HIGHLAND COUNCIL

Audit & Scrutiny Committee

30 September 2015

Agenda	6
Item	
Report	AS/19/15
No	

Code of Corporate Governance 2015/16

Report by Depute Chief Executive/Director Corporate Development

Summary

The report provides an update on progress with delivering the actions agreed in Local Code of Corporate Governance for 2014/15 and also presents the Code for 2015/16, which was agreed by Highland Council on 3rd September, for further scrutiny.

1. <u>Introduction</u>

- 1.1 The Council has been required to prepare a Code of Corporate Governance on an annual basis since 2002. This requirement is based on advice from CIPFA and SOLACE on best practice on this matter.
- 1.2 The Council has also agreed that the Audit and Scrutiny Committee would receive an annual report on the local Code to ensure proper scrutiny and the successful completion of the actions. The Annual Internal Audit Plan also includes a review of the Council's compliance with the local Code, which is reported to the Audit and Scrutiny Committee.
- 1.3 In 2008 CIPFA and SOLACE published a revised Guidance Note for Scottish Authorities Delivering Good Governance in Local Government. This provided updated guidance on implementing the Framework and provides an important development to enable local authorities to review effectiveness and to identify continuing improvements in its governance arrangements.
- 1.4 The Framework and Guidance are based on six principles:
 - 1.4.1 Focusing on the purpose of the Authority and on outcomes for the community and creating and implementing a vision for the local area
 - 1.4.2 Members and officers working together to achieve a common purpose with clearly defined functions and roles.
 - 1.4.3 Promoting values for the Authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
 - 1.4.4 Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
 - 1.4.5 Developing the capacity and capability of members and officers to be effective
 - 1.4.6 Engaging with local people and other stakeholders to ensure robust public accountability
- 1.5 This report confirms the actions delivered under the Local Code of Corporate Governance for 2014/15, any areas of slippage and those actions where further work is required within the new Code, and the Code of Corporate Governance for 2015/16, for scrutiny.

2. <u>Code of Corporate Governance</u>

2.1 <u>Code of Corporate Governance 2014/15</u>

The Code of Corporate Governance 2014/15 was agreed by Council on 4 September 2014 and a copy can be found at

http://www.highland.gov.uk/download/meetings/id/66449/item 14 code of corporate gove rnance_201415. The Code was based on the 6 Principles of Corporate Governance, from the CIPFA Guidance, and included actions to ensure compliance with the Principles.

- 2.2 The majority of the actions (54) have been completed and a further 37 are on target to be delivered and are largely annual actions which will be carried forward in the revised Code. There are just 4 actions with 'some slippage' and these will also be included in the revised Code to ensure completion. These actions are:
 - 2.2.1 Delivery of savings from the Corporate Improvement Programme 2014/15 at the end of the year £700k was not achieved and this related to Business Support (Schools), Customer Service Review and income generation. This was reported to Council as part of the budget reporting;
 - 2.2.2 The agreement of all Service Plans (now completed);
 - 2.2.3 The monitoring of performance of integrated adult services has continued on target and a new Integration Scheme has been completed in line with legislative requirements and a further review of governance is already underway;
 - 2.2.4 The monitoring of local performance indicators which is on-going and will continue into 2015/16;
- 2.3 An Internal Audit of the implementation of the 2013/14 Code has been undertaken and provided *Full Assurance*. This was reported to the Audit & Scrutiny Committee on 26 March 2015.
- 2.4 <u>Code of Corporate Governance 2015/16</u>
- 2.5 The agreed Code for 2015/16 is detailed at **Appendix 1**.
- 2.6 The Code includes action to bring the Annual Report and Audited Accounts for the Highlands Charitable Trust to the Highland Council in October 2015, to ensure Members are able to properly execute their duties as Trustees to the Trust.

2 <u>Resource Implications</u>

2.1 There are no financial, legal, equalities or rural implications arising directly from this report and actions requiring to be delivered under the Code of Corporate Governance will continue to be built into Service and Operational Plans where required.

3 <u>Recommendation</u>

- 3.1 That the Committee :-
 - (i) notes the good progress on delivering the agreed actions in the 2014/15 Code of Corporate Governance;
 - (ii) notes the Full Assurance provided by the Internal Audit report on the delivery of the 2013/14 Code;
 - (iii) note that the Annual Report and Audited Accounts for the Highlands Charitable Trust will be reported to the Highland Council in October 2015;
 - (iv) scrutinises the 2015/16 Code of Corporate Governance.

Designation: Depute Chief Executive/Director Corporate Development

Date: 15 September 2015

Author: Michelle Morris

2015/16

Principle 1

Supporting Principle	Requirements	Action	Lead Service	Lead Officer	Target Date
Exercising strategic leadership by	1.1 Develop and promote the authority's purpose and vision and its intended outcome	New Council Programme 'Highland First' agreed by the Council	CEO	Head Policy & Reform	Complete
developing and clearly communicating the authority's purpose,		Performance Framework for 'Highland First' to be developed and agreed by Council	CD	Head of People & Performance	Oct-15
vision and is intended outcome for citizens		Service Plans reviewed and 2015-17 plans agreed by Strategic Committees*	CD	All Directors	Complete
and service users	1.2 Review on a regular basis the authority's vision for the local area and its implications for the authority's governance arrangements	Review of area committees and local community planning arrangements and recommendations presented to Council for approval	CEO	Head Policy & Reform	Oct-15
		Code of Corporate Governance reviewed and 2013/14 Code agreed by Council.	CD	DCEX	Oct-15
	1.3 Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners	Review of local Community Planning arrangements arising from Council decision on local decision making and community engagement	CEO	Head Policy & Reform	Apr-16
		Review of Partnership and Governance arrangements with NHS Highland	CEO	DCAL	Apr-16
	1.4 Publish an annual report on a timely basis to communicate the authority's activities and	Annual Performance Report and Performance Survey reported to Council	CD	Head People & Performance	Sept-15 / Oct-15
	achievements, it's financial position and performance	Single Outcome Annual Report for 2014/15 to be published	CD	Head People & Performance	Oct-15
		Annual External Audit Report presented to Council	Fin	Director of Finance	Nov-15
		Annual Audited Accounts presented to Council	Fin	Director of Finance	Nov-15
		Annual Report and Audited Accounts for Highland Charitable Trust reported to Council	CEO	Head of Policy & Reform	Oct-15

		Annual Efficiency Statement presented to Council	Fin	Director of Finance	Sep-15
Ensuring that users receive a high quality of	1.5 Decide how the quality of service for users is to be measured and make sure that the information needed to	Annual report on Ombudsman complaints to Audit & Scrutiny Committee	CEO	Business Manager (CEO)	Sep-15
service whether directly, or in partnership, or by	review service quality effectively and regularly is available	Undertake annual Public Performance Survey, to assess customer satisfaction with the council and with service delivery, and report to Council	CD	Head of People & Performance	Oct-15
commissioning.		Continue to monitor service performance at Quarterly Performance Reviews and reports to Strategic Committees, including where services are delivered in partnership	CD	All Directors	Mar-16
		Review Performance Management arrangements and make recommendations for improvements to meet statutory, service improvments and budget requirements	CD	Director Finance / DCEX	Sep-15
	1.6 Put in place effective arrangements to identify and deal with failure in service delivery	Continue to monitor performance of services commissioned through High Life Highland, NHS (Adult Services), Inverness Leisure & Highland Opportunity Ltd - through appropriate Committees & Sub-Committees	C&L / D&I	Directors C&L & D&I	Mar-16
		Continue to report all internal and external audit and inspection reports and action plans to Audit & Scrutiny and appropriate Strategic Committees, to ensure required actions are implemented	Fin	All Directors	Mar-16
		Continue to monitor and improve performance under the new complaints procedure and report twice yearly to Audit & Scrutiny Committee	CD	Head Digital Transformation	Mar-16
Ensuring that the authority makes best use of resources and	1.7 Decide how value for money (VFM) is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively.	Deliver the budget reductions and savings agreed as part of the Council's budget inc. the Tranformation Savings Programme*	CEO	All Directors	Mar-16
that tax payers and service users receive excellent value for money	Measure the environmental impact of policies, plans and decisions	Continue to measure VfM though Local Performance Indicators & SPIs and report performance to Strategic Committees*	CD/Fin	All Directors	Mar-16
		Continue to include the impact on climate change and sustainability targets in all reports to Committees	CEO	All Directors	Mar-16

Principle 2					
Ensuring effective leadership throughout the authority and being clear about executive and non executive functions and of the roles and responsibilities of the scrutiny function.	2.1 Set out a clear statement of the respective roles and responsibilities of Members generally and of Senior Officers	Role Descriptions for Members, Senior Member (Leader, Convener, Chairs of Strategic Committees) and Senior Officers approved by Council	CEO/CD	Head Corporate Governance	Complete
Ensuring that a constructive working relationship exists between authority members and officers and that the responsibilities of members and officers		Scheme of Delegation to Committees & Officers reviewed at least annually and approved by Council	CEO/CD	DCEX	Oct-15
are carried out to a high standard	2.3 Make the Chief Executive responsible and accountable to the authority for all aspects of operational management	Job Description and Scheme of Delegation in place	CEO/CD	DCEX	Complete
	2.4 Develop Protocols to ensure that the Leader and Chief Executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained.	Job Description & Role Description in place for CEX and Leader.	CEO/CD	DCEX	Complete
		for the Council with appropriate job description and delegated authority agreed	CEO/CD	DCEX	Complete

	2.6 Make a Senior Officer responsible to the authority for ensuring that agreed procedures are followed and that all applicable statues and regulations are complied with	Depute Chief Executive / Director Corporate Development responsible Monitoring Officer for the Council with approriate job description and delegated authority agreed	CEO/CD	DCEX	Complete
	2.7 Develop protocols to ensure effective communication between Members and Officers in their respective roles	Protocols in place in accordance with the agreed Councillors Code of Conduct & Employees Code of Conduct and annual refresher training undertaken for Members	CEO/CD	DCEX	Sep-15
	2.8 Ensure that an established scheme for remuneration of members and officers and an effective structure for managing the process including effective remuneration panel are in place	Remuneration Scheme for Members and Pay & Grading Scheme for officers agreed by Council	Finance/CD	Director of Finance/DCEX	Complete
	2.9 Ensure that effective mechanisms exist to monitor service delivery	Scheme of Delegation to Committees & Officers sets out responsibilities for monitoring service delivery at Council and Strategic Committees - including services delivered by partners/third parties	CEO/CD	DCEX	Complete
		Continue to implement the Employee Review & Development Plans for all employees - linked to agreed Service Plans, Corporate Plan and The Programme for Highland Council	CD	All Directors / Heads of Service	Mar-16
Ensuring Relationships between the authority and it's partners and the public are clear so that each know what to expect of each other	2.10 Ensure that the authority's vision, corporate plans, priorities and targets are developed, through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated	Highland SOA agreed with partners and stakeholders and based on information gained from customer and community feedback and engagement e.g. public performance surveys	CEO	Head of Policy & Reform / All Directors	Completed

2.11 When working in partnership ensure that Members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority	Member Development Programme has included induction training for Members working with outside bodies and companies.	CEO/CD	DCEX	Complete
	Review appointment procedure which ensures that Members appointed to council owned companies have the approriate skills, experience and knowledge to undertake the role effectively	CEO/CD	DCEX	Mar-16
	Members appointed to Council owned companies receive Induction training to that organisation, when appointed	CD	DCEX	Mar-16
2.12 When working in partnership, ensure that there is clarity about the legal status of the partnership; ensure that representatives of organisations both understand and make clear to all other partners the extent of their authority to bind their organisations to partner decisions	Service Contracts in place for key partnerships which are delivering services - for example High Life Highland, NHS Highland, Inverness Leisure and Highland Opportunity Ltd. Performance monitoring via Strategic Committees	C&L / D&I	Directors	Mar-16
	Review of Partnership and Governance arrangements with NHS Highland*	CEO	DCAL	Apr-16

Principle 3					
Members and Officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance.	3.1 Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect	Leadership Programme in place for Directors, Heads of Service and Senior Managers - including Leadership Development, CEX Management Briefings and the Senior Leadership Forum	CD	DCEX	Mar-16
	3.2 Put in place arrangements to ensure Members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place approriate arrangements to ensure they continue to operate in practice	Members Register of Interests continues to be completed and updated regularly by Members and published on Council website	CD	DCEX	Mar-16
		Officers Register of Interest continues to be maintained, as required in the Employee Code of Conduct	CD	DCEX	Mar-16
	3.3 Develop and maintain shared values including leadership values for both the organisation and staff reflecting public expectations, and communicating these with Members, staff, the community and partners	Corporate Values agreed by the Council need to continue to be embedded in the organisation through recruitment, Employee Review & Development, Induction and training	CD	CEX / Directors / Heads of Service	Mar-16
		Annual Report to Audit Scrutiny Committee of complaints referred to Standards Commission			

3.4 Put in place arrangements to ensure that systems and processes are designed in conformity with approriate ethical standards and monitor their continuning effectiveness in practice	Registers of Interest and Codes of Conduct in place for Members and Employees. Training and Development Programmes also in place. All arrangements reviewed, as appropriate, by Internal Audit.	CD/Fin	DCEX/Director Finance	Mar-16
3.5 Develop and maintain shared values including leadership values for both the organisation and staff reflecting public expectations, and communicating these with Members, staff, the community and partners	Corporate Values agreed by Council and supported through corporate communications, training and development of employees	CEO/CD	Head People & Performance / Corporate Communications Manager	Mar-16
		Finance	Director of Finance	Complete
	Audit & Scrutiny Committee in place which is independent and chaired by opposition councillor. Scheme of Delegation for Committee reviewed in 2012	CEX	Director of Finance	Complete
3.6 Develop and maintain an effective Standards Committee (or ensure function is undertaken)	All meetings of Strategic Committees, Planning and Licensing webcast - service to be extended to City & Area Committees	CEX	DCEX	Complete
3.7 Use the organisations shared values to act as a guide for decision making and as a base for developing positive relationships within the authority				
3.8 In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively	For the Highland Community Planning Partnership a values statement is in place. It is reinforced at every Board meeting in the agenda and it is woven through the purpose and remit for all groups operating within the CPP structure and evident in the SOA Development Plan which is reviewed quarterly by the Board and submitted to the Scottish Government annually. In 2015 the CPP agreed values and principles to support the development of new local community planning arrangements.	CEO	Head of Policy & Reform	Complete
	 ensure that systems and processes are designed in conformity with approriate ethical standards and monitor their continuning effectiveness in practice 3.5 Develop and maintain shared values including leadership values for both the organisation and staff reflecting public expectations, and communicating these with Members, staff, the community and partners 3.6 Develop and maintain an effective Standards Committee (or ensure function is undertaken) 3.7 Use the organisations shared values to act as a guide for decision making and as a base for developing positive relationships within the authority 3.8 In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and 	ensure that systems and processes are designed in conformity with approriate ethical standards and monitor their continuning effectiveness in practice Members and Employees. 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Principle 4					
transparent about how decisions are taken and t	4.1 Develop and maintain an effective scrutiny function which encourages constructive challenge and enhance's the authority's performance overall and that of any organisation for which it is responsible	Audit & Scrutiny Committee in place which is independent and chaired by opposition councillor.	Fin	Director of Finance	Complet
		Review Remit for Audit and Scrutiny Committee to include performance management	Fin/CD	DCEX/Director Finance	Oct-1
e e t	4.2 Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based	All decisions documented and minutes of Council and Committees published on Council website and webcasts of all meetings (held at HQ) available live and archived on website	CD	Head Corporate Governance	Complet
s a F t	4.3 Put in place arrangements to safeguard Members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice	Declaration of Interests is standing item on all council and committee agendas	CD	Head Corporate Governance	Comple
i s c	4.4 Develop and maintain an effective Audit Committee (or equivalent) which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee	Audit & Scrutiny Committee in place which is independent and chaired by opposition councillor	Fin	Director of Finance	Comple
ā	4.5 Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints.	Complaints Procedure in place and compliant with SPSO requirements and being moitored by Audit & Scrutiny Committee	CD	Head Digital Transformation	Mar-1

Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants and needs	4.6 Ensure that those making decisions are provided with information that is fit for purpose, relevant and timely and gives clear explanations of the technical issues and their implications	Guidelines on Report Writing regularly reviewed and issued to all managers and supported by training	CD	Head Corporate Governance	Complete
I	matters that have legal or financial implications is available and recorded	In-house legal and financial services provide advice and guidance to officers and councillors to ensure that the council continues to act legally and within its powers. Resource supplemented with external advice if required.	CD/Fin	Head Corporate Governance / Head of Finance	Complete
		All reports to Council and Committees includes the legal and financial implications	CD/Fin	Head Corporate Governance / Head of Finance	Complete
Ensuring that an effective risk management system is in place.		Risk Management Process in place with Corporate Risk Register reviewed every 6 months by the Executive Leadership Team and Audit & Scrutiny Committee	Fin	Head of Internal Audit & Risk	Mar-16
I		Risk Management Process in place as part of Council approach to Programme & Project Managements (based on MSP and Prince 2 methodologies) and implemented through Corporate Improvement Programme and delivery of major projects	CEO/Fin	All Directors	Complete
	4.9 Ensure that arrangements are in place for whistle-blowing to which staff and all those contracting with the authority have access	Whistle-Blowing Procedure reviewed to ensure compliance with best practice and new legislation	Fin/CD	Head Internal Audit & Risk / Head Corporate Governance	Complete
Using their legal powers to the full benefit of citizens and communities in their areas	ultra vires doctrine but also strive to	In-house legal and financial services provide advice and guidance to officers and councillors to ensure that the council continues to act legally and within its powers. Resource supplemented with external advice if required.	CD	Head Corporate Governance / Head of Finance	Complete

	action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law	As above As above			
Principe 5					
Making sure that Members and Officers have the skills, knowledge, experience and resources they need to perform their roles well.	5.1 Provide induction programmes tailored to individual needs and opportunities for Members and Officers to update their knowledge on a regular basis	Continue to ensure that new employees and Members receive a proper Induction when they join the Council or move into new roles	CD	All Directors & Heads of Service	Mar-16
I		Personal Development Plans now completed for over 50% of Members	CD	Head People & Performance	Mar-16
		Development Programme in place for new Chairs and Vice Chairs including personal development plans	CEO/CD	Chief Executive / DCEX	Oct-15
		Members Development Programme in place for 2015/16 including mandatory training for planning and equalities	CD	DCEX	Mar-16
		Performance Appraisals and Personel Development Plans in place for statutory officers	CEX	DCEX	Complete

		Implement Personal Development Plans for all Members of new Council		DCEX	Mar-16
		See action at 2.9 i.e. Employee Performance Appraisal Scheme in place	CEXO	Assistant Chief Executive	Mar-13
		Statutory Officers receive annual performance appraisals and have personal development plans	CEX	Chief Executive	Complete
	5.3 Ensure statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the council	Annual Performance Appraisals and Personel Development Plans undertaken with all Directors (inc statutory officers) inc. membership of professional bodies	CEO	CEX & Directors	Mar-16
Develop the capability of people with governance responsibilities and evaluating performance as individuals and as a group	5.4 Assess the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively	See above reference to annual personal development and training for members and employees			
	5.5 Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed	See above reference to annual personal development and training for members and employees			
		Annual Leadership Programmes delivered for employees to support continued learning and personal development	CD	Head People & Performance	Mar-16

	5.6 Ensure that effective arrangements are in place for reviewing performance of the executive as a whole and of individual members and agreeing an action plan which might aim to address any training needs				
for membership of the authority so that best	are in place designed to encourage	Review of area committees and local community planning arrangements and recommendations presented to Council for approval	CEO	Head Policy & Reform	Oct-15
		Annual appointment of Youth Convener and Highland Youth Voice encourages participation of young people in the work of the Council	C&L	Director C&L	Complete
	place for members and officers to	Deliver agreed actions from Workforce Development Plans for all Services to encourage retention and offer career paths	-	All Directors & Heads of Service	Mar-16

Principle 6					
Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders and including partnerships, and develops constructive accountability relationships.	6.1 Make clear to themselves, staff and the community to whom they are accountable and for what	see previous actions relating to job and role descriptions; induction; training and scheme of delegation			
T	6.2 Consider those institutional stakeholders to whom the authority is accountable and assess the effectiveness of the relationships and any change required	see previous actions relating to the Council Programme and arrangments for the SOA and strong partnership working			
	6.3 Produce an annual report on the activity of the scrutiny function	Annual Report to Audit Scrutiny Committee on Internal Audit and Scrutiny Activity	Fin	Head Internal Audit & Risk	Complete
Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the authority or in partnership or by commissioning	6.4 Ensure clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements to ensure that they operate effectively	Deliver agreed actions from the Communications Plan	CEO	Corporate Communications Manager	Mar-16

6.5 Hold meetings in public unless	Council and Committee meetings are held in public and	CD	Head Corporate	Complet
there are good reasons for confidentiality	all meetings are now webcast and the webcast archived on the Council website for public access		Governance	
	Area Committees & District Partnership meetings will be held in the community, improving direct access for the public	CEO	Head of Policy & Reform	Comple
6.6 Ensure that arrangements are in place to enable the authority to enage with all sections of the community. These should recognise thar different sections of the community have different priorities and deal with these competing demands	Community Safety, Public Engagement & Equalities Committee have specific remit for equalities and ensuring the council has in place arrangements to engage with all sectors of the community	CEO	Head of Policy & Reform	Mar-1
	Fairer Highland Plan agreed which includes outcomes to be delivered	CEO	Head of Policy & Reform	Comple
6.7 Establish a clear policy on the types of issues they will meaningfully consult or engage with the public about including feedback for those consultatees to demonstrate what has changed as a result	Annual Performance Survey conducted and feedback provided to participants on actions taken as a result	CD	Head People & Performance	Mar-
6.8 On an annual basis publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as outcomes, achievements and satisfcation of service users	Annual Performance Report and Performance Survey reported to Council	CD	Head People & Performance	Sept-15 / Oct-
6.9 Ensure that the authority as a whole is open and accessible to the community, service users and staff and ensure that it has made a commitment to openness and transparancy in all its dealings subject only to the need to maintain confidentiality	The Council has given a commitment to openness and transparency and this is supported by the organisations published values	CEO	All Directors & Heads of Service	Comple

	6.10 Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making	Continue to deliver commitment agreed in new Parnership Framework with trade unions	All Directors & Heads of Service	Mar-16
Updated 7 August 2015	* Item carried forward from 2014/15 Code.			