



OVERVIEW AND SCRUTINY COMMITTEE

Thursday 2 July 2009 at 6.30 pm

Members Lounge, Ryedale House, Malton

Agenda

- 1 **Apologies for absence**
- 2 **Minutes of the Meeting held on 22 June 2009** (Pages 1 - 4)
- 3 **Urgent Business**
To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 4 **Declarations of Interest**
Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 5 **Any other business that the Chairman decides is urgent.**
- 6 **Decisions from other Committees**
Community Services held on 11 June 2009
Policy and Resources held on 25 June 2009
- 7 **Attendance at Policy Committees** (Pages 5 - 12)

8	Reconsideration of an Affordable Housing Review	(Pages 13 - 16)
9	Annual Audit and Inspection Letter	(Pages 17 - 34)
10	Sickness Absence/Attendance Management Policy	(Pages 35 - 68)
11	Overview and Scrutiny Procedure Rules	(Pages 69 - 80)
12	Customer Complaints Monitoring	(Pages 81 - 90)
13	Officer Code of Conduct	(Pages 91 - 114)
14	Service Risk Register - Environment	(Pages 115 - 132)
15	Overview and Scrutiny Acting as the Audit Committee	
16	Annual Internal Audit Report 2008/09	(Pages 133 - 144)

Agenda Item 2

Overview & Scrutiny Committee Meeting

held at Ryedale House, Malton
Monday 22 June 2009

Present

Councillors Mrs Shields (in the Chair), Andrews, Clark, Cussons, Cottam, Jackson, Raper, Mrs Wilford and Windress

In Attendance

T Anderson, P Cresswell and Mrs S Shuttleworth
J Ritchie (Delloittes)

Minutes

1 Apologies for Absence

There were no apologies for absence

2 Minutes of Meetings held on 9 April 2009 and 21 April 2009 and Reconvened on 5 May 2009

The minutes of meetings of the Overview & Scrutiny Committee held on 9 April 2009 and 21 April 2009 (reconvened on 5 May 2009) (previously circulated) were presented.

With reference to Minute No 459 (Proposed Re-roofing of Former Town Hall, Malton (Malton Museum/Tourist Information Centre), Councillor Clark requested that the minute be amended to reflect that the Committee's reason for not calling in the decision of the Policy & Resources Committee on 2 April 2009 was to avoid any possible delay in the work being completed in time for Yorkshire Day.

In response to Members' questions about the work not being completed, officers reported that the quotes for the stonework had meant that there was insufficient budget in total and further work on the scheme would therefore be required. It was, however, confirmed that the roof was safe in its present condition.

Councillor Clark then referred to the reconvened meeting held on 5 May 2009 and requested that Minute 459 be also amended to include reference to a complaint that had been received about the supervision of works carried out at Ryedale Pool. It had been noted that neither the complaint nor the name of the complainant had been specified.

It was also proposed that the resolution to Minute No 446 (Scoping Report for Scrutiny Review of Sickness Procedures) be amended by the addition of "Members to be consulted and Unison to be involved at an earlier stage."

Resolved:

That, subject to the above amendments, the minutes of meetings held on 9 April 2009 and 21 April 2009 reconvened on 5 May 2009) be approved and signed by the Chairman as a correct record.

4 Urgent Business

The Chairman reported that there would be one item to be dealt with at the meeting as a matter of urgency by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.

5 Declarations of Interest

No declarations of interest were received.

6 Matters Referred for Decision in Relation to Call-In

There were no items to report

7 Annual Governance Statement.

The Corporate Director (s151) submitted a report (previously circulated), the purpose of which was for Members to critically review the Annual Governance Statement (AGS) as required under the Accounts & Audit Regulations 2003 incorporating the Accounts and Audit (Amendment)(England) Regulations 2006.

Regulation 4 of the Accounts and Audit Regulations (2003) required audited bodies to conduct a review at least once a year on the effectiveness of its system of internal control and publish a Statement of Internal Control (SIC) each year with the Statement of Accounts.

The Policy & Resources Committee adopted the CIPFA framework for producing the SIC. Part of this framework was for the Council's Overview & Scrutiny Committee to consider the SIC's content. The document had then to be signed by the Chief Executive and the Leader of the Council. This emphasised that the document was about all corporate controls and was not confined to financial issues.

It was noted that the AGS had been prepared following appropriate guidance and was in accordance with Council policy.

The AGS, which was appended to the report together with the Action Plan, aimed to provide a continuous review of the effectiveness of the organisation's internal control and risk management systems so as to give assurance on their effectiveness. There was also a need to identify and address weaknesses by the production of an action plan. Training received by some members of the Committee highlighted the importance of the Action Plan and monitoring that those

issues identified were progressed.

The Corporate Management Team, together with other appropriate senior officers, had reviewed controls in some detail. In addition, comments, evidence and feedback from a number of internal and external sources had been reviewed in the compilation of the AGS.

Members were reminded that, as recommended last year, the Action Plan was to be presented to them at two meetings during the year to enable them to consider progress made. This was to take place again in the current year and plans were to bring the Action Plan to the meetings on 8 October 2009 and 18 February 2010.

The report and Action Plan were discussed in detail and officers addressed concerns expressed by some Members about control issues and the £230,000 revenue overspend.

Resolved

That the report be received and that

- (a) Policy & Resources Committee be recommended to approve the Annual Governance Statement
- (b) the Action Plan appended to the ABS be noted.

NB Councillors Andrews and Clark requested that their vote against the above decision be recorded

8 Statement of Accounts 2008/2009

The Corporate Director (s151) submitted a report (previously circulated) setting out Ryedale District Council's Statement of Accounts for 2008/09 in accordance with its statutory obligations as set out in the Accounts and Audit Regulations 2003. In addition, a paper giving details of Capital Expenditure for 2008/09 was circulated at the meeting.

The accounts included in the Statement consisted of:

- Statement of Responsibilities for the Accounts
- Annual Governance Statement
- Statement of Accounting Policies
- Income and Expenditure Account
- Statement of Movement on the General Fund Balance
- Statement of Total Recognised Gains and Losses
- Balance Sheet
- Cash Flow Statement
- Collection Fund Accounts

Following discussion it was

Resolved

That the Statement of Accounts 2008/09 be received and referred to the Policy & Resources Committee

9 Urgent Business

The Chairman requested that a list be provided of observers from this Committee attending the two policy committees.

Resolved

That a list of observers for each meeting of the two policy committees be provided and that Committee Services section be instructed to ensure that copies of the relevant agendas are circulated to the named observers.

The Meeting Commenced at 6.30pm and concluded at 8.10pm



REPORT TO: OVERVIEW AND SCRUTINY COMMITTEE

DATE: THURSDAY 3 JULY 2008

REPORTING OFFICER: CORPORATE DIRECTOR (s151)

SUBJECT: ATTENDANCE AT POLICY COMMITTEES

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

- 1.1 To provide Members with a draft rota for attendance to observe at policy committee meetings and to agree guidance to assist this process.

2.0 RECOMMENDATION

- 2.1 For Members to agree the draft rota for attendance and the accompanying checklist and for these to be incorporated within the Council's Scrutiny Handbook.

3.0 INTRODUCTION

- 3.1 One of the four key legislative roles of the Committee is holding the Executive to account. In Ryedale's case this means examining the policy committees minutes, forward plans in detail and using call-in or other mechanisms to comment or intervene in the decision making process. In order to be effective in this it has been previously agreed that Members of the Committee would take turns to attend both the Policy and Resources Committee and the Community Services and Licensing Committee for the purposes of observation. Subsequently, Full Council agreed that this be an approved duty for Members of this Committee.
- 3.2 At the last meeting of the Committee Members requested guidance to assist them in undertaking this responsibility. Draft guidance and a checklist is attached at Annex A. This has previously been circulated for comment to Members.
- 3.3 Attached at Annex B is a draft rota for Members consideration.

4.0 CONCLUSION

- 4.1 Members have previously agreed a rota for attendance at policy committees. Guidance and an accompanying checklist have been produced to help Members with this important process.

Background Papers:
None

OFFICER CONTACT:

Please contact Paul Cresswell, Corporate Director (s151), if you require any further information on the contents of this report. The officer can be contacted at Ryedale House on 01653 600666 xtn214 or e-mail at paul.cresswell@ryedale.gov.uk

Annex A - Guidance for Members observing at a policy committee

This note sets out details of the issues that should be considered when observing. A simple checklist is appended at Appendix A.

The Committee has two distinct but complimentary roles, being both the scrutiny committee and the audit committee for Ryedale District Council. The Committee undertakes its work by:

- Scrutinising the decisions made by other committees and using the ability to 'call-in' a decision of a committee of the Council and refer it back if necessary for re-consideration;
- Scrutinising the performance and effect of council services and policies by receiving internal and external audit reports, reports on the Council's counter fraud work, monitoring and reviewing the statement on internal control, examining our approach to the minimization and control of risk, and examining progress on our improvement plans;
- Undertaking and instigating reviews of existing policy and the development of new policy;
- Monitoring service performance, through the performance management framework and customer complaints, and considering the outcomes of Best Value and other reviews.

Together this enables the Committee to focus on the improvement of services: considering in-depth major issues, examining other areas of the work of the Council or of other local and national agencies, highlighting when things are going wrong and seeking action to address this in the most effective way.

Decision-making and call-in

The main purpose of observing at policy committee meetings is to consider whether or not decision-making has complied with the Council's Constitution. All decisions of the Council will be made in accordance with the following principles:

- (a) the rule of law;
- (b) clarity of aims and desired outcomes.
- (c) proportionality (i.e. the action must be proportionate to the desired outcome);
- (d) due consultation and the taking of professional advice from officers and/or appropriately qualified consultants;
- (e) respect for human rights (see below for further details); and
- (f) a presumption in favour of openness.

If Members consider that one of more of these rules have been breached then the decision may be 'called-in'. To call in a decision a proforma, attached at Appendix B, must be completed with the reasons for the call-in clearly stated. It must be signed by either the Chairman or three Members of the Committee and must be handed to the proper officer within 10 working days of the publication of the decisions of the meeting. The Overview and Scrutiny Committee then meets within a further 10 working days of the decision to call-in. Members may request the attendance of relevant officers or Members to answer any questions that they may have. The Committee can then refer the matter back to the decision-making committee, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred back to the decision-making committee, a meeting will be convened to reconsider the decision within a further 10 working days.

Further details can be found in the Council Constitution on page 144.

At the heart of the Overview and Scrutiny Committees work should be the consideration of what impact the Policy Committees decisions, plans and policies have on the communities of

Ryedale. If the Committee considers the decisions made will have an adverse affect they have a duty to say so and suggest improvements.

Members of Overview and Scrutiny Committees should also make efforts to identify issues of concern to the residents of Ryedale and where the Committee agrees, instigate a Scrutiny review.

General Framework for Scrutiny:

Function	Scope	How delivered:
Democracy and Governance	Local democracy and the achievement of effective, transparent and accountable decision making by the Council.	The Call in function and involvement in Policy Review Review of the Statement of Internal Control
Lifelong learning and culture	The provision, planning and management of education, training and Culture in the District in so far as the Council is responsible for this.	
Public Accounts	The Councils budget, the management of its budget, capital, revenue borrowing and assets and its audit arrangements.	Review of the relevant documents.
Regeneration and Housing	The physical, social and economic environment and regeneration of the Ryedale District; enabling the provision, planning and management of its housing and the rural and built environment.	Review of the Housing Strategy and Capital Strategy.
Services	The provision, planning, management and performance of Council services, including support services, the community plan and any other Council functions not otherwise addressed by any other Committee.	Review of the Performance Management framework on a quarterly basis and the review of policy documents. Their involvement in VFM processes.
Social Inclusion	Policies and Strategies of the Council and other bodies which affect the economic, social and political resources available to individuals to enable them to participate fully in Society.	Review of the Community Plan and budget/capital strategy. The money should follow the priorities.

Appendix A - Checklist

1. Review decision-making and consider call-in
2. Consider the effect of policy decisions on the community - have the intended policy outcomes been achieved?

Also consider against the implementation of the Council's Equalities Scheme, which is:

- To work towards the elimination of discrimination (either direct or indirect) and harassment
- To ensure that members and officers work towards mainstreaming equality of opportunity across all policies and functions
- To ensure equality, equity and consistency in working practices and conditions
- To ensure that the workforce represents the wider community of the District

3. Identify areas for future policy investigation
4. Identify any issues arising from the strategies and plans of the Council:
 - Community Plan
 - Corporate Plan
 - Medium Term Financial Plan
 - Capital Strategy
 - Asset Management Plan
 - Crime and Disorder Strategy
 - Housing Strategy
5. Budget issues: capital programme, revenue budgets, borrowing, assets
6. Performance issues
7. Value for Money issues
8. Management issues
9. Audit and Governance issues
10. Environmental issues

Committee:

Decision to be called in:

Council’s Constitution – Article 12 Decision Making

Principles of decision-making:

All decision of the Council will be made in accordance with the following principles:

- (a) the rule of law
- (b) clarity of aims and desired outcomes
- (c) proportionality
- (d) due consultation and the taking of professional advice from officers and/or appropriately qualified consultants
- (e) respect for human rights
- (f) a presumption in favour of openness

Reason for calling in the decision:

This form is to be signed by **either** the Chairman of Overview & Scrutiny Committee **or** 3 Members of the Committee

Signature of Chairman of Overview & Scrutiny Committee **or** Councillor

.....Date:.....

Signature of Councillor

.....Date:.....

Signature of Councillor

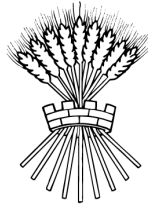
.....Date:.....

Date of meeting to consider the Call in
(Must be within 10 working days of call in)

Annex B: Overview and Scrutiny Rota for 'shadowing' policy committees

Community Services	23 July	24 Sept	26 Nov	28 Jan	25 Mar	June2010	July2010
Paul Andrews			x			x	
John Clark			x			x	
David Cussons	x			x			x
Brian Cottam	x			x			x
John Raper	x			x			x
Elizabeth Shields		x			x		
David Jackson		x			x		
Jane Wilford		x			x		
John Windress			x			x	
Policy & Resources	30 July	1 Oct	3 Dec	11 Feb	1 April	June 2010	July2010
Paul Andrews				x			x
John Clark	x			x			x
David Cussons		x		x			x
Brian Cottam		x			x		
John Raper		x			x		
Elizabeth Shields	x				x		
David Jackson			x			x	
Jane Wilford			x			x	
John Windress			x			x	

The rota is based on three Members observing at each policy committee meeting. If you are unable to attend could you please try and obtain a substitute in the first instance. If you are unable to do so then please contact the Chairman, Councillor Mrs Shields.



REPORT TO: OVERVIEW AND SCRUTINY COMMITTEE

DATE: 2 JULY 2009

REPORTING OFFICER: HEAD OF ECONOMY AND HOUSING
JULIAN RUDD

SUBJECT: RECONSIDERATION OF AN AFFORDABLE HOUSING
REVIEW

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

- 1.1 To consider the Overview & Scrutiny Committee undertaking a review of affordable housing as part of its work programme.

2.0 RECOMMENDATION

- 2.1 That members do not undertake a review of affordable housing as part of the Committee's work programme.

3.0 BACKGROUND

- 3.1 At the 3 July 2008 meeting of this Committee the Work Plan for 2008/9 was discussed. Members were reminded that the 2004 CPA Report on Ryedale District Council had identified the need to develop and focus the activities of the Overview and Scrutiny Committee and, in response, the Authority had committed to the production of an annual work plan to provide better links to corporate priorities.
- 3.2 When considering the reviews to be undertaken in the coming year, the Committee was requested to have regard to certain issues, including that:
- Although the Committee had from time to time touched upon aspects of affordable housing it had not considered the continuing impact on the community of a lack of affordable homes, the performance of the Council to date, the views of the Audit Commission and the high priority the Council gave to affordable housing;
 - That there should be a focus on the implementation of the recommendations from the Audit Commission as contained in the Annual Audit Letter.
- 3.3 Following a detailed discussion it was resolved 'That Affordable Housing be considered the next major scrutiny review for the Committee after the completion of the Waste Management Review'. Although the scoping of any affordable housing review was programmed to take place at the 11 December 2008 meeting of this Committee, it was agreed at the 7 August meeting to bring this forward.

3.4 This Committee also discussed housing issues at the Special meeting on 19 August when it resolved 'That Full Council creates a broad based Steering Group for Affordable Housing' with an aim 'To enable Ryedale District Council to have a strategy and systems that ensure that affordable housing stretch target is achieved'. However, Full Council on 4 September 2008 subsequently resolved to "instruct Community Services and Licensing Committee to consider affordable housing as a standing item on its agendas" and to "consider how best to meet the aspirations expressed by Overview and Scrutiny Committee". The CS&L Committee on 25 September then agreed to undertake the following actions:

- a. Affordable Housing tabled as a standing item on all Community Services and Licensing Agendas;
- b. The reporting of progress against the Housing Strategy Action Plan being brought to each meeting;
- c. The development of a set of performance indicators to improve the means by which Ryedale District Council measures its performance against the delivery of affordable housing targets;
- d. The regular reporting of the indicators to committee.
- e. To bring forward for discussion and approval new initiatives to enable the Council to both deliver its affordable housing objectives and to help those in housing need.
- f. To invite presentations from officers and partners on the following:
 - examples of best practise;
 - potential new opportunities – national, regional and district;
 - changes to national policy;
- g. To run a training/briefing session for Members that will cover the following:
 - national policy and the impact that has on the approach the council could take;
 - practical issues and the options the council has taking account of national, regional and local policy;
 - the need for a local policy and what the council will need to do to achieve an acceptable policy.'

3.5 The 9 October 2008 meeting of this Committee again considered the need to undertake a review of affordable housing. In view of the activities of the Community Services Committee it was resolved that:

"1. The Overview and Scrutiny Committee recommends that the Community Services and Licensing Committee incorporate the following elements into the work they are undertaking in relation to affordable housing provision:

- Review of progress in implementing the Audit Commission's Review of Affordable Housing in North Yorkshire;
- Assessment of the impact of raised affordable housing targets in the planning system against a background of economic downturn;
- Potential for working with local estates to deliver increased levels of affordable housing in Ryedale;
- Scope for increased delivery through work with new Homes and Communities Agency;
- Assessment of current local grants and interventions given the range of local housing needs identified in the 2007 Ryedale Housing Needs Assessment and elsewhere;

2. That the Overview and Scrutiny Committee incorporate "the performance of other Local Authorities/Benchmarking, with investigation of 'success stories' in other parts of the UK to identify good practise" into their (review) work.

3. That the Overview and Scrutiny Committee defer their Affordable Housing review until Spring 2009.”

4.0 REPORT

- 4.1 Since the need for a scrutiny review of affordable housing was last considered by this Committee in October 2008 the Community Services Committee has considered current housing activity and issues at each of its meetings, via a standing item on Housing Performance and through guest speakers. A report is submitted to each meeting which details progress made over the previous two months. The progress made is set out against the Council's agreed housing priorities, as defined in the Ryedale Housing Strategy. Members can view the Housing Performance reports on the Community Services agendas via the 'Agendas and Minutes Archive' at www.ryedale.gov.uk.
- 4.2 Under the standing item at Community Services that Committee considers grant performance and the need for any amendments to better meet housing needs, together with staffing and other changes to meet recommendations of the Audit Commission Review of Affordable Housing in North Yorkshire. Separate reports to the Committee consider initiatives and joint working with the Homes & Communities Agency regarding housing performance. Through speakers invited to the Committee there are discussions regarding affordable housing delivery. This has included the impact of different affordable housing targets and the difficulties caused by current economic conditions. Through future speakers the Committee will consider closer working with local estates to better meet local housing needs and Members will visit recent developments to examine energy efficiency improvements and to view recent affordable housing.
- 4.3 As a result of the above work the Community Services Committee had monitored delivery of new affordable homes, which, at 57, was on target at Christmas 2008 to meet an annual figure of 75 units for 2008/9. However, the housing market collapsed and there was a sudden fall-off in affordable units through the Section 106 route. Since that point the Committee has met with Yorkshire Housing to discuss means of improving delivery and will meet with house builders. Progress on delivery is also provided on a site by site basis, including the stage reached with rural exceptions sites. Members have also closely monitored the dramatic effects of the Council's homelessness services, with a 50% reduction in the number of families who have had to spend time in temporary accommodation in 2008/09 when compared to 07/08. Correspondingly the Council was involved in preventing 239 cases of homelessness in 2008/9 compared to 149 on 2007/8. In 2008/9 the Council provided 91 grants (totalling £438,447.00) to allow homes to be adapted to meet their occupiers changing physical needs, thus meaning their housing needs were met in situ as opposed to requiring new accommodation.
- 4.4 Clearly, if a scrutiny review of affordable housing were to be undertaken this should add to and not replicate the activities of the Community Services Committee. However, given the above activities of the CS&L Committee it is considered that there is very limited benefit in proceeding with a scrutiny review of affordable housing.

5.0 FINANCIAL IMPLICATIONS

- 5.1 The Overview and Scrutiny Committee has a budget of £5,000 that it can use to assist in undertaking any review.

6.0 CONCLUSION

- 6.1 The work of the Community Services Committee relating to affordable housing and other housing performance issues means that there is very limited basis for undertaking a scrutiny review of affordable housing activities.

Background Papers:

None

OFFICER CONTACT:

Please contact Julian Rudd, Head of Economy and Housing, if you require any further information on the contents of this report. The officer can be contacted at Ryedale House on 01653 600666 ext 218 or e-mail julian.rudd@ryedale.gov.uk

Annual Audit and Inspection Letter

Ryedale District Council

Audit 2007-2008

March 2009



Contents

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Status of our reports

The Statement of Responsibilities of Auditors and Audited Bodies issued by the Audit Commission explains the respective responsibilities of auditors and of the audited body. Reports prepared by appointed auditors are addressed to non-executive directors/members or officers. They are prepared for the sole use of the audited body. Auditors accept no responsibility to:

- any director/member or officer in their individual capacity; or
- any third party.

Key messages

- 1 Ryedale District Council is a good council¹. Councillors and officers have shown a clear and focused commitment to improving the performance of the Council over the past few years. This commitment has made it more likely that the residents of the area and other Council customers will get better services that more closely match their needs.
- 2 The Council can not slacken its pursuit of the plans it has for itself and the area it serves. Working successfully in partnership with others is vital to achieving its aspirations and we will be examining this as part of the new Comprehensive Area Assessment which we and our colleague Inspectorates launch in April 2009.
- 3 Residents of Ryedale and businesses in the area are dealing with the impact of the current economic downturn. The Council is already considering the impact of this changed economic environment on both itself and the communities that it serves but it will need to remain vigilant in managing risks to its plans arising from the recession.
- 4 In the meantime there are a small number of key issues which Councillors should particularly pay attention to over the coming year.

Action needed by the Council

- 5 Councillors should satisfy themselves that sound arrangements are in place to deal with the following issues:
 - 2009 is proving to be a difficult year for all councils due to the national economic downturn. Pressures will increase further as the recession starts to bite. The Council should proactively manage its finances and other resources to deal with these pressures, particularly where costs and demands for services are increasing.
 - A number of actions are underway and planned to address the outcomes of our previous work. Progress should be reported to councillors and remedial action taken where plans fall significantly behind target.

¹ Audit Commission - Comprehensive Performance Assessment rating

Purpose, responsibilities and scope

- 6 This report provides an overall summary of the Audit Commission's assessment of the Council. It draws on the most recent Comprehensive Performance Assessment (CPA), the findings and conclusions from the audit of the Council for 2007/08 and from any inspections undertaken since the last Annual Audit and Inspection Letter.
- 7 We have addressed this letter to members as it is the responsibility of the Council to ensure that proper arrangements are in place for the conduct of its business and that it safeguards and properly accounts for public money. We have made recommendations to assist the Council in meeting its responsibilities.
- 8 This letter also communicates the significant issues to key external stakeholders, including members of the public. We will publish this letter on the Audit Commission website at www.audit-commission.gov.uk. (In addition the Council is planning to publish it on its website).
- 9 Your appointed auditor, Deloitte LLP, is responsible for planning and carrying out an audit that meets the requirements of the Audit Commission's Code of Audit Practice (the Code). Under the Code, the auditor reviews and reports on:
 - the Council's accounts;
 - whether the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources (value for money conclusion); and
 - whether the Council's best value performance plan has been prepared and published in line with legislation and statutory guidance.
- 10 This letter includes the latest assessment on the Council's performance under the CPA framework, including our Direction of Travel report, and the results of any inspections carried out by the Audit Commission under section 10 of the Local Government Act 1999. It summarises the key issues arising from the CPA and any such inspections. Inspection reports are issued in accordance with the Audit Commission's duty under section 13 of the 1999 Act.
- 11 We have listed the reports issued to the Council relating to 2007/08 audit and inspection work at the end of this letter.

How is Ryedale District Council performing?

12 Ryedale District Council was assessed as good in the Comprehensive Performance Assessment carried out in 2004. These assessments have been completed in all district councils and we are now updating these assessments, through an updated corporate assessment, in councils where there is evidence of change. The following chart is the latest position across all district councils.

Figure 1 Overall performance of district councils in CPA



Source: Audit Commission

The improvement since last year - our Direction of Travel report

13 In our direction of travel work we consider two questions:

- What evidence is there of the Council improving outcomes?
- How much progress is being made to implement improvement plans to sustain improvement?

14 The following sections report our findings in answering those questions.

What evidence is there of the Council improving outcomes?

- 15 Ryedale District Council is improving performance in priority areas. Overall performance on a basket of Best Value Performance Indicators shows that the Council's improvement is below the average rate for district councils nationally with 54 per cent of the indicators improving in 2007/08. However, this figure is higher than the previous year's performance of 48 per cent, and the gap between Ryedale District Council's performance and the national average is smaller than it was in the previous year. At 37 per cent, the proportion of indicators which are within the top quartile has increased compared to 2006/07 and is higher than the national average of 33 per cent.
- 16 The Council has made progress in its priority area of **opportunity and choice of housing and employment**. Recent performance on homelessness and economic indicators show a general improvement, though not all targets are being met. There has been some progress on the key objectives of affordable housing. The Council has put extra resources into helping people into affordable private housing and has negotiated for 45 per cent of the housing on a new development to be affordable housing, exceeding its target by 10 per cent. Investment in the post of Rural Housing Enabler has led to more affordable housing units being delivered in rural exception areas. The performance on determining planning applications declined from 2006/07 to 2007/08 because of a staffing vacancy that it took the Council some time to fill, but the performance on this up to December 2008 has been better.
- 17 Progress towards meeting the Council's commitments under its **diverse and vibrant communities** aim has been good in all but one respect. Satisfaction levels with sport and leisure facilities have risen, but this has not been accompanied by increases in participation levels. The Council has made significant investment in sporting and cultural facilities, largely through partnership initiatives. The Council is on target to achieve its objective of all Council buildings complying with the Disability Discrimination Act by March 2009. It has met its commitment to target community grants at needs identified in the Community Plan so that money is spent on the things that matter to the local community.
- 18 The Council has made progress towards having **safe and inclusive communities**. In partnership with the police, the Council has taken action on crime hot spots and there has been a reduction in violent incidents from 13 per 1,000 population in 2005/06 to 7.5 per 1,000 in 2007/08. The Council has contributed to improving domestic violence outcomes for victims. The 'Making Safe' scheme on domestic violence has continued to show positive outcomes. The re-offending rate for those who have gone through the scheme has been 4.8 per cent compared to the national average of 47 per cent. The Council has contributed well to improving road safety. Road traffic collisions and injuries are significant issues for the area. The Council has also contributed to reducing crime. Action in partnership with the police on crime hot spots such as the use of mobile CCTV cameras funded by the Community Safety Partnership has contributed to a reduction in violent incidents from 13 per 1,000 population in 2005/06 to 7.5 per 1,000 in 2007/08. The Council has instituted a scheme with off licences, supermarkets and publicans aimed at reducing under-age drinking by tackling alcohol supply.

TTTHow is Ryedale District Council performing?

- 19 The Council set itself some testing targets in its Corporate Plan 2006-2009 for its aim of having a **clean and sustainable built and natural environment**. It has continued to make progress in this area, though it is not on target to achieve all its commitments. It had already exceeded its target for recycling waste and for the weight of residual waste collected per household in 2006/07 and improved the recycling performance slightly in 2007/08 while achieving nil growth of overall waste. Although its 2007/08 performance on litter and detritus did not match that of 2006/07, it was still better than the target in the Corporate Plan.
- 20 It is difficult to judge progress against the Council's commitments in its aim of having **effective and integrated communication and transport networks** as there is a lack of data on its key local performance indicators in this area. It does not have data on the number of heavy goods vehicles travelling through the centre of Malton and Norton, the proportion of people travelling to work by public transport or the percentage of all development that takes place in market towns and service villages. Progress on priority actions under this aim has been mixed, with action on road improvements not all going ahead as planned and delivery of the commitment to focus new developments in locations accessible by a variety of modes of transport being held back by lack of progress of the Local Development Framework Core Strategy because of new national requirements. There has been better progress against the commitment to increase the number of journeys made on community transport services. New initiatives include the Ryepod vehicle in partnership with NYCC, specifically designed for use as a community resource able to provide facilities for a wide range of organisations and events. The Council has also increased provision of interschool transport and assisted schools with cost-effective minibus hire. Usage of some existing community transport schemes such as the Ring and Ride scheme and Wheels to Work has increased.
- 21 The Council reports that its priority actions in the area of having **efficient and affective high quality services accessible to everyone in a way that suits them** are on target or close to being so. It has not, however, made consistent improvement on its key performance indicators in this area. It has increased the proportion of service enquiries resolved at the first point of contact and exceeded the Council target for 2007/08, though the performance of 40 per cent that year is not high, and still well short of the 80 per cent target set by the Council for 2009/10. On the other hand, it did not meet its targets in 2007/08 for the percentage of local transactions made electronically and face to face, though its performance on these indicators in the period from April to December 2008 has been positive.

- 22** There are a number of ways in which the Council has focused on people who are made vulnerable by their circumstances in improving services. It has responded positively to the Housing Needs Assessment having identified a growing need for support for older people to allow them to live at home. It is meeting its target of fully using the funding available to it for this, and has reduced the waiting list for adaptations and alterations. Through the Norton Extra Care scheme, in partnership with North Yorkshire County Council, it is on course to provide 54 units by September 2009 to enable supported living for people who would otherwise be in a care home. The Council has also made improvements for those who are made vulnerable by their circumstances through its support for the CAB Money Advice Worker, its use of disabled facilities grants to enable independent living and by improving security in temporary accommodation managed by the Council. It has improved access to services for disabled people by making open spaces such as Castle Paths accessible to wheelchair users and community transport changes have helped mobility of older and disabled people. The launch of a new, improved Council website has improved access to Council services, particularly for those with disabilities.
- 23** The Council has made some improvements in value for money. For example, the cost of waste collection per household improved in 2007/08, reversing the previous year's trend, as did the cost of council tax collection. However, performance on the recovery of housing benefit overpayments has declined. The Council exceeded its efficiency savings target and in 2007/08 the Council made savings in the net cost of services amounting to £541,000 compared with the original budget. Major sources of savings were restructuring in Central Services and the Benefits Service. There were also savings in procurement. Initiatives introduced by the Council that give improved value for money include the expansion of the Ryecare Lifeline Service provided by the Council to cover Selby as well as Ryedale and Richmondshire and the approval by Members of the introduction of charging for pre-application planning advice. In environmental services, the Council has achieved savings in the cost of its bring sites, reduced the cost of waste collection through human resources measures such as better targeted overtime, and commissioned a system for managing the logistics of routing its vehicles, which will provide efficiencies in the future.

How much progress is being made to implement improvement plans to sustain improvement?

- 24** The Council has adequate plans for delivering improvement. The Council Plan for 2009 to 2013 provides a vision for the area and is aligned with other plans and strategies such as the Local Development Framework, Local Area Agreement and North Yorkshire Housing Strategy. Proposed major plans such as this are communicated to citizens and their views sought. Almost, all, of the top 20 objectives in the current Corporate Plan meet SMART¹ criteria. Each objective has priority actions linked to it including target dates. The Corporate Plan identifies key performance indicators for each of the objectives and these will help with the management of the actions required to achieve them. Priorities for action are kept under review and are changed when necessary.
- 25** The Council has significantly reviewed its capital programme and revised some of its plans as it became evident that the original objective was not achievable. Some

¹ SMART - specific, measurable, achievable, realistic and time-bound

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ambitious capital projects slipped, partly because of the lack of the Local Development Fund Framework, and some, such as the Malton Enterprise Centre, have been deferred. Decisions of what stayed in the plans were based on achievability and priorities. There has been a shift towards the Council commissioning rather than trying to fully fund projects itself. Examples where this partnership approach has enabled progress to be made and savings to be achieved include the Leisure Centre at Malton School, Helmsley sport and recreation facility and expansion of Ryedale Folk Museum.

- 26** We reported last year that the Council had made slower than expected progress in some areas including developing a Business Continuity Plan and ensuring all staff receive development reviews. There has been further slippage on both these. Although the Business Continuity Plan has been developed for high priority services, the target date of December 2008 for having the finalised Plan approved by Members was not met. The Council is also behind target in the proportion of staff that have had development reviews.
- 27** The Council's Performance Management system provides a good tool for helping managers and Members to identify serious risks and measure performance in addressing these. However, the Council is not making full use of the system. For example, although it is used effectively for the management of corporate risks, the service risk logs on the system have not been updated and the system cannot therefore be used for effective monitoring of progress. There are a number of areas where a lack of data is hampering the Council's ability to monitor its progress against plans. The Council is still waiting for targets on some disaggregated data, for example young people's involvement in sport. Although there are some where the Council has set a local target without a North Yorkshire target having been set, this makes it difficult for the Council to assess where and to what extent improvement is needed, and therefore, where to direct its resources. Where it has identified the need for additional capacity to deliver its plans, the Council has taken action to create this. For instance, The Council has allocated appropriate resources to deliver plans on housing. It has allocated £100,000 for affordable housing schemes in the 2009/10 budget and £200,000 for mortgage support.
- 28** We commented last year that high staff absence levels impacted on capacity to deliver plans in 2006/07. The performance on days lost to sickness absence showed some recovery in 2007/08 and went from worst quartile nationally to second quartile. The performance between April and December 2008 suggests, however, that this improvement may not have been sustained. A new process of absence management is being introduced.
- 29** The Chief Finance Officer has reported that the Council's reserves are in a healthy position and are sufficient to cover emergencies and unforeseen liabilities. The Council is confident it has the resources in place to manage the likely impact on services of the current economic downturn.
- 30** The Council is continuing to make progress in its approach to equality and diversity. It has revised the way equality impact assessments are done and is working through an Equality and Diversity improvement plan. The Council has made faster progress than average in the promotion of race equality. It has gone from worst to best quartile on this indicator in the last three years. The Council remains at level 2 of the Equality Standard. It has revised its target from level 5 to a more realistic level 3, and produced

an action plan to achieve this. The performance indicators on equality and diversity aspects of staffing are variable with some targets being met and an improving trend, while others are behind target and not showing improvement.

- 31 There are no significant weaknesses in corporate governance that would prevent improvement levels being sustained. Corporate governance arrangements are in place to give assurance to councillors that improvement is being secured. Councillors review the adequacy of key plans and act to improve these if necessary. Changes to the constitution are now having an impact reducing duplication and giving greater clarity on delegation of decision making.

Service inspections and follow up of previous assessments

Affordable housing follow up

- 32 We are currently concluding a small-scale review of the progress made by district councils in North Yorkshire in achieving the changes identified as necessary in our review of this area in 2005. The outcomes of this review will be reported to the Council and its partners shortly and will be part of our evidence base for developing our thinking on the new area assessment which will be reported in November 2009.

The audit of the accounts and value for money

33 Your appointed auditor, Deloitte LLP, has reported separately to Overview and Scrutiny Committee on the issues arising from the 2007/08 audit and has issued:

- an audit report, providing an unqualified opinion on your accounts and a conclusion on your value for money arrangements to say that these arrangements are adequate;
- an opinion to state that the whole of government accounts submission was consistent with the audited accounts;
- a report on the Best Value Performance Plan confirming that the Plan has been audited.

Use of Resources

34 The findings of the auditor are an important component of the CPA framework described above. In particular the Use of Resources score is derived from the assessments made by the auditor in the following areas.

- Financial reporting (including the preparation of the accounts of the Council and the way these are presented to the public).
- Financial management (including how the financial management is integrated with strategy to support council priorities).
- Financial standing (including the strength of the Council's financial position).
- Internal control (including how effectively the Council maintains proper stewardship and control of its finances).
- Value for money (including an assessment of how well the Council balances the costs and quality of its services).

- 35 For the purposes of the CPA your auditor has assessed the Council's arrangements for use of resources in these five areas as follows.

Table 1

Element	Assessment
Financial reporting	3 out of 4
Financial management	3 out of 4
Financial standing	3 out of 4
Internal control	3 out of 4
Value for money	2 out of 4
Overall assessment of the Audit Commission	3 out of 4

Note: 1 – lowest, 4 = highest

- 36 The above performance represents an improvement on the prior year scores in respect of financial management, financial standing and internal control reflecting the work undertaken by the Council to address the issues identified by the Audit Commission Use of Resources Judgements 2006/07.

The key issues arising from the audit

- 37 The published accounts are an essential means by which the Council reports its stewardship of the public funds at its disposal and its financial performance in the use of those resources. Members approved the Council's annual accounts on 26 June 2008 which was within statutory guidelines.
- 38 A small number of misstatements were noted within the draft accounts. These were not material but were not trivial and were reported to those charged with governance. These misstatements would have decreased the income and expenditure deficit by £8,673 and were not adjusted in the final accounts as management concluded they were not material, both individually and in aggregate, in the context of the financial statements taken as a whole.

Financial standing

- 39 The balance on the General Fund at 31 March 2008 was £1,339,000, after the Council contributed £191,000 in 2007/08. This is within the target range for reserves set by the Council. A review of revenue outturn against budget for recent years indicated that while some over and under spends were incurred within individual directorates these were managed within the overall budget.

Systems of internal financial control

- 40 Deloitte did not identify any fundamental weaknesses in the financial and accounting systems which they need to bring to the Council's attention in the context of the accounts approval process.

TTTThe audit of the accounts and value for money

41 As part of their evaluation of the general control environment Deloitte assessed the quality of the Internal Audit function in accordance with the requirements of International Standards of Auditing (ISA) 500. This review did not highlight any significant issues.

Data Quality

42 The mandatory work Deloitte performed around data quality was a three stage process, as detailed below:

- stage 1: Management arrangements - review of overall management arrangements to secure data quality;
- stage 2: Completeness check - analytical review of specified Best Value Performance Indicators (BVPIs) and non- BVPIs (taking into consideration the Audit Commission's plausibility checks, range analysis and variance analysis of BVPIs); and
- stage 3: Spot check - an in-depth review of a sample of BVPIs (taken from the list of specified BVPIs and non BVPIs).

43 The objective of stage 1 was to determine whether proper corporate management arrangements for data quality were in place, and whether these were being applied in practice. The assessment covered arrangements in place to 31 March 2008. Some improvements were noted in the arrangements when compared to the prior year and the Council remained at an overall assessment of performing well.

44 Stage 2 involved a reasonableness check of the BVPI data submitted by the Council. In accordance with Audit Commission guidelines explanations were sought for variances falling outside a 15 per cent tolerance limit when compared to prior year data. Reasonable explanations were obtained for the variances noted.

45 For stage 3 the Audit Commission mandated the testing of housing and council tax benefits indicators. These indicators cover the time taken to process new claims and change of circumstance. The necessity of testing, if any, of other indicators was driven by the results of stages 1 and 2. In accordance with the guidance Deloitte selected two indicators covering housing benefit and council tax benefits. In both cases the work programme issued by the Audit Commission was completed satisfactorily and Deloitte concluded that the indicator was fairly stated.

Grant claims

46 In accordance with Strategic Regulation, the Audit Commission has continued with a more risk based approach to the certification of grant claims.

47 All of the grants audited relating to the 2007/08 year were issued with unqualified opinions.

Advice and Assistance work

48 No additional work has been carried out using Advice and Assistance powers.

Looking ahead

- 49** The public service inspectorates have developed a new performance assessment framework, the Comprehensive Area Assessment (CAA). CAA will provide the first holistic independent assessment of the prospects for local areas and the quality of life for people living there. It will put the experience of citizens, people who use services and local tax payers at the centre of the new local assessment framework, with a particular focus on the needs of those whose circumstances make them vulnerable. It will recognise the importance of effective local partnership working, the enhanced role of Sustainable Communities Strategies and Local Area Agreements and the importance of councils in leading and shaping the communities they serve.
- 50** CAA will result in reduced levels of inspection and better coordination of inspection activity. The key components of CAA will be:
- a joint inspectorate annual area assessment examining and reporting on the priorities, progress on them and the prospects for improvement in North Yorkshire;
 - a reporting of performance on the new national indicator set which will also allow for comparison between areas
 - an annual scored organisational assessment which will incorporate a joint inspectorate assessment of the Council's management of its performance and use of resources assessment by the appointed auditor. The auditors' use of resources judgements will therefore continue, but their scope will be widened to cover issues such as commissioning and the sustainable use of resources.
- 51** The first results of our work on CAA will be published in the autumn of 2009.

Closing remarks

- 52** This letter has been discussed and agreed with the Chief Executive. A copy of the letter will be presented to the audit committee on 2 July 2009. Copies will be provided to all Council members.
- 53** Further detailed findings, conclusions and recommendations on the areas covered by audit and inspection work are included in the reports issued to the Council during the year.

Table 2 Reports issued

Report	Date of issue
Audit and inspection plan	April 2007
Report on Best Value Performance Plan	September 2008
Report to Those Charged with Governance	September 2008
Opinion on financial statements	September 2008
Value for money conclusion	September 2008
Use of resources report (in draft)	March 2009
Annual audit and inspection letter	March 2009

- 54** The Council has taken a positive and constructive approach to audit and inspection work, and I wish to thank the Council's staff for their support and cooperation during the audit.

Availability of this letter

- 55** This letter will be published on the Audit Commission's website at www.audit-commission.gov.uk, and also on the Council's website.

Michael Newbury
Area Assessment Lead

Date

The Audit Commission

The Audit Commission is an independent watchdog, driving economy, efficiency and effectiveness in local public services to deliver better outcomes for everyone.

Our work across local government, health, housing, community safety and fire and rescue services means that we have a unique perspective. We promote value for money for taxpayers, auditing the £200 billion spent by 11,000 local public bodies.

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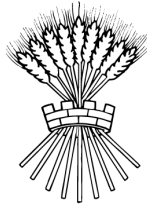
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REPORT TO: OVERVIEW AND SCRUTINY COMMITTEE

DATE: 2 JULY 2009

HEAD OF SERVICE: HEAD OF ORGANISATIONAL DEVELOPMENT
LOUISE SANDALL

REPORTING OFFICER: HR MANAGER
GAIL MATTHEWMAN

SUBJECT: SICKNESS ABSENCE/ATTENDANCE MANAGEMENT
POLICY

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

- 1.1 To provide the Overview and Scrutiny Committee with information regarding sickness absence/attendance management policies to inform their review of Ryedale District Council's sickness absence.

2.0 RECOMMENDATIONS

- 2.1 Members are asked to:
- receive the report
 - make recommendations on the current sickness absence policy

3.0 BACKGROUND

- 3.1 At the meeting of the Overview and Scrutiny Committee on 9 April 2009, it was resolved that a review of sickness procedures be undertaken as part of the Committee's work programme, and the review commence with the Sickness Policy, before moving onto the other suggested areas.

4.0 INTRODUCTION

- 4.1 Ryedale District Council's current sickness absence policy was revised and implemented in June 2004 (Annex A). Progress is being made to review the associated procedures, with the intention of providing both managers and staff with a greater level of detail to help them understand what is expected of them in the event of absence associated with ill health.
- 4.2.1 Heads of Service, Service Unit Managers and UNISON have been consulted on revisions. A meeting has been held with UNISON and comments are due shortly.

4.2.2 In preparation of this report, consideration is given to Ryedale District Council's current sickness absence policy, the recommendations of organisations such as the Advisory Conciliation and Arbitration Service (ACAS), whose Codes of Conduct Employment Tribunals expect employers to comply with; the Chartered Institute of Personnel and Development (CIPD) and other local authorities, in particular, Hambleton District Council whose absence rates between 2005-2008 varied between 6.7-7.6 average days lost per person per annum.

5.0 REPORT

What is a Policy?

6.1 A policy is a plan of action, based on certain principles, decided on by a body or individual.¹

6.2 Human resource policies are systems of codified decisions, established by an organisation, to support administrative personnel functions, performance management, employee relations and resource planning.

6.3 HR policies allow an the authority to be clear with employees on:

- The nature of the authority
- What they should expect from the authority
- What the authority expects of them
- How policies and procedures work at your authority
- What is acceptable and unacceptable behaviour
- The consequences of unacceptable behaviour

6.4 The establishment of policies can help an organisation demonstrate, both internally and externally, that it meets requirements for diversity, ethics and training as well as its commitments in relation to regulation and corporate governance.²

6.5 The purpose of an absence policy is to outline the expectations of managers and employees.

What should be included in a policy?

6.6 ACAS produce a number of advisory booklets including 'Health, Work and Wellbeing' <http://www.acas.org.uk/CHttpHandler.ashx?id=854&p=0> 'Managing Attendance and Employee Turnover' <http://www.acas.org.uk/CHttpHandler.ashx?id=241&p=0> and a self help guide 'Attendance Management' <http://www.acas.org.uk/CHttpHandler.ashx?id=637&p=0>. These booklets are available to download free of charge from the ACAS website, but range from 17-44 pages and consequently have not been attached in their entirety as annexes to this report. However, pertinent sections are referred to and reproduced.

6.7 The ACAS advisory booklet Managing Attendance and Employee Turnover incorporates a sample absence management policy (seen Annex B) as does the Self Help Guide – Attendance Management (see Annex C).

¹ Chambers Dictionary

² Wikipedia

- 6.8 The Chartered Institute of Personnel and Development (CIPD) have also produced a booklet – Absence Management: How do you develop an absence strategy <http://www.cipd.co.uk/NR/rdonlyres/37DB8AC7-BD6F-4BB0-9D78-2CDD7BD1D13F/0/absmanpractool2.pdf> in conjunction with the Health and Safety Executive (HSE) and ACAS. This also provides an example absence policy (Annex D).
- 6.9 The CIPD also have a factsheet ‘Absence Measurement and Management’ <http://www.cipd.co.uk/subjects/hrpract/absence/absncman.htm?IsSrchRes=1> which contains guidance on what to include in a policy (see Annex E). The HSE also provide guidance (see Annex F).
- 6.10 These guidance booklets all recommend the following key elements should be contained within a sickness absence/attendance management policy:-
- A commitment to improving health, wellbeing and attendance.
 - A statement valuing the contribution employees make & impact of absence;
 - Purpose of the policy;
 - Outline of roles and responsibilities;
 - Actions that will be taken to reduce absence levels and if appropriate the target or standard that has been set;
 - A statement relating to consultation;
 - A statement relating to fair and consistent management of absence cases;
- Key principles being:-
- Right to sick pay;
 - Obligation for staff to achieve and maintain good attendance;
 - Support mechanisms, for example special needs policies, counselling services, occupational health;
 - Referral to disciplinary procedures in the event that policies/procedures are not complied with;
 - Treatment of sickness if it occurs during annual leave;
 - Right to confidentiality;
 - Actions that will be taken if targets are not achieved (or if triggers are used, what action will be taken if triggers are reached);
 - Absence reporting/recording requirements (including provision of evidence of incapacity);
 - Provision of return to work interviews;
 - Affect of disability/maternity related absences;
 - Reasonable adjustments;

What does Ryedale District Council policy include?

- 6.11 The current policy and procedural requirements provide for minimal operational management of attendance within team and departmental functions. Lack of employee and management responsibilities in detail, give way to minimum contact between employee and line manager. In essence, what this has proven, is lack of timely and efficient proactive monitoring and management of absences across the Council.

What gaps are there between Ryedale District Council policy and recommended content?

- 6.12 The main gaps essentially are communication, support and management information reporting. The proposed changes to the procedural requirements allow for greater

contact between the employee and their line manager. Managers are being provided with a more developed and user friendly toolkit within the procedural documentation of the policy, which allows for step by step guides on managing particular types of sickness absence i.e. length, reason, support, HR, etc., FAQs have been included for employees and line managers with consideration to legislative compliance and best practice across other organisations, whose sickness absence levels are more akin to acceptable national averages, as benchmarks for Ryedale to set themselves against. More information is provided within the proposed procedures to ensure all parties, understand the Council's requirements, their responsibilities and how best to manage their own absences and how management will seek to support individuals who take sickness absence.

- 6.13 The amended procedures give way to better understanding for all staff of Ryedale Council and what is expected of them. The draft procedures are transparent, consistent and fair considering equality and diversity measures expected of a public sector organisation. Employees within the amended documentation, will have in essence, a more familiarised understanding of the procedures through FAQs and transparent processes and in particular, their responsibilities. Line Managers shall be provided with better tools, including; standard letters, clearer procedures, toolkits and FAQs and step by step guides at managing individual cases, whilst always being provided access to the HR team for further guidance on specific cases. A number of issues raised historically, have been with respect to lack of contact and indeed, no contact at all. New measures within the draft proposal, include for managing AWOL (Absence without leave) so that management teams, can recognise, identify and manage effectively and proactively all manners of absence, not just sickness. The existing triggers set within the current policy, lend themselves to scrutiny and whether they are easily understood, capable of being managed satisfactorily and whether we as a Council are equipped systematically, to effectively report on where employees are reaching, let alone have reached trigger points set within the policy.

What aspects of the procedure are key to effective absence/attendance management?

- 6.14 More aligned procedures for staff and management to follow and understand are vital for a successful procedure. Better toolkits, standard letters, procedures to deal with capability, absence without authorisation, user friendly return to work interviews, informal procedures, how to move to formal procedures, when all other mechanisms have failed etc. are all key to a successful attendance management system

7.0 LEGAL IMPLICATIONS

- 7.1 The legal implications are that we must ensure our procedures always follow not only best practice, but legislative guidelines. The draft amendments, take consideration of the Equality Act, all forms of Discrimination Acts, Code of Practice (amendment April 2009) for disciplinary matters and our responsibilities to provide for care and attention to individual needs whilst supporting the commercial focus of the organisation.

8.0 CONCLUSION

- 8.1 The issues with respect to ongoing problematic management restrictions lend themselves to allowing sickness absence levels to continue to rise, as proven historically. Line managers need mechanisms in place to effectively and fairly manage individual cases, without fear of retribution from senior managers, individual claims or trade union conflict. Individuals also need to be clear on how the Council will support every individual case, fairly, confidentially and with respect, but whilst maintaining a clear purpose of what their responsibilities are and what the

consequences may be, if individuals do not follow the requirements of the procedures. More often, we have found that our geographic neighbours and other local government and public sector organisations are examining every opportunity to reduce sickness absence across their organisation. It is, one of the highest burdens on the finances of our Council at this time. We need to remain and improve our effectiveness, competitiveness, whilst maintaining our reputation as being a fair, reputable District Council and somewhere people from our community are proud to work.

BACKGROUND PAPERS

- Annex A:- Ryedale District Council current sickness absence policy
- Annex B:- ACAS advisory booklet Managing Attendance and Employee Turnover
- Annex C:- ACAS advisory booklet – Self Help Guide
- Annex D:- Chartered Institute of Personnel and Development (CIPD) - Absence Management: How do you develop an absence strategy
- Annex E:- CIPD - Absence Measurement and Management
- Annex F:- HSE guidance

OFFICER CONTACT:

Please contact Gail Matthewman, HR Manager, if you require any further information on the contents of this report, 01653 600666 ext.350. gail.matthewman@ryedale.gov.uk.

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Introduction

The Council's success depends upon the contribution of its employees. Ryedale District Council aims to maximise the contributions of its staff to ensure the Council's objectives are met.

Employees at all levels feel the impact of sickness absence. It affects the level and quality of services to customers because:

- There are fewer employees to undertake the work,
- Additional pressure is placed on those at work,
- Staffing costs increase and management time taken in dealing with absence rises.

The Council is, therefore, committed to providing appropriate support and encouragement to staff who are ill and will take all reasonable steps to assist them return to work.

Principles

- Good attendance is valued and should be acknowledged
- Employees should be assured that where issues relating to sickness absence are raised then this does not imply any distrust
- Sickness absence will be handled promptly and sensitively
- Employees will be given every support, encouragement and assistance to facilitate a smooth return to work
- Employees will be told if their level of absence is putting their job at risk
- All reasonable steps will be taken to respect and protect confidentiality in relation to information regarding an employee's health
- The need to balance the requirements of the service with the interests of the individual employee must be understood
- Misconduct will be dealt with under the disciplinary policy and inadequate performance relating to skills, knowledge etc will be dealt with under the Capability Procedure

This Policy and Procedure defines the broad principles of operation but cannot define every possible circumstance.

Scope

This Policy applies to all staff employed at Ryedale District Council

Aim

The aim of this Policy is to reduce sickness absence levels by establishing a culture of high attendance.

This will be achieved by:

- Providing support to employees returning to work

- Consistently and fairly applying this Policy
- Monitoring the levels of sickness absence

- Setting targets for levels of sickness absence
- Regularly reviewing sickness levels against the targets
- Providing adequate support to managers including appropriate training
- Developing and implementing initiatives to ensure a healthy workforce
- Managers identifying the issues which impact on the levels of sickness and taking the appropriate action.

Responsibilities

The Council has a responsibility as an employer to provide a safe and healthy workplace and working environment for all its employees.

Managers are responsible for:

- Ensuring all employees understand and comply with the absence reporting procedures and other provisions of this Policy and Procedure
- Ensuring that accurate recording of all absences in their section takes place
- Ensuring that high levels of attendance are maintained, both by ensuring that the procedures relating to absence management are applied fairly and consistently across their service area and by acknowledging positively good attendance and holding return to work discussions for all employees as required
- Ensuring appropriate action is taken where trigger points have been met
- Maintaining contact with employees when they are off sick and showing appropriate care and support

Employees have a responsibility to:

- Co-operate with managers regarding health and safety matters, acting responsibly whilst at work and providing and maintaining a safe working environment for themselves and their colleagues
- Take care of their health and, if absent due to injury or illness, avoid, as far as practicable, partaking in activity that may delay their return to work
- Comply with the Policy and Procedures on managing Absence, including the notification of sickness absence, active participation in Return to Work interviews and attending Occupational Health appointments as required

Human Resources

- The HR Section will monitor this Policy and ensure that appropriate action is being taken
- Produce absence statistics for all service units and highlight cases where action is required according to the Policy
- Advise on the management of absence cases as required, including the provision of specialist equipment
- Refer employees for assessment by Occupational Health if needed
- Ensure all managers are trained in this Policy and Procedure

Absence Management Procedure

Employees must understand that all sickness absence results in a cost to the Council and that sickness absence records must be kept and attendance levels monitored to enable unacceptable levels of sickness absence to be explored. The manager, together with the employee will endeavour to reduce unacceptable levels of sickness by following the procedure outlined below with the emphasis being on support and guidance to achieve a return to work.

Where the procedure below has been followed and the sickness absence does not improve, warnings will be issued and the continued unacceptable level of sickness absence may result in dismissal. The warnings under this procedure are separate to warnings given under any other Council Policy.

In the case of long term sickness (i.e. absence which exceeds four weeks) the procedure outlined later in this report will be followed and may result in dismissal. However, employees are reassured that the Council will do all it reasonably can to assist with a sustained return to work. Each case will turn on its own merits.

Reporting Procedure

When employees are unable to attend work because they are ill or injured, they are required to follow the reporting procedure set out below. Failure to do so without reasonable cause will result in the loss of pay. Where an employee is absent from work and has not made contact with their manager it is reasonable for the manager to make contact with the employee to ascertain his or her whereabouts and reason for absence.

Notification of absence

Notification of the absence to the line manager by 10a.m on the first day of absence, earlier if possible. Some jobs require earlier notification and in those cases this will be confirmed by the service unit manager. If it is not possible to speak with the line manager, the employee should speak to another appropriate person and ensure a message is left. Employees should not use their annual leave entitlement to cover their absence if they are actually not well enough to come into work. The reason for this is twofold; it distorts the organisation's true sickness absence statistics and also is intended for use by employees to take as a break from work and needs to be agreed in advance with the appropriate line manager before being taken to ensure adequate staffing levels are maintained.

An indication should be given as to the likely length of the absence. The manager may agree with the employee about when contact should be made. If the absence is short term then daily contact from the employee is likely to be reasonable, however, in these cases it should never be less frequently than every few days. Alternatively if the absence is anticipated as being for a longer period from the start, then the employee and manager will agree how frequently contact should be made.

Each service unit will appoint a co-ordinator who will have responsibility for recording all absences in the Unit, which will be sent monthly to the HR section. The appropriate form is shown at annex A.

Certification of absence

For all absences a self certification form will need to be completed by the employee and passed to the HR section for administration purposes. For absences which last for more than 7 days (including weekends), a doctors certificate is required. An example of a self certification form is attached at annex B and copies are available from Human Resources.

Return to work

Upon an employee's return to work the manager will conduct a return to work discussion. In most cases this will be a brief and informal affair designed to:

- Express concern for the individual's welfare, and discuss any underlying reasons for the absence which may relate to work, or other if the employee wishes to discuss them,
- Update the individual on any matters which may have occurred whilst they were absent from work,
- If appropriate, discuss the individual's sickness record.

Guidance on conducting these sessions is attached at Annex C and a form attached for recording the meeting.

In cases where a "trigger point" (see below) has been met, or the employee's health is of more serious concern, the return to work interview will be a more formal and less brief meeting.

A record of the meeting must be kept in all cases where a trigger point has been reached and a copy given to the employee.

Sickness Absence Formal Warning Procedure

Short Term Sickness Absences

In order to provide managers with a clear structure within which to manage sickness absence and to ensure more frequent absences are dealt with in a clear and consistent manner across the Authority, review points have been established which, if met, trigger management action, based on an individual's cumulative absence from work.

These trigger points are as follows:

- 3 periods of absence of any length in any four month period or,
- A total of 10 days absence or more on 3 or more occasions in any 12 month period,
- an unacceptable pattern of absence, for example a pattern of absence on Fridays and/or Mondays.

The formal warnings shown below are used to deal with unacceptable levels or frequent sickness absences. It will not be used for long term sickness absence (see below) or for life-threatening illnesses which present in short term spells of absence or in certain other cases; see section entitled Special Cases.

It should be noted that if a manager can see that an employee is likely to reach a trigger point, or has a general concern about their absence (either the amount of absence or the seriousness of the illness) then they may meet with them informally to discuss this. The aim of such a meeting will be to express concern for the employee and discuss any possible assistance that may be given to them. A manager may feel it is appropriate to refer the individual to the Occupational Health Adviser through the HR Section to obtain further information.

Warning

Where an employee has met a trigger point, or if a sickness absence target has not been met, a meeting will be necessary to discuss the absences and decide whether it is appropriate for a warning to be issued. The employee will be informed in writing of the meeting, the reason for it and its date, time and location at least 48 hours in advance. The right to be represented by a union representative or other companion will also be communicated.

At the meeting the manager will consider any representations made by the employee and consider carefully all of the facts before determining whether it is appropriate to issue a warning. At this meeting it will also be necessary for the manager to set targets for improvement with the employee concerned over the lifespan of the warning. At any stage advice may be sought by the Human Resources Manager. At all stages the manager must ensure notes of meetings are kept, outlining all decisions made. At any stage a referral may be made to the Council's Occupational Health doctor for further information. This may be instigated by the employee or manager and will always be undertaken through the HR section.

The procedure relating to warnings will be as follows:

Oral warning – if, over the following 6 months from the date of the warning, the employee's sickness absence record is satisfactory, the warning will be deleted,

Formal written warning – if the sickness absence record does not improve satisfactorily in the 6 month period following the date of the issuing of the oral warning, a formal written warning will be issued. This will be expire after one year from the date it is issued if satisfactory absence levels ensue,

Final Written Warning – if the sickness absence record does not improve satisfactorily in the six month period following the date of the issuing of the formal written warning, a final written warning will be issued. This will be expire after two years from the date it is issued if satisfactory absence levels ensue.

Dismissal – if the absence record does not improve over the six month period following the issuing of a final written warning and there are no exceptional circumstances, the employee will be dismissed.

Before any dismissal is made a referral will be made to the Occupational Health Adviser for their opinion as to whether satisfactory attendance levels might be met in the future with reasonable adjustments and for any further information that may be of relevance to the case in hand.

Any dismissal will be made by a member of the Senior Management Team accompanied by the HR Manager.

Appeals

An employee may appeal against any of the formal warnings described above. An appeal will be heard by the relevant member of the Council's Senior Management Team or their representative, accompanied by the HR Manager. Appeals against dismissals will be heard by the Appeals Panel of the Policy and Resources Committee. The employee has the right to be represented at an appeal by a trade union representative or other companion.

Any appeal must be made within ten working days of a warning being given and should be in writing and addressed to the HR Manager.

At an appeal the line manager will explain the reason for their decision and the employee will be able to state why they believe the warning should not have been issued. Questions may be asked by the officers hearing the appeal at any stage and the employee and line manager will be given appropriate opportunity to ask questions of one another. The people considering the appropriate outcome of the appeal will do so in private, only recalling the parties for further clarification or to outline their decision, which will be confirmed subsequently in writing.

Long Term Sickness Absence

Long term sickness absence is defined as any absence lasting for more than four continuous working weeks.

An employee who is off on long term sickness absence will have to comply with the reporting requirements as outlined above.

Whilst off on long term sickness absence, regular contact should be maintained between the employee and their manager. This will be to enquire about the individual's well-being, keep the manager informed about progress being made and likely return to work dates and also to keep abreast as far as possible about events at work. It is the joint responsibility of the manager and the employee to ensure that this contact takes place. The regularity of the contact will vary from case to case and will be agreed jointly

between the two parties. Managers will be sympathetic when an employee does not feel well enough to receive very regular contact, however, the individual must expect the minimal amount of contact which is inevitable in an employment relationship.

In all cases of long term sickness absence the employee will be referred to the Occupational Health Adviser. The reasons for this will vary, but may include:

- Obtaining insight into the nature of the illness, so that adaptations to the employee's working environment or duties may be made when they return if reasonable and appropriate
- Obtaining a prognosis as to how long the absence is likely to last, in order that staff cover can be planned effectively
- Obtain an opinion as to whether retirement on the grounds of illhealth may be a possibility
- Clarify whether a person's role is contributing in any way to their illness
- Clarify whether an illness classes as a disability under the Disability Discrimination Act 1995 (see section entitled Special Conditions)
- Whether a person is fit to return to their job after a lengthy period of absence.

It may be appropriate for the HR Manager to conduct a welfare visit to an employee on long term sick leave. The purpose of this will be to explain the role of the Occupational Health Adviser, to allow the employee to discuss any concerns they may have relating to their illness and their work, and to answer any questions, for example, regarding sick pay.

Every effort will be made to accommodate staff back into the workplace. This may mean them returning to work initially on a phased basis, or with adjustments to their workplace, or to another more suitable role, if available. When an individual returns to work after such an absence the manager will need to consider an appropriate re-entry strategy into the workplace.

In some cases the Occupational Health Adviser may advise that a person is not fit to return to the workplace, in any capacity. In this situation if the person is a member of the Local Government Pension Scheme obtaining retirement on the grounds of ill health may be a possibility. If this option is sought, a further referral to a different doctor will be necessary. If the employee is not a member of the Pension Scheme or if ill-health retirement is not appropriate or is refused, then their employment with the Council may be terminated on the grounds of ill health. It is not necessary for an employee to have exhausted their sick pay entitlement in order for their employment to be terminated on the grounds of ill health if, in the opinion of the Occupational Health Adviser the individual is not going to be able to be well enough to return to work in a reasonable time frame.

If this is the case, the employee will be invited to a meeting where the future of their employment status will be considered. The manager will outline all of the facts and the employee or their representative will have the opportunity to present their case. Opportunity will also be given for both parties to ask questions of one another and the manager hearing the case will also be able to ask questions at any time during the proceedings. In such cases the person hearing the case will be the Chief Executive, or their representative, accompanied by the HR Manager.

The right of appeal against a dismissal will exist the same as outlined in the section on short-term sickness absence.

Special Considerations

The Counselling Service

It is recognised that there are many situations in life which cause stress. Counselling is a positive way of approaching issues through one to one discussion with a Counsellor, who can help the individual discover and enact solutions.

The Council has an arrangement with Ryedale Counselling Service which offers confidential and professional support to anyone seeking it. The Counsellors are fully trained and are often those that work in local GP practices, but because of the Council's arrangement with the Service, employees will receive priority treatment if they ring or visit and state that they work for Ryedale District Council. This can mean that they may well be seen quicker there than if they wait for a referral through their GP.

In order to protect the confidentiality of the service, it is accessed by self-referral only. The telephone number is shown at Annex D.

Drugs and Alcohol

For supporting and managing employees who are, or it is reasonably believed are, misusing drugs or alcohol, the Council has in place a separate policy entitled "Drugs and Alcohol Policy". Managers are referred to that policy when dealing with such an issue, however, the two policies are not mutually exclusive and it is possible that an employee misusing, or suspected of misusing, drugs or alcohol, could also have sickness absence which requires managing under this Policy and Procedure.

Industrial injuries

Employees who are absent from work due to an injury sustained at work must comply with the Council's accident reporting procedure. The incident will be investigated by an appropriate member of staff, usually the Fire and Safety Officer to ascertain whether Council procedures were followed.

Disabilities

Under the Disability Discrimination Act 1995 a disability is defined as "a physical or mental impairment which has a substantial and long term adverse effect on the person's ability to carry out normal day to day activities". Under the Act the employer must make reasonable adjustments to assist those with a disability in their employment.

This definition covers a host of medical conditions and the Occupational Health Adviser's opinion may be sought to clarify whether an illness is classed as a disability under the Act. If it is established that an employee has a disability, all reasonable efforts will be made to help them remain in the Council's employment. This may mean that practical adaptations are made to the work environment, or that working hours are changed, or that the employee is redeployed to a more suitable post. In reaching a decision about what would constitute a reasonable adjustment, the opinion of relevant experts may be sought, e.g. the Occupational Health adviser, or an ergonomist. Every effort will be made to allow the employee to continue working in their existing role where this is their wish, but if this is not practical the employee will be given prior consideration status in applying for other vacancies in the Council. However, in the event that there are no such vacancies, and none expected to arise in the immediate future, and the employee's absence record has become unsustainable, then as a final resort termination of the individual's employment may ensue. In such cases the procedure as outlined above (long term sickness absence) will apply.

Annex A

Sickness Absence Monitoring Form for the month of

Service Unit:.....

Name of employee	Total number of working days absent	Dates of absence (inclusive)	Reason(s) for absence(s)

Annex C

Return to Work Form

Name:	First day of absence:
-------	-----------------------

Post:	Last day of absence:
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Reasons for absence/nature of illness:

Details of return to work discussion (in brief):

Action agreed, if any:

Managers comments:

Meeting carried out by:

Name:	Position:
Signed:	Date:

Employee's signature:	Date:
-----------------------	-------

Employee's Comments (if any):

Return to Work Discussion

Guidelines for Managers

The purpose of the return to work discussion is to enable the manager to show that they value the employees return to work, express concern for their health and identify any underlying reasons for absence.

It is also an opportunity to make clear to the employee the importance the Authority places on the proper management of sickness absence and to make it clear to the employee the impact that sickness absence has on the organisation.

Before the meeting, Managers will:

- Collate the employee's absence record for reference
- Arrange for the meeting to be conducted in private, preferably on the employee's first day back at work, ensure room booked
- Is there any further information required, e.g. from HR?
- Give the employee notice of the meeting, if a trigger point has been reached, and inform them of their right to representation

At the meeting:

- Reassure the employee that the meeting is confidential between the two parties and the HR section
- Discuss the absence record
- Establish the reason for absence. If the employee does not want to discuss this then offer them the opportunity to do so with a member of HR Staff
- See if there is any underlying cause – offer help and support, particularly if the return is from a long-term absence
- Ensure the employee is aware of the implications for non-improvement, if appropriate
- Complete the self-certification form
- Discuss issues that have occurred at work during the absence

Useful Contacts

Ryedale Counselling Service

**Free, self-referral confidential counselling service for Ryedale District Council employees
01653 690124**

Aids counselling
01904 631313

Age Concern (includes advice for carers)
0800 00 99 66

Alcoholics Anonymous
01904 644026

Alzheimers Disease – support contact
01944 758479

Cancer link
0808 808 0000

Crisis (Carers and people with mental health problems)
0800 501254

CRUSE (bereavement)
01904 481162

Deaf awareness
01904 626583

York Diabetic Club
01904 690218

Domestic Violence
0808 200 0247

Dyslexia Institute
01904 640188

Narcotics Anonymous
07071 223 127

NHS Direct
0845 4647

Relate
01904 625971, 01723 369858

RNIB helpline
0845 766 9999

Scarborough Women's Aid
01723 365058

York Women's Aid
01904 646630

Samaritans
01904 655888, 01723 368888

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Annex B

ACAS Advisory Booklet – Managing Attendance and Employee Turnover – Sample Absence Policy

This is a sample policy which you should adapt to suit the particular circumstances of your organization.

Policy statement

We are committed to improving the health, wellbeing and attendance of all employees. We value the contribution our employees make to our success. So, when any employee is unable to be at work for any reason, we miss that contribution. This absence policy explains:

- what we expect from managers and employees when handling absence
- how we will work to reduce levels of absence to no more than xx days per employee per year.

This policy has been written after consultation with employee representatives. We welcome the continued involvement of employees in implementing this policy.

Key principles

The organisation's absence policy is based on the following principles:

1. As a responsible employer we undertake to provide payments to employees who are unable to attend work due to sickness. (See the Company Sick Pay scheme.)
2. Regular, punctual attendance is an implied term of every employee's contract of employment – we ask each employee to take responsibility for achieving and maintaining good attendance.
3. We will support employees who have genuine grounds for absence for whatever reason. This support includes:
 - a. 'special leave' for necessary absences not caused by sickness
 - b. a flexible approach to the taking of annual leave
 - c. access to counsellors where necessary
 - d. rehabilitation programmes in cases of long-term sickness absence.
4. We will use an occupational health adviser, where appropriate, to:
 - a. help identify the nature of an employee's illness
 - b. advise the employee and their manager on the best way to improve the employee's health and well-being.
5. The company's disciplinary procedures will be used if an explanation for absence is not forthcoming or is not thought to be satisfactory.
6. We respect the confidentiality of all information relating to an employee's sickness. This policy will be implemented in line with all data protection legislation and the Access to Medical Records Act 1988.

Notification of absence

If an employee is going to be absent from work they should speak to their manager or deputy within an hour of their normal start time. They should also:

- give a clear indication of the nature of the illness and
- a likely return date.

The manager will check with employees if there is any information they need about their current work. If the employee does not contact their manager by the required time the manager will attempt to contact the employee at home.

An employee may not always feel able to discuss their medical problems with their line manager. Managers will be sensitive to individual concerns and make alternative arrangements, where appropriate. For example, an employee may prefer to discuss health problems with a person of the same sex.

Evidence of incapacity

Employees can use the company self-certification arrangements for the first seven days absence. Thereafter a doctor's certificate is required to cover every subsequent day.

If absence is likely to be protracted, ie more than four weeks continuously, there is a shared responsibility for the Company and the employee to maintain contact at agreed intervals.

Return to work discussions

Managers will discuss absences with employees when they return to work to establish:

- the reason for, and cause of absence
- anything the manager or the company can do to help
- that the employee is fit to return to work.

A more formal review will be triggered by:

- frequent short-term absences
- long-term absence.

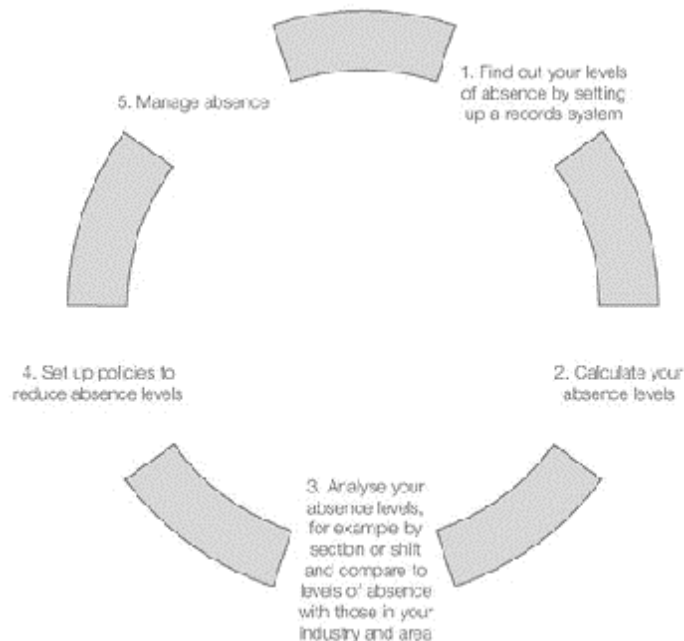
This review will look at any further action required to improve the employee's attendance and well-being. These trigger points are set by line managers and are available from Personnel.

Absence due to disability/maternity

Absences relating to the disability of an employee or to pregnancy will be kept separate from sickness absence records. We refer employees to our Equality Policy – covering family policies and disability discrimination policies.

ACAS Self Help Guide – Attendance Management

This booklet takes you through a five stage process to help you to reduce levels of absence.



- 1: Find out your levels of absence by setting up a records system
- 2: Calculate your absence levels
- 3: Analyse your absence levels for example by section, or shift and compare to levels of absence with those in your industry and area
- 4: Set up policies to reduce absence levels
- 5: Manage absence

This should be a continuous process.

Step 4 Set up an absence policy

Set up an absence policy so that your managers know how to deal with absence and so that employees know where they stand. It is beneficial to involve managers, employees and their representatives when you are devising such a policy. A joint working group chaired by an ACAS adviser can help you to do this.

This policy may be included in a company handbook, contained in employees' written statements of employment particulars or posted on notice boards. The following pages give an example of an absence policy which outlines what you should do in the event of short-term and long-term absence.

This example absence policy is for guidance only and should be adapted to suit the needs of your organisation.

Example of an absence policy

	Comments/guidance notes
<p>Introduction</p>	<p>Set out here the purpose and principles of the policy, along with any definitions of terms. Use straightforward language and write directly to employees, using 'you' rather than 'the employee'.</p>
<p>1. Principles</p> <p>The purpose of this policy is to set out what treatment you can expect from the Company if you suffer sickness or injury or if you are absent from work for other reasons.</p> <p>Your attendance is important to the business and is monitored. This policy identifies points at which the Company will take action if your sickness absence reaches unacceptable levels.</p> <p>The overriding aim is to ensure a healthy, productive workforce, not to punish you for being unwell. However, the Company cannot ignore the effects on the services and on other employees of lateness or absence from duty, whatever the cause.</p>	<p>You should be aware of the health and safety implications in the event of an accident at work. For more information contact the Health and Safety Executive's Infoline on 0845 345 0055.</p> <p>More information on 'trigger points' is given in Section 6 of this policy.</p> <p>It is important to outline clearly the aims of the policy and to stress the effects on the business of high levels of absence.</p>
<p>3. Statutory Sick Pay</p> <p>You are entitled to Statutory Sick Pay (SSP) when you are absent from work due to sickness.</p> <p>The main features of the scheme are:</p> <ul style="list-style-type: none"> • The first three days of incapacity are unpaid (called 'waiting days') • Further sickness is paid at the rate of £72.55a week (2007 figure revised annually in April) for up to 28 weeks. • Once SSP is exhausted, an employee normally transfers onto benefits, paid directly by the DWP. • If two periods of sickness are 	<p>An employer must operate the Statutory Sick Pay (SSP) scheme as a minimum. In order to qualify for SSP an employee must have done some work for the employer and be earning at least £87 a week (2007). More information on qualifying for SSP is available from Her Majesty's Revenue and Customs http://www.hmrc.gov.uk or phone the employer's helpline on 08457 143 143.</p>

<p>separated by less than eight weeks (56 days) then they are linked and the employee need not serve the waiting days again.</p>	
<p>4. Sickness whilst on holiday</p> <p>If you are sick whilst on holiday the Company will consider any requests to change arrangements. However, the Company reserves the right to insist that you still take your previously-booked annual leave and to pay holiday pay accordingly. Sick pay will not be paid for periods where you are receiving holiday pay.</p> <p>If you wish to cancel any booked leave and use the entitlement at another time then you should inform your line manager as soon as possible. The Company will then decide whether to allow the change and will inform you as soon as possible.</p>	<p>If an employee is sick during a period of annual leave (or if a period of annual leave falls whilst an employee is off sick) he or she cannot receive both sick pay and holiday pay for the same period of time. It is prudent to outline a policy to ensure both employer and employee are aware of how such a situation will be handled. The Company could allow employees to cancel their leave and take it at another time.</p>
<p>5. Company sick pay scheme</p> <p>Some information on company sick pay schemes is given in Appendix 2.</p>	<p>Many employers pay sickness benefit over and above the SSP entitlement in order to attract and retain good staff.</p> <p>A company sick pay scheme that is funded through an insurance policy may require that medical information is sought in certain cases. If the Company chooses to exercise its discretion then it may have to fund sick pay directly if the insurance policy will not pay. It may be appropriate to refer to the insurance policy terms and conditions within this policy, attaching a copy of the relevant terms.</p>
<p>6. Short-term absence</p> <p>Your manager will formally review your absence record if in any three month period there are three separate periods of absence (whether these are certificated or not), or if there is an unacceptable pattern of absence, for example, regular time off on Mondays or Fridays.</p>	<p>Frequent spells of short term absence are troublesome and costly to employers because of their unpredictability. Tighter monitoring procedures which help to control such absences can also improve overall efficiency.</p> <p>The organisation has to decide at what stage absence levels become 'unacceptable'. Some organisations have set up systems where managers are alerted to an individual's absences through the use of 'trigger points'. Remember the trigger is for investigation not for automatic sanctions</p>

	such as a warning.
<p>7. Long-term absence</p> <p>'Long-term absence' is a period of sickness which lasts longer than two calendar weeks.</p> <p>The Company takes a sympathetic view about genuine ill-health problems and will provide a supportive approach to all employees in such circumstances.</p> <p>Your line manager will monitor your absence and will counsel you through a period of sickness absence. If, after discussion, it appears that you are likely to be away from work for more than four weeks, your manager will telephone you every fortnight and visit your home every month. These arrangements may be varied by agreement. Home visits will not be made without the employee's consent.</p> <p>(Home visits should always be made by the manager and another Company representative. Where the employee is female one of the Company representatives should also be female.)</p> <p>The Company will make contact to find out the reason for your sickness (including requesting medical information where appropriate), the likely duration of your sickness and if there are any steps that the Company or you can take to speed your return to work.</p> <p>Ultimately, if absence does reach problematic levels then the Company may have no choice but to dismiss you. The point at which this action may be taken will depend on the nature of your work and the difficulty caused to the company by your continued absence. Dismissal will be regarded as a last resort and the company will try to ensure that the following criteria are fulfilled:</p> <p>- Relevant medical information is sought and considered.</p>	<p>There is no universally accepted definition of 'long-term absence' but it is good practice for each organisation to have its own definition.</p> <p>If an employee is off sick for an extended period then action should be taken to ensure that the lines of communication remain open and that adequate steps are being taken to ensure the employee's prompt return to work. The example policy sets out actions that could be taken in such a situation, the definitions of long-term absence and of the actions to be taken.</p> <p>Possible options could include:</p> <ul style="list-style-type: none"> • Lighter duties • Altered hours • Purchase of specialised equipment • Alternative work • Flexible working. <p>A dismissal in these circumstances should not come 'out of the blue', it should be the final step in a consultation process.</p> <p>For more information on the statutory Discipline and Dismissal Procedures see http://www.berr.gov.uk/</p>

<ul style="list-style-type: none"> - Options for alternative duties or working arrangements are examined. - Your views will be taken into account. <p>Before any dismissal the company will comply with any applicable statutory dismissal procedure.</p>	
<p>6. Return to work interviews</p> <p>When you return to work from any absence (excluding holidays) your line manager will interview you on the first day you return or as soon as reasonably practicable after that. They will check that you are fit to return, update you on any important matters you have missed and may discuss your absence record if appropriate.</p>	<p>Return to work interviews help to ensure that employees are aware that their absence has been noticed and their attendance is valued. It also allows managers to discover any underlying problems that are causing the absence and try and solve them before absence reaches problematic levels.</p>
<p>7. Medical information</p> <p>If your absences reach excessive levels, the Company may require medical information about your condition from your GP and/or a specialist practitioner of the Company's choosing.</p> <p>If the Company requires information from a specialist practitioner, the Company will pay for the examination and for any expenses that you incur.</p> <p>If the Company needs a report from your GP, the Company will comply with the Access to Medical Reports Act 1988, which requires that:</p> <ul style="list-style-type: none"> - The Company obtains your written consent before we contact your GP. - You are given prior access to the report and can refuse the Company access to it if you wish. - You can ask your GP to alter the contents of the report if you feel it is inaccurate. If your GP does not wish changes to be made, you can ask your GP to attach a statement of your views to the report. 	<p>Decisions about whether the employee is likely to return to work are far easier to make and will be more easily seen to be fair if they are made in the light of appropriate medical information. A doctor is the most qualified person to make judgments on medical issues and employers should refrain from making such judgments themselves wherever possible. An example of a letter to a GP requesting medical information about an employee is shown in Appendix 3.</p> <p>It is possible to get access to medical information with the appropriate consent from the individual employee.</p> <p>A copy of an employee consent form is shown in Appendix 4.</p> <p>It is often useful for an organisation to have a doctor (or occupational health specialist) who is familiar with the workplace and who can give an informed second opinion in any particular case. It may be a condition of medical insurance that such advice is sought regularly from company doctors.</p> <p>If advice is sought both from a doctor acting for the company and one acting for the employee then it is more likely that any accusations of bias can be avoided.</p>

<p>However, you should be aware that if you refuse to supply relevant medical information the Company may have no choice but to make decisions about your likely return to work based on the information that is available.</p> <p>Therefore, it is in your best interests to disclose medical information.</p>	
<p>8. Promoting a healthy workforce</p> <p>The Company will give you the opportunity to attend regular health screenings. This can help pinpoint medical conditions early on and encourage you to lead a healthy life style.</p> <p>The Company has also arranged for discounts for employees at local health clubs.</p>	<p>Health programmes can pay for themselves through, reduced sickness absence and higher morale.</p>

Unfair dismissal

If you decide to dismiss an employee, you must follow a minimum statutory disciplinary procedure:

- the problem must be set out in writing and given to the employee
- you must meet the employee at a pre-arranged time to discuss the problem
- you must allow an appeal if requested.

If you dismiss without complying with the procedure, it will be automatically unfair dismissal, with minimum compensation of four weeks' pay provided the normal qualification period of continuous employment, currently one year, has been completed.

Annex D

CIPD How do you develop an absence strategy – Example of an absence policy

Employees in XYZ Company are paid on the basis of satisfactory attendance and performance. While it's recognised that most employees will occasionally have genuine and acceptable reasons to be absent from work, any absence will cause operational difficulties, undermine quality and efficiency, and increase costs. Overall, absenteeism can have a substantial impact on company profitability and productivity. The aim of this absence policy is therefore to minimise absence levels across the company, while also providing reasonable support to those absent for legitimate reasons, with the aim of assisting their return to work at the earliest opportunity. The policy also aims to ensure that all employees are treated fairly and consistently.

To this end, we aim to ensure that:

- All policies, rules and procedures concerning absence are communicated clearly to all employees.
- Managers and team leaders apply the procedures fairly and consistently.
- The HR function maintains computer records, based on information received from line managers, indicating the duration and stated reasons for all periods of absence. This information is used to monitor absence levels, and to indicate where further action may be needed.
- Managers and team leaders interview all employees on their return from absence, regardless of its duration. The purpose of the interview is to explore the causes of the absence, to facilitate the individual's return to work, and to identify any reasonable and practical steps to reduce the likelihood of future absence.
- The HR function provides support to managers and team leaders in ensuring consistency in dealing with absence and any related issues, and, where appropriate, in advising on how individual absence issues should be handled.
- In cases where absence levels exceed specified 'trigger' levels, managers or team leaders are required to take formal action. This includes conducting formal absence interviews and issuing formal warnings, as set out in the company's absence management procedures. In extreme cases, excessive absence may result in termination of employment on grounds of capability. However, the company's first priority is always to achieve satisfactory levels of attendance.
- In cases where an employee is absent on extended sick leave, managers or HR contact the individual on a regular basis, including conducting periodic home visits, with the aim of facilitating the individual's return to work at the earliest reasonable point.
- Where appropriate, the company may seek advice or guidance from its occupational health advisers in medical issues relating to individual absence.
- The company is committed to supporting the health of its workforce, and provides a range of positive healthcare and fitness initiatives available to all employees.
- In dealing with individual absence issues, the company aims to act reasonably at all times, taking account of all the circumstances.

What standards and procedures should be included in an absence policy?

- The standards of attendance expected by the organisation:
 - The organisation pays employees to attend work – attendance is therefore accepted as the norm.
 - Any absence is costly, in terms of reduced efficiency, coverage for non-attenders, impact on quality and customer service, and so on.
 - The organisation recognises that some limited absence is inevitable – you will provide appropriate support and assistance to those who are legitimately absent, with the aim of facilitating their return to work at the earliest opportunity.
- A clear statement of absence procedures includes the following:
 - How should employees notify their manager on the first day of absence?
 - How should employees keep managers informed on the expected length of absence and likely return date?
 - What types and levels of certification are required?
 - What will happen following the individual's return to work?
 - Responsibility for these actions should sit clearly with the employee, with an indication that failure to follow these procedures without good reason is likely to result in disciplinary action.
 - What actions should be taken before and after the individual's return to work?

Annex E

CIPD Factsheet Absence Measurement and Management

What absence policies need to contain

The first step to managing absence effectively is to ensure that you have a clear policy in place that supports your organisation's business objectives and culture. Legislation requires employers to provide staff with information on 'any terms and conditions relating to incapacity for work due to sickness or injury, including any provision for sick pay'.

Effective absence policies must spell out employees' rights and obligations when taking time off from work due to sickness. The policy should:

- provide details of contractual sick pay terms and its relationship with statutory sick pay
- outline the process employees must follow if taking time off sick – covering when and whom employees should notify if they are not able to attend work
- include when (after how many days) employees need a self-certificate form
- contain when they require a medical certificate (sick-note) from their doctor to certify their absence
- mention that the organisation reserves the right to require employees to attend an examination by a company doctor and (with the worker's consent) to request a report from the employee's doctor
- include provisions for return-to-work interviews as these have been identified as the most effective intervention to manage short-term absence.

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Annex F

HSE - Example of what a written absence policy might contain

There is no legal requirement to provide a policy statement on return to work. This offers suggestions directly to you as an employer.

What should a written policy look like?

There is no one size fits all, the format needs to be one that suits your circumstances, e.g. a statement or a set of guidelines, ranging from half a page of short points for a small company to a longer, more detailed document for large companies with expert resources.

It is useful to:

- consider whether the written policy should stand alone or form part of other company or organisational policy documents e.g. equal opportunities guidelines or staff handbooks
- make sure the messages and information given by linked documents are consistent with one another
- draw a clear distinction between information on disciplinary procedures and guidance for helping employees back to work
- avoid confusion by not including the policy in statements that you are legally required to provide e.g. the health and safety policy statement, which you must provide under the HSWA

What do I need to include in a written policy?

Information that is useful to put into a policy statement, includes:

- your or your organisation's commitment to helping employees return to work;
- confirmation that your employees can expect you will:
 - work with trade union representatives and other employee representatives on developing and reviewing the operation of the return to work policy;
 - make reasonable adjustments to retain an employee who has become disabled or whose disability has worsened so they are not put at a substantial disadvantage in their job;
 - support returns to work e.g. in the form of adjustments to the workplace or changes to systems or hours of work wherever possible and redeployment where this is necessary;
 - agree return to work plans with everyone affected;
 - ensure that employees that have suffered ill health, injury or disability will be treated fairly, equally and consistently.
- your arrangements for recording sickness absence, as appropriate
- provision of leave and time off to help return to work or to attend medical appointments
- procedures for keeping in contact with staff on sick leave and what is expected from the employee
- arrangements for return to work interviews

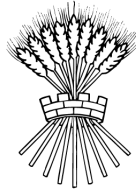
- how the policy links in with other key policies, such as personnel, health and safety, equal opportunities etc, and company employee benefit schemes

If your organisation has a line management structure and access to human resource or occupational health support you may also wish to consider including:

- what action line managers should take and when and how the action will be supported
- responsibilities for putting the return to work plan into action and reviewing its progress
- sources of advice within the organisation on what can be done to help an employee's return to work and continued employment
- help that can be given to employees by government agencies, charitable bodies and other industry and specialist organisations
- the information that needs to be provided and requested when making occupational health or other medical referrals

Key actions for a successful policy statement

- Discuss and agree the content with trade union representatives
- Get the practice right – consider piloting it before committing it to a statement
- Write the content in plain language, making sure it is clear who is responsible and accountable for carrying out any actions or procedures
- Make sure everyone understands their responsibilities and has the skills and knowledge to put them into practice and provide training if necessary
- Check that procedures are put into operation and they are carried out consistently for all employees affected
- Invite feedback from employees and from trade union representatives and review the content regularly
- Keep factual information up to date



REPORT TO: OVERVIEW AND SCRUTINY COMMITTEE

DATE: 2 JULY 2009

REPORTING OFFICER: CORPORATE DIRECTOR (s151)

SUBJECT: OVERVIEW AND SCRUTINY PROCEDURE RULES

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

1.1 To provide the Committee with re-drafted Overview and Scrutiny Committee Procedure Rules, including Call-In, for comment and to seek the views of the Committee whether they wish to recommend any amendments as part of the wider review of the constitution.

2.0 RECOMMENDATIONS

2.1 It is recommended that Members consider the re-drafted Procedure Rules as detailed in Annex A and make recommendations to the Constitution Working Party regarding any further amendments it may wish to make.

3.0 REPORT

3.1 The Council and Committee Procedure Rules were discussed at the Constitution Working Party on 11 March 2009 where it was resolved that:

“This section be rewritten and resubmitted to a future meeting of Overview and Scrutiny Committee for their consideration.

3.2 The Overview and Scrutiny Committee Procedure Rules have been re-drafted and amended to reflect comments made at that Working Party in particular in relation to the operation of the Call In function.

3.3 It was also resolved at the March meeting to amend the constitution (Part 4, para 2) in respect of the substitution rules for the policy committees to enable them to be drawn from Overview and Scrutiny members. This has been incorporated into the re-drafted rules and now appears, due to other proposed amendments and deletions, as Part 4, para 1.

Background Papers:

Council Constitution

OFFICER CONTACT:

Please contact Paul Cresswell, Corporate Director (s151) if you require any further information on the contents of this report. The officer can be contacted at Ryedale House, Malton telephone number 01653 600666 or e-mail: paul.cresswell@ryedale.gov.uk

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ANNEX A

(4) OVERVIEW AND SCRUTINY PROCEDURE RULES

1.

DELETED: Information contained in Article 6

DELETED: Information contained in PART 3 - TERMS OF REFERENCE

DELETED AND REPLACED WITH THE FOLLOWING WORDING (as agreed previously):

1. Who may sit on Overview and Scrutiny Committees?

1.1 All Councillors may be Members of an Overview and Scrutiny Committee. However, subject to clause 1.2 below, no Member may sit on the Policy and Resources Committee, or the Community Services and Licensing Committee while also being a Member of an Overview and Scrutiny Committee. Also, no Member shall scrutinise a decision in which he/she has been directly involved.

1.2 Rule 1.1 above shall not prevent one named Member from each political group who is also a Member of the Overview and Scrutiny Committee from being a substitute for a Member of the same political group who has been appointed to the membership of the Policy and Resources Committee and/or, the Community Services and Licensing Committee.

2. Co-optees

2.1 The Overview and Scrutiny Committee or Sub-Committee shall be entitled to recommend to Council the appointment of two people as non-voting co-optees.

3. Meetings of the Overview and Scrutiny Committees

3.1 There shall be at least six Ordinary Meetings of the Overview and Scrutiny Committee in each year. In addition, Special Meetings may be called from time to time as and when appropriate. A Special Committee meeting may be called by the Chair of Overview and Scrutiny Committee or by any three Members of the Committee. This shall be by request in writing to the Proper Officer. A Special Meeting may also be called by the Proper Officer if he/she considers it necessary or appropriate.

4. Quorum

4.1 The quorum for an Overview and Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

5. Chairmanship of Overview and Scrutiny Committees

5.1 The Chairmen of Overview and Scrutiny Committees/Sub-Committees will be drawn from among the Councillors sitting on the Committee/Sub-Committee, and subject to this requirement the Committee/Sub-Committee may appoint such a person as it considers appropriate.

6. Work Programme

6.1 The Overview and Scrutiny Committee/Sub-Committees will be responsible for setting their own work programmes and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.

7. Agenda Items

7.1 Any Member of an Overview and Scrutiny Committee or Sub-Committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

7.2 Any Members of the Council who are not Members of the Overview and Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of the Overview and Scrutiny Committee. If the Proper Officer receives such a notification, then

he/she will include the item on the first available agenda of the Overview and Scrutiny Committee for consideration by that Committee.

- 7.3 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council, and if it considers it appropriate the Policy and Resources and Community Services Committees, to review particular areas of Council activity. Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Policy and Resources or Community Services Committees and/or the Council. The Council and/or the Policy and Resources or Community Services Committees shall consider the report of the Overview and Scrutiny Committee within two months of receiving it.

8. Policy Development and Overview

- 8.1 The role of the Overview and Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 8.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Committees or Sub-Committees may make proposals to the Policy and Resources and Community Services Committees for developments in so far as they relate to matters within their terms of reference.
- 8.3 The Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

9. Reports from Overview and Scrutiny Committees

- 9.1 Once an Overview and Scrutiny Committee has completed its deliberations on any matter it will prepare a formal report and submit it to the Proper Officer who will allocate it for consideration by the Policy and Resources Committee or where relevant the Community Services or Planning

Committee (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

- 9.2 If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or the relevant Policy and Resources, Community Services or Planning Committee, as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Policy and Resources or relevant Community Services Committee with the majority report.
- 9.3 If the Proper Officer refers the matter to Council, he/she will also serve copies on the Leader of Council and Chairman of the Policy and Resources Committee and where relevant the Community Services or Planning Committee with notice that the matter is to be referred to Council. The Policy and Resources Committee or relevant Community Services or Planning Committee will have three weeks in which to respond to the Overview and Scrutiny report and the Council shall not consider it within that period. When the Council does meet to consider any referral from an Overview and Scrutiny Committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the Policy and Resources Committee or where relevant the Community Services Planning Committee to the Overview and Scrutiny proposals.
- 9.4 The Council or the Policy and Resources Committee or where relevant the Community Services or Planning Committee shall consider the report of the Overview and Scrutiny Committee at its next scheduled ordinary meeting.
- 9.5 The agenda for each Council, Policy and Resources, Community Service and Planning Committee meeting shall include an item entitled "Issues arising from Overview and Scrutiny". The reports of Overview and Scrutiny Committees referred to Council or a Committee shall be included at this point in the agenda (unless they have been considered in the context of Council's or the Committee's deliberations on a substantive item on the agenda).
- 9.6 Only two reports in every three months may be submitted by the Overview and Scrutiny Committee to each of the Policy and Resources, Community Services and Planning Committees.

9.7 Nothing in this paragraph prevents more detailed liaison between the Policy and Resources or where relevant the Community Services or Planning Committee and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

10. Rights of Overview and Scrutiny Committee Members to documents

10.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

11. Members and Officers giving account

11.1 The Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions (other than quasi judicial decisions) made or actions taken in connection with the discharge of any of the Council's functions. As well as reviewing documentation, in fulfilling the scrutiny role, they may require any Member of the Policy and Resources or Community Services Committees, Head of Paid Service and/or any senior officer to attend before them to explain in relation to matters within their remit:

- (i) any particular decisions or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) their performance

and it is the duty of those persons to attend if so required.

(Note: Save in exceptional circumstances, and in agreement with the Head of Paid Service no officer below Chief Officer, Head of Service or other senior officer reporting directly to a Chief Officer shall be required to appear before an Overview or Scrutiny Committee).

11.2 Where any Member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Proper Officer in writing. The Proper Officer shall inform the Member or officer in writing giving at least five working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee

will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

11.3 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance to take place within a maximum of ten working days from the date of the original request.

12. Attendance by others

12.1 An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 11 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend. Attendance is entirely optional.

13. Call-in

THIS HAS BEEN AMENDED IN LINE WITH COMPARABLE OTHERS.

13.1 Call-in should only be used in exceptional circumstances. These are where Members of the Overview and Scrutiny Committee have evidence which suggests that the Policy and Resources or the Community Services Committees did not take its delegated decisions in accordance with the principles set out in Article 12 (Decision Making).

13.2 In any event, call-in will not apply to quasi judicial decisions eg. development control and licensing.

13.3 The call-in procedure is as follows:-

- (a) When a decision is made by the Policy and Resources Committee, the Community Services Committee, or under joint arrangements, the decision shall be published within two working days of being made. Members of the Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the proper officer. The publication notice will identify any decisions deemed to be exempt from call-in due to urgency.

- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of ten working days after the publication of the decision, unless an Overview and Scrutiny Committee objects to it and calls it in.

- (c) If, during this period, the Chairman of Overview and Scrutiny or three Members of the Committee (from at least two political groups or one group plus non-aligned Members) notify the Proper Officer of the requirement to call in a decision, including written justification – using the Call In Form - as to why the decision should be called in, that Officer will determine whether the item is eligible for call in and ensure that it is placed on the agenda of the next meeting of the Committee or within ten working days of the approval by the Proper Officer of the call in, whichever is the earlier.

The Chairman of the relevant Committee will be informed by the Proper Officer of the decision to call in one of its decisions.

- (d) In considering the call in the Committee has two options:
 - (i) the Committee considers that the decision is appropriate, the decision will then become effective immediately;
 - (ii) the Committee may refer the decision back to the decision making Committee for reconsideration, setting out in writing the nature of its concerns.

- (e) If referred back to the decision making Committee, a meeting will be convened to reconsider the decision within a further ten working days.

- (f) If following an objection to the decision:
 - (i) the Overview and Scrutiny Committee does not meet in the period set out above or the expiry of the ten working day period, the decision shall take effect on the expiry of that further ten working day period.

13.4 Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are that:

- (i) save in exceptional circumstances, the Overview and Scrutiny Committee may only call-in five decisions per cycle of meetings;
- (ii) where decisions involve expenditure or reductions in service only those over a value of £50,000 per annum may be called-in.

MOVED TO C ABOVE.

13.5 Call In and Urgency

The call-in procedure set out above shall not apply where the decision being taken by the Policy and Resources Committee or the Community Services Committee is urgent. A decision will be urgent if the Proper Officer is of the opinion that any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the Proper Officer or his/her nominee, the decision is an urgent one, and therefore not subject to call-in.

(j)

14. Procedure at Overview and Scrutiny Committee Meetings

14.1 The Overview and Scrutiny Committee and Sub-Committees shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest;
- (iii) consideration of any matter referred to the Committee for a decision in relation to the calling in of a decision;
- (iv) responses of Full Council, the Policy and Resources Committee and the Community Service and Planning Committees to reports of the Overview and Scrutiny Committee; and

(v) the business otherwise set out on the agenda for the meeting.

14.2 Where the Overview and Scrutiny Committee conducts investigations (eg. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

14.3 Following any investigation or review, the Committee/Sub-Committee shall prepare a report, for submission to the relevant Committee and/or Council as appropriate and shall make its report and findings public.

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REPORT TO: OVERVIEW & SCRUTINY COMMITTEE

DATE: 02 JULY 2009

REPORTING OFFICER: CUSTOMER SERVICE & BENEFITS MANAGER
Angela Wood

SUBJECT: CUSTOMER COMPLAINTS MONITORING

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

1.1 To inform Members of the number and type of complaints received under the Council's complaints procedure for the period January - March 2009

2.0 RECOMMENDATIONS

2.1 To accept the report as attached.

3.0 REPORT

3.1 This report includes complaints monitored under individual service complaints systems (**Annex 1**).

3.2 The report also includes a summary of customer feedback to Community Leisure Ltd (CLL) for the period January to March 2009 together with action taken where appropriate (**Annex 2**).

Background Papers: RDC Complaints Procedure

OFFICER CONTACT: Please contact Angela Wood, Customer Service & Benefits Manager, if you require any further information on the contents of this report. The officer can be contacted at Ryedale House, 01653 600666 Ext 220
angela.wood@ryedale.gov.uk

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SUMMARY OF COMPLAINTS LOG

PERIOD: JANUARY – MARCH 2009

SERVICE UNIT	SUMMARY OF COMPLAINT	NO SETTLED WITHIN DEADLINE	RESULTANT SERVICE IMPROVEMENTS / ACTION TAKEN
Customer Services & Benefits		-	
Democratic Services		-	
Development Services		-	
Economic & Community	1. Dissatisfaction with noise levels during paving work impacting on business.	1	1. Liaised with complainant and contractor to find alternative working solution.
Facilities & Emergency Planning	1. None payment of invoices for facilities audit.	1	1. Immediate payment of invoice and apology
Finance & Revenue Services	1. Dissatisfaction with service received regarding court proceedings.	1	1. Letter of apology sent to complainant and matter addressed with member of staff
Forward Planning		-	
Health & Environment	1. Lack of action regarding noise control.	1	1. Letter to complainant, matter addressed & situation currently being monitored and no further complaints been received.

Housing Services		-	
Human Resources		-	
ICT Services		-	
Legal		-	

Streetscene Services	<ol style="list-style-type: none"> 1. Debris left on road. 2. Debris on A170. 3. Debris in Norton. 4. Debris in Sherburn. 5. Damage to complainant's grass during refuse collection. 6. Missed refuse collection at complainant's property. 7. Missed refuse collection at West Heselton. 8. Missed refuse collection at Thixendale due to bad weather. 9. Accident involving car park sign at Cleveland way car park. 10. Dissatisfaction with recycling not being collected. 	10	<ol style="list-style-type: none"> 1. Mechanical sweep of area to clear debris. 2. Litter pick of area. 3. Assessment of area carried out and currently being monitored. 4. Mechanical sweep of area to clear debris. 5. Apology and compensation provided to complainant. 6. Schedule put in place and collection currently being monitored. 7. Waste collected. 8. Waste collected when weather permitted. 9. Relocation of sign. 10. Letter to complainant clarifying collection point.
Transformation		-	
TOTAL		14	

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DERWENT POOL - CUSTOMER COMMENTS FEEDBACK

JANUARY TO MARCH 09	Very good	Good	Fair	Poor	Very poor
Efficiency of the staff	✓✓✓✓✓✓				
Helpfulness of the staff	✓✓✓✓✓	✓			
Courtesy of the staff	✓✓✓✓✓✓				
General cleanliness	✓✓✓✓	✓	✓		
Condition of the facilities	✓✓✓✓		✓✓		
Safety and security	✓✓✓		✓✓		
Pool Water temperature	✓✓✓✓	✓			
Air temperature	✓✓✓	✓		✓	
Value for money	✓✓✓✓		✓		
Overall experience	✓✓✓✓	✓	✓		
TOTAL	43	5	7	1	0

COMMENTS RECEIVED	ACTION TAKEN
Please may we have some hooks by the mirrors and hairdryer to put coats on while drying hair, etc.	We will speak to Ryedale District Council regarding these.
Ladies changing rooms very draughty, also exit from pool? Thick plastic curtain to keep outside air from pool area?	
Particular thanks to Brendan for a helpful session of extra exercises; he did this even on his day off.	
Gym was fantastic	
Please fix changing cubicle in ladies side – it's been out since before Christmas. There were 5 elderly ladies changing in general area today.	We will chase the repair up with RDC.
Because teenage girls should be allowed to swim with their mums at Ladies Only sessions	Unfortunately this session is specifically for ladies only and as such the age limit is 16 years +
Lane ropes during public swim times would improve safety and satisfaction.	We have a dedicated lane swimming session on a Wednesday evening 8 to 9pm.

LIFESTYLES - CUSTOMER COMMENTS FEEDBACK

JANUARY TO MARCH 09	Very good	Good	Fair	Poor	Very poor
Efficiency of the staff					
Helpfulness of the staff					
Courtesy of the staff					
General cleanliness					
Condition of the facilities					
Condition of the equipment					
Safety and security					
Air temperature					
Value for money					
Overall experience					
TOTAL	0	0	0	0	0

COMMENTS RECEIVED	ACTION TAKEN
No comments received	

NRLC - CUSTOMER COMMENTS FEEDBACK

JANUARY TO MARCH 09	Very good	Good	Fair	Poor	Very poor
Efficiency of the staff	✓✓✓✓✓✓✓✓✓✓	✓✓✓✓✓✓✓✓	✓✓		
Helpfulness of the staff	✓✓✓✓✓✓✓✓✓✓✓✓	✓✓✓✓✓✓	✓✓		
Courtesy of the staff	✓✓✓✓✓✓✓✓✓✓✓✓	✓✓✓	✓✓✓✓		
General cleanliness	✓✓✓✓✓✓✓✓✓✓	✓✓✓✓✓✓	✓✓✓✓		✓
Condition of the facilities	✓✓✓✓✓✓✓✓✓✓		✓✓✓✓✓✓✓✓✓✓	✓✓	✓
Safety and security	✓✓✓✓✓✓✓✓	✓✓✓✓✓✓✓✓✓✓	✓✓✓✓	✓	
Value for money	✓✓✓✓✓✓✓✓	✓✓✓✓✓✓✓✓✓✓✓✓✓✓			✓
Overall experience	✓✓✓✓✓✓	✓✓✓✓✓✓✓✓✓✓✓✓✓✓	✓✓✓✓		
TOTAL	65	50	27	3	3

COMMENTS RECEIVED	ACTION TAKEN
A hairdryer in the ladies changing room would be beneficial particularly when going out after attending the gym.	We will look into the feasibility of providing one.
We are finding the gym to be very busy, hence little chance for using machines. Selected times for selected groups?	
Staff be more prominent , party facilities for food upgraded.	We are looking at improving the decoration within the Community Room
Decorate party room	
Get staff to interact with children more and make party room more interesting and up to date	
Consideration to others when in the hall – Climbing persons crossing our court when in play	Consideration should be given to and by all participants
A water fountain near the gym. The children were all very thirsty and not all had water bottles.	We will look into the possibility of installing one
Fantastic staff – so patient & helpful, played with the children – wonderful.	
Excellent course, my 8 year old daughter is now spurred on to play more!	
Just a thought, but would be worth staggering start time of activities – 19/2 was chaotic!	We will bear this in mind when programming the next course of activities
The cricket netting, the matting and the general visibility are all very poor. The state of the equipment has deteriorated over the years and is now completely unacceptable for hire	We are currently looking into the costs associated with replacement / repair
The floor was very dusty and dirty	
Second net in from the far side not usable for slow bowlers – needs front of net raising	We are currently looking into the costs associated with replacement / repair

RYEDALE POOL - CUSTOMER COMMENTS FEEDBACK

JANUARY TO MARCH 09	Very good	Good	Fair	Poor	Very poor
Efficiency of the staff		✓			
Helpfulness of the staff		✓✓			
Courtesy of the staff	✓	✓			
General cleanliness	✓	✓			
Condition of the facilities		✓✓			
Safety and security	✓	✓			
Pool Water temperature		✓			
Air temperature		✓✓			
Value for money		✓✓			
Overall experience	✓	✓			
TOTAL	4	15			

COMMENTS RECEIVED	ACTION TAKEN
<p>We think swimming lessons are excellent. All staff are good and helpful and Jennifer is a brilliant swimming teacher.</p>	



REPORT TO: OVERVIEW AND SCRUTINY COMMITTEE

DATE: 2 JULY 2009

REPORTING OFFICER: COUNCIL SOLICITOR AND MONITORING OFFICER

SUBJECT: OFFICER CODE OF CONDUCT

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

1.1 To brief Members on the issues relating to the production of an Officers' Code of Conduct.

2.0 RECOMMENDATIONS

2.1 Members are asked to:

- (i) Receive the report;
- (ii) Given the delay in the Government coming forward with a Code of Conduct for local government employees Committee is asked to support the proposed way forward recommended by the Council Solicitor outlined in the report and progress the introduction of an up to date Officers Code of Conduct.

3.0 BACKGROUND

3.1 The Action Plan for implementation in 2008/09 in relation to the Annual Governance Statement included reference to the need for a bespoke Officer Code of Conduct document. This requirement was identified notwithstanding the existence of an Officer Code of Conduct for the Council and the express legislative power for Central Government to introduce an Officer Code of Conduct.

3.2 The commitment of Central Government to the idea of a Code of Conduct for Local Government employees has manifested itself in the following ways:-

- (i) Section 82 of the Local Government Act 2000 introduced a power for the Secretary of State to issue by order a Code of Conduct for local government employees. This provision came into force on 28 July 2001;
- (ii) In August 2004, the then Office of the Deputy Prime Minister issued the consultation paper, *A Model Code of Conduct for Local Government Employees*. The paper consulted on a draft code defining the minimum

standards of conduct that employees of relevant authorities would be expected to observe on carrying out their duties.

- (iii) In October 2008, the Department for Communities and Local Government published the consultation paper *Communities in control: Real people, real power Codes of Conduct for local authority members and employees*. The consultation period ended on 24 December 2008.
- (iv) As at the date of writing this report and notwithstanding two consultation papers on the subject, there has been no indication that the Secretary of State will issue by order a Code of Conduct for local government employees in the foreseeable future.

3.3 Ryedale has had an Officer Code of Conduct since March 1995. This Code is currently on the Council's intranet.

3.4 The 1995 Officer Code of Conduct was produced as a response to the Local Government Management Board publication of the same title which was published in 1994 which sets out the minimum standards which should apply to issues affecting local government employees in England and Wales. The Associations within local government and UNISON have endorsed the Code of Conduct produced by the Board and the local Code follows closely the guidelines put forward in the national document. Production of a local Code of Conduct for Officers is not intended to imply distrust but exists for the avoidance of doubt.

4.0 INTRODUCTION

4.1 Although the March 1995 Officer Code of Conduct has been updated, it is in need of revision.

4.2 Members are advised that an Officer Code of Conduct fulfils at least the following three functions:-

- (i) It establishes minimum standards of conduct for employees.
- (ii) It establishes a mechanism for Officers declaring and registering interests.
- (iii) It establishes rules in relation to gifts and hospitality.

4.3 Members are advised that the principle of declaration of interests by Officers is in certain circumstances prescribed by law under Section 117 of the Local Government Act 1972. Officers are obliged to give written notice when they have a direct or indirect pecuniary interest in a contract. Indirect interests arise where the Officer owns shares in a company, is a partner or in the employment of a Contractor or is the spouse or a person with such an interest.

4.4 Section 117(2) of the Local Government Act 1972 also provides that an Officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration. A contravention of the provisions of Section 117 of the 1972 Act is a criminal offence attracting a fine on summary conviction not exceeding £2,500.

5.0 POLICY CONTEXT

- 5.1 The production of the Annual Governance Statement and achievement of the Action Plan is in accordance with Council policy.

6.0 REPORT

- 6.1 As indicated above the Government has taken many years to issue a draft Officer Code for consultation and it could be some time yet before that is finalised. It is, therefore, recommended that the Council proceeds to develop and adopts its own updated Code without further delay.
- 6.2 It is important that the Officer Code is clear and straightforward as it will apply to employees of the Council at all levels.
- 6.3 There is an argument for developing a detailed Code which seeks to address all issues an employee may face. However, it is almost impossible to include guidance on every possible circumstance and there is a danger that, if something new arises which is not covered, an employee can argue that they had received no advice on this and could not be expected to know what to do and this can carry some weight in disciplinary processes.
- 6.4 The approach adopted has, therefore, been to go for a much more high level approach, focused on Core principles supported by guidance on a number of key areas. It then signposts employees to other policies, procedures, etc which they need to be aware of. A copy of the draft Code is attached as Annex 1. Further work is required on the draft code prior to consideration by the Policy and Resources committee. It is intended to take the final code to the Policy and Resources committee for approval on the 1 October 2009.

7.0 LEGAL IMPLICATIONS

- 7.1 A Code of Conduct for Officers is a key document to ensure the good governance of the Council and provides clear direction to employees on the standards of conduct expected of them.
- 7.2 The Government issued a revised draft Officer Code of Conduct for consultation in October 2008. This has been awaited for many years and it may be some time before any final document is agreed. It is, therefore, necessary for the Council to agree its own Code, which can be reviewed if necessary when any final framework is issued.

8.0 RISK ASSESSMENT

- 8.1 See below:

RISK	MITIGATION
<p>Failure to have an up to date Code of Conduct for Officers potentially places the Council at risk of inappropriate behaviour by employees</p>	<p>Introduce an up to date Officers' Code of Conduct</p>
<p>Failure to have clear advice to employees on appropriate behaviour makes dealing with inappropriate conduct more difficult to address</p>	<p>Introduce a clear Code of Conduct for Officers and issue to all employees</p>

9.0 CONCLUSION

9.1 That Officers proceed to update the Officers' Code of Conduct.

Background Papers:

None

OFFICER CONTACT:

Please contact Anthony Winship, Council Solicitor, if you require any further information on the contents of this Report. The Officer can be contacted at Ryedale House, Telephone 01653 600666 ext. 267 or e-mail: anthony.winship@ryedale.gov.uk

ANNEX 1

RYEDALE DISTRICT COUNCIL

OFFICER CODE OF CONDUCT

CODE OF CONDUCT

FOR EMPLOYEES

CONTENTS

1. **Code of Conduct - Core Principles**
2. **Code of Conduct - Core Standards**
3. **Code of Conduct - Core Standards - Guidance**
4. **Code of Conduct - Associated Forms & Referral Points**
5. **Other Standards relevant to different groups of employees throughout the Council**
6. **Ryedale District Council's Core Values**

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1. CORE PRINCIPLES

The following core principles underpin the concept of public service and apply to all employees of the Council regardless of the nature of the job they do.

SELFLESSNESS

Employees should take decisions solely in the terms of the public interest. They should not do so nor use their position in order to gain financial or other material benefits for themselves, their family or their friends.

INTEGRITY

Employees should not place themselves under any financial or other obligations to outside individuals or organisations that might influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, employees should make decisions on merit.

ACCOUNTABILITY

Employees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Employees should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

HONESTY

Employees have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

RESPECT FOR OTHERS

Employees must treat other people with respect and not discriminate unlawfully or unfairly against any person. They must treat Councillors and other co-opted members of the authority professionally.

TRUST

Employees must, at all times, act in accordance with the trust that the public is entitled to place on them. Employees must use any public money or service users' money entrusted to or handled by them, in a responsible and lawful manner and not make personal use of the Council resources unless properly authorised to do so.

LEADERSHIP

Employees should promote and support these principles by leadership and example.

The Code of Conduct principles operate within the overall framework of the Core Values Our Values for Ryedale District Council are depicted by the acronym **ASPIRE** (Explained further in section 6 of the Guidance Notes).

2. CORE STANDARDS

Our customers, the general public, are entitled to expect the highest Standards of conduct from us. The aim of this code is to tell you about the standards which are expected and to help you avoid any misunderstanding or criticism.

1. **GIFTS AND HOSPITALITY**
2. **SPONSORSHIP**
3. **USE OF FINANCIAL RESOURCES**
4. **USE OF COUNCIL FACILITIES**
5. **INTELLECTUAL PROPERTY**
6. **POLITICAL NEUTRALITY**
7. **OTHER EMPLOYMENT AND EXTERNAL ACTIVITIES**
8. **FINANCIAL AND NON-FINANCIAL INTERESTS**
9. **RELATIONSHIPS**
10. **APPOINTMENTS & OTHER EMPLOYMENT MATTERS**
11. **TENDERING & CONTRACTS**
12. **PRIVATE USE OF FIRMS DEALING WITH THE COUNCIL**
13. **DISCLOSURE OF INFORMATION**
14. **COMPLIANCE WITH THE CODE & CONFIDENTIAL REPORTING**

You should also be aware of and abide by Service specific Standards or Regulations, especially when working with vulnerable adults and children or working in a school. The rules within the Standards of Conduct, for staff in Community Services, for example, if you are offered a gift, are much stricter than those included in this standard Code of Conduct.

Please liaise with your Manager who should refer you to the appropriate Standards. At the end of the Code of Conduct Guidance notes, you will also find a matrix to help sign post you to other relevant Standards

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3. CODE OF CONDUCT STANDARDS – GUIDANCE

1. GIFTS AND HOSPITALITY

- 1.1 If we accept gifts from people who are or may be dealing with the Council, the Council and its employees could be open to criticism. If you are declining hospitality please do so courteously and explain that the Council's rules do not allow you to accept.
- 1.2 You must refuse offers of hospitality where suggestions of improper influence is possible. Employees must be sensitive to the timing of any decisions being made between the Council and third party.
- 1.3 You should only accept hospitality where it is on a scale appropriate to the circumstances, and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality. Hospitality is usually acceptable when the invitation is corporate not personal.
- 1.4 Whatever gift/hospitality is provided to you, other than hospitality of nominal value only such as drink or small item of stationery, you should report the circumstances and the type of hospitality to your Head of Service.
- 1.5 It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

! If you are presented with a gift or offer of hospitality you must seek authorisation in advance, where possible, from your Head of Service, who will record every request on the relevant form. (Consider the decision checklist in section 4 of the Guidance Notes)

2. SPONSORSHIP - Giving and Receiving

- 2.1 If an organisation wants to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic rules about accepting gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 2.2 If the Council sponsors an event or service, you or anyone connected with you may not benefit from the sponsorship. Similarly, if the Council, gives financial support in the community, please ensure that impartial advice is given and that you have no conflict of interest.

! You must inform your Head of Service of any personal interest you may have and complete a declaration of interest form

3. USE OF FINANCIAL RESOURCES

You must ensure that you use public funds entrusted to you in a responsible and lawful manner. Please try to ensure value for money to the local community and to avoid the risk of legal challenge to the Council.

! Employees must follow Standing Orders, Financial Regulations and operating procedures and advise management where they consider changes can be made to increase value for money.

4. USE OF COUNCIL FACILITIES

4.1 At work you have access to facilities which include office equipment, computers, stores, transport etc. These facilities are provided purely for work and you must not use them for your own purposes.

4.2 There are certain minor exceptions to these rules - the use of telephones, fax machines and photocopiers.

4.3. Telephones

Ideally, private telephone calls should not be made or received. In practice, you may need to make or receive essential calls but these should be kept to a minimum and costs reimbursed to the Council, unless it is an emergency.

4.4. Fax machines and photocopiers

If necessary, personal fax messages may be despatched to locations within Great Britain. Photocopies of personal documents (up to a maximum of 10 copies at any one time) may be taken and costs reimbursed to the Council.

! Costs must be reimbursed to the relevant person using the Council's reimbursement process.

5. INTELLECTUAL PROPERTY

Intellectual property mean products of the mind, for example inventions, designs, trade marks, creative writings, programs and drawings (referred to in short as 'inventions'). It will normally be the case that the ownership of all 'inventions' and the copyright of all written material created during work for the Council, belong to the Council.

! This is a complex area further guidance must always be sought from the Legal Services in any particular case.

6. POLITICAL NEUTRALITY

6.1. Employees work for the Council as a whole. You must therefore work for all the councillors and not just those of any controlling group or particular political party.

6.2 You must follow every lawful policy of the authority and must not allow your own personal or political opinions to interfere with your work.

6.3. Certain employees hold politically restricted posts (PoRPs). If your job is politically restricted, you will be notified. You are disqualified from membership of any local authority, other than a parish or community council or from being an MP or MEP.

! Employees who are politically restricted must observe the restrictions imposed. A register of PoRPs is maintained by HR.

7. OTHER EMPLOYMENT & EXTERNAL ACTIVITIES

7.1 As a general rule you must not undertake any type of private work which conflicts with the Council's interests or prevents you from fulfilling the terms of your employment contract.

7.2 If you are above NJC Grade 7 or equivalent, you must obtain the consent of your Head of Service before you do private work.

7.3 Whether or not you need to obtain consent before doing private work, **you must not;**

- Do private work during working hours nor on the Council premises nor use Council equipment.
- Undertake any private work which prevents you from carrying out your duties with the Council or including any requirements to do contractual overtime.
- Undertake private work for any person, firm or company if it will involve the Council.
- Prepare or assist with any applications, for example, planning or building, in any private capacity if you deal with these normally.
- Access Council Services, for example, if you want to make a planning application personally, unless you declare your employment in writing, in a covering letter with your application and submit this via your line manager.
- Undertake private work that needs approval or consent from the Council
- Undertake private work for any person, firm or company who have a contractual relationship with or who are commissioned by the Council for any type of work.
- Undertake private work for another employee responsible for supervising you or whom you supervise, or for an elected member of the Council.

7.4 Employees must ensure they understand and can comply with both Working Time and Health and Safety regulations before considering other employment.

! Employees must seek consent from their line manager before undertaking other work. All employees must declare an interest where a conflict may arise.

8. FINANCIAL AND NON-FINANCIAL INTERESTS

- 8.1. The Local Government Act 1972, section 117, requires you to disclose any direct or indirect financial interest in any contract involving the Council. Failure to declare the interest may be a criminal offence.
- 8.2. If you have any direct or indirect interest in an organisation or company that is doing business with the Council, which you think conflicts with your job role, then you should inform your Head of Service.
- 8.3. You may have a conflict of interest even if you have no financial interest. For instance, relationships might be seen to influence judgements and give the impression of a personal motive E.g. a Council employee who is an Honorary Officer of an Association and who is involved in dealing with an application for a grant by the Association. In such a case, again you should inform your Head of Service.
- 8.4 Employees are able to act as a member of another local authority, a school governor, or member of a community organisation but may still be required to declare their interest if any potential conflict.
- 8.5 Membership of organisations with secrecy about rules, membership or conduct may be incompatible with your work. If, in connection with your employment with the Council, you use such membership for either your own, or someone else's personal or business gain, you will be in breach of the Code.
- 8.6 Employees who are members of other associations or bodies that have dealings with the Council should declare their interest, if there is any potential conflict.
- 8.7 Employees who during the course of attending a meeting believe they that may be in conflict with an item on the agenda should advise the Chair and leave the meeting for all or part of the meeting as appropriate.

! Declare an interest on the Declaration form if there is a potential conflict.

9. RELATIONSHIPS

9.1 Councillors

Mutual respect between employees and councillors is essential. Close personal familiarity between employees and individual councillors can damage this relationship. You must be professional at all times and not allow your work and private interests to conflict.

9.2 The Local Community and Service Users

You should always remember your responsibilities to the Community and give efficient and impartial service to all groups and individuals within that community as defined by the policies of the Council.

9.3 Contractors

If you have a business or private relationship with external contractors or potential contractors you should tell your manager. Orders and contracts must be awarded on merit, by fair competition against other tenders and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

9.4 If you engage or supervise contractors or work with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you should declare that relationship to the appropriate manager.

! Declare an interest on the Declaration form if there is a potential conflict.

10. APPOINTMENTS & OTHER EMPLOYMENT MATTERS

10.1. If you are involved in the recruitment and selection of employees, appointments should be made on the basis of merit and in accordance with our Recruitment and Selection Policy and Procedures obtainable from HR. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her.

10.2. Similarly, you should not be involved in decisions about discipline, promotion or pay adjustments for any employee who is a relative, partner etc

! Declare an interest on the Declaration form if there is a potential conflict.

11. TENDERING AND CONTRACTS

11.1. During the Tendering process, if you are involved in the 'in-house' bid (except Executive Directors and, apart from when their own service is tendered, legal, financial and professional advisers) you must not at the same time be involved in certain client tasks e.g. selecting tenderers. You should seek guidance from your Head of Service as to how the CCT process is to be conducted and how the 'in-house contractor' and client responsibilities are to be discharged.

- 11.2. Employees working for 'in-house' contractors or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 11.3. If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation.
- 11.4. If you are responsible for selecting contractors to tender or supply quotations, you should ensure that you are not also responsible for the receipt and opening of the tender or quotation except where the sums involved are minor.

! Refer to the appropriate Corporate Procurement rules and guidance.

12. PRIVATE USE OF SERVICES OF FIRMS DEALING WITH THE COUNCIL

- 12.1 You should be cautious when using the services of firms you know have dealings with the Council. You should ensure that the goods or services bought from such firms are at a price readily available to the general public. This is a difficult and sensitive area. Please try to avoid offending anyone and if necessary, explain the Council's policy.
- 12.2 If you think that any offer of preferential terms is designed to promote a firm's interest, you should not deal with the firm.
- 12.3 You should not use your position with the Council to obtain a discount. However, you may purchase goods at discount terms under a scheme or arrangement which applies to e.g. your trade union.

! If you require further guidance please refer to the Corporate Procurement Team.

13. DISCLOSURE OF INFORMATION

13.1 You must not:

- Use information about work which is confidential, for personal gain or benefit or pass it on to others who might use it in this way.
- Give information to the media unless you are authorised to do so.
- Disclose confidential information to someone else, unless it is a request from an approved source, e.g.. HMRC, Department of Social Security and, where authorised, from bank managers or building societies. It is normal practice to ask the person requiring the information to put their request in writing use advance knowledge of a Council decision, particularly about investment decisions or proposed developments to benefit yourself or someone else.

13.2 Data Protection Act (Disclosing information)

You must use personal data held on computer in accordance with the Data Protection Act. For example, the data must be held only for specified and lawful purposes and must not be used or disclosed for any other purposes.

! If you are unsure please seek guidance from the Data Protection Officer or Freedom of Information Officer, depending on the nature of the request.

14. COMPLIANCE WITH THE CODE

- 14.1. It is important that local government employees are exemplary in their conduct at work. Non-compliance with this Code will be dealt with in accordance with our Disciplinary Code.
- 14.2. Employees who consider other employees to be guilty of misconduct must report this to their line manager or raise it through one of the other available procedures eg grievance.
- 14.3. Employees must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.
- 14.4. If, in some instances, the employee cannot make use of the existing procedures for any reason then they should raise complaints or genuine matters of concern with the relevant person through the Whistle Blowing Policy.

! This code is reviewed annually. Employees should therefore ensure they regularly familiarise themselves with the Code and its Guidance Notes.

4. ASSOCIATED FORMS & REFERRAL POINTS

The forms can be found on the HR website under the Code of Conduct.

Name	Action taken by :	Held By/Refer to
Declaration of interest form	Employee to Head of Service	
Ext. Gifts/Hosp/Spons form (Employee to Head of Service	
Reimbursement of Costs	Employee to Business Support	
Register of PoRP	N/A	HR
Whistle Blowing Policy	N/A	HR intranet

Checklist for Assessing Potential Conflict – Gifts and Hospitality

Employees should consider the following Checklist:

- (a) Have you obtained the prior approval of your Chief Officer?
- (b) Is the donor, or the event, significant in the community or in the Council's area?
- (c) Are you expected to attend because of your position in the Authority?
- (d) Will the event be attended by others in the Authority or in other Authorities?
- (e) Have you considered the motivation behind the invitation?
- (f) Would the acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving this Council?
- (g) Could you justify the decision to the Council, press and public?
- (h) Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- (i) How will you respond to the hospitality?

5. CODE OF CONDUCT – MATRIX OF REGULATIONS AND STANDARDS RELEVANT TO SPECIFIC SERVICES

In determining acceptable standards, employees are asked to familiarise themselves not only with those included in the Code of Conduct but also those included in Service specific Codes, corporate policies or operational procedures used by their own Services.

This matrix signposts employees to other key Regulations & Standards, although this should only be used for guidance. Each heading is not mutually exclusive and an employee may find that all headings could apply to them.

APPLIES TO ALL EMPLOYEES	WORKING WITH THE PUBLIC	WORKING WITH SERVICE USERS	WORKING WITH RESOURCES	USING COMMUNICATIONS	WORKING WITH PARTNERS/OTHER ORGANISATIONS	WORKING WITH INFORMATION
Recruitment and Selection Diversity Dignity at Work Health and Safety Confidentiality Core Values Working time regulations Whistle Blowing	R & S (Recruitment and Selection) Diversity Freedom of Information Habitual or Vexatious Complainant Policy	Confidentiality Code	Anti-fraud & Corruption Financial Regulations	Acceptable Use Policy IT Code of Practice Telephone and Desk Use Policy Internet Acceptable Usage Policy Removable Media Policy Communications and Operation Management Policy E-mail Policy GCSx Acceptable Use Policy and Personal Commitment Statement Human Resources Information Security Policy Information Protection Policy Information Security Incident Management Policy Information Security Policy Overview I T Access Policy I T Infrastructure Security Policy Legal Responsibilities Policy	Confidentiality	Confidentiality Data Protection Freedom of Information

APPLIES TO ALL EMPLOYEES	WORKING WITH THE PUBLIC	WORKING WITH SERVICE USERS	WORKING WITH RESOURCES	USING COMMUNICATIONS	WORKING WITH PARTNERS/OTHER ORGANISATIONS	WORKING WITH INFORMATION
				Remote Working Policy Software Policy Computer Telephone and Desk Use Policy Internet Acceptable Usage Policy Removable Media Policy		

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6. RYEDALE DISTRICT CORE VALUES “ASPIRE FRAMEWORK”

Values are the things in life that we consider to be important. In relation to work, values are what give purpose to our jobs; guiding our behaviours and the decisions we take. Values underpin the culture of our authority and the way we conduct ourselves at work.

<p>Action – take responsibility for making the right things happen</p>	<p>Support – work and learn together in order to succeed</p>	<p>People – put customer and community needs at the heart of what we do</p>
<p>We will:</p> <ul style="list-style-type: none"> • Implement agreed changes as quickly as possible • Balance urgency with quality and efficiency in delivery • Take responsibility for solving problems where possible • Be flexible about the way we work 	<p>We will:</p> <ul style="list-style-type: none"> • Communicate clearly and openly • Share information and best practice with others • Work together being prepared to compromise • Encourage and support others to achieve their potential 	<p>We will:</p> <ul style="list-style-type: none"> • Do our best to understand people’s needs and requirements • Treat each person as an individual providing choice where possible • Work hard to make our processes simple • Agree realistic timescales and keep people informed
<p>Integrity – be open, honest and fair, expecting the same of others</p>	<p>Recognition – value all views, efforts and achievements</p>	<p>Excellence – strive to improve all that we do</p>
<p>We will:</p> <ul style="list-style-type: none"> • Treat everyone with dignity and respect • Speak up when others are behaving inappropriately • Face up to difficult or awkward questions and situations • Separate personal feelings from professional requirements 	<p>We will:</p> <ul style="list-style-type: none"> • Involve all members of our team, valuing their differences • Acknowledge everyone’s efforts and contributions • Give and receive feedback positively and constructively • Celebrate success 	<p>We will:</p> <ul style="list-style-type: none"> • Take the initiative and make suggestions • Keep up to date with new developments • Try new ideas and approaches • Reflect and learn from our own and others’ experiences

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REPORT TO: OVERVIEW AND SCRUTINY COMMITTEE

DATE: 2 JULY 2009

REPORTING OFFICER: PHIL LONG, HEAD OF ENVIRONMENT

SUBJECT: SERVICE RISK REGISTER - ENVIRONMENT

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

- 1.1 This report presents the Service Risk Register for those services under the Head of Environmental.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Members receive the report and review the risk register.

3.0 REASONS SUPPORTING DECISION

- 3.1 Risk identification and management is an integral element of organisational management to secure the achievement of the Council's corporate objectives. Risk Management should also form a key part of any budget making decisions.

4.0 REPORT

- 4.1 Service Risk Registers were originally established from work undertaken by the Audit Partnership in conjunction with Service Unit Managers, however, since the management restructure the number of registers have been reduced and are now the responsibility of the Heads of Service and their managers. These registers have not yet been subject to Member review.
- 4.2 Annex A outlines the SRR for the Head of Environment. It is envisaged that each register will be presented to this committee on a rotational basis highlighting changes to risks and work undertaken to mitigate those risks.

5.0 CONCLUSION

- 5.1 Further reports will be brought to the Overview and Scrutiny Committee as the responsible committee for monitoring and evaluating risks within the Council.

Background Papers:

OFFICER CONTACT:

Please contact Phil Long if you require any further information on the contents of this report. The officer can be contacted at Ryedale House on 01653 600666 or e-mail phil.long@ryedale.gov.uk.

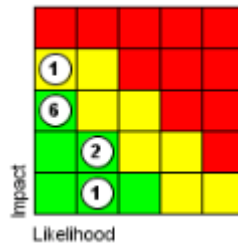
Service Risk Register Environmental Services



Generated on: 17 June 2009

Facilities

Current Heat Map




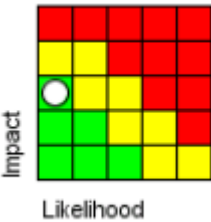
FE 01 Sale/purchase of property at incorrect values and asset valuations not shown at true balance on balance sheet

Risk Code	Risk Title	Description	Status
FE 01	Sale/purchase of property at incorrect values and asset valuations not shown at true balance on balance sheet	Sale/purchase of property at incorrect values and asset valuations not shown at true balance on balance sheet	
Consequences		Financial cost to the Council and breach of S123 Local Gov Act.	
Current Risk Matrix		Previous Rating	Previous Rating Description
	4	B2 Noticeable	SMT Lead Phil Long
	Current Rating	Current Rating Description	
	4	B2 Noticeable	Last Review Date
	Target Rating	Target Rating Description	28/05/2009


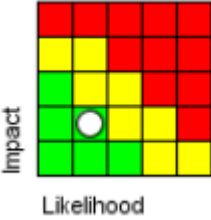
FE 02 Failure to adhere to correct procedures in Landlord and Tenant matters.

Risk Code	Risk Title	Description	Status
FE 02	Failure to adhere to correct procedures in Landlord and Tenant matters.	Failure to adhere to correct procedures in Landlord and Tenant matters.	
Consequences		Not obtaining vacant possession of properties when required.	
Current Risk Matrix		Previous Rating	Previous Rating Description
	3	C1 Noticeable	SMT Lead Phil Long
	Current Rating	Current Rating Description	
	3	C1 Noticeable	Last Review Date
	Target Rating	Target Rating Description	28/05/2009


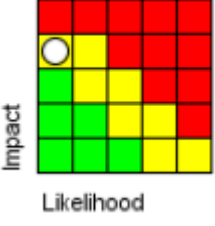


FE 03 Failure in carrying out rent and lease reviews

Risk Code	Risk Title	Description	Status
FE 03	Failure in carrying out rent and lease reviews.	Failure in carrying out rent and lease reviews.	
Consequences		Not maximising rental income	
Current Risk Matrix 	Previous Rating	Previous Rating Description	SMT Lead
	3	C1 Noticeable	Phil Long
	Current Rating	Current Rating Description	Last Review Date
	3	C1 Noticeable	28/05/2009
	Target Rating	Target Rating Description	


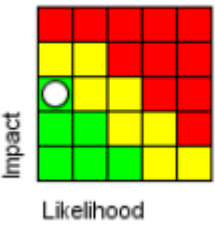
FE 04 Capital projects

Risk Code	Risk Title	Description	Status
FE 04	Capital projects	Capital projects	
Consequences		Failure to implement and complete within specified dates. Exceed budget. Reputation	
Current Risk Matrix 	Previous Rating	Previous Rating Description	SMT Lead
	4	B2 Noticeable	Phil Long
	Current Rating	Current Rating Description	Last Review Date
	4	B2 Noticeable	28/05/2009
	Target Rating	Target Rating Description	


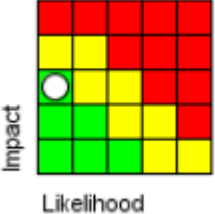
FE 05 Street Lighting - knockdowns

Risk Code	Risk Title	Description	Status	
FE 05	Street Lighting - knockdowns	Street Lighting - knockdowns		
Consequences		Exposure of public to risk of electrocution. Health & Safety		
	Current Risk Matrix	Previous Rating	Previous Rating Description	SMT Lead
		4	D1 Noticeable	Phil Long
	Current Rating	Current Rating Description		
		4	D1 Noticeable	Last Review Date
	Target Rating	Target Rating Description		
		3	C1 Noticeable	28/05/2009
Risk Actions				
Status	Code	Title	Progress Bar	Lead
	Risk FE 01	Monitor any in hour knock downs to ensure prompt action taken	<div style="border: 1px solid black; width: 100px; height: 15px; background-color: #4f81bd; color: white; text-align: center; padding: 2px;">25%</div>	Phil Long; David Summers
	Risk FE 02	Monitor any knockdowns to ensure that there are no in or out of hours issues with the authorities' response	<div style="border: 1px solid black; width: 100px; height: 15px; background-color: #4f81bd; color: white; text-align: center; padding: 2px;">25%</div>	Phil Long; David Summers


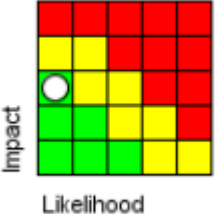
FE 06 Street Lighting

Risk Code	Risk Title	Description	Status	
FE 06	Street Lighting			
Consequences		Possibility of column collapse		
	Current Risk Matrix	Previous Rating	Previous Rating Description	SMT Lead
		3	C1 Noticeable	Phil Long
	Current Rating	Current Rating Description		
		3	C1 Noticeable	Last Review Date
	Target Rating	Target Rating Description		
				01/06/2009


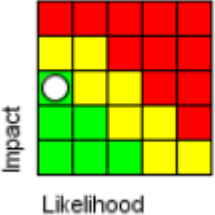
FE 07 Failure to regularly inspect the condition of all buildings

Risk Code	Risk Title	Description	Status	
FE 07	Failure to regularly inspect the condition of all buildings			
Consequences		Health & safety and legal implications		
	Current Risk Matrix	Previous Rating	Previous Rating Description	SMT Lead
		3	C1 Noticeable	Phil Long
		Current Rating	Current Rating Description	
		3	C1 Noticeable	Last Review Date
		Target Rating	Target Rating Description	01/06/2009


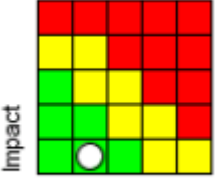
FE 08 Property Unit – team member leaving

Risk Code	Risk Title	Description	Status	
FE 08	Property Unit – team member leaving			
Consequences		Backlog of work / failure in delivery of service		
	Current Risk Matrix	Previous Rating	Previous Rating Description	SMT Lead
		3	C1 Noticeable	Phil Long
		Current Rating	Current Rating Description	
		3	C1 Noticeable	Last Review Date
		Target Rating	Target Rating Description	01/06/2009

FE 09 Street naming & numbering – incorrectly addressed

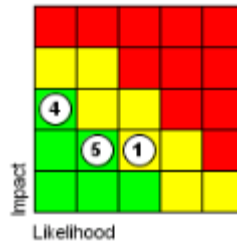
Risk Code	Risk Title	Description	Status	
FE 09	Street naming & numbering – incorrectly addressed			
Consequences		Reputation / financial		
	Current Risk Matrix	Previous Rating	Previous Rating Description	SMT Lead
		3	C1 Noticeable	Phil Long
		Current Rating	Current Rating Description	
		3	C1 Noticeable	Last Review Date
		Target Rating	Target Rating Description	01/06/2009

FE 10 Property Unit – inadequate training

Risk Code	Risk Title	Description	Status
FE 10	Property Unit – inadequate training		
Consequences		Not keeping with up to date with legislation etc resulting in losing professional qualification	
Current Risk Matrix 	Previous Rating	Previous Rating Description	SMT Lead
	2	A2 Noticeable	Phil Long
	Current Rating	Current Rating Description	
	2	A2 Noticeable	
	Target Rating	Target Rating Description	Last Review Date
			01/06/2009

Health & Environment


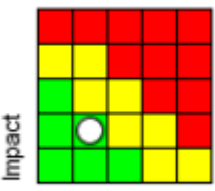
Current Risk Matrix




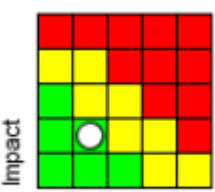
HE 01 Inadequate capacity to respond to major incident

Risk Code	Risk Title	Description	Status
HE 01	Inadequate capacity to respond to major incident	Inadequate capacity to respond to major incident e.g. food poisoning, major contamination risk or introduction of new legislation e.g. Private water Supplies or new area of work	
Consequences		Capacity to respond to such incident/legislation would impact on the routine work of the section-Inadequate skills and knowledge-Unable to comply with statutory requirements-poor assessment by external inspectors/agencies	
Current Risk Matrix Impact Likelihood	Previous Rating	Previous Rating Description	SMT Lead
	6	B3 Significant	Phil Long
	Current Rating	Current Rating Description	Last Review Date
	6	B3 Significant	11/06/2009
	Target Rating	Target Rating Description	
	4	B2 Noticeable	
Risk Actions			
Status	Code	Title	Lead
	Risk HE 01-	In eventuality re prioritisation of work by SUM and potential of assistance from Partnering Authorities	Phil Long; Steven Richmond
		Progress Bar	


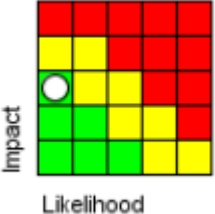
HE 02 Inadequate staffing capacity to respond to the existing commitments and government initiatives on sport, play and leisure

Risk Code	Risk Title	Description	Status
HE 02	Inadequate staffing capacity to respond to the existing commitments and government initiatives on sport, play and leisure		
Consequences		-failure to deliver the Big Lottery Programme-Inadequate skills and knowledge-failure to capitalize on financial grants for the District-failure to advance initiatives in play and sport	
Current Risk Matrix		Previous Rating	Previous Rating Description
	4	B2 Noticeable	SMT Lead Phil Long
	Current Rating	Current Rating Description	
	4	B2 Noticeable	Last Review Date
	Target Rating	Target Rating Description	11/06/2009


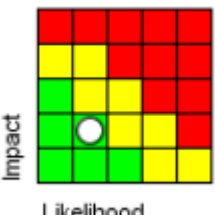
HE 03 Recruitment & Retention of staff

Risk Code	Risk Title	Description	Status
HE 03	Recruitment & Retention of staff		
Consequences		-Inadequate staffing to fulfil service requirements-Difficulty recruiting due to high house prices and national shortage of EHO's-Inadequate experienced and specialised staff-Failure to meet legislative requirements.	
Current Risk Matrix		Previous Rating	Previous Rating Description
	4	B2 Noticeable	SMT Lead Phil Long
	Current Rating	Current Rating Description	
	4	B2 Noticeable	Last Review Date
	Target Rating	Target Rating Description	11/06/2009


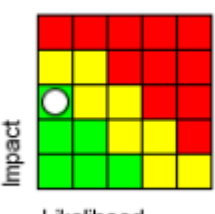
HE 04 Private Water Supply regulations

Risk Code	Risk Title	Description	Status
HE 04	Private Water Supply regulations		
Consequences		Non compliance with statutory duty	
Current Risk Matrix 	Previous Rating	Previous Rating Description	
	3	C1 Noticeable	
	Current Rating	Current Rating Description	
	3	C1 Noticeable	
Target Rating	Target Rating Description	SMT Lead	Phil Long
		Last Review Date	11/06/2009


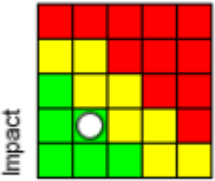
HE 05 Contaminated Land.

Risk Code	Risk Title	Description	Status
HE 05	Contaminated Land	Requirement to identify number of sites of potential concern and number of sites where remediation of land is necessary	
Consequences		Failure to implement contaminated land strategy and limit the Council's liability. Failure to provide funding for additional resources. Shared officer post with Selby now ended. Strategy reviewed by CS&L 31/1/08.	
Current Risk Matrix 	Previous Rating	Previous Rating Description	SMT Lead
	4	B2 Noticeable	Phil Long
	Current Rating	Current Rating Description	Last Review Date
	4	B2 Noticeable	11/06/2009
Target Rating	Target Rating Description		


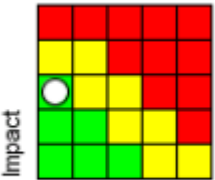
HE 06 Health & Safety Enforcement

Risk Code	Risk Title	Description	Status
HE 06	Health & Safety Enforcement		
Consequences		(a) Failure to participate in the FIT 3 programme for 2008/09. New Section 18 requirements published and needs reviewing. Have up to 3 years to comply. (b) Incorporate H&S within ISO 9001:2000 Quality Management System	
Current Risk Matrix 	Previous Rating	Previous Rating Description	SMT Lead
	3	C1 Noticeable	Phil Long
	Current Rating	Current Rating Description	Last Review Date
	3	C1 Noticeable	11/06/2009
Target Rating	Target Rating Description		


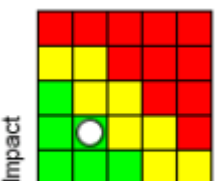
HE 07 MVM Software and e government developments

Risk Code	Risk Title	Description	Status
HE 07	MVM Software and e government developments		
Consequences		Northgate MVM system which deals with all Env Health and Housing systems installed in October 2005.. Next step is to link to the corporate gazetteer to permit the functioning of other e-gov smart options e.g. mobile working etc	
Current Risk Matrix		Previous Rating	Previous Rating Description
 Likelihood	4	B2 Noticeable	Phil Long
	Current Rating	Current Rating Description	
	4	B2 Noticeable	Last Review Date
	Target Rating	Target Rating Description	11/06/2009


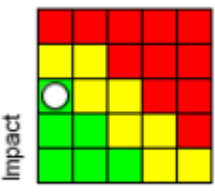
HE 08 Compliance/performance on new NI Indicators

Risk Code	Risk Title	Description	Status
HE 08	Compliance/performance on new NI Indicators		
Consequences		Poor performance nationally reflecting on Comprehensive Area Assessment (CAA)	
Current Risk Matrix		Previous Rating	Previous Rating Description
 Likelihood	3	C1 Noticeable	Phil Long
	Current Rating	Current Rating Description	
	3	C1 Noticeable	Last Review Date
	Target Rating	Target Rating Description	11/06/2009

HE 09 Food Safety

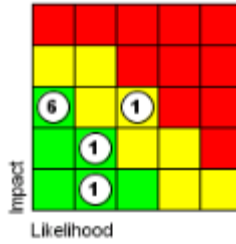
Risk Code	Risk Title	Description	Status
HE 09	Food Safety	(a) Implementation of new FSA Code of Practice and Monitoring system (LAMES) (b) Introduction of Scores on the Doors	
Consequences		Consequent scrutiny of FSA	
Current Risk Matrix		Previous Rating	Previous Rating Description
 Likelihood	4	B2 Noticeable	Phil Long
	Current Rating	Current Rating Description	
	4	B2 Noticeable	Last Review Date
	Target Rating	Target Rating Description	11/06/2009

HE 10 Local Air Quality Management (LAQM)-Air Quality Review and Assessment

Risk Code	Risk Title	Description	Status	
HE 10	Local Air Quality Management (LAQM)-Air Quality Review and Assessment			
Consequences		-Failure to meet Defra deadline. Possibility of requirement to undertake modelling and /or Declare Air Quality management Area.-LA highlighted as a non responder . Ultimately LA would have to provide explanation to Minister		
Current Risk Matrix 		Previous Rating	Previous Rating Description	SMT Lead
		3	C1 Noticeable	Phil Long
		Current Rating	Current Rating Description	Last Review Date
		3	C1 Noticeable	11/06/2009
		Target Rating	Target Rating Description	

Streetscene


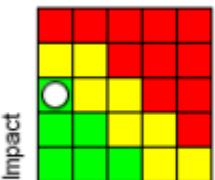
Current Heat Map




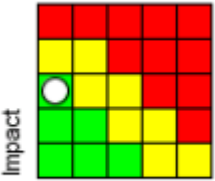
SS 01 Waste Management (recycling & refuse collection)

Risk Code	Risk Title	Description	Status
SS 01	Waste Management (recycling & refuse collection)	Meeting recycling standards. Vehicle failure. Strikes. Failure of management systems. Limited contracts for composting and dry recyclables	
Consequences		Failure to collect refuse to 23K households resulting in adverse publicity/environmental public health issues. Removal of service from RDC. Possible removal of funding. Difficulties in marketing recyclable products if businesses fail	
Current Risk Matrix		Previous Rating	Previous Rating Description
		3	C1 Noticeable
		Current Rating	Current Rating Description
		3	C1 Noticeable
		Target Rating	Target Rating Description
			SMT Lead
			Phil Long
			Last Review Date
			11/06/2009



SS 02 Failure to provide a collection service for Trade Waste.

Risk Code	Risk Title	Description	Status
SS 02	Failure to provide a collection service for Trade Waste.	Increased levels of landfill tax by central government plus LATS liabilities potentially pricing District provided trade waste out of the existing market. (NB external contractors are not faced with the same LATS penalties)	
Consequences		Loss of revenue. Loss of customers. Potential increase in cost re domestic waste collection. Revenue budget implications.	
Current Risk Matrix		Previous Rating	Previous Rating Description
	3	C1 Noticeable	
	Current Rating	Current Rating Description	Phil Long
	3	C1 Noticeable	Last Review Date
	Target Rating	Target Rating Description	11/06/2009


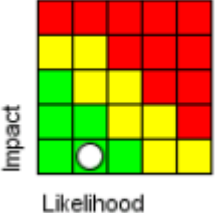
SS 03 Failure to provide a street cleaning service.

Risk Code	Risk Title	Description	Status
SS 03	Failure to provide a street cleaning service.		
Consequences		Court Action under Environment Protection Act. Adverse publicity. Environmental/public health issues if service not carried out. Reputation of the Council	
Current Risk Matrix		Previous Rating	Previous Rating Description
	3	C1 Noticeable	
	Current Rating	Current Rating Description	Phil Long
	3	C1 Noticeable	Last Review Date
	Target Rating	Target Rating Description	11/06/2009


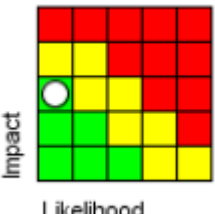
SS 04 Failure to ensure that Taxi's are appropriately licensed.

Risk Code	Risk Title	Description	Status
SS 04	Failure to ensure that Taxi's are appropriately licensed.		
Consequences		Public not protected - physically/financially. Trade unregulated - no control on fees charges/vehicle safety.	
Current Risk Matrix		Previous Rating	Previous Rating Description
	3	C1 Noticeable	
	Current Rating	Current Rating Description	Phil Long
	3	C1 Noticeable	Last Review Date
	Target Rating	Target Rating Description	11/06/2009


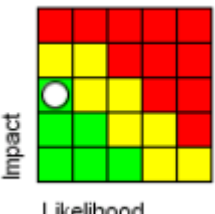
SS 05 Failure to secure and administer 'minor contracts'

Risk Code	Risk Title	Description	Status	
SS 05	Failure to secure and administer 'minor contracts'			
Consequences		Loss of revenue. Loss of manpower.		
	Current Risk Matrix	Previous Rating	Previous Rating Description	SMT Lead
		2	A2 Noticeable	Phil Long
		Current Rating	Current Rating Description	
		2	A2 Noticeable	Last Review Date
		Target Rating	Target Rating Description	11/06/2009


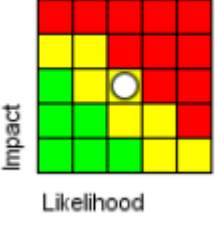

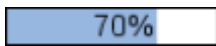
SS 06 Failure to maintain vehicles.

Risk Code	Risk Title	Description	Status	
SS 06	Failure to maintain vehicles.	Failure to comply with requirements of O licence.		
Consequences		HSE enforcement action. Operator's licence withdrawn. Potentially no services – depot closes. Corporate manslaughter charges.		
	Current Risk Matrix	Previous Rating	Previous Rating Description	SMT Lead
		3	C1 Noticeable	Phil Long
		Current Rating	Current Rating Description	
		3	C1 Noticeable	Last Review Date
		Target Rating	Target Rating Description	11/06/2009

SS 07 failure to comply with Health & Safety

Risk Code	Risk Title	Description	Status	
SS 07	Failure to comply with Health & Safety			
Consequences		Injury to staff. Litigation. Reputation to the Council. Financial cost.		
	Current Risk Matrix	Previous Rating	Previous Rating Description	SMT Lead
		3	C1 Noticeable	Phil Long
		Current Rating	Current Rating Description	
		3	C1 Noticeable	Last Review Date
		Target Rating	Target Rating Description	11/06/2009

SS 08 Depot security is compromised.

Risk Code	Risk Title	Description	Status			
SS 08	Depot security is compromised.					
Consequences		Stolen of damaged goods/property. Insurance costs.				
	Previous Rating	Previous Rating Description	SMT Lead			
	9	C3 Significant	Phil Long			
	Current Rating	Current Rating Description				
	9	C3 Significant	Last Review Date			
	Target Rating	Target Rating Description	11/06/2009			
	3	C1 Noticeable				
Risk Actions						
Status	Code	Title	Description	Progress Bar	Lead	Latest Note
	Risk SS 03	Increased CCTV coverage is being investigated. A new fence has been purchased and awaits erection at back of depot	Increased CCTV coverage or new fence at back of depot		Phil Long; Beckie Bennett	New CCTV system implemented, currently looking at cost of upgrading. Fence purchased for rear and awaiting installation

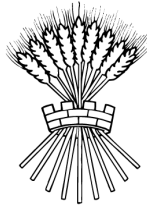
SS 09 Failure to hit performance targets

Risk Code	Risk Title	Description	Status	
SS 09	Failure to hit performance targets			
Consequences		Will pull the Authority down in its CAA assessments. Failure to manage data quality adequately		
	Current Risk Matrix	Previous Rating	Previous Rating Description	SMT Lead
		4	B2 Noticeable	Phil Long
		Current Rating	Current Rating Description	
		4	B2 Noticeable	Last Review Date
		Target Rating	Target Rating Description	11/06/2009

Key:

Risk Status	
	OK
	Warning
	Alert
	Unknown

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REPORT TO: OVERVIEW AND SCRUTINY COMMITTEE

DATE: 2 JULY 2009

REPORTING OFFICER: AUDIT MANAGER,
NORTH YORKSHIRE AUDIT PARTNERSHIP
JAMES INGHAM CPFA

SUBJECT: ANNUAL INTERNAL AUDIT REPORT 2008/09

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

1.1 This report presents the Annual Internal Audit Report for 2008/09 from the North Yorkshire Audit Partnership for approval.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Annual Internal Audit Report for 2008/09 be approved.

3.0 REASONS SUPPORTING DECISION

3.1 To monitor the performance of the provision of internal audit for Ryedale District Council.

4.0 BACKGROUND

4.1 The Accounts and Audit Regulations 2003 require all Councils to annually review their systems of internal control and to provide an adequate and effective Internal Audit function.

4.2 It was agreed that this committee should act as an Audit Committee for the Council and, inter alia, receive reports from Internal Audit.

5.0 INTRODUCTION

5.1 This report presents the Annual Internal Audit Report for the year from the North Yorkshire Audit Partnership. Their report, detailed in annex A, summarises the work done by Internal Audit covering the year to 31st March 2009.

5.2 The Annual Audit Report provides a statement of assurance to the Corporate Directors (S151) the council's Responsible Financial Officer that will support the Annual Governance Statement (AGS) that has to be included with the Council's Financial Statements.

5.3 The Audit Partnership works to the 2006 CIPFA Code of Practice for Internal Audit in Local Government. The Council's External Auditors have been satisfied with the audit work undertaken, and have been able to place reliance on the work of the Partnership in order to optimise the overall cost of audit to the Council. In 2009/10 the Partnership will be subject to its regular tri-ennial review by the external auditors.

6.0 POLICY CONTEXT

6.1 This report supports the Council's Corporate Strategic Objective of providing strong Community Leadership, by demonstrating a commitment to local democracy and accountability.

7.0 REPORT

7.1 The report detailed in annex A, provides an assurance statement for the financial systems of the council, based on the work undertaken to date, and past experience. It is not a 'carte blanche' but a balanced judgement. It also includes an assessment of the application of risk management, and management of the identified risks, within its programme of audits.

7.2 One of the positive issues emerging is that the Council is making great strides with the establishment of Risk Management, especially to continue to 'embed' it into the everyday operations of the Council. It is in this respect that we expect that internal audit will assist, by promulgating the understanding and implementation of risk management across the Council.

7.3 The North Yorkshire Audit Partnership is able to provide the Council with a clear statement of Internal Control Assurance, as all the main systems audited are operating robustly and securely. This supports the Statement of Internal Control required under the Accounts and Audit Regulations 2003.

7.4 It also includes a summary of the audits completed in the year showing an audit opinion for each. This allows the committee to be aware of control issues that have been identified, and enables the committee to request specific discussions with line management about the matters raised. These opinions lead through to the overall opinion, and thence to the AGS. It also includes a synopsis of the performance of the Partnership in delivering internal audit to Ryedale DC.

7.5 This routine reporting to the committee forms an important part of the overall control framework, and is a component of the Annual Governance Statement.

7.6 The audit committee's role is also seen as an integral component by the CPA process, through the Key Lines of Enquiry that the Audit Commission follow as part of that CPA assessment process.

8.0 FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications, beyond the existing budget for Internal Audit and any additional work in respect of Risk Management, and special investigations.

9.0 RISK ASSESSMENT

Information,

none

Strategic,

That Internal Audit's annual report contains an adverse assurance opinion on the control systems of the Council.

Operational,

That systems will not be amended in the light of Internal Audit reports and agreed recommendations.

People,

none

Reputation,

That the council does not take seriously the audit of its internal control systems

Regulatory

None at present, though there is increasing pressure for regular reporting of Internal Audit work to Audit Committees (or equivalents).

Financial.

none

10.0 CONCLUSION

- 10.1 The review provides an overall opinion and assurance that given all the circumstances pertaining with the Internal Control System in Ryedale DC during 2008/09 that it is considered as satisfactory.
- 10.2 This is not a 'carte blanche' but a balanced judgement. As with any such review there will always be areas that could be improved and this is no different.
- 10.3 It is considered that the work completed combined with the planned work for 2009/10 represents the best compromise between economy and effectiveness, and provides a sufficient level of assurance for the AGS and the Council's external auditors.

OFFICER CONTACT:

**James Ingham; Head of Partnership
North Yorkshire Audit Partnership
01723/232364
James.Ingham@Scarborough.gov.uk**

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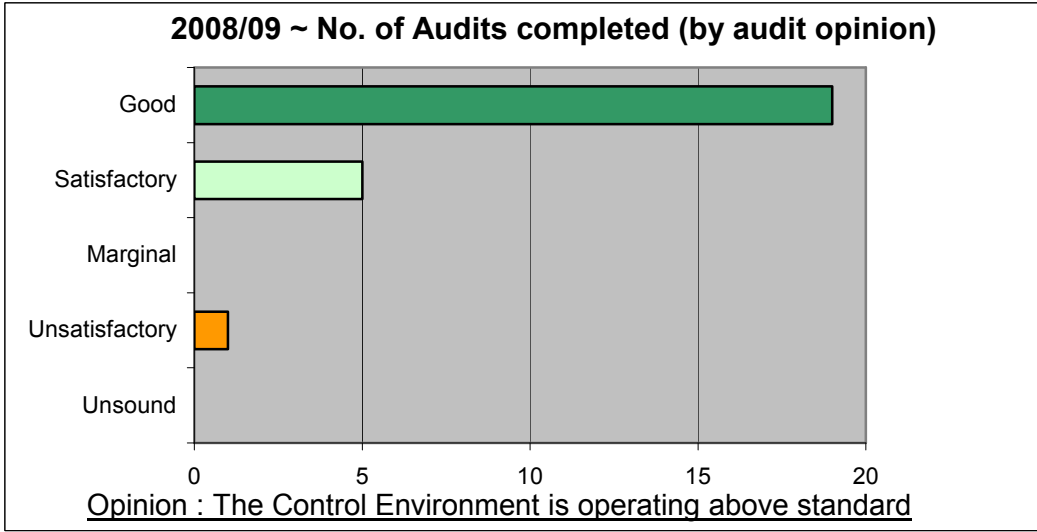


Independent Assurance

Internal Audit Annual Report



**Ryedale DC
June 2009
Final**



Head of Partnership: James Ingham CPFA
 Audit Manager : John Barnett
 Circulation list: Members Overview & Scrutiny Committee
 Chief Executive
 S151 Officer

Summary

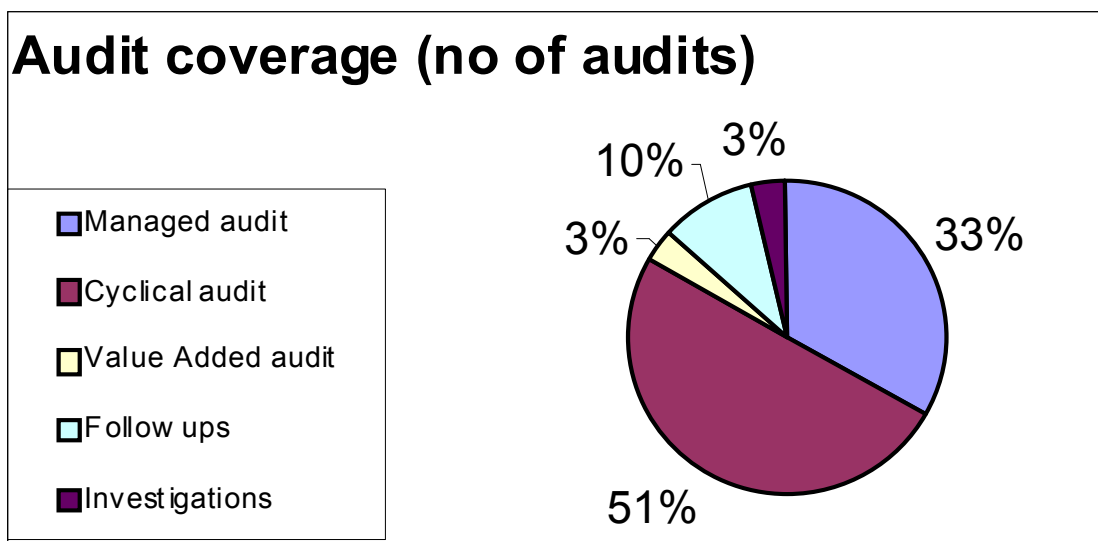
1.0 Introduction

- 1.1 Internal Audit is a mandatory requirement for all councils, (Accounts & Audit regulations). The Council meets that requirement by an Internal Audit service provided through the North Yorkshire Audit Partnership.
- 1.2 The Partnership provides the service and works to the Cipfa Code of Practice for Internal Audit in Local Government. The council's external auditors undertake a tri-ennial review of the Partnership (next review due 2009/10), which adds to the Accounts & Audit regulation requirement that the council undertakes an annual review of the effectiveness of the system of Internal Audit. The results of both reviews are presented to the audit committee of the Council.
- 1.3 Internal audit providers in Local Government have an obligation to produce an Annual Internal Audit Report. This is an important document in many ways and brings together the following in one consolidated report.
 - ◆ A clear statement of assurance by the North Yorkshire Audit Partnership regarding the adequacy and effectiveness of the internal control environment.
 - ◆ The key issues and themes arising out of the internal audit activity that has been undertaken during 2007/2008, encompassing systems audit work and any specialist reviews.
 - ◆ A summary of our performance during the year, including details of:
 - The summary of the opinions for the audits completed
- 1.4 The Annual Report is, however, more than the sum of these parts; taken as a whole it is an important contribution to the Council reaching an understanding of what risks exist and how well they are being managed.

2.0 Planned Audit work 2008/09

- 2.1 The agreed number of days in the plan for internal audit was 265. The plan itself was derived from the Partnership's risk model, devised to target resources to those areas that are considered to be of the greatest risk.
- 2.2 It is, however, tempered by a number of factors, the most significant of these being the expectation of the external auditors that internal audit undertake work on the material (significant) systems of the council on an annual basis. The volume of time required is largely constant, so the balance is used for locally directed and determined audit assignments.
- 2.3 The plan also includes a provision for specialist audit work including ICT audit, and work around the partnership governance area. Finally it also includes an amount of time to meet Client support requirements, including attending audit committee, and ad-hoc or special investigations.

2.4 The chart below shows the spread of audit assignments.



2.5 Appendix A shows the final table of planned audit work, and the audit opinion associated with the audits completed.

2.6 This section of the annual report focuses on measuring the performance of the North Yorkshire Audit Partnership specifically against the delivery of the internal audit service to Ryedale District Council. Appendix B provides a summary of the performance indicators as measured against accepted standards. It will be noted that some of the performance measures are subjective and can only be considered by the Council.

3.0 Matters of significance from the work completed in the year

3.1 We are pleased to report that Performance management is now becoming embedded in the day to day routines of the Council, using Covalent. This is also now being used to further develop Risk Management.

3.2 We anticipate being able to use Covalent to drive improvements in the follow up process of agreed audit recommendations.

3.3 There has been one special investigation during the year, which was centred on poor budget monitoring in one specific area. (Adverse, overspending budget reports were being issued by financial services, but were not acted upon)

3.4 Consequently and concurrently the Council's FPR (Financial Procedure Rules) are being reviewed and revised.

4.0 Audit Opinion and Assurance Statement

4.1 We have conducted our audits both in accordance with mandatory standards and good practice contained within the CIPFA Code of Practice for Internal Audit in Local Government.

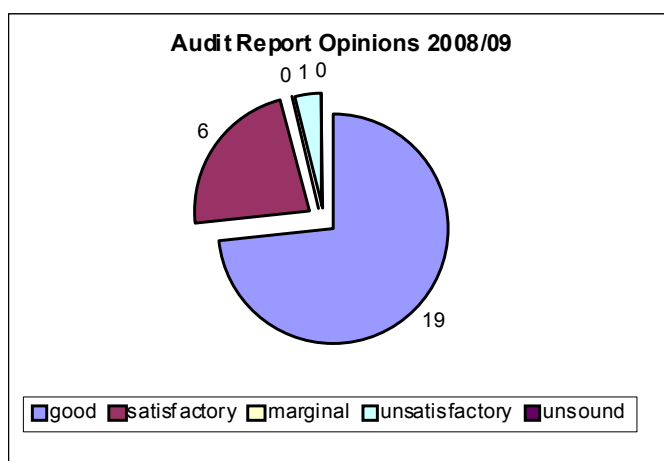
4.2 The CIPFA Code defines Internal Audit as an assurance function providing an independent opinion on the Internal Control Environment, comprising Risk Management, Governance and Internal Control. Accordingly we have structured our opinion around those three themes.

4.3 For 2008/2009, the internal audit opinion is derived from work completed as part of the agreed internal audit plan, which includes compliance with the managed audit. This is work done as part of the joint protocol between the Council's internal and external auditors who themselves are required to give an opinion on the Council's accounts. It is accepted that Internal Audit has an established position of independence within the Council more especially with the specific arrangements that exist with the North Yorkshire Audit Partnership. It has experience in control and assurance matters generally.

4.4 On balance, based upon the audit work done, together with the pre-existing cumulative audit knowledge and experience of other areas not subject to audit this year our overall audit opinion is that the Internal Control Environment for the Council is operating above standard.

The Assurance:	
Risk Management	The Council is on the way to embedding Risk Management within the organisation.
Governance	Our work this year leads us to the overall opinion that the Corporate Governance arrangements are sound.
Internal Control [financial systems, etc.]	<p>Our overall opinion is that the internal controls within the financial systems in operation throughout the year are fundamentally sound. (96% of audits completed had a 'good' or 'satisfactory' audit opinion.</p> <p>This is based upon our examination of the key financial systems as part of the managed audit approach, and the other financial systems that were actually audited. On that basis and our previous experience and knowledge there is no reason to believe that the systems are other than sound.</p>

Table of 2008/09 audit assignments completed



<i>Audit</i>	<i>Status</i>
<i>Material Systems (AC definition)</i>	
Council Tax	Completed – Good
Creditors + e-procure/purchase cards	Completed – Satisfactory
Debtors	Completed – Good
G.Ledger + Bank Rec's	Completed – Good
Housing Benefits	Completed – Good
Income System	Completed – Good
NNDR	Completed – Good
Payroll	Completed – Satisfactory
Treasury Mgt	Completed – Good
Fixed Assets (Capital Account)	Completed – Good
<i>2008/09 Audit plan work</i>	
<i>Head of Environmental Services</i>	
Dog Enforcement	Completed – Good
Pest Control	Completed – Good
Grounds Maintenance	Completed – Good
Car Parks	Completed – Good
<i>Head of Economy and Housing</i>	
Tourism and TIC's	Completed – Good
Ryecare	Completed – Good
<i>Head of Planning</i>	
Grant Funding	Not completed
<i>Head of Organisational Development</i>	
ICT	Completed - Satisfactory
Personnel and Training	Completed – Good
Local Land Charges	Completed – Satisfactory
<i>Head of Transformation</i>	
Performance Indicators	Completed – Good
Partnerships	Completed – Satisfactory
<i>Head of Resources</i>	
Car Loans and Leasing	Completed – Good
Tax Management	Completed – Good
Property Rentals	Completed – Good

<u>Audit</u>	<u>Status</u>
Contract Audit	Completed – Unsatisfactory
HB Fraud	Completed – Satisfactory
<i>Follow Ups</i> <i>From 07/08 Audits</i>	
Garages and Depots	
Taxi Licensing	
Health and Safety	

Ryedale District Council Internal Audit Performance measures

	Performance Measures	Partnership Performance 2008/2009
Cost	<ul style="list-style-type: none"> Cost of service compared with similar organisations. 	<ul style="list-style-type: none"> Partnership £ 59,625 Family Group c.£ 75,500
Audit Coverage	<ul style="list-style-type: none"> Actual audits completed compared with the plan. Productive or field work time as a percentage of total time Actual areas covered within the plan. 	<ul style="list-style-type: none"> 26 out of 26 audits planned were completed; 100%. (Revised 08/09 plan) plus follow up audits. 100% non-productive time is borne by the Partnership. All necessary work completed; (any changes made to the original plan are agreed with Head of Financial Services.
Audit Plans	<ul style="list-style-type: none"> Timeliness of preparation. Conformity with CIPFA Standards Usefulness to readers 	<ul style="list-style-type: none"> Annual audit plan always produced and approved in advance of new financial year. Complies with CIPFA standards and external audit requirements. Council to consider this aspect.
Audit Reports	<ul style="list-style-type: none"> Timeliness of preparation. Factual accuracy. 	<ul style="list-style-type: none"> Draft reports to be issued within 15 days of completion of audit. (over 80% within target). Council responses to draft reports reflect high levels of factual accuracy achieved.
Recommendations	<ul style="list-style-type: none"> Comments by clients and management. Implementation of the Management Action Plan (MAP) by clients. Timeliness of follow up of implementation. 	<ul style="list-style-type: none"> Council responses to reports normally very positive. Generally good implementation of the MAP by clients. Formal follow up process and regular reports to the Overview & Scrutiny Committee.
Relationships	<ul style="list-style-type: none"> Senior management's opinion of Internal Audit provided by the Partnership. Relationship with the External Auditors. 	<ul style="list-style-type: none"> This is reflected in the questionnaires used in the A&A Reg 6 review of effectiveness. Relationship with the external auditors is good and audit work is co-ordinated to achieve optimum effectiveness for the Council.
Reviews by other agencies	<ul style="list-style-type: none"> Extent of External Auditor's reliance on Partnership work. 	<ul style="list-style-type: none"> External auditor continue to place reliance on our work.
Staffing and Training	<ul style="list-style-type: none"> Continuity in staffing. Provision of appropriate training for staff. Use of staff with specialist skills; e.g. IT Audit 	<ul style="list-style-type: none"> Head of Partnership for management, Local Audit Manager for Ryedale for service continuity, and local knowledge. Partnership has an established training policy and programme. Used as required or appropriate to Council's needs.

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