenance and operation of this policy.

The action taken by the Council will then depend on the nature of the concerns but where appropriate, the matters raised may:

- be investigated internally; or
- be referred to the Police/External Auditor/other relevant independent body. Where it necessary to refer to an external party, we reserve the right to make such a referral without an individual's consent.

Protection in disclosure

Where a concern is raised in confidence, UDC will protect the identity of the whistleblower wherever possible. However there may be circumstances where this is not possible, for example where the whistleblower is an essential witness, we may be unable to investigate a situation further without revealing the whistleblower's identity. Should such a situation arise, we will discuss this directly with the whistleblower.

Any concerns raised anonymously will be considered, but may prove more difficult or impossible to investigate due to the anonymous status.

When making a protected disclosure, the whistleblower has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by the Council in line with the Public Interest Disclosure Act 1998 and Employment Rights Act 1996. In the event that a person believes they are being subjected to a detriment by any other person within the Council as a result of their decision to disclose, they must inform their line manager or contact the Whistleblowing Team, and appropriate action will be taken to protect them from any reprisals.

A central record of all Whistleblowing concerns raised and the outcomes (in a form which does not endanger your confidentiality) is held by the Whistleblowing Team.

Raising the concern outside of UDC

Ideally you will feel able to make a disclosure to the Council, however, it is recognised that In exceptional circumstances you may consider the matter too serious or sensitive to raise internally.

There are therefore other ways that a whistleblower can make a disclosure without losing their rights under whistleblowing law. One option for external disclosures of this type is using a **prescribed person**. Such a disclosure will be protected under the whistleblowing laws if the whistleblower reasonably believes 1) that the relevant failure falls within any description of matters in respect of which that person is so prescribed,and 2) that the information disclosed, and any allegation contained in it, are substantially true. Prescribed persons are mainly regulators and professional bodies and will have individual policies and procedures for handling concerns and complaints. Generally these will be accessible on their websites.

External Auditors – the Council's external auditors are BDO LLP and are completely independent from the Council. The BDO named contact for Whistleblowing concerns relating to this Council is:

Aphrodite Lefevre, BDO LLP: Tel: 01603 615914; email: aphrodite.lefevre@bdo.co.uk

The Local Government Ombudsman – this is an independent body set up by the Government to deal with complaints against Councils in the United Kingdom. ~~Advice~~ They may provide advice and can be contacted on 0300 061 0614. https://www.lgo.org.uk/

In addition, you can also blow the whistle to your legal adviser or to your MP. However, it should be noted that reporting your concern to the media may lead, in most cases, to losing whistleblowing law rights.

Suspicions of fraud or corruption can also be reported directly to the Police through Action Fraud the UK's national fraud and cyber crime reporting centre on 0300 123 2040. https://www.actionfraud.police.uk/reporting-fraud-and-cyber-crime

Support for Whistleblowers

It is recognised that raising concerns can be difficult and stressful. Advice, Counselling and Support is available via an employee's line manager, Human Resources or Trade Union representative. It should also be recognised that employees who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although not from the same individuals.

You may invite your trade union or professional association to raise a matter on your behalf. You may also invite your trade union, professional association representative or a friend to be present during any meeting or interviews in connection with the concerns you have raised.

As an employee you can also discuss your concerns with Protect (formally Public Concern at Work), which is a charity that provides free and strictly confidential legal help. They operate a helpline on 020 3117 2520 or can be e-mailed at whistle@protect-advice.org.uk   More information is on their website at www.protect-advice.org.uk ~~www.pcaw.org.uk~~

The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, meetings may, if necessary, be arranged off-site with you and your representation, and if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice and mentoring about the procedure.

Training, Review and Oversight

The Council will take the following steps to ensure effective implementation of whistleblowing arrangments:

1. Training staff members at all levels.

2. Conducting periodic audits of the effectiveness of whistleblowing arrangements which will include:

    a. A record of the number and type of concerns raised, and outcomes of investigations.

b. Feedback received from individuals who have used the arrangements.

c. Any complaints of victimisation.

d. Any complaints of failures to maintain confidentiality.

e. A review of other existing reporting mechanisms, such as fraud, incident reporting or health and safety reports.

f. A review of other adverse incidents that could have been indentified by staff (e.g. consumer complaints, publicity or wrongdoing identified by third parties).

g. A review of any relevant litigation.

h. A review of staff awareness, trust and confidence in the arrangements.

3. Independently overseeing and reviewing the whistleblowing arrangments by the Governance, Audit and Performance Committee. This body should set the terms of reference for the periodic audits and should review the reports.

Fraud Response Plan

Introduction

Uttlesford District Council (UDC) is committed to protecting public funds by the prevention, detection, deterrence and redress of all forms of fraud and corruption as set out in the Council's Counter Fraud and Corruption Strategy.

This Fraud Response Plan provides guidance to employees, managers and the public to define responsibilities for action and reporting lines in the event of suspected fraud or corrupt activity. The use of the plan should enable to the Council to prevent loss of public money, recover losses and establish and secure the evidence necessary for any civil, criminal or disciplinary action.

The Fraud Response Plan should also provide direction to take appropriate action against those responsible for any fraud or corrupt act.

Associated Council documents include:

- Counter Fraud and Corruption Strategy
- Whistleblowing Policy
- Disciplinary Policy
- Code of Conduct (Members and Officers)
- Financial Regulations

Notifying Suspected Fraud

The action taken when a suspected case of fraud, bribery or corruption is first found might be vital to the success of any investigation that follows, therefore it is important that actions are in line with this plan.

The Council's Whistleblowing Policy has been written to protect those reporting their concerns and encourages people to report any suspected incidents of fraud or corrupt acts. If you are still unsure of the action to take, you should immediately contact the Audit Manager, the S151 Officer or the Monitoring Officer.

Care should be taken by anyone who suspects fraud or corruption and any officer to whom the suspicion is reported, to retain any evidence and make an immediate note of the issues and concerns.

Suspicions should not be discussed with anyone other than the officer with whom the issues have been raised. Under no circumstances should there be an attempt to investigate the matter on their own.

In cases of suspected money laundering, immediately advise the Council's designated Money Laundering Reporting Officer (see the Anti-Money Laundering Policy).

Any suspicions of fraud should ultimately be reported to the Audit Manager who will collate information on all suspected fraud, theft or corruption and its outcome, across the Council as

part of their assessment of the effectiveness of Counter Fraud and Corruption Strategy and the system of internal control, as a key part of the Council's assurance framework.

It is the responsibility of the Audit Manager to keep the S151 Officer and Monitoring Officer informed of any suspicions of fraud or corruption and where appropriate the Chief Executive and/or Leader. Where an allegation involves an employee, HR will also be consulted with the Service Manager as to what, and by whom, action should be taken.

The action then taken by the Council will depend on the nature of the concern.

Management Response to allegation of theft, fraud or corruption

Where managers are informed of concerns initially:

- Listen to the concerns of staff and treat every report seriously and sensitively

- Obtain as much information as possible, including any notes or evidence to support the allegation, though do not interfere with this evidence and ensure it is kept secure.

- An evaluation of the case should include the following details:
  - o Outline of allegations
  - o Officers involved, including job role and line manager
  - o Amount involved/materiality/impact
  - o Involvement of other parties
  - o Timescales – one off/ongoing
  - o Evidence – where held and access

- Contact the Audit Manager to discuss the allegation and agree any proposed action.

Internal Audit Response to allegation of theft, fraud or corruption

On receipt of an allegation, the Audit Manager will make initial enquiries to:

- Determine the factors that gave rise to the suspicion

- Examine the factors to determine whether a genuine mistake hasd been make made or whether a fraud or irregularity has occurred.

- Where necessary, carry out discreet enquiries and/or review documents

- Risk assess the referral to determine the suitability of the case for investigation

Depending on the outcome, the case may be closed or a more detailed investigation organised with appropriately qualified Investigating Officer appointed. The Audit Manager will liaise with the relevant Service Manager, HR, S151 Officer and/or Monitoring Officer as appropriate to decide on the type and course of the investigation.

This may include referring cases to the Police where necessary, for informal advice and/or further investigation. Care will be taken to ensure that internal disciplinary procedures are followed but do not prejudice any criminal investigation.

Internal Investigation

The Investigating Officer will:

- Record and retain all evidence obtained in line with relevant legislation and consider regulatory and legal considerations.

- Interview suspects where appropriate, which may take the form of an interview under caution under Police and Criminal Evidence (PACE) conditions.

- Where applicable, interview and/or take statements from witnesses

- Liaise with other agencies where necessary e.g. the Police, the Crown Prosecution Service, Department of Works and Pensions, HMRC etc, concerning a potential prosecution where the evidential test (i.e. there is sufficient evidence) and public interest test are met.

- Involve HR where the investigations involves a member of staff.

- When appropriate notify the Council's insurance service of possible loss and the recovery action being attempted. The Council's insurance service should advise the Council's insurer promptly to keep open the possibility of making a claim.

- Report to key parties, and where appropriate, recommend the action to be taken by management in accordance with the Counter Fraud and Corruption Strategy and the Council's Disciplinary Procedures.

Sanctions and Prosecution Policy

Employees may be subject to disciplinary procedures initiated independently of any decision to seek prosecution, in liaison with HR. In the event of Member involvement in theft, fraud or corruption, the Council's Monitoring Officer will intervene in liaison with the Council's Standards Committee.

Depending on the seriousness of the allegations or if a criminal offence is discovered, then the case will be referred to the Police for investigation. Where following a police investigation the police or the Crown Prosecution Service decide not to prosecute, the Monitoring Officer will consider whether the evidence obtained is such that there is a reasonable prospect of securing civil action to recover any loss to the Council.

Where offences relate to corruption or the Bribery Act 2010, only the Crown Prosecution Services can prosecute these offences.

Recovery of Losses

Whenever fraud has been proved, the Council will make every effort to recover the losses. The method used will vary depending on the type of loss and the regulations and powers available, such as the use of Financial Investigators, who may use their designated powers under the Proceeds of Crime Act 2002 to maximise the penalty and level of recovery by the Council.

Reporting and Recording

Whoever has reported the alleged fraud or corruption should be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcome of any investigation and whether any changes/improvement will be made to systems and procedures as a consequence.

A central record of all reported allegations of fraud and corruption will be maintained.

Confidentiality and Publicity

Details of any investigation are strictly confidential and must therefore not be discussed or conveyed to anyone other than the relevant management representatives and the nominated investigation team.

If the media becomes aware of an investigation and attempts to contact members of the investigating team or any other employees, no disclosure of the alleged fraud and investigation can be given.

All matters relating to statements to the media will be dealt with through the AD for Corporate Services, including details of successful prosecutions where appropriate to publicise the Council's zero tolerance of fraud and corruption.

Do's and Don'ts

DO	DON'T
Make a note of your concerns Write down the nature of your concerns and relevant details, such as what is said in conversations, the names and if known, the position of those involved Notes do not need to be overly formal, but should be timed, signed and dated, and held in a secure place Timeliness is most important to avoid misremembering any facts. Note the date and time when the suspicion was reported.	**Be afraid of raising your concerns** The Public Interest Disclosure Act provides protection to those who raise reasonably held concerns through the appropriate channels – see the guidance in the Council's Whistleblowing Policy.
Report your concerns promptly Follow the guidance in the Council's Whistleblowing Policy and if you are unsure, contact the Audit Manager.	**Convey your concerns to anyone other than authorised persons** There may be a perfectly reasonable explanation for the events that give rise to your suspicions and it is important that innocent persons and reputation of the Council are not harmed unnecessarily.
Retain any evidence you may have The quality of evidence is crucial and more direct and tangible the evidence, the better the chances of an effective action. Retain and keep all relevant records/evidence in a secure and confidential location.	**Approach the person you suspect or try to investigate the matter** There are special rules relating to the gathering of evidence for use in criminal cases to protect human rights. Any attempt to gather evidence by persons who are unfamiliar with these rules may prevent appropriate action being taken. Don't interfere with or alter any documentary or computer based evidence as a result of an suspicion. Don't attempt to question or interview anyone unless authorised to do so.

UDC Inherent Fraud Risk Assessment 2022 - DRAFT

*N.B. Inherent Risk indicates the Council's fraud risk profile <u>before</u> local controls/other mitigation are considered. The rating considers the latest external sources indicating higher risk areas for all similar local authorities, and the scope and focus of UDC activities.

Ref	Fraud Risk Area	Description	Inherent Risk*	Notes on inherent risk rating	Existing Controls	Quality of Controls	Control Testing/Assurance	Residual Risk	Risk Treatment Plan
CFR 001	**Council tax**	Abuse of local council tax support, single person and other discounts, refund scams, failure to register (Rising 18's)	Very High	Council tax continues to be the largest area of identified fraud and is the top fraud risk area for district councils per CFACT	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022 which will then develop a response to mitigate the risk**				
CFR 002	**Social housing & tenancy fraud**	False applications, misallocation for personal gain, exchange and succession fraud, illegal subletting, Right to Buy/Right to Acquire	Very High	High cost of placing tenants can result in significant financial savings; property recovery has direct impact on homelessness prevention; highest value of all local authority fraud cases surveyed per CFACT	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022 which will then develop a response to mitigate the risk**				
CFR 003	**Procurement and contracting**	Collusion to distort fair an open competition; collusion between bidders; submission of false documents for payment; collusion with contractors etc. post-award contract management etc	Very High	Focus of UK Government Anti-Corruption Strategy 2017-2022; 4th highest value of all local authority fraud cases surveyed per CFACT	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022 which will then develop a response to mitigate the risk**				
CFR 004	**Non-domestic rates**	Abuse of exemptions, discounts and reliefs; unlisted, vacant, extended premises; phoenixing; refund scams	Very High	Third highest perceived fraud risk per CFACT	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022 which will then develop a response to mitigate the risk**				
CFR 005	**Covid-19 Business Grants**	False grant applications; misuse of public funds	Very High	At height of C19 the Council was directed to distribute large of money quickly. HMG retains right to claw back payments paid out incorrectly.	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022 which will then develop a response to mitigate the risk**				
CFR 006	**Housing Benefit**	False applications, including undeclared income or partners.	Very High	HB Fraud Investigation is the responsibility of the DWP, however poor preventative controls enabling fraudulent/erroneous claims would lead to loss of HB subsidy (direct financial impact on the Council).	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022 which will then develop a response to mitigate the risk**				
CFR 007	**Data theft and other cyber crime**	Data solicited or taken forcibly by external parties and/or used by insiders for personal gain, e.g. theft of	Very High	Significant regulatory, financial and reputational impacts.	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022 which will then develop a response to mitigate the risk**				

Ref	Fraud Risk Area	Description	Inherent Risk*	Notes on inherent risk rating	Existing Controls	Quality of Controls	Control Testing/Assurance	Residual Risk	Risk Treatment Plan
		personal data to perpetrate identify fraud.	Very High						
CFR 008	**Decision-making**	Corruption including bribery and improper influence, failure to declare conflicts/gifts, suppressing or providing false information, to sway decisions or affect outcome	Very High	The Council is responsible for awarding a wide range of permissions, concessions, licences, planning and benefits etc. Corrupt practices may have wide-ranging impacts on residents.	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022 which will then develop a response to mitigate the risk**				
CFR 009	**Corporate property/ Investments**	Purchase, sale or letting of property at anything other than market value/rate; provision of services without charge	Very High	High value transactions, Council reliance on income, specialist technical area, susceptibility to influence at senior level	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022 which will then develop a response to mitigate the risk**				
CFR 010	**Mandate fraud**	Diversion of payments, internally or following false requests (often cyber-enabled)	High	Inherent risk of high value transactions in various Council activities, including property development and treasury management	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022**				
CFR 011	**Grants to individuals and voluntary sector**	False claims to secure a grant or demonstrate terms have been met, diversion of funds, abuse of position to award grants	High	Grant to the third sector a focus of UK Government Anti-Corruption Strategy 2017-2022; high reputational risk in the event of proven conflict of interest	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022**				
CFR 012	**Recruitment**	False applications and identity fraud	High	Penalties for Right to Work infringement; enabler of other fraud once employed	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022**				
CFR 013	**Payroll and expenses**	False entries, inflation of payments, false claims for expenses and overtime, abuse of medical and other absences, IR35	High	Large and complex payroll with a number of schemes. IR35 maladministration carries financial penalties.	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022**				
CFR 014	**Manipulation of data/ false accounting**	Omitting or making misleading, false or deceptive entries in a document or account	High	Enabler of other types of fraud.	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022**				
CFR 015	**Voting fraud**	Fraudulent or corrupt acts by voters, candidates, canvassers, poll clerks and officers, and/or count staff etc.	High	Integrity of the vote is a reputational risk.	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022**				
CFR 016	**Money laundering**	Exchanging money or assets that were obtained criminally for money or other assets that are 'clean'.	High	Susceptibility due to large transactions	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022**				

Ref	Fraud Risk Area	Description	Inherent Risk*	Notes on inherent risk rating	Existing Controls	Quality of Controls	Control Testing/Assurance	Residual Risk	Risk Treatment Plan
CFR 017	**Theft**	Of cash (and equivalents e.g. funds via procurement cards) and other assets for resale or personal use, including IT equipment, stores, fuel	High	Cash use is reducing but still widespread; large range of assets with inevitable element of trust	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022**				
CFR 018	**Income collection fraud – other**	Abuse of payment card data; invalid discount or other reduction in fees, invalid cancellation or refunds/write-offs; fraudulently avoiding payment of debts, misuse of grants receivable	Medium	Large number of disparate income sources and systems; Council reliance on self-generated income	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022**				
CFR 019	**Insurance claims**	False or exaggerated claims (esp. personal injury)	Medium	Increased volume of claims by Local Authorities nationally per CFACT; financial hardship increases fraud incentive	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022**				
CFR 020	**No recourse to public funds**	False eligibility for Housing allocation, homelessness support, housing benefit, council tax support	Medium	Limited individuals involved; however frequently overlooked by local authorities	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022**				
CFR 021	**Misuse of Council assets**	Use of Council assets for personal gain at detriment to the Council (e.g. vehicles, buildings, parking spaces)	Medium	Large range of assets with inevitable element of trust	**Internal control analysis and residual risk to be assessed by Counter Fraud Working Group September 2022**				

Key to abbreviations

CFACT = CIPFA Counter Fraud and Corruption Tracker

GIFTS AND HOSPITALITY GUIDANCE

~~This note sets out the Council's guidance on dealing with offers of cash, gifts and hospitality from customers, contractors and those the Council regulates.[1]~~

2.1.   **Why does the Council need guidance on gifts and hospitality?**

The purpose of this guidance is to protect officers and the Council as a whole. In local government we need to be very careful to maintain public confidence in our own and the Council's actions. We are subject to public scrutiny and perception.

In addition, the Bribery Act 2010 makes it an offence to request, agree to receive or accept an advantage in return for improperly performing a function of a public nature or activity connected with a business, performed in the course of a person's employment or by or on behalf of a body such as the Council.

If you have any doubts about an offer of any gift or hospitality seek the advice of the Monitoring Officer. You should always record the offer of cash, gifts or hospitality with the Monitoring Officer within 28 days. Gifts and hospitality accepted to a value of £50 or more will be entered in your register of interests.

~~**What if I am offered a fee or reward?**~~

It is a criminal offence for any ~~member~~ officer to accept any fee or reward other than his proper remuneration under colour of their office or employment. Any "fee or reward" can include money, gifts, presents, bribes or vouchers. Therefore, never accept cash or vouchers. Even if you have declined the offer always notify the Monitoring Officer that it has been offered.

4.2.   **Can I accept gifts?**

As a general principle, you should not accept gifts in your capacity ~~as a Councillor~~at the Council. You should politely and tactfully refuse offers of gifts or return them to the giver as soon as possible. If the refusal or return of a gift would cause offence then details of the gift should be recorded with the Monitoring Officer~~.~~, ~~G~~gifts to a value of £50 or more will be entered in your register of interests.

As a general rule, you should not accept gifts from:

a)   contractors or potential contractors i.e. persons or businesses who supply or want to supply goods or services to the Council;

b)   those the Council regulates i.e. persons or businesses which it licenses or gives permissions or consents.

Gifts of the following type may be accepted:

a)   modest gifts of a promotional nature, e.g. calendars, pens etc;

b)   a modest gift on the conclusion of a courtesy visit to a business or which are presented at civic or ceremonial occasions;

c)   a modest gift presented to everyone at a conference or seminar.

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[1] It is proposed to delete this because the policy relates to any offers, not only those from certain persons.

These exceptions apply only to modest gifts. Expensive gifts should ~~not~~ never be accepted.

Gifts which are intended for the Council as a corporate body or for a particular service area may be ~~accepted~~acceptable[2], ~~but~~ if not for personal use. Such gifts must be forwarded to the Personal Assistant to the Chief Executive.

4.   Can I accept hospitality?

As a general principle hospitality should not be accepted. Hospitality is more likely to be acceptable when it is offered to a group rather than to just one individual. In any case, you should consider:

a)   the person, business or organisation offering the hospitality;

b)   the scale and nature of the hospitality;

c)   the timing of the hospitality in relation to decisions to be made by the Council.

Some examples where it may be appropriate to accept hospitality are:

a)   Working lunches/dinner if :

i   you and others are working on a project together;

ii   you and others are partners in community issues eg Health Authority, Police etc.;

iii   it is necessary for you to be able to carry out your function as a Councillor effectively.

b)   Customary lunches/dinners at conferences or seminars where there are numerous guests;

c)   Civic or ceremonial occasions when representing the Council or accompanying the Chair or the Council's representative.

Some examples where it will not be appropriate to accept hospitality are:

a)   Expensive meals, dances, other entertainments;

b)   Paid or concessionary holidays, travel or accommodation;

c)   Other concessionary rates which are not openly and as a matter of practice available equally to other organisations;

d)   Frequent hospitality from one source.

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[2] This is proposed because not all such gifts would be acceptable; it would depend on the gift.

If you have any questions on any part of this guidance do ask the Monitoring Officer.

CODE OF GOOD PRACTICE: PROBITY IN PLANNING

1   Introduction

1.1   Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It can be highly contentious. It is important that the process is characterised by open and transparent decision-making.

1.2   One of the key purposes of the planning system is to control development in the public interest. Performing this role, planning necessarily affects land and property interests, particularly the financial value of land holdings and the quality of their settings. It is important, therefore, that the Council makes planning decisions affecting those interests openly, impartially, with sound judgement and for justifiable reasons. There should be no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.

1.3   This Code applies to all councillors (whether or not they are members of the Planning Committee) at all times when they involve themselves in the planning process. This includes both decision making meetings of the Council and less formal situations, such as meetings with officers or the public and consultative meetings

2.   Conduct of Councillors and Officers

2.1   General

2.1.1   Councillors and officers have different, but complementary roles both serving the public. Councillors are responsible to the electorate, officers are responsible to the Council as a whole.

2.1.2   Both councillors and officers are guided by codes of conduct. The Councillors' Code of Conduct provides guidance on standards for councillors. Breaches of the Code may be regarded as maladministration by the Local Government Ombudsman and may lead to a councillor being reported to the Standards Committee. Such a report may result in sanctions being imposed upon the councillor concerned. Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. In addition to these codes, the Council's Procedural Rules set down rules which govern the conduct of Council business.

2.1.3   Councillors must not instruct officers to make a particular recommendation nor to take a particular course of action other than through a decision of the Council or one of its committees. Officers must give objective, impartial planning advice, based on their professional judgement and not be compromised or influenced by political considerations. Chartered Town Planners may only advocate their own professional view.

2.2   Public Duty

Councillors have a special duty to their ward constituents including those who did not vote for them. However their overriding duty is to the whole community. The Council's District Plan is adopted in the interests of the whole community, following public consultation. It therefore reflects the overall public interest, rather than those individuals or organisations. Councillors and officers must support the Council's planning policies and make decisions in accordance with them, unless there are sound planning reasons for not doing so.

2.3   Voting and Impartiality

2.3.1   Notwithstanding the provisions of s.25 Localism Act 2011 members of the Planning Committee should not declare which way they intend to vote in advance of the consideration of an application. To do so may indicate pre-judgment of the application and expose the Council to the possibility of legal challenge as the exact meaning of s.25 has yet to be determined by the courts. Further, even if s.25 does prevent a legal challenge to the validity of a decision it offers no protection against allegations of maladministration or a breach of the Code of Conduct. Members should not make up their minds until they have read the relevant committee reports, heard the evidence and considered the representations. It is important that members hear all the evidence and representations prior to reaching a decision.

Consequently members should ensure that they are present in the Council Chamber/Committee Room at all times whilst an item is being discussed. In the event that a member arrives after consideration of a particular item has commenced or leaves the Council Chamber/ Committee Room during the consideration of an item and then returns then that Member should not vote on that item.

2.3.2   Councillors who are also members of town or parish councils may find that they are expected to express a view at a Town or Parish Council meeting or vote on whether the town or parish council should object or comment on a proposal from its point of view. In such circumstances they should not declare outright support or opposition for a proposal and if they chose to vote should make clear that they may find themselves having to vote differently when sitting on the committee, having heard the evidence, technical and legal background from officers. In particularly contentious cases councillors are advised to abstain from the town or parish council vote to make clear that they are not prejudicing the decision they will have to make as a district councillor. This will assist in ensuring that the propriety of their vote at the Council's committee meeting cannot be challenged.

2.3.3   If a councillor does declare his outright support for or opposition to a proposal at a town or parish meeting or elsewhere before the matter has been put before the committee where that councillor would be entitled to vote he should, if attending the committee meeting when the matter is being discussed or reported, make an open declaration to that meeting to that effect and take no part in the voting on that item. This does not mean that councillors on the committee cannot make a comment or reflect local concerns about a proposal before it is considered. However, the view or comment should not pre-determine or be seen to pre-determine the way the councillor will vote.

2.3.4   Councillors should not organise support for or against a planning application and should not lobby other councillors since this would also signal that they had made up their mind before hearing the evidence. Each councillor should make up his own mind on the evidence and facts presented to the committee.

2.3.5   The basis of the planning system is the consideration of private proposals against wider public interests. Opposing views are often strongly held by those involved. Whilst councillors should take account of various views expressed on an application they should not favour or show bias against or towards any particular person, company or group or any particular site or locality. They should not put themselves in a position where they may appear to do so.

2.4 **Gifts and Hospitality**

Councillors should be very cautious about accepting gifts and hospitality and must follow the ~~the~~ Councillors' Code of Conduct. They should also have regard to the Guidance on receipt of gifts and hospitality in part 5 of the Members' Handbook. Officers should follow that Guidance.

2.5 **Declaration and Registration of Interests**

2.5.1 The Councillors' Code of Conduct sets out requirements and guidance for councillors, for the registration and declaration of interests. These must be followed scrupulously and councillors should review the situation regularly. It must be borne in mind that not only should impropriety be avoided but also any appearance, or grounds for suspicion, of improper conduct. Responsibility for this rests individually with each councillor. When declaring an interest at committee this should be done at the beginning of the meeting and councillors should be clear and specific in identifying the item on the agenda in which they have a pecuniary or non-pecuniary interest and if so the nature of that interest.

2.5.2 Officers must declare any personal or financial interest in any planning matter before the Council, must not deal with such matters on behalf of the Council and must not give advice to councillors or other officers on them. An officer with a personal or financial interest in a planning matter must withdraw from any relevant committee meeting whilst that matter is discussed. Planning officers must maintain their professional integrity and should avoid becoming associated in the public mind with representatives of the development industry or environmental or other pressure or amenity groups.

2.6 **Development Proposals Submitted by Councillors and Officers**

2.6.1 Proposals to Council by serving and former councillors and officers and their close friends and relatives could easily give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way to give no grounds for accusations of favouritism. Applications which are recommended for approval will be reported to the committee and not dealt with by officers under delegated powers.

2.6.2 When the councillor or employee has left the council, after a period of 2 years the application can, if appropriate be dealt with under delegated powers.

2.6.3 Serving councillors who act as agents for people pursuing a planning matter with the Council or submitting planning applications on behalf of their employers as part of their job, must declare an interest and take no part in the processing of the application or in the decision-making process. Any councillor who is a planning or similar agent will not be appointed to the committee.

2.6.4 Members of the committee should not act as agents or submit planning applications for other parties or voluntary bodies. To do so would give rise to suspicion that the committee was not impartial or may be influenced in the decision making process.

2.6.5 The procedures set out in the paragraphs 2.6.1 - 2.6.3 above shall also apply in relation to determining applications and notifications to carry out works to trees.

2.7   **Council Development**

The Council's own proposals for development and determining applications and notifications to carry out works to trees must be dealt with on exactly the same basis as applications submitted by members of the public. Officers must make recommendations having regard only to proper planning or tree matters and must not have regard to any other benefits, financial or otherwise, which may accrue to the Council as a result of any particular decision on a planning or tree proposal. Councillors must make decisions similarly. Such applications will be reported to the committee and not dealt with by officers under delegated powers.

2.8   **Lobbying of and by Councillors**

2.8.1   Lobbying is an attempt to influence councillors' views in order to achieve a particular decision. It can be of councillors by applicants, agents or objectors or by other councillors. Lobbying may be verbal or by the circulation of letters or documents to all or some councillors. Planning decisions must be made strictly on the facts and policies relating to each application. Lobbying can, unless care and common sense are exercised by all parties concerned, lead to the impartiality and integrity of a councillor being called into question. Notwithstanding the provisions of s.25 Localism Act 2011 when being lobbied, councillors, and members of the committee in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such circumstances they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying that they should speak or write to the relevant officer in order that their opinions can be included in the officer's report to the committee. If they do express an opinion they should make it clear that they will only be in a position to take a final decision after having received and considered all the relevant evidence and arguments at committee.

2.8.2   A committee member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If a member responds to lobbying by deciding to go public in support of, or against, a particular outcome it would be very difficult for that member to argue convincingly when the committee takes its decision that he has carefully weighed the evidence and arguments presented at committee. Although not amounting to a disclosable or other pecuniary interest according to the Code of Conduct the proper course of action for such a member would be to make an open declaration not to vote. However, this is a severe restriction on the member's wish - duty, even - to represent the views of the electorate. Thus, councillors should, generally, avoid organising support for or opposition to a planning application and avoid lobbying other councillors. Such actions can easily be misunderstood by parties to the application and by the public. Where a member makes a declaration that he or she will not vote then the member should withdraw from the committee table but may remain in the room and speak on behalf of his or her ward members either for or against the application.

2.9   **Circulation of Information**

Planning applications must be determined on the basis of the documents and information formally submitted. Any submissions from applicants, agents or objectors which are formally received by the Council can properly be taken into account in making a decision. It can cause problems if councillors are given information or assurances by applicants which are not part of the formal application and which are not, therefore, enforceable.

Problems can also arise if councillors are given information by objectors which may be misleading, untrue or irrelevant. It can be problematical if officers are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the committee about their relevance or enforceability. Councillors should forward such information to the officers for consideration prior to the committee meeting.

2.10   No Political Decisions on Planning Applications

Decisions on planning applications must not be taken in political group meetings prior to committee meetings. The view of the Ombudsman was that the use of political whips to influence the outcome of a planning application was contrary to the National Code and amounted to maladministration. There is nothing in the Localism Act 2011 nor the Councillors' Code of Conduct which would contradict this view. It could also give rise to legal challenge.

3.   The Decision-Making Process

3.1   Pre-application Discussions

3.1.1   Discussions between a potential applicant and the Council (through its planning officers) prior to the submission of the application can be of considerable benefit to both parties and is encouraged by the Audit Commission, the Local Government Association and the National Planning Forum. It should always be made clear at the outset that the discussions will not bind the Council to make a particular decision and that any views expressed are personal and provisional. Advice should be considered and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning officers. In addition, all officers taking part in such discussions should make clear whether or not they are the decision maker. A written note should be made of all potentially contentious meetings and telephone discussions. A follow up letter may be advisable, especially when documentary material has been left with the Council.

3.1.2   Councillors should not seek to advise applicants or agents about the likely acceptability of planning proposals. They should advise prospective applicants to contact the appropriate officer for advice on both merits and procedures. They should make it clear that they will only be in a position to take a decision after having considered the officers' reports and any representations and heard any debate in the committee meeting.

3.1.3   Councillors should not meet applicants or agents or third parties in connection with a current or proposed application. If councillors do agree to meet they should only do so in the presence of a planning officer. In exceptional circumstances, where it is not possible to arrange a meeting in the presence of a planning officer without causing undue delay councillors should notify the relevant planning officer of the proposed meeting beforehand and the notification recorded in the application file. Councillors should listen and may ask questions but should not comment or negotiate. They must make clear that any views they express are personal, rather than those of the Council. A note should be taken of the meeting and placed on the application file. The fact that a councillor has discussed any proposal with the applicant, agent, supporters or objectors must be made clear when the application is before the committee for determination.

3.1.4   If councillors receive information that is relevant to a planning decision they must declare that information to the relevant planning officers and to the committee.

Discussions with applicants, agents or objectors should be reported and any correspondence made available to officers before the committee meeting.

3.1.5   Paragraphs 3.1.2 to 3.1.4 above do not apply to councillors when they are acting as agents for people pursuing a planning matter with the Council or submitting planning applications on behalf of their employers as part of their job. However, they should make it clear to their clients that they cannot and will not use their position as a councillor to influence the outcome of an application.

3.1.6   Any councillor may request that an application delegated to officers for determination be reported to committee for determination.

3.2   Reports to Committee

Officer reports to committee should be accurate and cover, amongst other things, the substance of objections and views of consultees. Relevant points should include a clear exposition of the development plan, the site, its related history and any other material considerations. Reports should contain a clear written recommendation. Oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur. If the report's recommendation is contrary to the provisions of the development plan the material considerations which justify this must be clearly stated.

3.3   Committee Procedures and Decision

3.3.1   Pre-committee briefing meetings between officers and councillors are not part of a formal committee proceeding. They must always be after the agenda has been set and officers' recommendations have been made. The purpose of the meetings is to inform the Chair/Vice-Chair on planning issues, the reasons for officer recommendations and to give the Chair/Vice-Chair an opportunity to give notice of or to be told about any potential problems or the need for more information.

3.3.2   Councillors should endeavour to obtain factual information from officers prior to the meeting. This can assist in reducing delays which may be caused by deferral to obtain further information.

3.3.3   The committee's decision must be in accordance with the provisions of the development plan unless material considerations indicate otherwise. When councillors propose to make a decision contrary to officer recommendation the proposer must set out clearly the reasons for so doing. The Chair will ensure that the planning officer is given an opportunity to comment before a vote is taken. Any decision contrary to the provisions of the Development Plan must be clearly justified and recorded in the Minutes.

3.3.4   Any information received after preparation of the committee report which is relevant to the determination of an application will be summarised on the supplementary representation sheet circulated prior to the meeting. Any information or documents received after its printing will be verbally reported to the meeting. In certain circumstances consideration of the application may need to be deferred.

3.4   Deferments

The decision on any application should not be deferred without proper justification. Justification for deferring a decision might be for one of the following reasons:
     Additional information necessary for determining the application is required

▢ Councillors decide that a site visit is required

A site visit is not part of the formal committee proceedings and is not a forum for debate or for making planning decisions. Site visits are not open to the public and should not be used to canvass local opinions or as an opportunity for lobbying or advocacy. Councillors should not express personal opinions during site visits.

3.5   Public Attendance at Committee Meetings

3.5.1   All planning applications, other than those determined by officers exercising delegated powers, will be considered in public session and all background information will be made available for public inspection upon publication of the agenda papers, unless there are specific reasons for exempting information in accordance with the Local Government Act 1972.

3.5.2   Applicants, agents and members of the public, representatives of parish councils and members of the Council who are not members of the committee may speak at the meeting. The procedures for notifying the Council and speaking are set out in part 5 of the Constitution.

3.6   Site Visits

Site visits can cause delay and additional costs and should only be used when the expected benefit is substantial. A site visit is only likely to be necessary if the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers. The reason for requesting a site visit must be clearly set out by the proposer and recorded in the Minutes. All site visits must be carried out in accordance with the Council's agreed procedures set out in Appendix 1 to this Code. A site visit is not part of the formal committee proceedings and is not a forum for debate or making planning decisions. Site visits are not open to the public and should not be used to canvass local opinions or as an opportunity for lobbying or advocacy. Councillors should not express personal opinions during site visits.

4.   Administrative Matters

4.1   Member Training

Councillors will be given regular updates to keep them informed of important changes in legislation, procedures or practices, either verbally at meetings or as briefing notes (for example in the Members' Bulletin). Officers will arrange an annual basic mandatory training session for Councillors who are members or substitute members of Planning Committee. This training must be undertaken before participating in decision making at Planning Committee. All members of the Council who are not on Planning Committee or a substitute member of planning committee will be invited to attend on a voluntary basis. Officers will arrange and offer (in consultation with the Chair of Planning) a programme of topic focussed training to run throughout the year. Topics to include review of decision made, visits to implemented schemes and updates on changes to planning law.

4.2   Monitoring of Decisions

The Council should monitor planning decisions taken, on an annual basis, both in terms of quality and consistency. Annually councillors will visit a sample of

implemented planning permissions to assess the quality of the decisions. The committee should formally consider the annual report and decide whether it gives rise to the need to review any policies or practices. The review may include information identifying the number of cases where officers' recommendations were not accepted and the outcome of any related appeal decisions. The results of the monitoring will be reported to councillors along with any recommendations to improve quality, consistency or performance.

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4.3   Record Keeping

The planning application files should be complete and accurate containing sufficient information and itemising events so that the reason for the decision can be easily understood. Only "background papers" as defined in the Local Government Act 1972 are automatically available as a right to third parties. These would include, in addition to the application document, associated letters and supporting information, replies from consultees and letters from supporters and objectors. The same principles apply to applications determined under officers' delegated powers. Such decisions should be as well documented and recorded as those taken by councillors. These principles apply equally to enforcement and development framework matters.

4.4   Complaints

Any complaints received about the way in which a planning application or other planning matter has been dealt with in terms of procedures or fairness will be investigated under the Council's complaints procedure. The fact that someone may disagree with the decision the Council has reached is not a complaint which will normally necessitate investigation as such. However, officers will explain the reasons for the Council's decision in any particular case.

APPENDIX 1

PLANNING COMMITTEE PROCEDURE FOR MEMBERS' SITE VISITS

1.   Procedure

1.1   The decision to visit the site of a current planning application is taken by the committee and the reasons are recorded in the minutes of the meeting. The Divisional Head: Planning and Building Control is also authorised to organise a meeting if it is necessary in advance of a committee meeting.

1.2   The purpose of the site visit is to acquaint members with the site, not to hold a debate or take a decision other than at the Committee Meeting.

1.3   Site visits normally take place during the morning of the relevant meeting.

1.4   The applicant or his agent is notified of the visit and requested to make access available and peg out the proposed location of the building(s), if appropriate. The applicant may attend the site visit, but may not make any representations.

1.5   Two representatives of the town or parish council may attend but may not make representations.

1.6   The local District Council member(s) is/are notified and he should contact the Chair if he wishes to attend but may not make representations at the site visit.

1.7   On site, the Chair usually states the reasons for the visit and invites the planning office to run briefly through the proposal. Members should remain in one group for the duration of the visit.

1.8   Sometimes, neighbours and other interested persons are also at the site, particularly if it is next to public land. The landowner has the right under common law to exclude anyone from his land if he so chooses. Members are requested to ignore unauthorised representations.

2.   Notes

2.1   Apologies for absence from members to the Chair assist in the conduct of the meeting and timekeeping.

2.2   Should a member be delayed or in any doubt about the location of a site, he should contact the Chair.

APPENDIX 2

PROCEDURE FOR PARISH/TOWN COUNCIL REPRESENTATIVES/ MEMBERS OF THE PUBLIC ATTENDING MEETINGS OF THE PLANNING COMMITTEE

1.   Agendas

1.1   The Council will send out the agenda sheets for all committee meetings to all parish and town councils, unless a parish/town council has specifically requested not to receive any agendas.

1.2   The agenda sheets will be sent out a week before the meeting.

1.3   If the parish/town council would like a copy of a particular report, the clerk should telephone the committee officer listed at the end of the agenda.

2.   Attendance by Parish/Town Councillors and Members of the Public

2.1   Town/parish councils and applicants/agents, objectors and supporters may make representations on all applications. If an application is recommended for approval and there are no registered speakers against the application the applicant/agent will not have the right to make representations.

2.2   Two representatives of the town or parish council may also attend site visits. (see Procedure for Members' Site Visits above).

2.3.   A town or parish council representative and members of the public may attend the meeting and speak on any application. They must register with the Democratic Services Officer at Uttlesford District Council (telephone 01799 510410) or email: committee@uttlesford.gov.uk by 2pm on the day before the meeting.

The order of speaking for each application will be as follows

1.   Non-committee member
2.   Supporters
3.   Objectors
4.   Town or parish council
5.   Applicant or Agent

2.4   A town/parish council representative may speak for up to 5 minutes, members of the public may speak for up to 4 minutes. Applicants and their representatives may speak for up to 15 minutes. Ten speaking slots are available between supporters/ objectors.

2.5   At the meeting those making representations should sit in the public area until the relevant item is to be considered.

2.6   Those making representations should sit at the allotted desk alongside members to make

their statement and having made their statement should then return to the public area (or leave the meeting).

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MEMBER/OFFICER PROTOCOL

1.   Introduction

Members and officers are indispensable to one another and mutual respect is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective public sector organisation. However, members and officers have different roles and different expectations.
This protocol is intended to:

- Ensure that there is a clear understanding of the respective roles of members and officers;
- Set out some principles governing the relationship between them;
- Establish some ground rules for the relationship;
- Encourage mutual respect and good communication;
- Allow for the constructive and amicable resolution of any conflict.

The Council is committed to the highest possible standards of operation, integrity, openness and accountability.

Overall, the aim of the protocol is to provide a framework to enable members and officers to work together for the benefit of people who live, work, visit, provide employment or provide services in Uttlesford.

Nothing in this protocol shall prevent or hinder a Council member from fully engaging with officers of the Council, including requesting meetings with officers, attending such meetings or offering information and advice concerning any issue within their wards or wards for which they have responsibility.

2.   Role of Members and Officers

2.1   Members

Members are democratically elected and have a mandate to represent their ward and to contribute to decisions made by the Council. They are advocates, representatives and community leaders for their ward and the people who live there and will often be seen by their constituents as the local representative of the Council as a whole. If constituents are unhappy about Council services, they will expect their councillor to do something about it.

Members will have a strong knowledge of the area they represent and the issues that affect it. This local knowledge is important in ensuring that good decisions are made, and should be respected. Members are usually, but not always, members of political groups. Political groups are a legitimate aspect of local government democracy.

Members are responsible for setting the budget and policy framework within which the Council works. Beyond this, members may have different roles. Some will be members of the Cabinet and will have a wide ranging responsibility for making strategic and operational decisions on behalf of the Council. Some will be members of Committees which scrutinise and have oversight of policies and performance. Some will be members of regulatory committees; for example, deciding applications for planning permission and ensuring compliance with licensing conditions.

2.2 **Officers**

Officers are employees of the Council. Their roles and responsibilities are set out in their contract of employment and job description.
Some are mainly responsible for the delivery of services and work within the policies and standards set by the Council. Others will have a role in developing policies and strategies and in providing professional advice aimed at ensuring that the Council operates in an effective and lawful manner.

As employees, it is important that the Council complies with its legal obligations as employer and with good employment practice.

Officers are not politicians and their loyalty is to the Council as a whole. It is important that their professional integrity and impartiality is respected, especially where they are obliged to give advice that is not welcomed.

What members can expect from officers:

> A commitment to the Council as a whole and not to an individual political group
> A working partnership
> A timely response to enquiries and complaints
> Professional advice not influenced by political views or preference
> Integrity, mutual support and appropriate confidentiality
> Respect for the role of a member as an elected representative.

What officers can expect from members:

> Political leadership and direction
> A working partnership
> Compliance with ethical standards and probity requirements
> Non-involvement in day-to-day management
> Fairness
> Respect for their position as employees of the Council.

3. **Working Relationships**

3.1   Officers and members will be guided by these behaviours in their working relationship:

To be:	Not to be:
Positive	Unhelpful
Professional	Obstructive
Authoritative	Arrogant
Respectful	Discourteous
Constructive	Imprudent
Communicative	Evasive
Discreet	Secretive
Reliable	Disorganised
Friendly	Friends
Honest	

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3.2   Officers will provide advice and assistance to individual members in respect of Council business, including issues raised by constituents. They must not be requested to advise upon private matters.

3.3   In reaching their decisions, members must have regard to the advice given by officers and, in particular, that offered by statutory officers such as the Chief Finance Officer and Monitoring Officer.

3.34   Officers are employed by, and serve, the whole Council. They are politically neutral and must avoid being identified with any political party. Members must respect this.

3.45   The working relationship between senior officers and the Leader and Cabinet will be particularly close. This relationship, however, must not:

l   compromise officers' duties to all members of the Council;

l   be so close as to give the appearance of partiality on the part of officers;

l   undermine the confidentiality of any discussions within the Corporate Management Team or between senior officers and other members;

l   compromise officers' professional responsibility to advise members that a particular course of action should not be pursued;

l   undermine officers' responsibility for action taken under delegated powers.

3.56   It is important that in any dealings between members and officers neither should seek to take unfair advantage of their position.

3.67   Similarly, an officer must not lobby or use influence on an individual member to make a decision in his or her personal favour. They should not:

l   raise personal matters to do with their job;

l   make claims or allegations about other officers;

l   make negative comments on the competency of another officer or member.

3.78   In their dealings with officers (especially junior employees), members need to be aware that it is easy for officers to be overawed and feel at a disadvantage. Such feelings can be intensified where members hold official and/or political office.

3.89   A member should not apply any pressure on an officer to do work outside of normal duties or normal working hours. A member should not, even in an emergency, contact officers directly, even if they have their mobile phone number. In an emergency or when a matter cannot wait until normal working hours, the correct course will be to call the Council's out of hours number (01223 849755), which will ensure a speedy and coordinated approach. Even in an emergency, pressure should not be put on an officer to do anything that he or she is not empowered to do.

3.910   Members should approach officers of appropriate seniority when raising queries. Other than for routine service queries, this is likely to be at service manager level or above. If members wish to meet officers, they should generally make an appointment first. This is partly to allow officers to plan their work and partly because of the need to ensure that personal data, which may be visible in offices, is not inadvertently disclosed - for instance information relating to housing or benefit applications.

4.   Familiarity

4.1   Close personal familiarity between individual members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

4.2   Such familiarity could also cause embarrassment to other members and/or other officers and give rise to suspicions of favouritism.

4.3   Therefore care should be taken by individual members and officers in their relationship with each other. Members should declare to the Chief Executive any close family, business or personal relationship with an officer. Officers should make sure that their line manager is made aware of any similar relationship.

5.   Communication

5.1   Officers should reply promptly and helpfully to correspondence, including emails, received from members. As a minimum, they should meet corporate standards for responses but should also recognise that it will sometimes be appropriate to give priority to correspondence from members. If an immediate reply is not possible, correspondence should be acknowledged and the member kept informed about progress.

5.2   Similarly, members should reply promptly and helpfully to communications from officers, especially where a member's view is sought before action is taken.

5.3   Written communication between members and officers should always be professional in tone, avoiding the appearance of over-familiarity. There is a particular risk with email of making inappropriate comments. Emails are a permanent record and may be held up to public scrutiny through, for instance, disclosure under freedom of information legislation or in the course of legal proceedings. Officers and members should always be alert to how correspondence would appear if held up to public gaze.

5.4   Written communication may not be the appropriate first step where, for instance, the facts are uncertain or a matter is controversial. A telephone call or personal discussion should be considered instead. In all cases, the preferred communication method of individual councillors should be taken into account, if known.

5.5   If members raise issues on behalf of constituents, officers should reply in terms that will allow members to give explanations to constituents that are helpful and constructive. Whilst members will hold officers to account, members will, in turn, be held to account by their constituents for the actions of the Council.

5.6   Unless a member or officer requests confidentiality, it will be assumed that correspondence between a member and an officer is not confidential and may be shown to others. (An obvious exception is where an issue relates to an individual constituent and would normally be treated in confidence). If, in an officer's view, correspondence between an individual member and an officer is of interest to other members, to keep them fully informed, it should be made clear to the original member that copies have been sent to other members.

5.7   Where issues are raised by, or with, individual members relating to a matter of general interest in a ward, copies of correspondence may be sent to other members for the ward. However, a member may specifically request that correspondence is not copied to other members.

5.8 Official letters sent on behalf of the Council should normally be in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a member, but this should be the exception rather than the norm.

6. Involvement of ward councillors

6.1 Whenever a public meeting is organised by the Council 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 with 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 at the outset of the exercise.

6.2 Ward Councillors should be notified in advance about any issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

6.3 Ward Ceouncillors should be copied into correspondence with town or parish councils within

their ward unless there is a good reason not to.

6.4 Ward Ceouncillors should be consulted and involved in significant issues affecting their ward. They will have a strong knowledge of the area they represent and the issues that affect it. This local knowledge is important in ensuring that good decisions are made and should be respected.

7. Requests for factual information

7.1 Officers will use the Members' Bulletin as the primary means of providing factual information to members. There are other sources of information available to members, in particular the "Keep Me Posted/ Gov Delivery e-newsletter, to which members are encouraged to subscribe.

7.2 All members of the Council are entitled to request factual information from officers about a Council department or service and the information will be provided unless:

l there is a legal reason why it should not be disclosed (e.g. the information is confidential, commercially sensitive or should not be disclosed under data protection principles).

l the request for information is for private purposes, rather than in connection with the member's elected role.

l the relevant Director or Assistant Director considers the request to be unreasonable in terms of the resources required to provide the information. In case of dispute, the request will be referred to the Chief Executive.

7.3 Members making requests for information should allow adequate time for officers to provide it. Requests relating to committee or Council meetings should be made well in advance. If officers are not given enough notice, they may not be able to supply information in time. Late requests can also divert officers from work of equal or greater importance or urgency. Giving timely attention to agenda papers can mitigate this risk.

7.4 Members do not need to rely on Freedom of Information rights to ask for information, as they have a statutory right of access to information held by the Council, subject to a "need to know" test. This is wider than the rights given to members of the public. In some cases

(for instance, where it involves third party personal information) there may be a need for confidentiality. In case of doubt or dispute, the Monitoring Officer will provide advice.

7.5 Appendix A summarises members' rights of access to Council information. [1]

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[1] It may be thought helpful to add an appendix explaining members' rights of access to information. Waltham Forest have a good example: working together for local people (walthamforest.gov.uk)

8.   **Officers' reports and advice**

8.1   The Director/Senior Officer in whose name a report to the Council (or any part of its formal decision-making structure) is submitted will always be fully responsible for the contents of it. It is essential that any proposals from members in reports to committees are clearly identified as such.

8.2   A draft or final report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. Any dispute between a member and the officer responsible for the report which cannot be resolved shall be referred to responsible Director or to the Chief Executive for resolution.

8.3   On occasions, officers will need to express a professional view on a matter which may not support the view of members and/or senior officers. They must be allowed to do so without interference from, or victimisation by, members or other officers.

8.4   At some committee meetings, a resolution may be passed which authorises named officers to take action between meetings in consultation with a member. It must be recognised that it is the officer, rather than the member, who takes the action and it is the officer who is accountable for it.

9.   **Officer advice to members and party groups**

9.1   It must be recognised by all officers and members that in discharging their duties and responsibilities, officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual member of the Council.

9.2   There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business. Officers may properly be called upon to provide information to party groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner. This means that, on occasions, information requested by one group will in fact be provided to all.

9.3   The support provided by officers can take many forms, including a briefing meeting with the executive or an executive member or the Chair/Vice-Chair of a committee prior to a committee meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, support is available to all party groups.

9.4   Scrutiny committees have the power to require Cabinet Members and officers to appear before them and answer questions. As a matter of convention, the Council's scrutiny committees will only require the attendance of the Chief Executive, Directors and Assistant Directors. However, to facilitate proper conduct of business, these senior officers may arrange, as necessary, for other officers to attend meetings to assist.

9.5   The Chief Executive, Directors and Assistant Directors may, in exceptional circumstances, be invited to attend political group meetings to explain or to advise on policies and/or issues provided that this facility is available to all political groups represented on the Council. Officer attendance at group meetings will usually be at Assistant Director, Director or Chief Executive level. More junior officers should not generally be asked to attend group meetings and, if they are, they should first obtain permission of a Director or the Chief Executive.

9.6   Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business and should not be present when matters of party business are to be discussed.

9.7   Special care needs to be exercised by officers when involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons are not bound by the Council's Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and confidential information should not be disclosed.

9.8   Officers must respect the confidentiality of any party group discussions at which they are present.

9.9   Party group meetings are not empowered to make decisions on behalf of the Council. Conclusions reached at group meetings are not Council decisions and should not be interpreted or acted upon as such.

9.10   Where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the executive, executive member or relevant committee when the matter in question is considered.

10.   Constructive criticism & redress

10.1   It is important that there should be mutual courtesy between Members and officers. It is important that there are reasonable standards of courtesy and no member or officer should seek to take unfair advantage of their position.

10.2   Members have the right to criticise reports or the actions taken by officers but they should:

l   always avoid personal attacks on officers;

l   ensure that criticism is constructive and well-founded;

l   take up an individual concern with the officer privately, where possible;

l   avoid criticising officers in the media or social media.

10.3   Members should not raise matters relating to the conduct or capability of an officer at Cabinet and committee meetings or in any public forum. This could be damaging both to effective working relationships and to the image of the Council. An officer has no means of responding to such criticisms in public.

10.4   If a member considers that he or she has not been treated with proper respect or courtesy, and fails to resolve it through direct discussion with the officer, he should raise the matter with the appropriate Director or Assistant Director. The Director or Assistant Director will look into the matter and report back to the member. If the member continues to feel concern, they should then report it to the Chief Executive who will look into the matter afresh. A complaint about a Director or an Assistant Director should be raised with the Chief Executive. A complaint about the Chief Executive should be raised with the Leader. Any action taken against an officer in respect of a complaint will be in accordance with the provisions of the Council's disciplinary rules and any statutory provisions which may apply.

10.5   If an officer considers that he or she has not been treated with proper respect or courtesy, and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with their line manager or Director without delay. In such circumstances, the Director will take such action as is appropriate either by approaching the individual and/or Party Group Leader. The Director will inform the Chief Executive if the Party Group Leader becomes involved, or in any other case where it is appropriate. Feedback should be given to the officer on the outcome.

10.6   The Council operates a confidential whistle-blowing policy. The Council is committed to the highest possible standards of operation, integrity, openness and accountability. It is expected that where an officer or member is concerned about potential unlawful conduct of an officer or member, they voice those concerns so that they can be dealt with effectively.

11.   Officers' advice on declarations of interest

11.1   The Council's Monitoring Officer will on request provide advice and information to members on declarations of interest of a personal nature and whether or not such an interest might amount to a disclosable pecuniary interest or a prejudicial interest. However, members will know the nature and extent of any interest they may have. It is the member's responsibility, therefore, to decide whether any interest should be declared.

12.   Officer decisions taken under delegated powers

12.1   When making a decision under powers delegated to an officer, it must be recognised that it is the officer, and not any member, who takes the action and it is the officer who is accountable for it.

13.   Media Liaison

13.1   Communications with the media can be an important part of a member's workload, such as responding to queries. In any media contact, members and officers should always have regard to the reputation of the Council. Generally, members provide comments and views and officers provide factual information. This factual information may well include explaining the Council's policy on a particular issue. If any member is unsure about the facts of any issue he should contact the Communications Team or appropriate officer, or ask the media representative to do so. Members should avoid being seen to anticipate decisions and should not criticise officers in the media or via social media networks which may be accessible to the public.

13.2   If a member contacts or is contacted by the media he should indicate in what capacity he is speaking e.g. in a personal capacity, as a member of the executive, as a ward member, as Chair of a committee, on behalf of the Council or on behalf of his political group. Members should avoid giving the impression they are speaking on behalf of the Council when expressing a personal view. If a member is contacted by the media, it may be useful to inform the Communications Team of the query or discussion; the Communications Team may offer guidance on the nature of the response where it is appropriate to do so.

13.3   It is the role of the Communications Team to publicise decisions and services, and to enhance and protect the reputation and profile of the Council. In this regard members should refer to the Council's Media Relations Protocol. The Media Relations Protocol provides guidance on the work undertaken by the Communications Team, and sets out the responsibilities of officers and members acting as media spokespeople in written and verbal communications. It also references the legal obligations of the Council in publishing material, and the Government's Code of Recommended Practice on Local

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Authority Publicity which covers the rules around content and style of publicity, distribution, advertising, promotion of individual councillors and restrictions during the election period.

14. Unresolved issues and amendments to this protocol

14.1   If there are any issues of concern which are not dealt with by this Protocol, then the relevant member or officer may discuss the matter with the Chief Executive with a view to advice being provided.

14.2   Should any Member or officer wish to suggest an amendment to this protocol, he/she is asked to contact either the Chief Executive or the Monitoring Officer.

14.3   Any amendments require approval of Council on the recommendation of the Governance, Audit and Performance Committee. The Standards Committee and any other relevant body may be consulted on issues raised by the protocol and on proposed amendments when appropriate.

UTTLESFORD DISTRICT COUNCIL

It's Our Community

Fraud and Integrity Plan

Electoral Services

Page 84

Author: Philip Hardy, Electoral Services Manager
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Date last reviewed:

Reviews:

Name	Role	Date

Contents

Introduction

In recent years there has been growing concern about maintaining the integrity of our electoral system. Recent cases of electoral fraud in some areas have identified much common ground, with fraud being more likely in areas with marginal contests, small electorates, and turn-outs and in areas with a history of allegations of malpractice. Tackling electoral fraud and malpractice is a priority for the Electoral Registration Officer (ERO), Returning Officer (RO) and the Electoral Services Team, who will continue to maintain best practice in this area.

This policy will be reviewed after each election by the Electoral Services Manager to ensure practice is in line with the latest legislation and guidance.

The strategy outlines the key areas of risk and sets out appropriate guidance and policies for staff in the handling of apparent challenges to integrity, specifically in respect of:

- Postal voting
- Activity in and around polling stations
- Security and transparency at the Count
- Safe storage and transport of official documents, including ballot papers

The strategy also sets out how allegations of fraud or malpractice will be recorded and passed on to relevant authorities.

Postal voting

~~Since 2006, t~~The Electoral Registration Officer [1] ~~has been~~is required to collect and store 'personal identifiers' for each postal voter, comprising a date of birth and a specimen signature. When a postal vote is submitted, it is validated by the checking of a postal voting statement on which the elector is required to provide their date of birth and signature. There have been several cases in the UK relating to fraudulent applications to vote by post and the "harvesting" of completed postal vote packs by those seeking to influence the outcome of an election.

The following measures have been put in place to ensure that:

- Applications to vote by post have been completed by the elector, who is registered to vote at that address, and is qualified to be so.
- That the personal identifiers (date of birth/signature) are legitimate
- If the applicant is unable to sign the form, that good reason and supporting attestation are provided to provide the elector with a signature waiver.
- That postal voting packs are delivered to the correct address, and if sent to a different address to the registered address, the reasons for this are stated and appear to be legitimate.
- That completed postal voting packs are returned to the Council without delay or interference, or if handed in at polling stations, that they are logged and controlled appropriately.

Recent cases of fraud elsewhere in the country have involved those working on behalf of canvassers collecting and fraudulently amending postal voting packs. Candidates and their supporters have a vital role to play in encouraging electors to vote. However, they should not allow themselves to be intermediaries between the elector's vote and electoral staff.

~~Candidates, agents and canvassers should not touch or handle anyone else's postal ballot paper, before or after it has been marked, or act as courier for it irrespective of whether it is sealed in an official envelope.~~

The ERO supports the ~~EC's~~ Electoral Commission's *'Code of conduct for campaigners: electoral registration, postal voting, proxy voting and polling stations'* ~~*"Code of Conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers"*~~ and this document is underpinned by the Code. The Code [2] recommends that campaigners should not touch or handle anyone else's postal ballot paper, before or after it has been marked, or act as courier for it irrespective of whether it is sealed in an official envelope.

Candidates and agents are encouraged to assist in the process by alerting the RO to any incidents where an elector is having difficulty understanding the process or arranging the return of their postal vote.

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[1] This came into force on 01.01.2007, but the date is probably not material
[2] This will need to be revised as and when section 5-6 of the Elections Act 2022 are brought into force.

Measures to ensure integrity of postal vote application process

1. The ERO will monitor requests for the sending of postal votes to an alternative address to ensure that multiple postal voting packs are not sent to a fraudulent address.
2. The ERO will monitor application forms for similar handwriting, signatures and will liaise with the SPOC if any concerns are raised.
3. Where partially completed forms are received, further information will be requested in writing from applicants to ensure clarity of information.
4. The ERO will monitor the pattern of delivery of postal vote applications and completed postal voting packs, for example, multiple deliveries by one individual.
5. The ERO will ensure that applications for a signature waiver are valid and have the appropriate supporting attestation, including the relationship of the person supporting the application and reason for waiver application.
6. The ERO will confirm an individual's absent voting arrangements in writing following their application or a change in their absent voting arrangements.

Measures to ensure integrity of postal vote receipt and processing

1. On receipt of completed postal ballot packs from the mail system or by individuals, the RO will ensure that they are receipted, accounted for and stored securely until such time that postal votes are to be opened.
2. Postal vote openers and scanning assistants will isolate any postal voting statements or envelopes where suspicions about electoral integrity are raised, for example, due to similar signatures or dates of birth, for further ~~comparison with other documents~~analysis.
3. The ERO will ensure that applicants for replacement Postal Ballot Papers are requested to come into the issuing offices to collect them, bringing in formal photographic identification, such as driving licence, passport or bus pass. They will be required to sign to confirm that their postal vote has been reissued. In all circumstances where replacement ballot papers are issued, [3]steps will be taken to seek to ensure the original ballot paper ~~will be cancelled and~~is withdrawn from the election and recorded appropriately.
4. Those responsible for the adjudication of postal voting statements will be officially appointed as Deputy Returning Officers with powers to adjudicate on the validity of the postal voting statement. These staff will be trained on the verification of signatures, following the Electoral Commission's *Checking signatures at postal vote openings*~~Guidance on verifying signatures~~.

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[3] If the original ballot paper is said to be lost, I am not sure how it could be identified (if returned) other than by checking all the counterfoils of postal votes for the relevant electoral number.

Therefore, I have proposed to reflect this uncertainty in the wording.

5. The RO will ensure that Candidates and agents are aware of the relevant Electoral Commission ~~Code of Conduct for Handling Postal Ballot Papers, which has been supported by the main political parties~~guidance.[4]

6. The RO will ensure that 100% of postal voting statements received are checked against existing records to ensure personal identifiers match against postal vote applications.

7. The RO will ensure that all Candidates, agents and postal voting agents are aware of the date, time and venue of all postal vote opening sessions so that they have the opportunity to attend and oversee the process.

Activity in and around polling stations

Before Polling Day, the RO will have taken steps to ensure that all electors are aware of the location of their polling station, that it is accessible and that the polling station location is fit for purpose. Presiding Officers will be aware that they may be asked to put the prescribed questions to any elector or their proxy by a candidate or their agents in the event of suspect personation. Presiding Officers play a central role as they are responsible for the security of the polling station. Voters expect polling stations to be run in a calm and orderly manner.[5]

The following measures will be put in place to ensure:

- Voters are able to easily access the polling station without undue interference and establish who is officiating at the polling station
- Any intimidation of voters (or the perception of) is dealt with by Presiding Officers, the RO or Polling Station Inspector without delay, is recorded and if necessary ~~provide~~ information is provided to the police.
- The eligibility of all electors to vote is established consistently and additional action taken where necessary by the Presiding Officer
- Voters can vote in secret and without undue influence
- Where necessary, assistance to voters is provided by the Presiding Officer in a consistent manner, in line with ~~EC~~ Electoral Commission guidance
- Presiding Officers ask the prescribed questions where necessary
- Any allegations of personation are recorded appropriately, and action taken where necessary.

~~In line with the law and Electoral Commission Guidance, staff working in polling stations will ensure that each elector is able to vote in secret and without undue influence. It is noted that t~~The ~~EC~~ Electoral Commission has re-affirmed guidance about the layout of polling stations and that each elector should go to the polling booth individually.

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[4] This particular code appears to have been withdrawn

[5] This may also need to be updated when the relevant provisions of the Elections Act 2002 comes into force.

Measures to ensure integrity in and around polling stations

1. Ballot box lids will be sealed at the start of the poll and the slot sealed at the close of poll.
2. Presiding Officers and Polling Station Inspectors will monitor the conduct of any Candidates, Agents, campaigners or tellers outside their polling station to ensure that voters are not intimidated or unduly influenced.
3. Presiding Officers should make regular checks to the surroundings of the polling station to monitor the above.
4. Presiding Officers will be issued with guidance on how to address issues with campaigners and tellers around polling stations and report all issues to the Electoral Services Team.
5. Candidates and Agents will be issued with Electoral CommissionEC guidance concerning Tellers and Presiding Officers will ensure that this guidance is adhered to.
6. Presiding Officers will ensure that any candidates, agents or their polling agents inside the polling station are afforded such information are they are entitled to but do not seek to influence voters or interfere with the process
7. Polling Station Inspectors will be in place to troubleshoot any potential disturbances and attend polling stations if disruption should occur.
8. In higher risk areas as deemed by the Returning Officer, police presence will be requested.
9. Presiding Officers will record any issues around suspected personation and report them to the Elections team. The matter will then be referred to the SPOC.

Safe transport and storage of ballot papers and other official documentation

Following the close of poll, the security of the ballot boxes, unused ballot papers and official documents such as the marked register of electors and corresponding numbers' lists (CNLs) is paramount. Ballot boxes are sealed at the close of poll and remain the responsibility of the Presiding Officer until they are handed to the Electoral Services Team at the count venue.

Ballot boxes must be transported to the count venue, accompanied by the Presiding Officer without delay and without interference from third parties.

The Electoral Services Team operate a "ballot box receipt" process to quickly receive and record safe receipt of the ballot boxes, unused ballot papers and official documentation.

Where any concerns are raised with a delay, the Electoral Services Team will liaise with the Presiding Officer, Polling Station Inspectors, and the police in order to locate and transport the ballot boxes and documentation.

Measures to ensure safe transport and storage of ballot boxes and other official documentation

1. The mobile phone details and, home addresses of all presiding officers will be recorded and made available at the count in case any ballot boxes do not arrive in a timely manner.

2. Once all the ballot boxes have been receipted, the Electoral Services Team will check that copies of the marked register and sealed envelope containing the CNL have been returned for each polling station. If any documents have not been placed in the correct packet at the close of poll or if any documentation appears to be missing, Presiding Officers will be contacted without delay. The RO and his staff will take steps to find all documentation and parcel these up safely and securely.

Security and Transparency at the Verification and Count

The count is a high-profile aspect of the elections process, with increasing scrutiny from candidates, agents, campaigners and the media. It is imperative that these parties have confidence in the process and that pro-active steps are taken to address any potential fraud vulnerabilities.

Steps will be taken to ensure that clear information is given to candidates and agents to set expectations and to explain count processes. All staff will be aware of the role of candidates and agents to scrutinise the verification and count and will carry out their duties in such a way as to enable this.

Measures to ensure security and transparency at the Verification and Count

1. All attendees at the count will be by official appointment only.
2. In order to gain entry to the count venue, everyone must be on the official list, and everyone must sign in.
3. Count attendees will be identified by name badges and or wrist bands describing their role as Counting staff, Candidate, Election Agent, Counting Agent, Guest or Media.
4. All attendees at the count are to be issued with information on the count process and expectations for the count. This information will also be emailed to them prior to the count.
5. A separate media area is provided to ensure the media have appropriate facilities and to ensure clear flow of information.
6. The layout of the count venue will be such that the count staff, ballot papers and official documents will be segregated from count attendees.
7. Senior count staff will all receive training ahead of the count on their role and the count process. Those appointed as Deputy Returning Officers with powers to adjudicate on doubtful ballot papers will be trained using Electoral CommissionEC guidance considering recent court cases on doubtful ballot papers.
8. Senior staff will be trained to ensure that candidates and agents are reminded of their role in observing the count without impeding the process, for example leaning on, or using count tables as desks.

9. Announcements will be made at regular intervals during the count to ensure that all present are aware when the various stages in the process are taking place.
10. During verification, verified ballot papers will be stored in clear plastic boxes and empty ballot boxes will be stacked and removed from the count area.
11. Adjudication of doubtful ballot papers will be undertaken by senior count staff who have been appointed as Deputy Returning Officers with specific powers to adjudicate on doubtful ballot papers.

Returns of election expenses

The Proper Officer acts as the custodian of Returns and Declarations of Election Expenses after an election (care of Electoral Services); they have no powers to investigate or audit these documents. However, concerns may arise where candidates fail to make submissions and where irregularities are evident in the returns.

Where a candidate fails to make a return of election expenses, official notices will be published as per Section 88 of the Representation of the People Act 1983 and the police informed should the RO believe that an offence may have been taken place.

The returns and declarations are open to public inspection in accordance with Sections 88-89 RPA 1983, a fee of 20p for each side of each page of a copy may be charged in accordance with Reg.10(3) RPR 2001.

Liaison with the Police Single Point of Contact (SPOC)

The Council recognises the importance of liaison with the Police Single Point of Contact (SPOC) on matters relating to potential electoral fraud. The Electoral Commission issues guidance alongside the College for Policing on the shared responsibilities of the Commission, Police Force, Electoral Registration and Returning Officer.

Integrity training for staff

The Electoral Services Manager ensures that the Electoral Services Team are fully trained for their role in tackling electoral fraud and malpractice. As part of their continuing professional development, the Team attend courses run by the Association of Electoral Administrators (AEA) to ensure best practice is embedded in the team's work. The team also pro-actively work with other local authorities in the region to ensure consistency of approach.

Ahead of each election, the Electoral Services Team ensures that 100% of Presiding Officers have attended face to face training with the Electoral Services Team. This training is based on the best-practice template produced by the EC and includes information on the Presiding Officer's role in terms of integrity issues. This includes "what if" scenarios and tests.

In addition, all Presiding Officers receive a copy of the ~~EC~~ Electoral Commission's booklet for polling station staff, produced for each election, in addition to the Electoral Services manager's written instructions for that specific poll. Poll Clerks receive online training and have access to the Electoral Commission's polling station manual and have the Electoral Service Manager's written instructions. The training requirements of staff and any performance issues are monitored closely by the Electoral Services Team and any performance issues during the poll are dealt with by Polling Station Inspectors. All inspectors are senior council officers, and all Inspectors attend a face to face training session ahead of the election.

In line with the law, the Electoral Services Team and senior officers of the Council hold politically restricted posts and as such are apolitical. All staff working at the election sign a document confirming that they have read and will comply with the ~~relevant section of the RPA 1983 relating to the Secrecy~~ requirements for the secrecy of the ballot. All staff also sign to confirm that they will not be employed (paid or voluntarily) by or on behalf of any candidate or campaigner, including the signing of nomination papers.

Temporary staff working election duties are not able to actively campaign and work on behalf of political parties. They are also not able to subscribe to a candidate's nomination paper. These disclaimers are put in appointment letters and are monitored. If it comes to light that they have taken part in this activity, they will not be able to ~~work~~ undertake election duties.

Philip Hardy, Electoral Services Manager

V.0 - August 2022

Agenda Item 4

Committee:	Governance, Audit and Performance	**Date:** Thursday,	
Title:	Proposed Amendments to the Uttlesford District Council Constitution	30th November 2022	
Report Author:	Jane Reynolds Assistant Director Governance and Legal / Monitoring Officer JReynolds@uttlesford.gov.uk		

Summary

1. Three reports recommending a suite of constitutional amendments were taken to the last GAP Committee on the 29th of September 2022 as follows:

   - 1.1 Regulation of Investigatory Powers

   - 1.2 Scheme of Delegation

   - 1.3 A report dealing with general amendments some of which were informed by good practice, and some required by legalisation and to provide clarity

2. The contents of the Reports at 1.1 and 1.2 were adopted at the last Council meeting on the 11 October 2022.

3. The report at paragraph 1.3 referred to the following areas where amendment was recommended:

   - 2.1 The provisions in the Council Procedure Rules relating to abridgment of time for calling extraordinary meetings

   - 2.2 The Officer Employment Rules (relating to Statutory Officer Disciplinary and Dismissal Procedures)

   - 2.3 Councillor role descriptions

   - 2.4 The functions and terms of reference of the Governance, Audit and Performance Committee, and the Standards Committee

   - 2.5 The provisions in the Council Procedure Rules relating to motions.

4. On consideration of the report at 1.3 members requested that the report be deferred in order to look in more depth at the proposed changes. Not all changes were essential (those at 2.3, 2.4 and 2.5) and members requested further consideration by Committee and, or, that members were consulted more widely if the changes affected their member or Committee roles.

5. Members were advised that amendments proposed at 2.1 and 2.2 above were essential amendments.

Recommendations

6. That the Committee note this update to the report at paragraph 1.3 and the amendments made by the Monitoring Officer under delegated powers which will be made to the Constitution as outlined in appendix one below.

7. That the Committee note the amendments shown in paragraph 13 made by the Monitoring Officer under delegated powers which will be made to the Constitution as outlined in appendix two below.

Financial Implications

8. There are no financial implications deriving from this report.

Background Papers

9. GAP Committee Report and Minutes 29th September 2022.

Impact

10.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	N/A
Ward-specific impacts	None
Workforce/Workplace	None

Situation

11. Since the GAP Committee of the 29 September 2022 some consultation has taken place as members requested regarding 2.3, 2.4 and 2.5 above. In addition, since that time, more good practice guidance has emerged in a number of areas. Having considered the feedback and the emerging practice guidance it would be more efficient to separate these non-essential issues out from those that require

immediate change and consider this piece of work post elections when the Council may well have some new members and will form new Committees.

12. The Monitoring Officer proposes to report on these issues again post elections and has under delegated authority in the meantime made the required essential but minor amendments to the Constitution found at appendix 1 of this report.

13. In addition as part of our ongoing review of the Constitution and not reported on at the last GAP Committee, Section 19 of the Police and Justice Act 2006 requires the Council to have a Crime and Disorder Committee with the power to review or scrutinise decisions made, or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions. This duty will be undertaken by the Scrutiny Committee. To achieve this amendments were needed to the Constitution to regularise this. The Chair of Scrutiny has been consulted and the Monitoring Officer under delegated authority has made the amendments shown at appendix 2 of this report.

Risk Analysis

14. The proposed amendments to the Constitution create little risk to the Council.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	Changes made mitigate any risk,

1 = Little or no risk or impact.
2 = Some risk or impact – action may be necessary.
3 = Significant risk or impact – action required.
4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Please note text highlighted in yellow indicates where text has been added.

Appendix 1
PART 4 – RULES OF PROCEDURE

RULE 3   EXTRAORDINARY MEETINGS

3.1   **Calling extraordinary meetings.**

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

3.1.1   the Council by resolution;

3.1.2   the Chair of the Council;

3.1.3   the Monitoring Officer,

3.1.4   the Section 151 Officer; and

3.1.5   any five members of the Council if they have signed a requisition presented to the Chair of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2   **Business**

The summons to the extraordinary meeting shall set out the business to be considered. No business other than that set out in the summons shall be considered at that meeting.

RULE 4   TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified insummons.

RULE 5   NOTICE OF AND SUMMONS TO MEETINGS

5.1   The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before ameeting, the Chief Executive will send a summons signed by him or her by post or by e-mail to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business tobe transacted and will be accompanied by such reports as are available.

5.2   **Meetings convened at short notice**

Meeting of the Council may only be convened at less than five clear working days' notice whereby reason of special circumstances which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

PART 4 – ACCESS TO INFORMATION RULES

RULE 5   NOTICES OF MEETING

Unless Rule 5.2 of the Council Procedure Rules applies, the Council will give at least five clear working days' notice of any meeting by postingdetails of the meeting at the Council Offices, London Road, Saffron Walden, Essex CB11 4ER ("the designated office") or publishing on the council website.

RULE 6   ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

Unless Rule 5.2 of the Council Procedure Rules applies, the Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Chief Executive shall make each such report available to the public as soon as the report is completed and sent to councillors. In the event of Rule 5.2 being applied, the agenda and reports shall be published as soon as possible.

Part 4 Section 2, of the Constitution: Officer Employment Rules

8.   Disciplinary procedure for relevant officers

8.1   The provisions of this rule are applicable to the dismissal of, and the taking of any disciplinary action against, (a) the Council's head of paid service, (b) its chief finance officer and (c) its monitoring officer (defined for the purposes of these provisions in rule 8.2(b) below). The provisions of this rule should be read in conjunction with the relevant provisions of the Council's Disciplinary Policy, in which the additional procedural steps that will be followed are set out.

8.2   In the following paragraphs

(a)   "the 2011 Act" means the Localism Act 2011(b);

(b)   "chief finance officer", "disciplinary action", "head of the authority's paid service"and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

(c)   "independent person" means a person appointed under section 28(7) of the 2011Act;

(d)   "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;

(e)   "the Panel" means a committee appointed by the authority under section 102(4) ofthe Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

(f)   "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

(g)   "relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

8.3   A relevant officer may not be dismissed by an authority unless the procedure set out in thefollowing paragraphs is complied with.

8.4   The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

8.5   In paragraph 8.4 "relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

8.6   Subject to paragraph 8.7, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 8.4 in accordance with the following priority order-

(a)   a relevant independent person who has been appointed by the authority and who is a local government elector;

(b)   any other relevant independent person who has been appointed by the authority;

(c)   a relevant independent person who has been appointed by another authority or authorities

8.7   An authority is not required to appoint more than two relevant independent persons inaccordance with paragraph 8.6 but may do so.

8.8   The authority must appoint any Panel at least 20 working days before the relevant meeting.

8.9   Before the taking of a vote at the relevant meeting on whether or not to approve such adismissal, the authority must take into account, in particular—

▪   any advice, views or recommendations of the Panel;

- the conclusions of any investigation into the proposed dismissal; and

- any representations from the relevant officer.

8.10 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

Appendix 2

Article 6 - Scrutiny Committee

6.3 Specific Functions - Scrutiny Committee

6.3.1 conduct research, community and other consultation in the analysis of policy issues and possible options;

6.3.2 consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

6.3.3 question members of committees and chief officers about their views on issues and proposals affecting the district;

6.3.4 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;

6.3.5 assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;

6.3.6 review and scrutinise the decisions made by and performance of the executive, committees and council officers both in relation to individual decisions and in more general terms;

6.3.7 carry out the functions assigned to a Crime and Disorder Scrutiny Committee pursuant to Section 19 of the Police and Justice Act 2006;

6.3.8 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

6.3.9   question members of the executive, committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

6.3.10   make recommendations to the executive, committees and/or Council arising fromthe outcome of the scrutiny process;

6.3.11   review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;

6.3.12   question and gather evidence from any person (with their consent); and

6.3.13   exercise the right to call-in for reconsideration of decisions made but not yetimplemented by the executive or committees

Agenda Item 5

Committee:	Governance, Audit and Performance Committee	**Date:**
Title:	National Procurement Strategy Toolkit Assessment	Wednesday, 30 November 2022
Report Author:	Angela Knight, Assistant Director - Business and Change Management	
	aknight@uttlesford.gov.uk	
	Alison Chessell, Chief Procurement and Risk Officer (Chelmsford City Council)	
	Alison.chessell@chelmsford.gov.uk	

Summary

1. The Local Government Association (LGA) published its National Procurement Strategy for Local Government in England 2022 (NPS), on the 30 August, which focuses on the role of councillors and council officers in the procurement of goods and services.

2. The NPS provides a toolkit to support councils to set objectives in each of the key areas covered by the strategy and to assess their progress against these.

3. The LGA state that the toolkit is for guidance only and it is recognised that 'one size doesn't fit all'.

   'The expectations are that each council chooses the level of maturity it will aim for in each of the key areas. These choices will reflect local priorities and the resources available to the council. It is recognised that district councils may have different objectives to larger councils and each council can determine what maturity level is right in their own local context'.

4. This report provides an assessment of the council's current maturity against the key areas and identifies where there are opportunities to improve.

Recommendations

5. This is a report for the Committee to note and there are no recommendations associated with it.

Financial Implications

6. No direct financial implications

Background Papers

7. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
   [National Procurement Strategy for Local Government in England 2022 | Local Government Association](#)

Impact

8.

Communication/Consultation	Corporate Management Team and Informal Cabinet Board
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	N/A

Situation

9. The Procurement Strategy was presented to the Governance, Audit and Performance Committee on the 29 September 2022, and it was agreed that an assessment of the Council's procurement performance would be carried out using the NPS toolkit and the outcomes reported to November GAP committee.

10. The council spends significant sums of money on procuring goods, in general terms everything except direct staffing and agency costs are classed as procurement (this includes consultants). The annual spend on procured goods for normal service delivery based on the 2022/23 budget (actual costs may vary).

    - General Fund - £11m
    - Housing Revenue Account - £4m

11. The capital programme spend is also subject to procurement rules and covers significantly higher individual spend for specific projects or programmes, for example, a new social housing development or the cyclical replacement of the waste vehicle fleet.

12. Please note that not all procurement spend is covered by a formal contract, lesser valued goods and services are purchased via a purchase order and these make up a large proportion of procurement spend.

13. The NPS is attached to this report and will provide members with full details of all the key themes and the associated objectives within each one, the diagram below provides a summary of the themes.

Themes

Showing leadership
- Engaging councillors
- Engaging senior managers
- Working with partners
- Engaging strategic suppliers

Behaving commercially
- Creating commercial opportunities
- Managing contracts and relationships
- Managing strategic risk

Achieving community benefits
- Creating social value
- Engaging local SMEs and micro-businesses
- Enabling VCSE engagement

Enablers

Adding value

Developing talent

Exploiting digital technology

Enabling innovation

Embedding change

14. The toolkit provides a basis for government bodies to assess themselves against each of the objectives within the key themes and provides guidance on what is required to achieve each level of maturity, these are described as

- Minimum
- Developing
- Mature
- Leader
- Innovator

15. The key priorities going forward will focus on the phases set out in the Procurement Strategy.

- Use of National Themes, Measures and Outcomes (TOMS), including Social Value
- Climate Change
- Contract Management

16. The assessment shows that the council is at various stages in maturity across the four themes and our ambition needs to be proportionate to the organisation and available resources. The toolkit assessment will be reviewed annually to assess progress and review our ambitions.

17. The full assessment of the council's performance against the toolkit is shown at the end of this report as Appendix A. The green ticks show where we view our current performance, and the red ticks sets our ambition for the future. It should be noted that our ambitions will be profiled over the 4 year life of the Procurement Strategy. The NPS toolkit is attached as Appendix B.

18. The three themes contain 10 sub themes and a total of 64 objectives, a summary of our performance and ambition for each theme using the criteria in the NPS are;

- ***Showing Leadership*** – there are 17 objectives and our current maturity levels show, 4 objectives at mature, 9 developing and 4 minimum. The ambition is that we improve this to 14 objectives at mature and 3 as leader.

- ***Behaving Commercially*** – there are 20 objectives of which our maturity is 10 minimum and 10 developing. The ambition for this theme would be to achieve 18 mature and 2 developing.

- ***Achieving Community Benefits*** – this theme has 25 objectives, and our maturity level is 14 developing and 11 minimum, with an ambition of increasing our maturity on 1 of the minimum objectives to developing, giving a total of 15 objectives at developing level.

19. Cllr Neil Hargreaves is the portfolio holder for Finance and Budget, and this includes responsibility for Procurement, which meets the criteria of 'Champion'.

20. A training session on Procurement was held on the 15 November and all Governance, Audit and Performance committee members (and substitutes) were invited to attend, this training will be offered to all other members of the administration.

21. Earlier in the year all senior officers who hold responsibility for procuring goods and services attended a training session and refresher training will be offered over the next twelve months. This training will set out the council's ambitions and their responsibilities and contributions in delivering these.

22. The council is setting up a new team, Business Performance and Risk Management and the team responsibilities will include Contract Management.

23. The recruitment process to appoint a Contract Officer is in progress, and we hope to appoint to this post following interviews on the 15 December. Once the successful candidate is in post, we will develop a risk-based contract management framework and guidance to support service managers in formal contract management procedures.

24. A comprehensive list of contracts will also be produced which will support many of the ambitions within the assessment.

25. The Procurement Team and the Business Performance and Risk Management Team (once the Contract Officer is in post), will work together on delivering both the ambitions of the council as set out in the assessment and embed the principles of the Procurement Strategy into our procurement of goods and services where applicable and appropriate.

Risk Analysis

26.

Risk	Likelihood	Impact	Mitigating actions
Lack of resources to deliver the full ambition	2 – difficulty in recruiting	2 – may need to reassess the ambitions set out in the assessment	Work programme will focus on the key priorities

1 = Little or no risk or impact
2 = Some risk or impact – action may be necessary.
3 = Significant risk or impact – action required
4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Procurement Assessment using National Procurement Strategy Toolkit

Uttlesford District Council	Maturity Level				
	Minimum	Developing	Mature	Leader	Innovator
Showing Leadership					
Engaging Councillers					
HIgh level and specific behaviour		✓	✓		
Procurement and commercial champions			✓	✓	
Reporting		✓	✓		
Training		✓	✓		
Engaging Senior Staff					
HIgh level and specific behaviour			✓	✓	
Infulence and Impact		✓		✓	
Mission and Strategy			✓		
Processes		✓	✓		
Training and Devleopment		✓	✓		
Working with Partners					
HIgh level and specific behaviour		✓	✓		
Culture		✓	✓		
Governance and processes			✓		
Training and Development		✓	✓		
Engaging Strategic Suppliers					
HIgh level and specific behaviour	✓		✓		
Data collection and analysis	✓		✓		
Engagement of Strategic suppliers	✓		✓		
Early engagment with future strategic suppliers	✓		✓		
Behaving Commercially					
Creating Commercial opportunites					
HIgh level and specific behaviour		✓	✓		
Forward Planning		✓	✓		
Options appraisal (make or buy)		✓	✓		
Market and supplier reserach and analysis		✓	✓		
Tendering		✓	✓		
Performance reporting	✓		✓		
Post Contract Review	✓		✓		
Managing contracts and relationships					
HIgh level and specific behaviour	✓		✓		
Infomation storage and accessibility	✓		✓		
Change Control	✓		✓		
Supplier financial distress	✓	✓			
Savings and benefits delivery	✓		✓		
Recognition and cultural acceptance	✓		✓		
Skills and Knowledge	✓	✓			
Managing strategic risk					
HIgh level and specific behaviour	✓		✓		
Fraud and financial loss		✓	✓		
Supply chain and contractor failure		✓	✓		
Modern slavery		✓	✓		
GDPR		✓	✓		
External events		✓	✓		
Achieving Community Benefits					
Creating social Value					
HIgh level and specific behaviour		✓			
Policy and Scope		✓			
Measurement - TOMS		✓			
Commissioning	✓	✓			
Procurement		✓			
Market Engagement and partnerships		✓			
Contract management and reporting	✓				
Governance, accountability and internal management		✓			
Local small and medium enterprises and micro business					
HIgh level and specific behaviour		✓			
Policy and Scope		✓			
Facilitating good relationships with SME's		✓			
Commissioning		✓			
Marekt engagement and partnerships		✓			
Procurement		✓			
Contract management and reporting		✓			
Governance, accountability and reporting		✓			
Enabling voluntary, community and socail enterprise engagement					
High level and specific behaviour	✓				
Policy and Scope	✓				
Facilitating good relationships with VCSE's	✓				
Measurement	✓				
Commissioning	✓				
Market Engagement and partnerships	✓				
Procurement	✓				
Contract management and reporting	✓				
Governance, accountability and reporting	✓				

Local Government Association

National Procurement Strategy for Local Government in England 2022

Toolkit

Introduction

This toolkit has been developed to support delivery of the National Procurement Strategy for Local Government in England 2022.

The purpose of the toolkit is to help councils, and groups of councils, to set objectives in relation to the maturity levels in each of the key areas of the strategy and to assess their own progress against those objectives.

Showing leadership

Key area: Engaging councillors	
Description	**Engaging councillors** refers to the engagement of councillors in the leadership and governance of council procurement and commercial activity. This includes both the cabinet or portfolio holders and overview and scrutiny members. To perform their roles effectively councillors benefit from good procurement and commercial advice and skills.
Help	
What it is: Councillors set the council vision and strategic priorities and must be satisfied that the procurement and commercial arrangements for their delivery are robust. Councillors make key decisions, particularly in major projects, and maintain oversight of the performance of key contracts, agreeing corrective action where necessary. Councillor engagement needs to be supported through training, good procurement and commercial advice and reporting arrangements. **Why it is important:** When councillors are fully engaged with procurement and commercial matters, the quality of decision-making is better and oversight and accountability are improved. Councillor engagement leads to better project delivery and better outcomes for the local community.	

Minimum	Developing	Mature	Leader	Innovator
High level principle and specific behaviour				
Councillors regard procurement and commercial issues as purely operational matters.	The council is exploring the best approach to councillor engagement in procurement and commercial matters.	Councillor engagement is delivering better results on some projects.	Councillor engagement is delivering better results across all procurement and commercial activity.	Councillor engagement is contributing to the success of a combined authority or group of councils project or another innovative project.

Key area: Engaging councillors

Minimum	Developing	Mature	Leader	Innovator
Procurement and commercial champions				
Councillors recognise the role of procurement and commercial input in delivering the council's vision and strategic priorities.	The council is exploring the best way for councillors to champion procurement and commercial matters.	Procurement and commercial matters are within the portfolio of a cabinet member (or equivalent arrangements).	The portfolio holder (or equivalent) is making a demonstrable impact on council procurement and commercial activities.	The portfolio holder (or equivalent) is making an impact on a combined authority or group of councils project or another innovative project.
Reporting				
Councillors in executive and overview and scrutiny roles receive reports required for formal decision-making and reviews.	The council is exploring better ways of informing councillors about procurement and commercial activities.	Councillors receive regular briefings and reports, going beyond formal requirements, which highlight the contribution of procurement and commercial matters.	Councillors are performing their roles more effectively due to enhanced reporting arrangements.	Enhanced reporting extends to combined authority or group of councils projects and other innovative projects.
Reporting				
There is no formal training for councillors on procurement and commercial issues.	Some councillors have attended relevant training courses.	Councillor development programmes include procurement and commercial modules for all participants. Training equips councillors in executive and overview and scrutiny roles to ask the right questions.	Development programmes have resulted in better councillor engagement with procurement and better decisions.	Development equips councillors to play their role in combined authority or group of councils projects or other innovative projects.

Key area: Engaging senior managers	
Description	**Engaging senior managers** refers to the corporate management team valuing and benefiting from procurement and commercial input at all stages of decision-making, including early advice on major projects.

Help
What it is: Key decision-makers value and benefit from procurement and commercial advice including at the early stages of major projects. This is a two-way process requiring action by senior managers on the one hand and by procurement and commercial advisors on the other.

Why it is important: Good procurement and commercial advice (wherever possible, provided in-house or shared between councils) can have a decisive impact on the outcome of a project, particularly one involving innovation. It is important that senior managers engage with procurement and commercial issues from the earliest stages of the project. |

Minimum	Developing	Mature	Leader	Innovator
High level principle and specific behaviour				
Senior management regard procurement and commercial issues as purely operational matters.	The council is exploring the best approach to obtaining procurement and commercial input into decision-making.	Senior managers are engaged with procurement and commercial issues, routinely taking advice at key decision points.	The council is demonstrating better results from early procurement and commercial advice on projects.	Council procurement and commercial advice is valued by leaders of combined authority or group of councils projects or in connection with an innovative project.

Key area: Engaging senior managers

Minimum	Developing	Mature	Leader	Innovator
Influence and impact				
Procurement and commercial input is contributing but the contribution is not visible to senior managers.	Contribution of procurement and commercial has been noted on isolated projects.	Contribution of procurement and commercial input is recognised through representation on corporate management team.	Representation on corporate management team is contributing to better strategic planning, coordination and decision-making.	There is representation on combined authority or group of councils, decision-making bodies or governance structure of an innovative project.
Mission and strategy				
Obsolete procurement strategy or no procurement strategy.	Procurement strategy being reviewed and refreshed.	The council has approved a procurement strategy aligned to corporate and service strategies.	The council has approved the procurement and commercial mission to harness supplier innovation.	The council is committed to providing procurement and commercial support to the combined authority, or group of councils, approach in order to harness supplier innovation.

Key area: Engaging senior managers

Minimum	Developing	Mature	Leader	Innovator
Processes				
Ad hoc approach to managing projects.	Structured approach but not explicit about role of commercial and procurement advice.	Structured approach to project management clearly defining roles and responsibilities in relation to procurement and commercial advice.	Demonstrably better outcomes from projects due to early procurement and commercial advice.	Early procurement and commercial advice from the council is provided to combined authority, or group of councils, joint projects.
Training and development				
No formal training for senior managers on procurement and commercial issues.	Some senior managers have attended training courses.	Senior manager development programmes include procurement and commercial modules for all participants.	Development programmes have resulted in better engagement with procurement and commercial functions and better decisions.	Development equips senior managers to engage with procurement and commercial and ensure better decisions in combined authority, or group of councils, projects.

Key area: Working with partners	
Description	**Working with partners** refers to a 'one team' approach to the design and implementation of solutions for public services which spans council departments and organisations.

Help

What it is: The council works as a single team to design and implement solutions for public services and commissioners or budget holders, and commercial and procurement advisors work together as part of that team.

Why it is important: A team approach is the best use of limited resources and can lead to innovative solutions and better results. The team approach should characterise how council departments work together and how the council works with other councils, health, fire, police, housing, voluntary, community and social enterprise (VCSE) and other partners.

Minimum	Developing	Mature	Leader	Innovator
High level principle and specific behaviour				
There are teams but they work in isolation from commercial and procurement advisers.	The council acknowledges the business case for a cross-council approach to design and implementation of solutions and is seeking to encourage this.	Designing and implementing solutions as a single team in high value or high-risk projects.	Designing and implementing solutions is the council's normal way of working (policy).	Designing and implementing solutions as a combined authority or as a group of councils or with health, fire, police, housing, voluntary, community and social enterprises (VCSEs) and other partners.

Key area: Working with partners

Minimum	Developing	Mature	Leader	Innovator
Culture				
Silo working is not questioned.	The benefits of a change in culture are recognised. Pilots are challenging attitudes and behaviours.	Working as a single team is 'the way we do things here'.	Working as a single team is the norm when the council cooperates with external partners.	Team successes, including significant innovations, reinforce the culture.
Governance and processes				
Departments generally have their own arrangements and processes.	Lessons are learned from pilot projects for planning and budgeting processes, project management and governance.	The team approach is supported by: • corporate and service planning and budgeting processes • a structured approach to project management • effective governance arrangements.	The team approach is supported by: • joint planning and budgeting processes • a common approach to project management • strong cross-organisation governance structures.	Peers acknowledge the transformational results being achieved through partnership working (including governance, processes and project management arrangements).
Training and development				
Training and development programmes do not cover partnership working.	Training programmes are under development.	Training programmes cover 'soft skills' of partnership working as well as council processes.	Training programmes cover 'soft skills' of partnership working and shared processes.	Other public bodies regard the council's approach as exemplary practice and involve council staff in their own training programmes.

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Key area: Engaging strategic suppliers

Description	**Engaging strategic suppliers** refers to the process of identifying strategic suppliers and engaging with them to improve performance, reduce cost, mitigate risk and harness innovation.

Help

What it is: The council takes a strategic approach to the management of relationships with the most important suppliers (otherwise known as strategic supplier relationship management). This activity should be carried out cross-department and is most effective when done cross-organisation.

Why it is important: Effective management of strategic supplier relationships can deliver a range of benefits including improved outcomes for the public, added social value, reduced cost, reduced risk and innovation.

Minimum	Developing	Mature	Leader	Innovator
High level principle and specific behaviour				
Firefighting. Ad hoc engagement with important suppliers, usually when there is a problem to be resolved.	Acknowledges the business case for improved strategic supplier management and is piloting engagement.	Delivering the programme of engagement with strategic suppliers at council level.	Playing a leading role in programme of engagement with strategic suppliers at combined authority or group of councils level.	Playing a leading role in a programme of engagement with strategic suppliers at regional or national level.

Key area: Engaging strategic suppliers

Minimum	Developing	Mature	Leader	Innovator
Data collection and analysis				
No common basis for departments to collect data and intelligence on suppliers. No system for sharing and analysing departmental data. No agreed definition of a strategic supplier.	The council has partial data and intelligence on its suppliers and is developing criteria, it will use to identify strategic suppliers.	The council routinely collects and analyses data and intelligence on supplier performance, cost, financial status, added social value and risk. Council strategic suppliers are identified according to agreed criteria. Council has visibility of strategic supplier supply chains.	The council shares data and intelligence on performance, cost, financial status, added social value and risk. The council contributes to analysis of data and identification of strategic suppliers at combined authority or group of councils	The council participates in regional or national data and intelligence sharing. Contributes to analysis of data and identification of strategic suppliers at regional or national level.

Key area: Engaging strategic suppliers

Minimum	Developing	Mature	Leader	Innovator
Engagement of existing strategic suppliers				
Roles and responsibilities in relation to strategic suppliers not defined. Engagement (when it happens) is firefighting in response to a crisis.	Toolkits for working with strategic suppliers are assessed for adoption. Piloting engagement with a major supplier.	Roles and responsibilities allocated for monitoring and engaging strategic suppliers. Engagement toolkit adopted. Supply chain risk assessment carried out. Programme of engagement to identify and realise opportunities for cost reduction, performance improvement, added social value and mitigation of risk. Improvement or cost reduction plans in place. Contingency planning where there is significant risk.	Combined authority, or group of councils, provide a lead role for strategic supplier monitoring and engagement. Leading delivery of a programme of engagement with one or more shared strategic suppliers. Undertaking joint risk assessment. Using shared toolkit. Coordinating improvement or cost reduction planning and contingency planning at combined authority or group of councils level.	Regional or national lead role for strategic supplier monitoring and engagement. Leading delivery of a programme of engagement with one or more regional or national strategic suppliers. Regional or national risk assessment. Using regional or national toolkit. Coordinating improvement or cost reduction planning and contingency planning at regional or national level.

Key area: Engaging strategic suppliers

Minimum	Developing	Mature	Leader	Innovator
Early engagement with future strategic suppliers				
Not recognised as important.	Some information on forward plans published. Experience of early market engagement on at least one council project.	Future needs signalled to the market using a variety of channels including publication of pipeline information and engagement events. Normal practice to engage early with bidders on significant projects to encourage innovative solutions.	Combined authority, or group of councils, provide a lead role for market engagement. Leading early engagement for a joint project.	Regional or national lead role for market engagement. Leading early engagement for a regional or national project.

Behaving commercially

Key area: Creating commercial opportunities	
Description	**Creating commercial opportunities** refers to how an organisation promotes revenue generation and value creation through the way it plans its major third-party acquisitions (works, services and goods), reviews its business options (make or buy), engages with, and influences, markets and potential suppliers, seeks to support and encourage innovation, and promotes the development of new ideas and solutions to service delivery. Commercialisation is a broad subject, and this key area is confined to how procurement teams should contribute to its successful delivery.
Help	
What it is: There are many ways in which commercial opportunities can be created through the strategic management of the commercial cycle and the services and assets delivered through the contracts it creates. Commercialisation is a broad and important subject to the sector. This key area is confined to how procurement teams should contribute to helping identify and create commercial opportunities. **Why it is important:** As grants from central government are reduced, organisations are required to look at other means of reducing funding deficits. Commercial opportunities can be created in many ways, from conventional means such as increasing returns on assets to the way the council engages with its development partners and third-party contractors.	

Minimum	Developing	Mature	Leader	Innovator
High level principle and specific behaviour				
Focused on business as usual and compliance.	Some high value or high profile acquisitions examined for creating commercial opportunities.	Clear understanding of the ways in which new revenue generation opportunities can be created across the commercial cycle. End-to-end policies and processes promoting this approach are in place across the organisation.	Revenue generation and potential wealth creation is a standard part of all contract review meetings. Procurement staff are encouraged to enhance commercial skills and demonstrate commercial behaviours.	Organisations work collectively to identify and exploit new commercial opportunities through market shaping and shared working with development partners. Organisations address commercial opportunity through the development of staff knowledge.

Key area: Creating commercial opportunities

Minimum	Developing	Mature	Leader	Innovator
Forward planning				
Some forward planning is undertaken but with a focus on process compliance.	Forward planning is undertaken in some areas or for some acquisition types. Opportunities to create new revenue streams is sometimes investigated in some departments and for some expenditure categories.	Forward planning is always undertaken across the organisation for all strategic contracts. Opportunities to create new revenue streams is considered by all departments and for all relevant expenditure categories. The procurement team are encouraged to contribute ideas for revenue generation in the forward planning process.	Forward planning for contracts has developed to form an integral part of the organisation's budget setting and expenditure forecasting process. The procurement team can contribute ideas for revenue generation in the forward planning process.	Forward planning for contracts is undertaken across multiple organisations to maximise leverage and commercial attractiveness to the market.
Options appraisal (make or buy)				
Sometimes undertaken, but only seen as an in-house or outsource decision.	Undertaken for high profile or high value projects and exercises. Evaluation criteria sometimes incorporate commercial and social considerations.	A policy exists, setting out how and when options appraisals must be applied and is used by all departments. Clear guidance on how to identify and evaluate 'make or buy' options, including commercial and social considerations, is in place and widely used. The procurement team is asked to give advice on market and supplier research.	Options appraisals include seeking commercial opportunities or collaborative contracting with others in the sector. New models for service delivery are developed. Procurement is viewed as an integral aspect of options appraisals.	Expanded to include alternative service delivery vehicles, includes creation of new trading companies, seeking commercial opportunities or collaborative contracting with other organisations in the wider public sector.

Key area: Creating commercial opportunities

Minimum	Developing	Mature	Leader	Innovator
Market and supplier research and analysis				
Sometimes undertaken if time permits or there is a political imperative.	Undertaken when a new requirement is sought or where there have been problems on an earlier contract. Research sometimes includes looking for commercial opportunities or gaps in the market.	A policy exists, setting out how and when market and supplier research and analysis must be undertaken and is used by all departments. Clear guidance on how to interpret and apply the findings, including commercial and social considerations, is in place and widely used. Procurement is asked to give advice on market and supplier research.	Outcomes from market and supplier research are used to shape and determine the content and timing of the procurement process used. Outcomes are also used to contribute to the risk management process and options appraisal process. Procurement input is viewed as an integral aspect of market and supplier research and analysis.	Outcomes from market and supplier research are used in collaboration with other organisations in the wider public sector for seeking and exploiting new commercial opportunities.

Key area: Creating commercial opportunities

Minimum	Developing	Mature	Leader	Innovator
Tendering				
Mainly focused on compliance and standard cost and quality ratios.	Focus still on compliance and standard cost and quality ratios but innovation sometimes considered. Tenders are mainly viewed as legal documents but written in plain language. Procurement team is sometimes invited to contribute to the planning phase.	Innovation is seen by the organisation as an important factor in the tendering process and scored at the evaluation stage. Tenders are viewed as needing to have a legal and commercial balance are focused on attracting the best bids. Procurement team is asked to contribute to the planning phase.	Tendering is seen as a commercial process by the organisation. Documentation is prepared to make it attractive to take part and is focused on innovation and opportunities. Procurement is seen as an integral contributor to the planning phase.	Tendering opportunities are focused on innovation and opportunities and done in conjunction with development partners to maximise market attractiveness.

Key area: Creating commercial opportunities

Minimum	Developing	Mature	Leader	Innovator
Performance reporting				
Performance reporting is undertaken but is restricted to savings made.	Performance reporting is undertaken and includes commercial and social benefits achieved as well as savings but restricted to specific procurement exercises and some departments. Summary reports are produced by the procurement function for service heads on an annual basis.	Performance reporting is undertaken and includes commercial and social benefits achieved as well as savings across the whole organisation. Procurement is asked to produce summary reports for chief officers and councillors monthly.	Performance reporting is seen as an integral part of the organisation's culture with reports on commercial and social benefits achieved included in a performance dashboard. An annual report for the leadership team and potential delivery partners covering achievements and aspirations is published by the organisation. Procurement is viewed as an integral aspect of performance reporting and is viewed by the leadership as contributing to commercialism.	Aspirations and performance reporting are shared with other organisations in the sector to maximise potential leverage and influencing capability in markets and with development partners.

Key area: Creating commercial opportunities				
Minimum	**Developing**	**Mature**	**Leader**	**Innovator**
Post contract review				
Occasional post contract reviews are undertaken but restricted to some departments or categories of expenditure. Seen as something that is done after poor contract performance or contract failure.	Post contract reviews are undertaken, by most departments or identified categories of expenditure. Seen as being an integral part of improving outcomes and identifying commercial opportunities.	Post contract reviews are undertaken as part of an organisational policy. Well-defined criteria are published for undertaking post contract reviews including the identification of commercial opportunities. Procurement team is asked to support the post contract review process.	Contract reviews and relationships are seen as a continuous process and involve development partners to ensure commercial and social opportunities are identified and exploited. Procurement is seen as an integral part of the post contract review process.	Contract reviews and relationships are seen as a continuous process and fundamental to improved performance and the creation of new opportunities. Reviews are extended to sector partners so that supplier relationship management can be undertaken in partnership with multiple organisations.

Key area: Managing contracts and relationships	
Description	**Contracts and relationship management** refers to the effective management and control of all contracts from their planned inception until their completion by the appointed contractor(s). It covers the supporting policies, procedures and systems needed to undertake it, together with broader issues from the identification and minimisation of risk, successful and timely delivery of outcomes and performance, effective control of cost and variations and the maintenance of clear communications and operational relationships with contractors.
Help	
What it is: Contract and relationship management is the process by which all contracts and variations are managed effectively to control costs, secure the quality and timeliness of agreed outcomes and performance levels and minimise the occurrence of risks. **Why it is important:** Poor contractor performance or commercial failure can seriously damage a council's reputation and its ability to deliver effective services and support to local communities.	

Minimum	Developing	Mature	Leader	Innovator
High level principle and specific behaviour				
Compliance-driven. Reactive approach to contract and relationship management.	Identified the need to change and improve. Basic policies, procedures and systems in place.	All basic policies, procedures and systems in place to support contract and relationship management across the organisation and used in all departments.	Well-developed policies, procedures and systems in place to support contract and relationship management. Used to drive forward planning, cost control and contractor performance.	Contract and relationship management recognised by the leadership team as being essential to driving ongoing improvement and better service outcomes. Systems, procedures and staff delivering consistently high results.

Key area: Managing contracts and relationships

Minimum	Developing	Mature	Leader	Innovator
Information storage and accessibility				
Basic contracts register on a spreadsheet with limited accessibility. Data held is often incomplete or out of date.	Contracts register exists with some access possible, mainly viewing and searching capability. Data held is incomplete or out of date, but efforts are being made to increase data quality and the percentage of third party spend listed on the register.	Contracts register is dynamic and provided through a purpose-built solution (in-house, external contract and relationship management software or hosted service). Fully visible to the whole council with read, write, edit and search capabilities for all contract owners and managers. Complete data sets for all major third party spend.	Contracts register is dynamic and fully accessible to all who need to use it. Information is always up to date with comprehensive, complete and accurate records on all contracts. Contracts register has action or renewal alerting capabilities for contract owners and managers and in-built learning management capability.	Contracts register is complete and accessible to all appropriate staff and is integrated with the financial system for forward planning, budgeting, asset management and expenditure reporting. Contracts register is used for forward planning and financial modelling.
Change control				
No change control policy in place except for isolated contracts.	A change control policy exists for capturing the details of any changes or variations made to some contracts. Standard documentation is available and used by some departments.	Change control policy implemented across the board for all contract changes and variations. Standard documentation is available and used in all circumstances across all departments.	All contract changes and variations processed through change control stored on the contracts register. Details shared online with contract managers, owners and contractors.	Details of all contract changes and variations used for calculating impacts on budgets and assessing contractor risk or performance. Cost and time overruns are reported to service heads and leadership team.

Key area: Managing contracts and relationships

Minimum	Developing	Mature	Leader	Innovator
Supplier financial distress				
Recognition of the need for early engagement with suppliers in financial difficulties	Structured approach to early engagement of suppliers in financial difficulties.	Ad hoc inclusion of supplier financial distress clause in contracts.	Standard supplier financial distress clause included in all major contracts for services.	Implementing advanced approach to supplier financial distress extending beyond contract clauses.
Savings and benefits delivery				
Savings and benefits are delivered from some contracts but not a part of any formal process.	A formal policy is in place for capturing savings and accruing benefits from contracts but is not uniformly implemented.	Savings capture from contracts and benefits realisation is applied uniformly across the organisation and reported to chief officer level.	All contracts regularly reviewed to monitor actual versus planned spend. Opportunities for savings from specification and performance reviews are assessed on an ongoing basis. All benefits and savings claimed in agreed business cases or promised by contractors are managed and accrued to the organisation.	A proactive system is in place in partnership with contractors to review all contracts for potential savings, cost reductions and benefits realisation. Contractors work with the organisation on an ongoing basis to reduce costs and eliminate potential waste.

Key area: Managing contracts and relationships				
Minimum	**Developing**	**Mature**	**Leader**	**Innovator**
Recognition and cultural acceptance				
There is no recognition by the organisation of contract and relationship management. Only job roles which are fully designated to managing contracts are designated as contract manager in their title.	There is recognition by the organisation of contract and relationship management in some departments. Job roles are designated as contract manager or contain specific contract and management activity in their content description in some departments.	Contract and relationship management is recognised by the organisation as being essential to its overall performance. Job roles are designated as contract and relationship manager or contain contract and relationship management activity in their content description as a formal policy. Performance is reviewed with job holders in their annual appraisals.	Regular briefings and meetings are held to brief all staff involved in contract and relationship management on commercial, developments, new initiatives and professional development.	The organisation is a sector exemplar with contract and relationship management firmly rooted in the management culture and can advise other organisations on how to achieve a similar transformation.

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Key area: Managing contracts and relationships

Minimum	Developing	Mature	Leader	Innovator
Skills and knowledge				
Staff have limited access to any contract and relationship management skills and knowledge programmes.	Staff have access to general contract management training given as a one-off exercise rather than an ongoing skills enhancement programme.	Contract and relationship management is acknowledged as a core competency across the organisation. Briefings on contract and relationship management are given in all induction and management programmes. Refresher programmes are available to all staff involved in contract and relationship management.	Contract and relationship management is acknowledged as a core competency across the organisation. Staff are invited to undergo advanced or specialist training where contract management accounts for more than 20 per cent of their job role.	Contract and relationship management is recognised as a profession where staff are encouraged and supported to advance their skills in the subject and acquire professional qualifications.

Key area: Managing strategic risk	
Description	**Managing strategic risk** refers to the impact by an external event, passing of a statute or illegal activity upon business as usual, reputation or financial health of the organisation.
Help	
What it is: A series of actions and policies designed to reduce or even eliminate the probability of a perceived risk occurring and minimising the detrimental effects that may occur should it materialise.	
Why it is important: The occurrence of any risk, particularly when it could be foreseen, can have a devastating impact on the organisation's reputation and the lives of the people it serves, the quality of the services that it provides, and even its financial viability.	

Minimum	Developing	Mature	Leader	Innovator
High level principle and specific behaviour				
Compliance driven. Doing enough to meet statutory requirements.	Good awareness of issues involved and potential threats with basic systems in place to manage them should they occur.	Taking a proactive approach to strategic risk management with all vulnerable areas identified and mitigating policies and plans in place.	All vulnerable areas are assessed and risk strategies include shared ownership, transparency and reporting with appropriate suppliers.	Effective policies and plans in place in all areas, shared with contractors with contingency plans in place and active management of all strategic risks.

Key area: Managing strategic risk				
Minimum	**Developing**	**Mature**	**Leader**	**Innovator**
Fraud and financial loss				
The organisation does not see this as a priority or is not aware, beyond statutory compliance.	Basic systems, controls and reporting are in place to ensure compliance and minimise potential for financial loss from both internal and external sources.	Systems in place to target both financial loss and fraud with a proactive approach to issues such as irregular transactions, duplicate payments, and fake creditors or invoices.	Well-defined systems in place targeting both financial loss and fraud. Active deployment and use of analytical software. Audit teams working closely with all departments to make this a priority.	All internal systems covered and supported by analytical software. Fraud detection checks throughout supply chain. Potential collusion in contracts and market distortion actively investigated.

Key area: Managing strategic risk				
Minimum	**Developing**	**Mature**	**Leader**	**Innovator**
Supply chain and contractor failure				
The organisation does not see this as a priority or is not aware and will react to events.	Aware of the risks and issues involved and attempting to identify where this may occur.	Expenditure categories or contracts where this might occur are identified. A suitable policy developed, and risk register with mitigating actions in place.	Effective policies implemented in collaboration with relevant contractors.	Full picture of all high-risk suppliers and contractors with supply chain vulnerabilities identified. Active management of, and reporting against, high risk suppliers and their supply chains.
Modern slavery (legislation)				
The organisation does not see this as a priority or is not aware of its obligations and duties.	Aware of the legislation and how it might manifest itself in supply chains.	Expenditure categories and contracts with potential for modern slavery identified. Basic checks made with appropriate contractors.	All contracts where modern slavery might occur are known. Agreed reporting measures and compliance checks agreed and implemented by appropriate contractors.	All appropriate contractors and their supply chains are known with risk of occurrence fully managed. Assisting other organisations to advance.

Key area: Managing strategic risk

Minimum	Developing	Mature	Leader	Innovator
General Data Protection Regulations (GDPR)				
The organisation does not see this as a priority or is not aware, beyond statutory compliance.	Aware of legislation and taking steps to ensure compliance.	Actively identifying and reviewing contracts where data issues could occur.	Pre-defined policy and process in place to identify contracts where data issues will occur reflected in standard terms and conditions. Good engagement with contractors.	Full understanding and visibility of all existing and planned contracts where data issues exist. Contractors fully engaged and contributing to compliance and transparency.
External events				
No consideration given to the impact of external events on the functioning of the organisation.	Keeping abreast with central government briefings and taking appropriate action.	Monitoring the high value and risk contracts. Gaining visibility and understanding of vulnerabilities in supply chains and labour availability.	Thorough understanding of the possible impact on all high value and risk contracts. Contingency plans in place in the event of contract failure.	Contingency plans in place for all high value and risk projects. Back-up suppliers identified. Fully engaged in discussions on how best to exploit opportunities

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Achieving community benefits

Key area: Creating social value	
Description	**Social value** refers to wider financial and non-financial impacts of programmes, organisations and interventions, including the wellbeing of individuals and communities, social capital and the environment. From a business perspective it may be summarised as the net social and environmental benefits and value generated by an organisation for society through its corporate and community activities, reported as financial or non-financial performance or both.
Help	
What it is: Social value is about improving economic, social and environmental wellbeing from public sector contracts over and above the delivery of the services directly required and at no extra cost.	
Why it is important: Experience from procurements let by councils that have fully integrated social value requirements has shown that a minimum of +5 per cent to +20 per cent social value (according to sector) can be obtained on contract value by way of direct community benefits.	

Minimum	Developing	Mature	Leader	Innovator
High level principle and specific behaviour				
At the start of the journey. Wants to do more.	Takes a proactive approach to integrating social value into procurement and commissioning.	Social value is consistently embedded into corporate strategy and there is a consistent framework for management and delivery. Demonstrates behaviours for collaboration and partnership-building with communities and potential suppliers.	Social value is a core operational metric, integrated into all departments and activities with regular reporting against targets and decision-making.	Takes a proactive place-based approach to social value and leading the sector within the area or region.

Key area: Creating social value

Minimum	Developing	Mature	Leader	Innovator
Policy and scope				
No specific corporate-wide policy in place.

Some departments or directorates apply a local policy for seeking social value in procurements .

Social value is applied in an ad-hoc manner with no specific strategy in place. | Has developed and implemented a social value policy.

Social value is recognised as a core principle supported by a published social value policy and implementation strategy.

Requirements are tailored to reflect size and scope of contracts. | A comprehensive social value policy is published and reviewed on a regular basis.

Policy is made easily available on the website for all potential suppliers to view.

Social value implementation is underpinned by an overarching social value statement and an action plan which are published and reviewed regularly.

Process and policy are in place to identify which contracts should include social value.

Key social value policies are used to screen suppliers including coverage of living wage, ethical procurement, and visibility of supply chain adoption.

A proactive role with small and medium sized enterprises (SMEs) and VCSEs in the region is undertaken to assist with their understanding of social value and how they can help to deliver regional needs. | Social value requirements are applied to across all areas of the council including allocation of grants, procurements, asset transfers, planning and other departmental projects.

A cross sector social value advisory group is in place providing oversight, scrutiny, and challenge.

Links are made to planning processes and social value is sought in planning applications and delivered through development and occupation.

Specific policies are in place on stakeholder involvement, materiality assessment and valuation. | Leads or takes a prominent role in the local area or region in developing a place-based approach to the seeking and delivery of social value on an area or regional basis

Encourages participation and collaborates with health, education and other areas of the public sector to enable a holistic approach to be taken to the delivery of social value across the region.

Works with private sector companies in the region to encourage them to seek social value in their own procurements aligned to regional priorities.

Policies are applied across all commissioning, procurement and planning. |

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Key area: Creating social value

Measurement: themes, outcomes and measures (TOMs)

Minimum	Developing	Mature	Leader	Innovator
Has adopted the national TOMs as a measurement standard. Measuring social value in a very limited way (such as spend with local SMEs). National TOMs are used by some departments in their procurements.	National TOMs have been mapped to meet specific local authority policies. Outcomes are weighted where appropriate to council and local priorities. The 'golden thread' is maintained between TOMs, corporate strategy and the social value policy.	Measures and priorities are adjusted according to stakeholder feedback. National TOMs are available on the website to all suppliers as a part of social value policy. Regular meetings and feedback sessions are held within the organisation to ensure national TOMs set are being used and reflect the needs of the organisation. There is measurement of social value generated across all procurements above a threshold using national TOMs.	Processes are in place to allow local TOMs to be updated on an annual basis according to local community priorities. A cross sector committee is formed to develop and manage the delivery of joined-up social value policies. Cost savings are identified, and results shared to help build financial benefits. National TOMs are developed and adapted to be used in the planning team.	Regional public sector bodies including health, education and emergency services and other stakeholders are consulted in the development of a TOMs set for use regionally. A place-based approach is taken and a common set of TOMs is created which all public sector bodies in the region or area use as a part of their commissioning, procurement and reporting. Regular cross-sector meetings are held to share feedback and benchmarking. Regional reports and metrics are produced on social value delivered and sent to all public sector bodies in the region. The council uses TOMs to measure its own activities within the area. National TOMs are used to measure the benefits of regeneration and local investment.

Key area: Creating social value

Minimum	Developing	Mature	Leader	Innovator
Commissioning				
No organisational focus is given to social value in commissioning activities above the basics. Some commissioners seek social value as part of their requirements.	Attention is given to incorporating social value in larger contracts.	A needs assessment is used to inform the approach to project commissioning. Key projects are commissioned with social value creation at their core. All new contracts above a threshold are assessed before procurement for their potential contribution to social value objectives. Collaboration and partnership building and co-design with stakeholders is undertaken.	A social value outcomes approach is taken to commissioning of all services with cross departmental collaboration. Social value is embedded at all stages through the commissioning cycle and procurement is involved throughout. For user department-led projects social value is embedded within guidance, resources and templates. Regular feedback is provided between commissioning and procurement teams to ensure local TOMs remain relevant to the needs and objectives of the organisation.	Social value is mapped to location of delivery and measured as a part of the evaluation criteria. Outcomes are updated systematically to build on stakeholder feedback. Specific social value commitments are sought from tenders that have been open and transparent to the public and adapted to take account of residents' input.

Key area: Creating social value

Procurement

Minimum	Developing	Mature	Leader	Innovator
Social value is considered in contracts. Social value is included in quality assessments as part of the quality and price matrix. Non-specific social value questions are asked and are not related to the needs or objectives of the organisation. Minimal weighting is provided to social value.	Social value is included within procurement policies where relevant. All relevant social value policies are made available to suppliers. Social value is included in all tenders over an agreed threshold. National TOMs are adopted for all relevant tenders and consideration is given to contract size and scope to determine the measures to be applied. Social value has a stand-alone weighting of at least 10 per cent within the evaluation criteria.	A weighting system is in place of at least 15 per cent of total score. Social value requirements are included in all tenders over an agreed threshold (including concession contracts and framework agreements). Social value is included within procurement policies, and these are made available to all potential suppliers. Relevant TOMs are published to allow bidders to prepare their approach to social value in advance of tenders being published.	Social value weightings above 15 per cent are used where appropriate, including specific sub-weightings for key council themes or priorities (for example 10 per cent standalone weighting for climate change). Relevant gateways and checks are in place to ensure consistency in seeking social value in tenders. Processes are in place to ensure lessons learnt and feedback is incorporated for continuous practice improvement including policy and toolkit development. Links are provided to community partners that will support the delivery of social value. Specific sector benchmarking is provided with a target percentage of social value expectations.	A place-based approach is taken to procuring social value including cross public sector collaboration and regional TOMs.

Key area: Creating social value

Market engagement and partnerships

Minimum	Developing	Mature	Leader	Innovator
No market engagement is undertaken.	Initial but ad hoc steps taken in market engagement around social value.	Project specific market engagement is offered and delivered for specific contracts. Supporting documentation is provided to suppliers, alongside periodic general engagement, to support their understanding of social value. Pre-market engagement is undertaken regularly to ensure potential suppliers are conversant with the approach taken to social value by the council.	Regular universal supplier meetings are held to build capacity and to get feedback. Case studies and examples of innovation are provided to illustrate social value. Initiatives are undertaken to build capacity and shape the market with the business community and third sector providers. A market development plan forms part of the policy underpinning commissioning development and action plan. A specific focus on upskilling local SMEs and VCSEs is undertaken.	Specific initiatives are undertaken to begin to build partnerships with business, health, universities and VCSEs. Promotion of B2B and B2Three relationships is undertaken (for larger suppliers and long-term frameworks). Feedback mechanisms are in place including an annual provider satisfaction survey. A cross sector advisory group meets regularly to provide feedback. Regular forums for social value networking and engagement are held.

Key area: Creating social value

Minimum	Developing	Mature	Leader	Innovator
Contract management and reporting				
Contracts are not monitored in any coherent way for social value post award. Limited or informal social value reporting and feedback only.	Specific, targeted social value action plans agreed at commissioning and procurement stage. These are bound into the contract and performance monitored.	Annual feedback to cabinet or scrutiny committee on social value creation. Robust reporting is in place on progress and delivery and published annually. Processes are in place to ensure lessons learnt and feedback is incorporated for continuous practice improvement including benchmarking. Meetings are regularly held with contractors to discuss delivery of social value.	Regular feedback to cabinet or scrutiny committee on social value. Annual reporting includes benchmarking and progress against targets.	Regular feedback to citizens on value creation against targets including performance and evidence through case studies. Innovative ways of communication employed to ensure citizen feedback including provision of data to location and digital communication. Suppliers are asked to produce assured impact reports. Regular feedback to suppliers and citizens through website and a published social value statement.

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Key area: Creating social value

Minimum	Developing	Mature	Leader	Innovator
Governance, accountability and internal management				
No visibility of social value at council meetings. Not considered important. No senior officer given a direct reporting responsibility for social value.	Social value is identified in corporate strategy. Social value is recognised as a core principle supported by a published social value policy and implementation strategy. Training is provided to managers on social value.	All relevant documentation is made available on the web site. A councillor has responsibility for oversight of the council social value performance. There is an expectation that all officers take responsibility for managing and delivering social value, with named principal officers responsible for maintaining the approach and reporting to the responsible councillor. There is cabinet level scrutiny of performance with regular reporting as appropriate. Social value is included in plans and business cases and- decisions include consideration as to whether social value will be maximised.	Social value is embedded into commissioning and procurement practice, tools, resources processes, policy and a toolkit that are published. Social value implementation is underpinned by an overarching action plan. Social value is measured and reported on regularly. Relevant officers are provided with social value training and resources to implement the strategy. Staff are supported and trained to be proficient in using social value across the organisation.	The council has set measurable targets and is prepared to be accountable for these targets. A cross sector social value advisory group is in place providing oversight, scrutiny and challenge. Third party verification is provided on reported social value content. Social value is used as a key performance indicator or as part of a balanced scorecard to assess progress at relevant committee or board.

Key area: Local small and medium enterprises (SMEs) and micro business engagement	
Description	The government definition of SMEs is any business with up to 250 employees and a turnover of up to 50m Euros. Micro businesses are those with 1 to 9 employees. There were around 6 million SMEs in the UK in 2021, which equates to 99.9 per cent of the business population. For the purposes of this document the term 'SME' shall refer to both SME and micro-businesses.
Help	
What it is: SMEs are non-subsidiary, independent firms.	
Why it is important: SMEs play a major role in creating jobs and generating income for those on low incomes, they help foster economic growth, social stability, are a source of innovation and contribute to the development of a dynamic private sector.	

Minimum	Developing	Mature	Leader	Innovator
High level principle and specific behaviour				
Council does not see any benefits to be gained from SME engagement.	SME organisations are engaged in a few key contracts only.	There is a proactive approach to integrating SME organisations into procurement and commissioning.	SME engagement is embedded into corporate strategy.	SME engagement is a core operational way of doing business, integrated into all directorates and departments and activities with regular reporting against targets.

Key area: Local small and medium enterprises (SMEs) and micro business engagement

Minimum	Developing	Mature	Leader	Innovator
Policy and scope				
There is no ongoing communication with SMEs regarding local needs, long-term strategies and desired outcomes. SMEs are unaware of their role in responding to such needs. Services are commissioned without thought about engagement of SMEs in the local area.	Commissioners have started to communicate what local needs are and the desired market outcomes. No policy or strategy is in place for addressing SME requirements.	Commissioners have informed SMEs what local needs there are and the desired market outcomes. SMEs are encouraged to collaborate with larger organisations to respond to local requirements.	Commissioners engage regularly with SMEs, both on an individual basis and collectively to achieve desired market outcomes. Support is provided to SMEs to understand how to respond to Council requirements. A full policy or strategy is in place to direct the organisation's engagement.	Commissioners have clearly set out how SMEs should deliver, and to what standards. SMEs can collaborate with other organisations to effectively respond to local needs and meet desired outcomes. Commissioners work with economic development and procurement colleagues and have established how SMEs can be engaged both directly and through first tier suppliers. A senior responsible officer has oversight for SME strategy and policy delivery.

Key area: Local small and medium enterprises (SMEs) and micro business engagement

Minimum	Developing	Mature	Leader	Innovator
Facilitating good relationships with SMEs				
Fostering good relationships with SMEs is not deemed to be important.	Relationships between SMEs and other providers are not facilitated. It is not considered to be an area where intervention is needed or appropriate. As a result of this, there is an absence of consortia and networking in the locality.	There is acknowledgment of the convening role that commissioners can have and what the benefit of facilitated relationships between SMEs and other providers could bring. They have started to make some efforts to bring these parties together.	There is responsive willingness to facilitate relationships between SMEs and certain larger providers. Some of the benefits of this are being realised. SMEs have formed some partnerships with larger providers.	Commissioners proactively facilitate, and nurture, relationships between SMEs and a broad range of providers. In turn, SMEs have created their own networks, and consortia with other providers.

Key area: Local small and medium enterprises (SMEs) and micro business engagement

Minimum	Developing	Mature	Leader	Innovator
Commissioning				
There is little knowledge of the local expertise that SMEs can bring to public services. SMEs are not integrated into the wider service provision. There is no SME engagement throughout the commissioning process. There are no established communication channels or designated engagement events for SMEs. There is no partnership working or ongoing relationships.	There is some knowledge of how SMEs' local expertise can add value and attempts are made to integrate them into the wider service provision. A limited number of SMEs are invited to contribute to the commissioning process. There are some general engagement events and communication channels that they can feed into, but response is low. There is interest in SME partnership working but no lasting relationship has been established.	There is good knowledge of how SMEs' local expertise can add value and attempts are made to integrate them into the wider service provision. SME representatives are invited to contribute to the commissioning process. There are some general engagement events and communication channels. There is interest in SME partnership working.	There is strong knowledge of the value SMEs bring in providing niche, localised services and actively integrate them into their service provision. A wide variety of relevant SMEs are proactively invited to contribute to the commissioning process. There are some designated voluntary sector engagement events and specified communication channels. Efforts are made to establish continuous partnership working with SME organisations.	SMEs' ability to provide niche, localised and innovative services is being celebrated and drawn upon routinely. Their broad community outreach is actively integrated into service provision. SMEs have regular and significant opportunities to feed into public service design through a host of designated market engagement events and communication channels. Relationships with SME organisations are strong and optimal for partnership working.

Key area: Local small and medium enterprises (SMEs) and micro business engagement

Minimum	Developing	Mature	Leader	Innovator
Market engagement and partnerships				
SMEs are not seen as important and there is no attempt to engage with them.	There is knowledge of the SME landscape and the value they could bring to public services, but this is unevenly distributed across council departments. There is no point of contact for SMEs. They are assumed to understand the commissioning process and how to participate. Communication materials rely on jargon and no dedicated support exists to make processes more accessible to SMEs.	SMEs are seen as part of a diverse supply chain, but they are not seen as a provider with a particularly unique value. Efforts are made to establish a lead contact for SMEs to help upskill SMEs to participate in procurement. There is awareness of SMEs' need for support to effectively contribute to the commissioning process. Efforts are made to clarify jargon and facilitate SME input and participation, but SMEs are often unable to effectively feed in.	Good understanding of the local SME landscape and their value exists. There is a lead commissioning contact who takes some responsibility for facilitating SMEs' input into the commissioning process. A conscious effort is made to clarify language and procedures related to the commissioning process. SMEs are fully aware of ways to feed in.	There is strong understanding of the SME sector and the social and financial value they bring to the local area. There is a designated contact who proactively facilitates SMEs' input into the commissioning process. A variety of support is available to help SMEs understand the ways in which they can contribute to design or apply to deliver public services. Clear language is used, without jargon.

Key area: Local small and medium enterprises (SMEs) and micro business engagement

Minimum	Developing	Mature	Leader	Innovator
Procurement				
There is little to no understanding of the capacity and capability of SMEs, and processes and procedures are not adapted to their capability. This excludes SMEs from commissioning and procurement processes.	There is a prescriptive procedure for all procurement exercises and little awareness of how SMEs might engage. There is engagement with a limited number of SMEs ahead of notices of tenders being published. However, there is little or no understanding of the capacity or capability of SMEs and processes are not adapted to their needs. Dynamic purchasing systems (DPS) are implemented by some in the council.	There is engagement with SMEs ahead of publishing a notice of tender. There is an attempt to better understand the capacity and capability of SMEs and adapt procurement processes to reflect this. DPS is used regularly and enables SMEs to bid for services. Tenders are broken down into lots to make contracts more attractive to SMEs.	Processes have been adapted to ensure that SMEs are fully engaged from the outset. There is proactive engagement with SMEs and relevant infrastructure bodies ahead of publishing a notice to tender. This gives SMEs sufficient time to galvanise resources to bid for the service. There is a good understanding of the capacity and capability of SMEs. Where appropriate, after evaluating service specifications and contract sizes, processes are adapted to reflect this capability.	Procurement procedures are flexible according to the size of contract and supplier market. Prescriptive measures are only used when necessary, according to law or regulations. SMEs are fully able to respond to the process. SMEs have had the opportunity to contribute to the service specification ahead of a notice to tender being published via a variety of communication channels. SMEs have had a significant amount of time to galvanise resources to put together a bid and shape the service. Commissioners and procurers have a strong understanding of the capacity and capability of SMEs and adapt their processes, when appropriate to the service specification and contract size, to reflect this capability.

Key area: Local small and medium enterprises (SMEs) and micro business engagement

Minimum	Developing	Mature	Leader	Innovator
Contract management				
Contract management is generally poorly undertaken in the council and no consideration of SMEs given.	Some parts of the council manage contracts with SMEs, but this is not consistent. Contract management only relates to the prime contractor. There is no expectation on how subcontracting relationships with smaller SMEs should be conducted.	Contract management processes assess how prime contractors have engaged with SMEs in their supply chains. Contracts with SMEs are monitored, and regular feedback provided. Prime contractor payment terms in supply chains are monitored to ensure compliance.	Contract management processes encourage proactive engagement with SMEs in prime contractor supply chains. Regular meetings occur with SMEs that have council contracts where they are provided with feedback to enable them to improve and apply for other work. Whistleblowing procedures are in place to enable SMEs in supply chains to highlight poor treatment by prime contractors. There is full monitoring of prime contractor supply chains.	Contract management processes require full monitoring of the performance of prime contractors to ensure they treat SMEs fairly (such as through prompt payments and not passing on risks) and obtain SME views when evaluating prime contractor performance. Assistance is given to SMEs in supply chains to improve their performance and help them apply for other work. SMEs that have council contracts are given proactive assistance with issues that they may have and to enable them to grow.

Key area: Local small and medium enterprises (SMEs) and micro business engagement				
Minimum	**Developing**	**Mature**	**Leader**	**Innovator**
Governance, accountability and reporting				
No reporting on SME engagement takes place.	Some analysis of SME spend is captured but no actions are taken based on the information gathered.	SME spend is captured and analysed to determine how engagement might be improved. A principal officer has been given responsibility for improving engagement.	Targets are set for expenditure on SMEs, and these are monitored and reported on at officer level boards. Performance on engagement with SMEs by the council is reported to scrutiny committee on a regular basis. Prime contractors are required to provide data on payment times to SMEs in supply chains and this information is reported to councillors. A balanced scorecard is used to assess the council's use of SMEs and treatment in their supply chains.	Use of SMEs is fully monitored and measured with an analysis by SME type and expenditure by ward. A portfolio holder has been appointed to lead on SME engagement and meets with representatives on a regular basis.

Key area: Enabling voluntary, community and social enterprise (VCSE) engagement	
Description	VCSE refers to organisations that include small local community and voluntary groups, registered charities both large and small, foundations, trusts and social enterprises and cooperatives. These are often also referred to as third sector organisations or civil society organisations.
Help	
What it is: The VCSE sector is diverse in size, scope, staffing and funding of organisations. It provides a broad range of services to many different client groups. However, VCSE sector organisations share common characteristics in the social, environmental, or cultural objectives they pursue, their independence from government and the reinvestment of surpluses for those objectives. **Why it is important:** VCSE organisations can play a critical and integral role in health and social care including as providers of services, advocates and representing the voice of service users, patients and carers.	

Minimum	Developing	Mature	Leader	Innovator
High level principle and specific behaviour				
Organisation does not see any benefits to be gained from VCSE engagement.	There is no ongoing communication with the market regarding local need, long-term strategies and desired outcomes. Small VCSEs are unaware of their role in responding to such needs. Services are commissioned to address current needs and have little or no focus on prevention and long-term needs of the community. VCSEs are not invited to inform service provision.	Commissioners and procurers have started to communicate to the market what the local need is, and the desired market outcomes. However, small VCSEs remain unaware of their place in the market. Short-term needs are a priority but there is some effort to bring in small VCSEs and to consider long-term and preventative needs.	Commissioners and procurers have informed the market what the local need is and the desired market outcomes. Small VCSEs can make efforts to collaborate with organisations to respond to local need. There is a good balance between addressing short-term needs and working with small VCSEs to establish the long-term priorities and needs of the community.	Commissioners and procurers have clearly set out how the market should deliver, and to what standards. Small VCSEs can collaborate with other organisations to effectively respond to local needs and meet desired outcomes. Services incorporate VCSE expertise on prevention and long-term needs while also providing relevant crisis services.

Key area: Enabling voluntary, community and social enterprise (VCSE) engagement

Minimum	Developing	Mature	Leader	Innovator
Policy and scope				
The organisation has no policy in place for VCSE engagement and does not see any benefit from doing so.	There is no ongoing communication with the market regarding local need, long- term strategies and desired outcomes. Small VCSEs are unaware of their role in responding to such needs. Services are commissioned to address current needs and have little or no focus on prevention and long-term needs of the community. VCSEs are not invited to inform service provision.	Commissioners and procurers have started to communicate to the market what the local need is, and the desired market outcomes. However, small VCSEs remain unaware of their place in the market. Short-term needs are a priority but there is some effort to bring in small VCSEs and to consider long-term and preventative needs.	Commissioners and procurers have informed the market what the local need is and the desired market outcomes. Small VCSEs can make efforts to collaborate with organisations to respond to local need. There is a good balance between addressing short-term needs and working with small VCSEs to establish the long-term priorities and needs of the community.	Commissioners and procurers have clearly set out how the market should deliver, and to what standards. Small VCSEs can collaborate with other organisations to effectively respond to local needs and meet desired outcomes. Services incorporate VCSE expertise on prevention and long-term needs while also providing relevant crisis services.

Key area: Enabling voluntary, community and social enterprise (VCSE) engagement

Minimum	Developing	Mature	Leader	Innovator
Facilitating good relationships with VCSEs				
The organisation does not see any benefit from engaging with VCSE organisations.	Relationships between small VCSEs and other providers are not facilitated. It is not considered to be an area where intervention is needed or appropriate. As a result of this, there is an absence of consortia and networking in the locality.	There is some acknowledgment for the convening role that commissioners or procurers can have and what the benefit of facilitated relationships between small VCSEs and other providers could bring. Procurers and commissioners have started to make some efforts to bring these parties together. VCSE 'umbrella' organisations are used as a go-between where they exist.	There is responsive willingness to facilitate relationships between small VCSEs and certain larger providers. Some of the benefits of this are being realised. As a result of this, small VCSEs have formed some partnerships with larger providers via VCSE umbrella organisations where they exist.	Commissioners or procurers proactively facilitate, and nurture, relationships between small VCSEs and a broad range of providers through local umbrella organisations where they exist. In turn, small VCSEs have created their own networks and consortia with other providers.
Measurement				
There is no measurement of VCSE usage or impact, and it is not seen as important.	There is little time given to the strategic evaluation and impact measurement of services. The perspective of small VCSEs and users is not sought.	Commissioners have recognised the value in employing small VCSEs to reach users, where they could seek insightful service feedback, but have yet to engage them in the process.	Commissioners or procurers often ask small VCSEs to aid them in the user feedback process, recognising their expertise in this area.	Commissioners or procurers work closely with small VCSEs to seek extensive user feedback in order to review the effectiveness of their service in meeting local need.

Key area: Enabling voluntary, community and social enterprise (VCSE) engagement

Minimum	Developing	Mature	Leader	Innovator
Commissioning				
There is no knowledge of VCSE organisations in the local area, nor their capabilities.	There is no or little knowledge of the local expertise that small VCSEs can bring to public services and their ability to reach more marginalised parts of the community. Small VCSEs are not integrated into the wider service provision. There is minimal VCSE engagement throughout the commissioning process. There are no established communication channels or designated engagement events for small VCSEs. There is no partnership working or ongoing relationships.	There is some knowledge of how VCSEs' local expertise and community outreach can add value and attempts are made to integrate them into the wider service provision. A limited number of small VCSEs are invited to contribute to the commissioning process. There are some general engagement events and communication channels that they can feed into, but response is low. There is interest in VCSE partnership working but no lasting relationship has been established.	There is strong knowledge of the value small VCSEs bring in providing niche, localised services; they often draw upon their broad community outreach and actively integrate them into their service provision. A variety of relevant small VCSEs are proactively invited to contribute to co-design in the commissioning process. There are designated voluntary sector engagement events and specified communication channels. Efforts are made to establish continuous partnership working with VCSE organisations.	VCSE's ability to provide niche, localised services is being celebrated and drawn upon routinely. Their broad community outreach is actively integrated into service provision. Small VCSEs have regular and significant opportunities to feed into public service design through a host of designated market engagement events and communication channels. Relationships with VCSE organisations are strong and optimal for partnership working.

Key area: Enabling voluntary, community and social enterprise (VCSE) engagement

Minimum	Developing	Mature	Leader	Innovator
Market engagement and partnerships				
No engagement takes place between the council and VCSE organisations.	There is little knowledge of the small VCSE landscape and the value they could bring to public services. There is no particular point of contact for small VCSEs. They are assumed to understand the commissioning process and how to participate. Communication materials rely on jargon and no dedicated support exists to make processes more accessible to small VCSEs.	Small VCSEs are seen as part of a diverse supply chain but they are not seen as a provider with a particularly unique value. Efforts are made to establish a lead contact for small VCSEs with the view to upskilling VCSEs to participate in procurement. There is some awareness of small VCSE need for support to effectively contribute to the commissioning process. Some efforts are made to reduce jargon and facilitate VCSE input and participation.	Good understanding of the local small VCSE landscape and their value exists. There is a lead commissioning contact who takes some responsibility for facilitating small VCSEs' input into the commissioning process. A conscious effort is made to clarify language and procedures related to the commissioning process.	There is strong understanding of the local voluntary sector and the social and financial value they bring. There is a designated contact who proactively facilitates small VCSEs' input into the commissioning process. A variety of support is available to help small VCSEs understand the ways in which they can contribute to design or apply to deliver public services. Clear language is used, without jargon.

Key area: Enabling voluntary, community and social enterprise (VCSE) engagement

Minimum	Developing	Mature	Leader	Innovator
Procurement				
VCSE organisations are not considered at any time in procurement processes.	There is a prescriptive procedure for all procurement exercises.

There is little to no prior engagement specifically aimed at small VCSEs ahead of notices of tenders being published. This is a major barrier in their ability to submit a bid in time.

There is little to no understanding of the capacity and capability of small VCSEs, and processes are not adapted to their capability. This excludes small VCSEs from the commissioning process. | There is some consideration of whether a prescriptive procedure is needed for procurement exercises.

There is some prior engagement with a limited number of small VCSEs ahead of publishing a notice of tender. However, small VCSEs often remain unable respond in time.

There is an attempt to better understand the capacity and capability of small VCSEs and adapt procurement processes to reflect this. However, this has not yet enabled small VCSEs to better participate in the commissioning process. | There are attempts to adapt processes to ensure that small VCSEs are fully engaged.

There is proactive engagement with small VCSEs and relevant infrastructure bodies ahead of publishing a notice to tender. This gives small VCSEs sufficient time to galvanise resources to put together a bid and shape the service.

There is some understanding of the capacity and capability of small VCSEs. In certain cases, after evaluating service specifications and contract sizes, processes are adapted to reflect this capability. | Procurement procedures are flexible according to the size of contract and supplier market. Prescriptive measures are only used when necessary, according to law or regulations. Small VCSEs are fully able to respond to the process.

Small VCSEs have had the opportunity to contribute to the service specification ahead of a notice to tender being published via a variety of communication channels. Small VCSEs have had a significant amount of time to galvanise resources to put together a bid and shape the service.

Commissioners or procurers have a strong understanding of the capacity and capability of small VCSEs and adapt their processes to the service specification and contract size, to reflect this capability. |

Key area: Enabling voluntary, community and social enterprise (VCSE) engagement				
Minimum	**Developing**	**Mature**	**Leader**	**Innovator**
Contract management				
Contract management not undertaken.	Some contract management but this is not consistent across the organisation Contract management structures only relate to the prime contractor. There is no consideration on how subcontracting relationships with smaller VCSEs should be conducted.	Contract management structures consider how prime contractors should engage and manage their sub-contracts with smaller VCSEs yet to be set.	Prime contractor relationships with VCSE organisations in their supply chain are taken into consideration when evaluating the large providers' contract performance. Whistleblowing procedures are in place to enable VCSEs in supply chains to highlight poor treatment by prime contractors.	Contract management structures fully monitor the performance of prime contractors to ensure they fairly treat VCSEs in their supply chains (such as through prompt payments, not passing on risks) and obtain VCSE organisations' views when evaluating prime providers' contract performance.

Key area: Enabling voluntary, community and social enterprise (VCSE) engagement				
Minimum	**Developing**	**Mature**	**Leader**	**Innovator**
Governance, accountability and reporting				
No reporting on VCSE engagement takes place.	Some analysis of VCSE spend through procurement activity is captured but no actions are taken based on the information gathered.	VCSE spend through procurement activity is captured and analysed to determine how engagement might be improved. A principal officer has been given responsibility for improving engagement.	Targets are set for expenditure on VCSEs, and these are monitored and reported on at officer level boards. These include spend on VCSE organisations by prime contractors. Performance on engagement with VCSEs by the council is reported to scrutiny committee on a regular basis. A balanced scorecard is used to assess a council's use of VCSEs and treatment in supply chains.	Use of VCSEs is fully monitored and measured with an analysis by VCSE type and expenditure by ward. A portfolio holder has been appointed to lead on VCSE engagement and meets with representatives on a regular basis. Prime contractors required to provide data on payment times to VCSEs in supply chains and this information is reported to councillors.

Enablers

Adding value	
Description	Procurement has a key role in adding value in council spend. We need to work proactively to understand emerging issues and learn how to manage them, we need to understand and mitigate against risks. We need to demonstrate the value we add to our colleagues and partners, sharing data and good practice to move from good to great. This goes beyond making monetary savings, implementing category management, contract management, adding social value and ensuring value for money. As well as ensuring that these building blocks are in place, the sector needs to work openly, closely and rapidly with partners including the wider public sector, central government and key suppliers to seek out and realise all opportunities for adding value through the procurement process.

Minimum	Developing	Mature	Leader	Innovator
The organisation implements value for money considerations through competitive procurement procedures and implementation.	The organisation is developing value considerations through category management, savings and demand management, risk and fraud management, performance and transparency, partnering and collaboration.	The organisation has clear policies in place to increase value through the procurement process.	The organisation works across councils on adding value initiatives including good practice on emerging issues, risk management, rapid data sharing including price data, talent development in commercial skills and managing contracts to gain benefits.	The organisation embraces developments and initiatives across councils, across the wider public sector, including central government, and with strategic suppliers. These initiatives include good practice on emerging issues, risk management, rapid data sharing including price data, talent development in commercial skills and managing contracts to gain benefits.

Developing talent

Description	Talent management, recruitment and retention which are key building blocks to an excellent procurement function.
	Developing talent includes professionalisation of council procurement talent, addressing recruitment and retention of procurement talent and developing agile procurement talent that can address commercial challenges and innovation in the procurement role.
	Developing talent underpins councils' ability to address issues and particularly issues of value.

Minimum	Developing	Mature	Leader	Innovator
Identifies some procurement roles and responsibilities in job descriptions.	Recruits staff with appropriate experience or professional qualifications and responds to ad hoc requests for training and development.	Service plan includes support for staff to obtain professional qualifications and for apprenticeships.	Planned approach to talent development in relation to future procurement and contract management workload including: • contracts pipeline • resourcing plan • competency framework • remuneration strategy • comprehensive training and development plan, including provision for development of staff not currently in procurement or contract management roles. • secondments to and from the private sector and VCSE sector.	The planned approach to talent development is in place at combined authority, or group of councils, level. Talent development includes commercial skills development.

Exploiting digital technology

Description	Rapid use of data is critical for understanding how to manage procurements and contracts. Increasing data and transparency date is available, along with artificial intelligence, and making good use of this will be key to managing the pressures on councils.

Minimum	Developing	Mature	Leader	Innovator
Basic purchase ordering functionality for some products or services using finance or operational systems. Limited procurement and contract management information available via static sources.	Use of an integrated Procure to Pay (P2P) system in conjunction with online ordering for all services or products. May include some human intervention and paper trails. Some procurement and contract management Information available online to all stakeholders with appropriate search and filtering. Use of electronic tendering and quotations system for some tenders or quotes (either as a dedicated system or tender box rental).	Use of an integrated Procure to Pay (P2P) system in conjunction with online ordering for all services or products fully automated and paperless, with human intervention being restricted to exceptions only. Comprehensive procurement and contract management information available online to all stakeholders with appropriate search and filtering. Use of electronic tendering and quotations system for all tenders or quotes (either as a dedicated system or tender box rental). Access and interaction to all the above possible from any electronic mobile device.	Access to a Procure to Pay (P2P) system via secure mobile application, promoting a self-service approach for suppliers (access should include online viewing of payment records or status and the ability to auto convert orders to invoices). Technology used to forward plan all strategic acquisitions and to underpin sourcing and procurement decision-making. Performance monitoring and communications underpinned by dashboards and diagnostics.	Mobile applications designed for supplier and contractor interactions including future opportunity alerts, contract management, contractor performance ratings and procurement satisfaction levels. Shared systems and information with delivery partners (including voluntary sector or local businesses) and other councils and citizens. Knowledge management, accessing paper and electronic sources to build comprehensive intelligence about contracts, markets and trends. Sharing data rapidly across councils, wider public sector and with key suppliers to implement commercial approaches.

Enabling innovation	
Description	The procurement rules reform will provide more opportunity to innovate in procurement and flexible procedures. Making use of these opportunities is key.

Minimum	Developing	Mature	Leader	Innovator
Ability to capture and harness procurement innovation in organisation is non-existent.	Innovation only considered in a few contracts where technology is involved.	Outcomes based on procurement and market making are the 'standard' way of doing things. Innovative procurement approaches are not just applied to technology but to established services.	Innovation in procurement and contract management is mainstreamed. Procurement techniques such as innovation partnerships and pre-commercial procurements are used regularly.	All contracts reviewed to identify new service delivery and income generation models. Procurement challenges and innovative potential solutions shared across councils and regions. Procurement rules reform opportunities are embraced.

Embedding change

Description	Procurement has a key role within councils and across the wider public sector and needs to sit at the top table to ensure commercial considerations run through the council decision-making.

Minimum	Developing	Mature	Leader	Innovator
Success depends on individuals, not organisational engagement.	New approaches and ideas are applied in isolated procurement processes.	Procurement change is comprehensively applied across multiple projects and departments.	Senior leaders recognise the importance of procurement and contract management and promote it as a way of leading and managing organisational change.	Procurement and contract management are key drivers of organisational change and are embedded at all levels in the organisation. Lessons learned are shared with other organisations at regional and national levels.

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REF 11.219

Agenda Item 6

Committee:	Governance, Audit & Performance Committee	**Date:**	
Title:	Quarter 2 2022/23 Performance Indicator Report	Wednesday 30th November 2022	
Report Author:	Paula Evans, Customer Services & Performance Manager	**Key Decision:**	
	pevans@uttlesford.gov.uk	No	
	01799 510510		

Summary

1. This report presents the Quarter 2 2022/23 outturn and data analysis for all Key Performance Indicators (KPIs) and Performance Indicators (PIs) monitored and reported across the authority.

2. Overall the report identifies a drop in performance levels when analysing both short (Q2 22/23 vs Q1 22/23) and long (Q2 22/23 vs Q2 21/22) term trends. Although the majority of indicators have attained a green status it is evident that performance of some indicators is declining.

    Further work will be undertaken with all relevant service managers with regards to the drop in performance levels across the full indicator suite, particularly where short term trends are worsening.

3. The Performance Team actively work with the Corporate Management Team to identify how and why indicator performance has been impacted. Where necessary performance improvement plans are identified and progressed with relevant service managers.

Recommendations

4. None

Financial Implications

5. There are no financial implications associated with this report.

Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report - None

Impact

7.

Communication/Consultation	None
Community Safety	None

Equalities	None beyond service improvement on the equalities performance indicator
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

8. Appendix A presents the data for Quarter 2 2022/232 (1st July 2022 to 30th September 2022) for each individual Key Performance Indicator (KPI) and Performance Indicator (PI) collected and reported by the authority during this quarter.

9. Data for the majority of PIs is collected and reported on a quarterly basis; no data is available for PIs monitored on an annual during this time period. All outturn data is highlighted and shown in bold.

10. Performance is monitored against all targets agreed by the Corporate Management Team and members of the Governance, Audit and Performance Committee as part of the authority's formal performance monitoring process.

11. For comparison purposes, the report contains data for Quarter 2 2022/23 and the previous four quarters. Presenting these consecutive quarters of data enables both short and long term comparisons to be made, as represented in the trend arrows included for each PI.

12. All data and performance notes have been reviewed by the Corporate Management Team and members of the Informal Cabinet Briefing group.

13. When reviewing performance for Quarter 2 2022/23, it can be noted that the majority of indicators are meeting target and are at a 'green' status:

Status	Quarter 2 2022/23	
✅	24	73%
🔼	4	12%
🛑	5	15%
Total	**33***	**100%**

* 33 indicators have a reported outturn status

14. When analysing indicator achievement in Quarter 2 2022/23 in comparison to Quarter 1 2022/23, it can be seen that performance in the short-term has improved for 'green' and 'red' statuses but remained constant for those with an 'amber' status for comparable indicators.

Status	Quarter 1 2022/23		Quarter 2 2022/23	
✅	21	64%	24	73%
🔺	4	12%	4	12%
🛑	8	24%	5	15%
Total	**33***	**100%**	**33***	**100%**

33 tabled indicators can be compared with regard to short term performance levels

15. There are two KPIs that have not met their target for Quarter 2 but are within the 10% threshold and have an 'amber' status:

   KPI 05   Percentage of Council Tax collected

   KPI 14   Percentage of household waste sent for reuse, recycling and composting

16. There are two KPIs that have improved in Quarter 2 from an 'amber' status to 'green':

   KPI 01   Percentage of invoices paid within 30 days of receipt by UDC

   KPI 17   Local Council Tax Support Collection Rate

17. **Insurance PIs**

   The group of insurance PI's (PI 60, 63 & 64) are currently under review with the Assistant Director – Finance to ensure that the data being reported is meaningful. Work continues on these with a view to having any revision completed for Q3 reporting.

18. **Human Resources PIs**

   Data for the HR KPI's (KPI 20, 21 & 22) has previously been calculated through a time consuming manual process. A project to develop the HR system (i-Trent) reports to obtain the relevant data is currently underway. It is anticipated that Q2 outturns will be available by mid-November.

19. If members have any questions regarding the data, or would like to see a more detailed analysis on a particular indicator, then please do not hesitate to contact the report author.

Risk Analysis

20.

Risk	Likelihood	Impact	Mitigating actions
If performance indicators do not meet quarterly/annual areas then areas such as customer satisfaction and statutory adherence to government led requirements could be affected leading to a loss in reputation for the Council.	2 – The majority of performance measures perform on or above target. Where necessary, accompanying notes to individual performance indicators detail improvement plans.	3 – The majority of service areas in the Council are customer-facing.	Performance is monitored by CMT, and the Governance, Audit & Performance Committee on a quarterly basis. The inclusion of five quarters of data helps to identify trends. Where necessary, the Performance Team provides trend analysis to support CMT and Service Managers in improving performance.

1 = Little or no risk or impact
2 = Some risk or impact – action may be necessary.
3 = Significant risk or impact – action required
4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix A: Quarter 2 2022/23 KPI & PI Data

Appendix B: PI 46 & 47 snapshot data as @ 24 October 2022

Directorate: CHIEF EXECUTIVE

Communities									
PI Code & Short Name		**Q2 2021/22**	**Q3 2021/22**	**Q4 2021/22**	**Q1 2022/23**	**Q2 2022/23**	**Short Term Trend**	**Long Term Trend**	**Performance Note**
PI 07 The level of achievement attained under the Equality Framework for Local Government (max)	**Outturn**	Developing (1)	Developing (1)	Achieving (2)	Achieving (2)	**Achieving (2)**	—	⬆	**Q2 2022/23** UDC EFLG self-assessment is 'Achieving' - The continuation of work with commissioned external EDI expert to assist the lead EDI Officer in the development of a series of awareness raising events for internal and external participation - The delivery of further awareness raising sessions in 2022/2023 with conversations around LGBTQ+ and Pregnancy in progress, engaging with specialised agencies, and inviting members of the community to share lived experiences - The action plan continues to be reviewed as a living document and shared with Equalities Cabinet lead, along with regular reports for Cabinet on EDI activity and the outcomes from the Community Listening awareness sessions - Regular promotion on the UDC social media platforms of key commemorative dates - Develop in-house/online training for EQHIA completion – business case drafted for the allocation of corporate funding for delivery. Training dates now being finalised. - Develop staff networks with the support of senior management, including the introduction of menopause mentors with the opportunity to achieve recognised online certified attainment - business case drafted for the allocation of corporate funding. Training taking place in October 2022. - Develop a Corporate Equality Standards Working Group with support of senior management and members – championed by Assistant Director
	Status	🛑	🛑	✅	🔶	🔶			
	Target	Achieving (2)	Achieving (2)	Achieving (2)	Excellent (3)	**Excellent (3)**			

Democratic & Electoral Services

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 21 Percentage of minutes from meetings made available to the public within 10 working days (max)	**Outturn**	80%	78%	93%	97%	**95%**	⬇	⬆	**Q2 2022/23** **Numerator**: 18 **Denominator**: 19 Performance continues to be around target as Democratic Services Team have been prioritising the clearance of draft minutes with lead officers and subsequent publication on the website.
	Status	🛑	🛑	🔺	✅	✅			
	Target	95%	95%	95%	95%	**95%**			

Environmental Health (Commercial)

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 41 Percentage of routine food hygiene premises inspections completed within the quarter (max)	**Outturn**	Data not recorded	Data not recorded	Data not recorded	60%	**100%**	⬆	N/A	**Q2 2022/23** UDC food businesses continue to recover from the impacts of the pandemic and are showing a greater degree of normality in trading hours and resourcing but still undoubtedly face a challenging trading environment. UDC Food safety officers, supported by Agency staff have now transitioned from a targeted work programme based on risk priority, to one again based on proactive inspection and reactive work Officers have achieved 100% inspections of those premises generating a due routine food hygiene visit during this period. In addition they have addressed those inspections not undertaken in Q1 and have successfully addressed the accrued backlog arising from the COVID lockdowns, with UDC no longer having any A-D rated premises outstanding. E rated premises (lowest risk) have dropped from 98 outstanding to 40 still outstanding an intervention. This figure is expected to fall to again by the end of the quarter with the inspection programme being fully normalised by q1 2023/24. The outstanding inspection strategy remains in the line with the expectations of the food standards agency's national recovery plan. The service will continue to ensure adequacy of resource and is again testing the market to recruit to its vacant establishment posts which now stand at 2.75 FTE. 1.2 FTE Agency resource, which continues to provide essential support, is fully funded via DEFRA grant until 31 March 2023.
	Status	N/A	N/A	N/A	🛑	✅			
	Target	98%	98%	98%	90%	**91%**			

Housing Strategy & Operations

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 08 (a) Average re-let time in days (all re-lets including time spent in works) (min)	Outturn	46.9	46	49	56	**61**	⬇	⬇	**Q2 2022/23** **Numerator:** 4,635 (days void) **Denominator:** 76 (lets) 49 of the 61 days were spent in works, the remaining 12 days were with the lettings process. The reason for the longer time with the lettings process was that there was a homeless applicant who appealed the suitability of the offer so the sign up was delayed due to this. Another property was offered to a tenant needing adaptations so we had to wait to hear back from the OT to see if the property would be suitable to adapt. The council is working with UNSL to review how performance can be improved and implement agreed measures.
	Status	🔴	🔺	🔴	🔴	🔴			
	Target	42	42	42	42	**42**			
PI 16 Number of households living in temporary accommodation (min)	Outturn	21	19	34	25	**26**	⬇	⬇	**Q2 2022/23** **Count: 26** Bed and Breakfast: 13 Uttlesford District Council: 13 Snapshot: 30 September 2022 The use of B&B has remained high. This is largely due a reduced turnover of Council owned temporary accommodation, which in turn is due to a reduction in the availability of settled housing options. There is a need for more suitable temporary and settled accommodation options. We have converted 2 hard-to-let flats into temporary accommodation and are actively monitoring voids for hard-to-let properties to convert to temporary accommodation. We have been exploring options for single homeless with other authorities and the private sector to create more options, both temporary and more settled. We are also looking to increase our homelessness prevention work by doing some training with Citizens Advice.
	Status	🔴	🔺	🔴	🔴	🔴			
	Target	18	18	18	18	**18**			

Legal Services

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 06 Percentage of standard searches carried out in 10 working days (max)	Outturn	99.73%	99.74%	100%	100%	**99.8%**	⬇	⬆	**Q2 2022/23** **Numerator:** 460 **Denominator:** 461 The one search that took 11 days was due to awaiting a response from ECC regarding an additional question. This is a non-standard search so not strictly part of the KPI however, we report all searches carried out for transparency.
	Status	⚠	⚠	✅	✅	⚠			
	Target	100%	100%	100%	100%	**100%**			

Environmental Services

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 14 Percentage of household waste sent for reuse, recycling and composting (LAA) (max)#	Outturn	53.98%	50.00%	50.00%	52.48%	**49.43%**	⬇	⬇	**Q2 2022/23** **Numerator:** 4,208.61 (recycling and composted) **Denominator:** 8,514.75 (total domestic waste arising) *Outturn data for this PI is currently an estimate. Final figures will be confirmed in the next couple of weeks.*
	Status	✅	⚠	⚠	✅	⚠			
	Target	52.00%	52.00%	52.00%	52.00%	**52.00%**			
KPI 15 (b) Percentage of collections of waste and recyclables successfully made on first visit (max)	Outturn	99.99%	99.99%	99.99%	99.99%	**99.98%**	⬇	⬇	**Q2 2022/23** **Numerator:** 1,040,645 *(no. of successful collections)* **Denominator:** 1,040,814 *(total no. of scheduled collections)* 169 bins (general & recyclable waste) were reported as missed from 1st July to 30th September
	Status	✅	✅	✅	✅	✅			
	Target	99.97%	99.97%	99.97%	99.97%	**99.97%**			
PI 48 Attainment of 'Green' for Operator Compliance Risk Score (Yes or No)	Outturn	YES	YES	YES	YES	**YES**	▬	▬	**Q2 2022/23**.
	Status	✅	✅	✅	✅	✅			
	Target	YES	YES	YES	YES	**YES**			

Directorate: CORPORATE SERVICES

Benefits

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 04 Accuracy of processing - HB/CTB claims (max)	Outturn	99.38%	98.69%	99.41%	99.40%	**99.23%**	⬇	⬇	**Q2 2022/23** **Numerator:** 110 **Denominator:** 20 110 New claims and 20 Change of circumstances checked in quarter 2 of 2022/23, and 1 financial error has been identified, giving an accuracy rate of 99.23%. We continue to achieve our target of 98% due to our proactive checking arrangements which identify any potential training issues quickly and allow us to give prompt and appropriate training.
	Status	✅	✅	✅	✅	✅			
	Target	98.00%	98.00%	98.00%	98.00%	**98.00%**			
KPI 06 (a) Time taken to process Housing Benefit/Council Tax Benefit new claims (days) (min)	Outturn	15.9	14.5	12.8	16.6	**17.7**	⬇	⬇	**Q2 2022/23** **Numerator:** 4,575 **Denominator:** 258 57 new claims to Housing Benefit (HB) were processed taking a total of 1,191 days. 201 new claims to Local Council Tax Support (LCTS) were processed taking 3,384 days. This is a combined total of 258 new claims taking 4,575 days; an average of 17.73 days.
	Status	✅	✅	✅	✅	✅			
	Target	19.0	19.0	19.0	19.0	**19.0**			
KPI 06 (b) Time taken to process Housing Benefit/Council Tax Benefit change events (days) (min)	Outturn	10.2	6.4	5.1	12.2	**8.8**	⬆	⬆	**Q2 2022/23** **Numerator:** 39,793 **Denominator:** 4,543 1,017 changes in circumstance to Housing Benefit (HB) were processed taking a total of 5,963 days. 3,526 changes in circumstance to Local Council Tax Support (LCTS) were processed taking 33.830 days. This is a combined total of 4,543 changes taking 39,793 days; an average of 8.8 days. Whilst still above the 7 day target, this quarter's value reflects a 3.3 days improvement on Q1. The barriers to us achieving this target continue to be directly attributed to staff shortages (to which we have failed to recruit and are having to re-advertise) and the continual high volume of Universal Credit (UC) Change of Circumstance notifications in respect of LCTS claims.
	Status	🛑	✅	✅	🛑	🛑			
	Target	7.0	7.0	7.0	7.0	**7.0**			

Customer Services

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 44 Percentage of customer enquiries resolved at first point of contact by CSC Advisors: enquiries are all calls through main 510510 IVR menu and emails to uconnect, garden waste and waste aware inboxes (max)	Outturn	83%	82%	82%	87%	86%	⬇	⬆	**Q2 2022/23** **Numerator:** 23,270 (total enquiries dealt with at FPC) **Denominator:** 27,064 (total enquiries handled) The performance for this PI has been maintained for this quarter which demonstrates how well the CSC are developing in terms of confidence and knowledge. Training has been carried out in person now that restrictions have allowed more office time to ensure that enquiries can be managed and dealt with at the first point of contact whenever possible. The performance of this PI will continue to be maintained with on-going development of all CSC staff and continued training with back offices, particularly those with a lower FCR, in order to keep Customer Service Advisors up to date with all current council information.
	Status	✅	✅	✅	✅	✅			
	Target	82%	82%	82%	83%	83%			

Finance

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 01 Percentage of invoices paid within 30 days of receipt by UDC (max)	Outturn	99.70%	100.00%	100.00%	97.30%	99.65%	⬆	⬇	**Q2 2022/23** **Numerator:** 1,409 **Denominator:** 1,414 99.65% of invoices paid within 30 days of receipt. 1,409 invoices had no issues but 4 invoices were paid/cleared after 30 days due to a credit note on the account that exceeded the Debit values added. This other invoice was in dispute and needed intervention by a senior manager.
	Status	✅	✅	✅	⚠	✅			
	Target	98.00%	98.00%	98.00%	98.00%	98.00%			
PI 60 Number of Insurance Claims made for the period (min) *	Outturn	7	13	8	15	11	⬆	⬇	**Q2 2022/23** The breakdown of the 11 new claims is; 3 motor claims (there would be four but one was included in Q1), 3 public liability claims, 3 property claims and 2 others.
	Status	✅	🛑	✅	🛑	🛑			
	Target	9	9	9	8	8			

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 63 Number of Insurance Claims closed for the period (min) *	Outturn	N/A	N/A	N/A	9	**10**	⬇	N/A	<u>Q2 2022/23</u>
	Status				🛑	🛑			
	Target				2	**2**			
PI 64 Percentage of Insurance Claims settled against the number of Insurance Claims made (max)	Outturn	N/A	N/A	N/A	85%	85%	▬	N/A	<u>Q2 2022/23</u>
	Status				✅	✅			
	Target				80%	**80%**			

Human Resources

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 20 Average days lost per FTE through sickness absence (min)	Outturn	10.22	9.94	9.49	10.48	**TBC**	TBC	TBC	<u>Q2 2022/23</u> **Numerator: Denominator:** *Data for the HR KPI's has previously been calculated through a time consuming manual process. A project to develop i-Trent reports to obtain the relevant data is currently underway. It is anticipated that Q2 outturns will be available by early November.*
	Status	🛑	🛑	🛑	🛑	TBC			
	Target	8.50	8.90	8.30	9.30	**9.30**			
KPI 21 Average number of days lost per FTE through short-term sickness absence (min)	Outturn	1.46	5.30	1.51	1.70	**TBC**	TBC	TBC	<u>Q2 2022/23</u> **Numerator: Denominator:** *See note for KPI 20 above.*
	Status	🛑	🛑	🛑	✅	TBC			
	Target	0.95	0.95	0.95	4.60	**4.50**			

2022/23 KPI & PI Q2 GAP Review 30.11.22

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 22 Average number of days lost per FTE through long-term sickness absence (min)	Outturn	1.27	4.63	0.27	0.77	**TBC**	TBC	TBC	**Q2 2022/23** **Numerator: Denominator:** *See note for KPI 20 above.*
	Status	🛑	🛑	✅	✅	**TBC**			
	Target	1.05	1.05	1.05	4.80	**4.50**			

ICT

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 20 Percentage of IT help Desk calls resolved within target (max)	Outturn	95.10%	96.70%	96.50%	96.30%	**97.10%**	⬆️	⬆️	**Q2 2022/23** Achieving our KPI for the quarter.
	Status	⚠️	✅	✅	✅	✅			
	Target	96.00%	96.00%	96.00%	96.00%	**96.00%**			
	Target	4.25%	3.75%	3.50%	4.00%	**4.00%**			

Museum

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 49 Users of the Museum Service (max)#	Outturn	2,610	2,102	3,156	2,284	**3,169**	⬆️	⬆️	**Q2 2022/23** User figures are 17% above the target. A new exhibition and busy outdoor activity programme, aided by the hot and dry summer, brought visitors onto the site at a time when otherwise the museum and heritage sector is still finding it difficult to bring visitors back to pre-Covid numbers. Cumulative: 5,453.
	Status	✅	✅	✅	🛑	✅			
	Target	1,500	2,000	2,000	2,700	**2,700**			

Revenues

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 03 Percentage of Non-domestic Rates Collected (max) *	Outturn	52.18%	78.96%	96.62%	32.38%	**59.27%**	⬆	⬆	**Q2 2022/23** **Numerator:** £27,580,926.4 **Denominator:** £46,536,127.68 Collection target exceeded. The effect of reliefs awarded (CARF) still having a positive impact on the collection rate.
	Status	🛑	⚠️	✅	✅	✅			
	Target	58.40%	86.20%	95.00%	29.60%	**58.40%**			
KPI 05 Percentage of Council Tax collected (max) *	Outturn	57.08%	84.075%	98.70%	29.76%	**57.33%**	⬆	⬆	**Q2 2022/23** **Numerator:** £43,770,404.40 **Denominator:** £76,344,145.18 Collection rate just over 1% below target. Economic factors starting to have an effect on collection despite the rigid recovery timetable of reminders and courts. It is likely that this downward trend will continue.
	Status	⚠️	⚠️	✅	✅	⚠️			
	Target	58.40%	86.20%	98.00%	29.60%	**58.40%**			
KPI 16 Rent collected as percentage of rent owed (including arrears b/f) (max) *	Outturn	96.08%	97.26%	97.67%	92.76%	**95.56%**	⬇	⬇	**Q2 2022/23** **Numerator:** £4,066,347.26 **Denominator:** £4,559,674.71 (89.18%) **Cumulative:** **Numerator:** £8,263,309.17 **Denominator:** £8,647,243.71 (95.56%) This PI has exceeded the target due to focusing on rent collection at the higher level. However the figure is down on the same quarter last year as there has been a lack of activity on lower level rent arrears and the current cost of living rises impacting on tenants' ability to pay.
	Status	✅	✅	✅	✅	✅			
	Target	94.00%	95.00%	97.00%	89.00%	**94.00%**			
KPI 17 Local Council Tax Support Collection Rate (max) *	Outturn	46.38%	65.69%	82.43%	24.16%	**50.04%**	⬆	⬆	**Q2 2022/23** **Numerator:** £440,697.9 (Net Receipts) **Denominator:** £880,700.37 (Total Net Liability) Target 50%. This has been achieved, the collection rate has been boosted by payment of the Household Support Fund and Government Grants.
	Status	⚠️	⚠️	⚠️	⚠️	✅			
	Target	50.00%	69.00%	89.00%	25.00%	**50.00%**			

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 03 Percentage of sundry debt income overdue (debts over 90 days old not subject to a payment agreement) (min)	Outturn	2.3%	3.3%	4.7%	11.3%	**3.2%**	⬆	⬇	**Q2 2022/23** **Numerator:** £15,716.41 (Debt over 90 Days old) **Denominator:** £493,783.52 (Total Outstanding Debt)
	Status	✅	✅	🛑	🛑	✅			
	Target	4.0%	4.0%	4.0%	4.0%	**4.0%**			
PI 51 Current Rent Arrears as a percentage of the annual rent debit (excluding HB adjustment) (min)*	Outturn	2.71%	2.75%	2.48%	2.64%	**2.86%**	⬇	⬇	**Q2 2022/23** **Numerator:** £35,812.90 **Denominator:** £4,122,535.80 (0.87%) **YTD:** **Numerator:** £472,951.81 **Denominator:** £16,514,060.08 **Cumulative** = 2.86% This PI is currently exceeding target due to continued focus on rent collection within the Housing Income team. However the figure is down on the same quarter last year as the current cost of living rises are impacting collection.
	Status	✅	✅	✅	✅	✅			
	Target	3.00%	3.00%	3.00%	2.90%	**2.90%**			

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Directorate: PLANNING

Planning: Support & Advice

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 32 Percentage of Major Planning Applications validated within 5 working days (max)	Outturn	98.72%	99.58%	99.50%	99.00%	**99.37%**	⬆	⬆	**Q2 2022/23** **Numerator:** 791 **Denominator:** 796 **Cumulative:** **Numerator:** 1,611 **Denominator:** 1,624 = 99.2% Despite new ways of working being introduced - applications going to PINS, which has meant whole new processes and team members having to run Virtual Hearings for these applications, the team are continuing to perform highly.
	Status	✅	✅	✅	✅	✅			
	Target	95.00%	95.00%	95.00%	95.00%	**95.00%**			

Planning: Development Management

PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 46 Quality of Decisions: Percentage of Appeals Upheld for Major Planning Applications as a Proportion of Major Application Decisions Made (min) #	Outturn	0.00%	60.00%	100.00%	8.82%	**8.96%**	⬇	⬇	**Q2 2022/23** *Data for this indicator is monitored by the Planning Committee on a regular basis. A snapshot of the latest performance levels is included in member's performance reports.* To note - this outturn doesn't include the recent appeal decision because that decision falls into Q3 stats. Still reliant on historic major refusals within the appeal system. Still sitting within the target for now. Significant appeal decisions emerging in Q3.
	Status	✅	🛑	🛑	✅	✅			
	Target	10.00%	10.00%	10.00%	9.00%	**9.00%**			
PI 47 Quality of Decisions: Percentage of Appeals Upheld for Non-Major Planning Applications as a Proportion of Non-Major Application Decisions Made (min) #	Outturn	35.29%	36.00%	55.55%	2.19%	**2.16%**	⬆	⬆	**Q2 2022/23** *Data for this indicator is monitored by the Planning Committee on a regular basis. A snapshot of the latest performance levels is included in member's performance reports.* Still within target. Need to analyse allowed appeals trends.
	Status	🛑	🛑	🛑	✅	✅			
	Target	10.00%	10.00%	10.00%	2.50%	**2.50%**			

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PI Code & Short Name		Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Q2 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 70 Processing of Planning Applications: Major Applications (within 13 weeks [16 weeks with EIA] or including any agreed extension of time) (max)	Outturn	50.00%	87.50%	87.50%	83.33%	**80.30%**	⬇️	⬆️	**Q2 2022/23** Target being achieved. Indication of good case management of majors, through EOTs and PPAs. Some backlog of major cases, due to recruitment issues. Backlog and case management being aided by major tracking process. Significant clearing of "in time" managed S106s.
	Status	🛑	✅	✅	✅	✅			
	Target	60.00%	60.00%	60.00%	80.00%	**80.00%**			
PI 71 Processing of Planning Applications: Non-Major (8 weeks or including any extension time) (max)	Outturn				85.49%	**85.06%**	⬇️	N/A	**Q2 2022/23** Newly introduced indicator for 2022/23 collection Target being achieved. Output from this quarter high, aided by "lockdown sprint" week in August. Good case management in clearing these cases.
	Status	N/A	N/A	N/A	✅	✅			
	Target				80.00%	**80.00%**			

APPENDIX B

PI 46 & 47 Snapshot checks completed as at 24.05.22

PI46		All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Quarter 01	Apr - Jun 2020	11	2	1	1	0	0	0.00%
Quarter 02	July - Sept 2020	8	2	2	0	2	0	25.00%
Quarter 03	Oct - Dec 2020	4	3	2	1	1	0	25.00%
Quarter 04	Jan - Mar 2021	11	5	4	2	2	0	18.18%
Quarter 05	Apr - Jun 2021	5	4	2	1	0	1	0.00%
Quarter 06	July - Sept 2021	4	1	1	0	1	0	25.00%
Quarter 07	Oct - Dec 2021	16	9	5	1		4	0.00%
Quarter 08	Jan - Mar 2022	8	4	2			2	0.00%
(appeal decisions to Dec 2022)								
	total	67	30	19	6	6	7	8.96%
Maximum level required								10.00%

PI47		Non-Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Quarter 01	Apr - Jun 2020	275	74	22	11	9	2	3.27%
Quarter 02	July - Sept 2020	303	75	34	26	8	0	2.64%
Quarter 03	Oct - Dec 2020	341	105	30	17	13	0	3.81%
Quarter 04	Jan - Mar 2021	321	84	16	11	4	1	1.25%
Quarter 05	Apr - Jun 2021	414	115	25	13	11	1	2.66%
Quarter 06	Jul - Sept 2021	386	95	36	13	10	13	2.59%
Quarter 07	Oct - Dec 2021	310	67	15	3	2	10	0.65%
Quarter 08	Jan - Mar 2022	287	62	14	2		12	0.00%
(appeal decisions to Dec 2022)								
	total	2637	677	192	96	57	39	2.16%
Maximum level required								10.00%

Committee:	Governance, Audit and Performance Committee	**Date:**	30 November 2022
Title:	Grant Policy		
Report Author:	Sue Hayden – Community Development Officer		

Summary

1. Governance, Audit and Performance is asked to consider the Grants Policy for approval for its formal adoption by Cabinet.

2. The policy addresses the governance arrangements, procedures and monitoring processes to be followed when awarding a grant and during the subsequent implementation of the project that it enables.

Recommendations

3. That the Grant Policy be recommended to Cabinet for formal adoption.

Financial Implications

4. Budget provision is available for all grants administer by the Communities Team which the Policy relates to.

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

   Individual application forms for each of the Grants.

Impact

6.

Communication/Consultation	N/A
Community Safety	N/A
Equalities	EqIA carried out
Health and Safety	N/A
Human Rights/Legal Implications	The Council has the powers to award grants to organisations using its general power of competence in section 1 of the Localism Act 2011

Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	Communities Team

Situation

7. The Grant Policy sets out the governance arrangements, procedures and monitoring process to be followed when awarding a Community Grant.

8. This Policy deals with the allocation of grants administered by the Communities team (with the exception of the Large-scale Sports Grant as it has its own policy) and will ensure that grants are awarded to defined organisations following an application process and against a set criteria.

9. Grants fall outside the public procurement regime. In awarding a grant the Council cannot exhibit the same amount of control over the organisation as is commensurate with a contract. Essentially, the terms of the grant should set out what the purpose of the grant is for. Provisions for claw back of funding should only be implemented in the case of the grant funding being used for other that the intended purposes or otherwise improperly.

10. The aim of the Policy is to support organisations with projects that will improve the quality of life for local communities, particularly in line with the Council's Corporate Plan.

11. Governance, Audit and Performance is invited to recommend the Grant Policy for adoption by Cabinet.

Risk Analysis

12.

Risk	Likelihood	Impact	Mitigating actions
Allocation of grants to projects does not secure their implementation	1 – grants only to be awarded to viable projects	3 – poor use of public money	Policy and procedures in place to ensure checks are made before grant funding is awarded

1 = Little or no risk or impact
2 = Some risk or impact – action may be necessary.
3 = Significant risk or impact – action required
4 = Near certainty of risk occurring, catastrophic effect or failure of project.
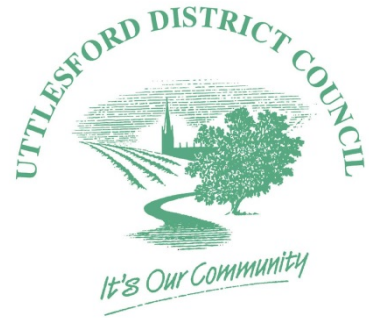
Uttlesford District Council

Corporate Services

GRANT ALLOCATION POLICY

Version: DRAFT
Date: **September 2022**

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GRANT ALLOCATION POLICY

POLICY STATEMENT

- Uttlesford District Council will offer grant funding to support local charities, voluntary organisations, clubs and individuals for the benefit of the Uttlesford community. Grants will be awarded in a fair and transparent manner and will support the delivery of the council's corporate objectives.

INTRODUCTION

- Uttlesford District Council recognises the value of voluntary and community activities and their contribution to residents' well-being, the local economy, and the sustainability of a wide range of services which benefit people living, working and visiting the district. The council is not statutorily obliged to provide grant support but does so as it recognises the diversity and individuality of community organisations and the contribution they make in improving quality of life for many residents.

- The council supports these community activities through the identification and allocation of grants which are managed by a number of grant schemes. The key aims of allocating grants are:

  - To provide financial support to help widen the provision of facilities and services which directly benefit and enhance the local community
  - To help support and address key community issues
  - To promote and strengthen volunteering and voluntary endeavour

- This policy outlines the types of grants available and the rules of each scheme including who can apply, assessment of applications and any monitoring controls. This includes any one-off grants, including larger grants, made available to the community.

- Any grant over the value of £50,000 will be subject to a Service Level Agreement.

- Funding will only be considered if applicants can demonstrate how their work will contribute towards the council meeting its corporate priorities which are set out below.

  - Putting residents first

  - Active place maker for our Towns and Villages

  - Progressive custodian of our rural environment

  - Champion for our District

Type of Grant available

This policy covers the grant schemes administered by the Communities department for which applicants need to complete an application.

Grant Criteria

Voluntary Organisation Support Grant

- The council's largest budgetary commitment for grants is the Voluntary Organisation Support Grants scheme. Applications are made by registered charities who work within the district outlining their funding requirements for a one-year period (April to March) Applications are reviewed to ensure specific criteria will be met before being recommended by the Committee of the Cabinet for approval at Cabinet.

- Formal feedback on the outcomes achieved by each organisation (in whole or part) through the grant is submitted within an agreed timescale (three times a year). Discussions between the organisation, Communities, Health and Well-being Manager and Community Development Officer take place periodically throughout the year.

- The organisations receiving the grants are invited to update a Committee of Cabinet Members, acting as an Awards Panel, regarding achievement of their funding objectives at the end of each financial year during the grant period (January). There is no funding limit set for individual applications.

Community Project Grant

- The Community Project Grant Scheme is for planned projects within the community such as the development of land for recreational purposes, children's play areas, refurbishment of facilities. We will consider one-off training costs, equipment and music festivals. Funding amounts are offered from £100 up to a maximum of £3,500.

- The application process is open once a year in April or in the event of an election year, this will be advertised in June. However, projects need to be completed and funding spent within that financial year (April to March).

- The scheme is open to properly constituted voluntary organisations or similar body in Uttlesford such as village hall committees, community shops, town and parish councils, play, cultural, sports and recreation clubs.

- This is a match funded grant. If the application is for more than £1,000 the amount raised must represent at least 50% of the total grant. If the application is for less than £999 then 25% must have been raised. Payment is made on completion of the project once paid invoices are received.

- An organisation may apply more than once, however, if successful further funding will not be given to the same project in the same financial year (April to March).

- The Panel overseeing this grant is made up of the Portfolio Holder for Communities, Communities, Health and Well-being Manager and Community Development Officer.

- The Panel will meet within two months of the application closing date and decisions will be advised by e-mail.

Youth Grant

- The Youth grant scheme is to support Youth Initiatives that contribute towards improving the Health and Wellbeing of local young people aged primarily 10-19 years and up to 25 years for those with disabilities or exceptional needs, in partnership with other agencies and organisations.
- The application process is open once a year in April and projects need to have spent or committed the funding within that financial year (April to March).
- The scheme is open to properly constituted statutory and voluntary organisations or similar bodies that work with young people in Uttlesford.
- Funding bids may be made for any amount up to £5,000 and if successful, may be granted for all or part of the bid.
- An organisation may apply more than once, however, if successful further funding will not be given to the same project in the same financial year (April to March).
- The Panel overseeing this grant is made up from the Portfolio Holder for Communities, Communities, Health and Well-being Manager, Community Development Officer, Chair of the Youth Initiatives Working Group

Decision Making Process

- The Director Finance and Corporate Services is given delegated powers to approve all grants which is devolved down to the Communities, Health and Well-being Manager in consultation with the Community Development Officer and the Portfolio Holder for Communities for consistency purposes, except where the application is in the Portfolio Holder's ward, in which case the Portfolio Holder for Finance will fulfil this role.

- Organisations will receive confirmation informing them of whether they have been successful or not as soon as possible after the panel has made its decision.

- The organisation will be asked to sign and return a copy of the letter agreeing to the terms and conditions of the individual grant.

- Complaints about any aspect of the community grant process will be dealt with under the Council's Corporate Complaints Procedure.

4

Other Grants

- In addition to these schemes, the Ward Member's Initiatives Scheme provides an annual sum to each of the authority's district councillors to be spent in their ward.'
- Applications are made by each Councillor to the scheme for community projects within their ward which could include:

  - Grant to the town/parish council for a specific project/activity
  - Grant to a voluntary organisation or local charity
  - Grant to a community organisation e.g. village hall
  - Grant to a sports or social club (subject to appropriate rules on membership)
  - Grant to a local school, church, doctors surgery, hospital etc
  - Grant to local scouts, cubs or guides etc
  - Funding a community event or celebration

The Assessment Panel is made up of the Communities, Health and Well-Being Manager, Community Development Officer and signed off by the Director of Finance and Corporate Services.

- The Council is also the sole trustee of the Saffron Walden Pig Market Charity and income received by this charity is awarded to groups who are based in Saffron Walden on an annual basis via an application process.

Legal and Budgetary Framework

- All grant decisions will be made based on the set of principles, set out in this Policy, and within the agreed budget approved by Council. More detailed Terms and Conditions relating to each grant will be set out in the grant award letter.

- The Council cannot guarantee to fund the maximum amount applied for, therefore organisations must ensure that they have procedures in place to cover the balance of funding required. The Council will not pay a grant unless the organisation can demonstrate that the balance of the funding is available.

- Projects must be delivered, and funding claimed within a specified time period with clearly defined beginning and end dates. These should be set out in the application for funding. (Successful applicants should be prepared to commit to these dates in a funding agreement).

- Although match funding is a requirement for the Community Project Grant, applicants must demonstrate that funding from other sources is not paying for the element the Council is paying for (double funding).

- Funding will normally be paid after the work has taken place or via staged payments against agreed milestones. Copies of all invoices must be provided to support funding claims.

Grant Conditions

- An application for funding must demonstrate that it meets the Council's corporate priorities which can be found on the Council's website **https://www.uttlesford.gov.uk/corporate-plan** All organisations must have an equalities and safeguarding policy. If an organisation does not have their own policy, they will be expected to comply with Uttlesford District Council's policies which are also available on the Council's website **Safeguarding Policy (PDF) [347KB]**

- All grants must be fully spent within the year for which they are allocated (April to March), and funding can only be spent on the agreed activities as set out in the application form.

- Very minor changes may be agreed, from time to time, subject to the funding being used in line with the original application criteria. Any such changes must be applied for to the Council and agreed in writing.

- Invoice/receipts must be provided to the Council's Community Development Officer as soon as the money has been spent. Failure to comply with the above conditions may mean full or part funding is returned. For audit purposes, records must be kept showing how the grant has been spent, along with any relevant receipts or invoices.

- In relation to any personal data held, grant funded organisations shall understand and comply with their obligations under the General Data Protection Regulation. In line with the Council's retention policy all documentation relating to an application will be retained for seven years before being destroyed.

- An officer of the Council may visit the grant recipient from time to time to audit the information sources. The Council may also request a review if it wishes to discuss the project or service development and delivery.

- Any grant over the value of £50,000 will be subject to a service level agreement (or similar).

- Organisations in receipt of grant funds must comply with legislation regarding the health, safety and welfare of workers, volunteers and clients involved in their activities. Due regard must also be given to safeguarding vulnerable individuals and to the requirements of the Equality Act.

- Organisations to consider all regulatory duties and requirements imposed by the law in the use of the contribution.

Who Can Apply?

- All organisations should be non-profit making/constituted (where appropriate);

  - Have the legal right to carry out the activity
  - Have a bank account with minimum two non-related signatories.

- Organisations will be requested to supply the following evidence (where appropriate):

  - Constitution or equivalent
  - Insurance details that cover activities requested to fund (especially public liability)
  - Latest set of accounts or last 6 months bank statements
  - Quotations for capital items or evidence of cost (where applicable), for capital works one quote is required for grants up to a value of £10,000. Any grant exceeding £10,000 three quotations must be supplied.
  - Proof of permission (capital projects only).
  - Health and Safety policy (if applicable to your project)
  - Safeguarding/Equalities (as above)

How to Apply

- Applications must be made using the Council's grant application form and associated guidance notes that are available online on the Council's website.

- The application form must be completed in full. Incomplete application forms will be rejected/returned.

- Supporting documentation may also be requested prior to the application being fully considered. Failure to supply all required documentation will result in the application being treated as incomplete.

- Only applications received by the advertised closing date will be considered. Any applications outside of this date will automatically be turned down.

- All grants will be advertised on the Council's website, through press releases to the local newspaper and on the Council's Facebook page.

Transparency

- All grants will be recorded on the transparency page of the Council's website at the end of each financial year. For grants over £50,000 a report will go to Cabinet for their ratification.

Reviews

- Uttlesford District Council will periodically review all the grants it gives to organisations and individuals to ensure they meet the Council's corporate objectives and as part of our duty to ensure the public funds were distributed and are used in an appropriate manner.