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Meeting	<b>CABINET</b>
Time/Day/Date	5.00 pm on Tuesday, 24 September 2024
Location	Abbey Room, Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512)

### AGENDA

Item	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATION OF INTERESTS</b>	
Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
<b>3. PUBLIC QUESTION AND ANSWER SESSION</b>	
<b>4. MINUTES</b>	
To confirm the minutes of the meeting held on 20 August 2024	<b>3 - 6</b>
<b>5. CORPORATE CHARGING POLICY</b>	
The report of the Strategic Director of Resources Presented by the Corporate Portfolio Holder	<b>7 - 22</b>
<b>6. TREASURY MANAGEMENT STEWARDSHIP REPORT 2023/24</b>	
The report of the Strategic Director of Resources Presented by the Corporate Portfolio Holder	<b>23 - 40</b>
<b>7. REVIEW OF CORPORATE GOVERNANCE POLICIES</b>	
The report of the Strategic Director of Resources Presented by the Corporate Portfolio Holder	<b>41 - 176</b>

<b>8.</b>	<b>EQUALITY, DIVERSITY AND INCLUSION POLICY AND ACTION PLAN</b>	
	The report of the Chief Executive Presented by the Infrastructure Portfolio Holder	<b>177 - 214</b>
<b>9.</b>	<b>MINUTES OF THE COALVILLE SPECIAL EXPENSES WORKING PARTY</b>	
	The report of the Strategic Director of Place Presented by the Business and Regeneration Portfolio Holder	<b>215 - 218</b>
<b>10.</b>	<b>EXCLUSION OF PRESS AND PUBLIC</b>	
	The officers consider that the press and public should be excluded during consideration of the following items in accordance with Section 100(a) of the Local Government Act 1972 as publicity would be likely to result in disclosure of exempt or confidential information. Members are reminded that they must have regard to the public interest test and must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available.	
<b>11.</b>	<b>SPORT ENGLAND SWIMMING POOL SUPPORT FUND</b>	
	The report of the Strategic Director of Communities Presented by the Communities and Climate Change Portfolio Holder	<b>219 - 260</b>
<b>12.</b>	<b>COMMERCIAL LETTINGS</b>	
	The report of the Strategic Director of Place Presented by the Housing, Property and Customer Services Portfolio Holder	<b>261 - 264</b>
<b>13.</b>	<b>AWARD OF CONTRACTS</b>	
	The report of the Strategic Director of Resources Presented by the Corporate Portfolio Holder	<b>265 - 268</b>

Circulation:

Councillor R Blunt (Chair)  
Councillor M B Wyatt (Deputy Chair)  
Councillor T Gillard  
Councillor K Merrie MBE  
Councillor N J Rushton  
Councillor A C Saffell  
Councillor A C Woodman

MINUTES of a meeting of the CABINET held in the Abbey Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 20 AUGUST 2024

Present: Councillor M B Wyatt (in the Chair)

Councillors T Gillard, K Merrie MBE, A C Saffell and A C Woodman

In Attendance: Councillors P Moulton

Officers: Mrs A Thomas, Mr J Arnold, Mr A Barton, Mrs A Crouch, Ms K Hiller and Mr T Devonshire

### **29. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor R Blunt and N Rushton.

### **30. DECLARATION OF INTERESTS**

There were no interests declared.

### **31. PUBLIC QUESTION AND ANSWER SESSION**

There were no questions received.

### **32. MINUTES**

The minutes of the meeting held on 23 July 2024 were considered.

It was moved by Councillor T Gillard, seconded by Councillor A Woodman, and

RESOLVED THAT:

The minutes of the meeting held on 23 July 2024 be confirmed as an accurate record of proceedings.

### **33. DISTRICT-WIDE WEEKLY FOOD WASTE COLLECTIONS**

The Communities and Climate Change Portfolio Holder presented the report.

It was moved by Councillor M Wyatt, seconded by Councillor A Woodman, and

RESOLVED THAT:

1. The additional expenditure of £92,072 to fund the shortfall resulting from the further funding request not being approved by DEFRA be approved.
2. The receipt of £1,062,066 new burdens capital funding from DEFRA to introduce weekly separate food waste collections be noted.
3. The intention to purchase food waste containers under an existing three-year contract awarded to IPL Global by Cabinet in August 2022 be noted.
4. The award of one or more contract up to the value of £895,542 for the purchase of food waste vehicles be agreed, and authority be delegated to the Head of Community Services in agreement with the Strategic Director of Resources and Portfolio Holder to finalise and enter into the necessary agreements.
5. The additions to the Capital Programme in relation to the food waste collection vehicles of £895,542 and food waste containers of £258, 596 funded from a DEFRA capital grant of £1,062,066 and the remaining £92,072 funded from the

business rates reserve and recommends it to Council for approval at its meeting on 10 September 2024.

**Reason for decision:** The Environment Act 2021 requires all local authorities in England to provide statutory weekly separate food waste collections to all households by 31 March 2026.

#### **34. ASHBY 'TOWN' CONSERVATION AREA: ADOPTION OF CHARACTER APPRAISAL AND BOUNDARY REVIEW**

The Planning Portfolio Holder presented the report.

It was moved by Councillor T Saffell, seconded by Councillor K Merrie, and

RESOLVED THAT:

1. The character appraisal and boundary review for the Ashby 'Town' Conservation Area be approved.
2. Authority be delegated to the Strategic Director of Place, in consultation with the Portfolio Holder, to make any necessary non-material amendments to the character appraisal and boundary review documents as and when necessary.

**Reason for decision:** Adoption of the revised character appraisal and boundary review would support the Council in fulfilling its duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to the designation and review of conservation areas. It would support the Council in fulfilling the aims of the Council Delivery Plan relating to planning and regeneration.

#### **35. HEMINGTON CONSERVATION AREA: ADOPTION OF CHARACTER APPRAISAL AND BOUNDARY REVIEW**

The Planning Portfolio Holder presented the report.

It was moved by Councillor T Saffell, seconded by Councillor K Merrie, and

RESOLVED THAT:

1. The character appraisal and boundary review for the Hemington Conservation Area be approved.
2. Authority be delegated to the Strategic Director of Place, in consultation with the Portfolio Holder, to make any necessary non-material amendments to the character appraisal and boundary review documents as and when necessary.

**Reason for decision:** Adoption of the revised character appraisal and boundary review would support the Council in fulfilling its duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to the designation and review of conservation areas. It would support the Council in fulfilling the aims of the Council Delivery Plan relating to planning and regeneration.

#### **36. SUPPLEMENTARY ESTIMATES, VIREMENTS AND CAPITAL APPROVALS**

The Housing, Property and Customer Services Portfolio Holder presented the report, on behalf of the Corporate Portfolio Holder.

It was moved by Councillor A Woodman, seconded by Councillor T Saffell, and

RESOLVED THAT:

1. The decision made by the Head of Service and Section 151 Officer in respect of Supplementary Estimates detailed on Appendix 2 which are below £100k and are externally funded, be noted
2. The Supplementary Estimates detailed on Appendix 2 which are between £100k and £250k and are externally funded, be approved.
3. All Supplementary Estimates detailed on Appendix 2 which are Council funded, be approved.
4. The movement from the Development Pool to the Active Programme for the capital schemes detailed in Table 2 be approved.
5. The revised Social Housing Decarbonisation Fund grant offer of up to £1,009,877.52 from Government as detailed in the report be accepted, and authority be delegated to the Strategic Director with responsibility for housing to enter in to all necessary agreements to receive the grant in line with the Constitution.

**Reason for decision:** As required by the Council's Constitution.

### 37. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor M Wyatt, seconded by Councillor T Gillard, and

RESOLVED THAT:

In pursuance of Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the remainder of the meeting on the grounds that the business to be transacted involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act and that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

**Reason for decision:** To enable the consideration of exempt information.

### 38. COALVILLE MEMORIAL WORKSPACE - AWARD OF CONTRACT FOR REFURBISHMENT AND CONVERSION

The Housing, Property and Customer Services Portfolio Holder presented the report.

It was moved by Councillor A Woodman, seconded by Councillor K Merrie, and

RESOLVED THAT:

The recommendations within the report be approved.

**Reason for decision:** The former Memorial Toilets building is an under-utilised Council resource. Grant funding has been obtained to fund refurbishment and conversion of the building to commercial workspace, which will bring the building back in to use and generate rental income for the Council.

The meeting commenced at 5.00 pm

The Chair closed the meeting at 5.15 pm

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 24 SEPTEMBER 2024



<b>Title of Report</b>	<b>CORPORATE CHARGING POLICY</b>	
<b>Presented by</b>	Councillor Nick Rushton Corporate Portfolio Holder  PH Briefed <input type="checkbox"/> Yes	
<b>Background Papers</b>	<a href="#">General Fund Budget and Council Tax 2023/24</a> – Council 23 February 2023.  <a href="#">Draft Minutes</a> – Corporate Scrutiny Committee 29 August 2024	<b>Public Report:</b> Yes  <b>Key Decision:</b> Yes
<b>Financial Implications</b>	There are no direct financial implications resulting from this report. However, the Policy allows the Council to charge for services. This generates in excess of £10m per year.  <b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	No direct legal implications arising out of these changes.  <b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	There are no staffing and corporate implications.  <b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	For Cabinet to approve the Corporate Charging Policy.	
<b>Reason for Decision</b>	As required by the Council's constitution.	
<b>Recommendations</b>	<b>THAT CABINET APPROVES THE ATTACHED CORPORATE CHARGING POLICY (APPENDIX 1).</b>	

**1.0 BACKGROUND**

- 1.1 The Council provides a wide range of services to local residents, businesses and visitors and generates significant income as a result. Local income generation, when done in the right way, presents the Council with an opportunity to maximise its financial position and, in the case of the General Fund, an opportunity to reduce its reliance on government grant. In addition, charging for services can also present opportunities to achieve the Council's corporate priorities, for example by encouraging or discouraging the use of a service or to alter the behaviour patterns of residents or businesses.

- 1.2 Following a review of the Council’s Constitution, it has been determined that the Charging Policy is not aligned with the Council’s Constitution. The Section 151 Officer has identified a discrepancy between the Policy and the Council's Constitution, indicating a need for a minor technical amendment.
- 1.3 This position is integral to the strategic management and delivery of council services, acting as a safeguard against governance issues that may arise from policy misalignment. The discovery of such a discrepancy is a testament to the vigilance required in the continuous monitoring and updating of policies to reflect the current legal and constitutional framework of the Council. It is essential that the necessary technical changes are implemented promptly to restore alignment and uphold the integrity of the Council's governance processes.

## **2.0 REVISIONS TO THE POLICY**

- 2.1 The revised Policy is documented in Appendix 1. The changes are highlighted in the below:

- a) Paragraph 4.5 has been updated to reflect a discrepancy as detailed in paragraph 1.2 above and remove the requirement for budget holders to inform finance of the percentage change.

The proposed changes to charges will be submitted to Cabinet as part of the draft budget ahead of the statutory consultation period and will be approved by Cabinet as part of the final budget. The key considerations of the EIA [Equality Impact Assessment] will be conveyed within the budget reports for member consideration.

- b) Amending all references of the Head of Finance to the Section 151 Officer to reflect the change in restructure in May 2023.

## **3.0 APPROVAL PROCESS**

- 3.1 The Corporate Charging Policy (Appendix 1) was considered by the Corporate Scrutiny Committee on 29 August 2024. A link to the draft minutes is included in the background papers.



<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	A well-run council
Policy Considerations:	None.
Safeguarding:	None.
Equalities/Diversity:	An Equality Impact Assessment (EIA) has been completed for the policy.  In accordance with the policy, any proposed changes to fees and charges will necessitate a dedicated EIA.
Customer Impact:	None.
Economic and Social Impact:	Charging for services is a significant source of income for the Council and helps to support a balanced budget, as well as recovering costs associated with service delivery ensuring that the financial burden is shared by those who use the service.
Environment, Climate Change and zero carbon:	None.
Consultation/Community Engagement:	None.
Risks:	Aligning policies with the Council's Constitution helps avoid legal challenges and potential invalidation of these policies. This reduces the risk of legal disputes.
Officer Contact	Anna Crouch Head of Finance <a href="mailto:anna.crouch@nwleicestershire.gov.uk">anna.crouch@nwleicestershire.gov.uk</a>

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## CORPORATE CHARGING POLICY

Item	The Corporate Charging Policy establishes the Corporate Charging Principles to be considered when setting the fees and charges for services provided by the Council. It also outlines a framework for determining charging levels, having due regard to corporate objectives, demand for services and legislation.
Reference:	CCP-01
Status:	Final
Originator:	Tracy Bingham – Head of Finance
Owner:	Anna Crouch – Head of Finance
Version No:	1.4
Date:	August 2024

## Key policy details

### Approvals

Item	Date of Approval	Version No.
Consulted with Corporate Scrutiny Committee	29 August 2024	1.3
Approved by Cabinet		1.4

The policy owner has the authority to make the following minor changes without approval

- Updating of job titles to reflect changes in roles and responsibilities
- Minor amendments as a result of changes in national policy and changes to local priorities

### Policy Location

This policy can be found on the Council's website.

### Equality Impact Assessment (EIA)

Completed by	Completion date
Anna Crouch	12/09/24

### Revision history

Version Control	Revision Date	Summary of Changes
1.3	August 2024	Amended reference to the 'Head of Finance' to the 'Council's S151 Officer' Updated paragraph 4.5 to reflect the Constitution.
1.4	September 2024	Updated for the Equality Impact Assessment (EIA)

### Policy Review Plans

This policy is subject to a scheduled review once every three years or earlier if there is a change in legislation or local policy that requires it.

### Distribution

Title	Date of Issue	Version No.
Cabinet		1.4
Website Updated		

## **1.0 INTRODUCTION**

- 1.1 The Council provides a wide range of services to local residents, businesses and visitors for which it is able to make a charge either under statutory powers set by the Government or discretionary powers where charges are set by the Council.
- 1.2 In the current local government funding environment, local income generation, when done in the right way, presents the Council with an opportunity to maximise its financial position and be more self-sufficient. Charging for services can also present opportunities to achieve policy objectives, for example by encouraging or discouraging the use of a service or altering the behaviour patterns of residents or businesses.
- 1.3 Decisions around charging for services are taken in reference to the Council's public sector ethos. As a public sector body, the Council needs to work within legislation, regulation and a political framework and this can sometimes limit the scope of what the Council can do. Adopting a commercial approach will provide opportunities to bring in additional external income to protect front line services whilst benefitting the locality.
- 1.4 This Charging Policy outlines the key principles to be considered in charging for services in a transparent and consistent manner. The purpose of this Policy is not to be over-prescriptive, but rather to provide a framework for how the Council approaches charging for its services. The application of this Policy should bring greater clarity to the process for setting charges and will, therefore, assist the Council in achieving its Corporate Objectives. It is also intended to help guide the process of reviewing charges for existing services and setting charges for any new services that may be introduced in the future.

## **2.0 LOCAL AUTHORITY POWERS TO TRADE COMMERCIALLY – THE STATUTORY BACKGROUND**

- 2.1 The Local Government Act 2000 gave local authorities wide powers to act for the economic, social and environmental well-being of their areas. The general power to charge for discretionary services was included in the Local Government Act 2003.
- 2.2 The Council is permitted under the general power of competence to charge individuals for discretionary services. No additional legal structure is needed for this, but the Council is only permitted to recover its costs of delivering the relevant service – it cannot make profits.
- 2.3 If the Council intends to carry out commercial activities with individuals and private organisations, then section 4 of the Localism Act 2011 and section 95 of the Local Government Act 2003 require those commercial activities to be carried out through a company. Such activities must relate to the Council's discretionary functions only. A business case must be prepared and approved by the Council before the activities are carried out. The cost of support provided to the company by the Council must be recovered from the company.
- 2.4 The Council may trade with public bodies listed under the Local Authorities (Goods and Services) Act 1970 and its subsequent statutory instruments. It may also make its staff available to work for certain type of public body under section 113 Local Government Act 1972. The Council may make a profit on its activities under these Acts. No additional legal structures are required to trade under these powers although these activities do need to be identifiable in the Council's accounts.

- 2.5 The decision on whether to make a charge (and its level) is not always within the control of the Council and so it is critical that officers considering implementing or revising charges are aware of the statutory context in which they are delivering services.
- 2.6 Services that the Council charges for are split into two areas:
- a) **Chargeable Statutory Services** - These are statutory services that the Council must provide but is able to charge for – either the methodology in determining charges or the charges themselves are prescribed. These charges can still contribute to the financial position of the Council.
  - b) **Discretionary Services** - These are generally services that an authority can provide but is not obliged to provide. Local Authorities can make their own decisions on setting charges for discretionary services.
- 2.7 It is recognised that in some circumstances (such as Building Control) the approach to the use of surplus income may also be influenced by central government guidance.

### **3.0 HOW WILL CHARGES BE DETERMINED**

- 3.1 It is critical that the implications of the charging decisions being taken are fully understood and that the officers to whom charge setting powers have been delegated have the appropriate information they need to make informed choices.
- 3.2 Charges may be set differentially, so that different people are charged different amounts. Authorities are not required to charge for discretionary services and may provide them for free if they so decide.
- 3.3 Charges will not be limited to a level that covers the costs of providing that service, but rather levels will be set based on market conditions with reference to the Council's policy objectives, the statutory constraints surrounding the ability for all Local Authorities to make profits and the alternative models for delivery available.
- 3.4 Assessing the impact of charging decisions to customers is a fundamental aspect of the decision-making process. Where it is appropriate to do so (for example, when a charge is payable by an individual), an Equality Impact Assessment (EIA) for a charge introduction or variation must be completed to demonstrate the impact to customers and this must be presented alongside the financial information to decision makers. Where the customer is a corporate or public sector body, an EIA may not be necessary but work to evidence the impact of proposed charges to these customers should be fully considered and presented to decision makers.
- 3.5 In some circumstances, it may be appropriate to consider offering a subsidy to all users or certain key groups where it is consistent with achieving the Council's Corporate Priorities. Please see section 7 of this policy for further considerations around subsidising charges.
- 3.6 Charges should be set at levels that, as far as possible, do not preclude members of the public from using or benefiting from a service. Consideration should be given to the ability of individuals, including those of limited means, to meet the charges and benefit from the service available.

- 3.7 There are four fundamental principles to the Council's Corporate Charging Policy:
- a) Services should raise income wherever there is a power or duty to do so and are best placed to determine the charge level based on the impact to customers and the fulfilment of corporate priorities;
  - b) The income raised should seek to generate profit if it is effective and lawful to do so within the appropriate trading structure or seek to sustain a full cost recovery position when it is not appropriate for profits to be generated. Subsidising of charges should be considered where it is necessary and in line with the Council's public sector ethos;
  - c) The impact to customers in determining charges must be fully considered and an Equality Impact Assessment (EIA) (or other impact assessment for corporate or public sector bodies as necessary) must be completed; and
  - d) Any departures from this policy must be justified in a transparent manner with reference to the relevant charging strategy and how the charge promotes financial sustainability, manages the impact on customers and/or meets the Council's priorities.
- 3.8 Adoption of these principles will be undertaken on both new and current charges. Where there is a disparity between the current charging position and the desired charging strategy (see Table 1), steps will be taken as outlined in section 4 as part of the annual review of charges.
- 3.9 Effective charging decisions require a solid market knowledge, benchmarking of costs against other public sector bodies and sometimes the private sector, and also an understanding of the impact such charges have on the use and in some circumstances, the delivery of a service.
- 3.10 There are situations where the Council may decide not to raise income when it is empowered to do so or not to recover the full cost of providing a particular service. Members or Officers must be supplied with the information to allow them to make these decisions in a structured manner in line with the charging strategies contained within this policy. A decision to forego income or to subsidise a service is a policy decision having regard to resources and is significant as any decision made in the budget setting process.
- 3.11 Charges should recover the actual cost of providing the service, including the recovery of organisational overheads apportioned to the charging service area. Discretion around the recovery of organisational overheads will be allowed to ensure that charges are not disproportionate with the actual level of corporate or directorate support likely to be consumed in delivering a chargeable service.
- 3.12 It is recognised that it will not be appropriate to recover the full costs in all circumstances and the actual amount of charge proposed could mean that a subsidised charging strategy is adopted as a result of:
- Any relevant Council strategies or policies and any subsidy or concessions given (concessionary groups and levels are explained in Section 7);
  - Market conditions and prices charged by competitors and/or other local authorities;

- The need to avoid any potential distortion of the market which might otherwise occur from pricing services below the levels charged by private sector concerns for similar services;
- The desirability of increasing usage of a given service; and/or
- The possibility of increasing savings for the Council, the need to be competitive and not recover organisational overheads.

3.13 All charges will be set in line with this policy and should fall into one of the categories set out in the following table which expands on different charging strategies for discretionary services.

**Table 1 – Charging Strategies**

Charging Strategy		Objective
<b>Statutory</b>		Charges are set nationally and local authorities have little or no opportunity to control such charges.  Charges are set through either of the following scenarios:  a) A statutory charge determined by central government; or b) Where there is a statutory framework for setting charges.  Under b) it is still possible for charges to fall under the subsidised or full cost recovery strategies.
<b>Free</b>		The Council chooses to make the service available at no charge to meet a service objective.
<b>Subsidised</b>	<b>Corporate Priority</b>	The Council wishes users of the service to make a contribution to the costs of providing the service in order to meet a corporate priority.
	<b>Concession</b>	The Council wishes all users of the service to make a contribution to the costs of providing the service, in order to meet a service objective, but recognises that the service users will not be able to contribute in full.
	<b>Business Development</b>	The Council wishes users of the service to make a contribution to the costs of providing the service in order to: - allow competition with other providers/secure market share whilst the service is established; or - as part of a wider business strategy that sustains a better financial position with a product/service sold at a loss.
<b>Full Cost Recovery</b>		The Council aims to recover the costs of providing the service from those who use it, including recovering service management time and an allowance (based on a corporate percentage) for the recovery of organisational overheads.
<b>Profit Generating</b>		The Council aims to recover the cost of providing the service and make a surplus. (Where the customer is NOT a public body, trading for a profit must be via a trading company).

3.14 Consideration should be given in all cases as to whether VAT is applicable and appropriate advice from the Council's insurers with regards to additional insurances



required should be obtained. Advice on both of these matters can be provided by the Finance Team.

- 3.15 Income that is derived from charging for services must be used to offset the cost of providing the service. Any surplus must be paid to the General Fund/Housing Revenue Account, as applicable, but must be considered in reviewing charges.
- 3.16 Under the Full Cost Recovery methodology, where a surplus has been generated, the estimated cost of providing the services for the next year must be assessed to ensure that a surplus is not generated over a five year period of the Medium Term Financial Plan.

#### **4.0 ANNUAL REVIEW OF EXISTING CHARGES**

- 4.1 All charges within the Council's control should be reviewed at least annually as part of setting the following year's annual budget and charge increases should be set to take effect from April. All the factors set out above should be taken into consideration in order that officers may make informed choices on the level of charge to be set.
- 4.2 The baseline assumption is that all charges within the Council's control should be increased annually by an agreed inflationary percentage. The inflationary percentage will be based on the September CPI, unless exceptional circumstances occur. Before applying this annual uplift, however, a review of existing charges will be undertaken to identify any discretionary charges for which such an increase would not be considered appropriate. In addition, application of an inflationary uplift should not be seen as removing the need to review the efficiency of all services on an on-going basis.
- 4.3 The Council must calculate how much it needs to spend to provide services and how much income it can expect from charges and the amount from specific government grants it will receive. This policy does not prescribe the format in which officers will review charges, but it is recommended that updating the service snapshot trading accounts will be the most effective format for reviewing the current and future service costs associated with providing a service.
- 4.4 Officers reviewing charges must consider the impact to customers and complete an Equality Impact Assessment (EIA) (or other impact assessment for corporate or public sector bodies as necessary), as outlined in paragraph 3.4 above.
- 4.5 The proposed changes to charges will be submitted to Cabinet as part of the draft budget ahead of the statutory consultation period and will be approved by Cabinet as part of the final budget. The key considerations of the EIA will be conveyed within the budget reports for member consideration.
- 4.6 The review will not preclude the continuous monitoring of budgets having regard to take-up of the service, market forces and achieving target income levels.
- 4.7 It is considered to be good practice that, where possible, a minimum of one month's notice should be given to customers before any new or revised charges are implemented.

## **5.0 VARYING CHARGES IN-YEAR**

- 5.1 Where there is a strong case for amendment of charges in-year, Team Managers should discuss with their Head of Service who will consult with the relevant Director, Portfolio Holder and the Council's Section 151 Officer for decision.
- 5.2 Proposals for short term promotions / sales in-year and/or the introduction of a concession or an amendment to an existing concession, should be discussed with the Head of Service and approved by the Director, Portfolio Holder and the Council's Section 151 Officer for decision unless otherwise delegated. The Portfolio Holder, for reasons of a political nature, may refer the decision to Cabinet even if it falls outside of the 'financial key decision' definition.
- 5.3 Proposals must consider the impact to customers and complete an Equality Impact Assessment (or other impact assessment for corporate or public sector bodies as necessary), as outlined in paragraph 3.4 above. This assessment must be presented alongside financial and other relevant information to the Director, Portfolio Holder and the Council's Section 151 Officer as part of the decision making so that the impact to customers is fully considered.
- 5.4 It is considered to be good practice that, where possible, a minimum of one month's notice should be given to customers before any new or revised charges are implemented.
- 5.5 Appropriate records must be retained in line with section 8 of this policy.
- 5.6 Officers must have regard to what may constitute a 'financial key decision' and act in accordance with the requirements of the Council's Constitution.

## **6.0 INTRODUCING NEW CHARGES**

- 6.1 Before a new charge is introduced, the financial and legal context for charging must be determined. A careful calculation of the costs of provision, utilising the snapshot trading account for the service area, and appropriate level of charge alongside anticipated demand must be undertaken. Financial and Legal advice must be sought and the legal authority for levying the charge must be established.
- 6.2 As above, the Council must calculate how much it needs to spend to provide services and how much income it can expect from charges and the amount from specific government grants it will receive. This policy does not prescribe the format in which officers will review charges, but it is recommended that updating the service snapshot trading accounts will be the most effective format for reviewing the current and future service costs associated with providing a service.
- 6.3 Proposals must carefully consider the impact to customers and an Equality Impact Assessment must be completed to demonstrate this (or other impact assessment for corporate or public sector bodies as necessary), as outlined in paragraph 3.4 above. This assessment must be presented alongside financial and other relevant information to officers or members as appropriate as part of the decision-making process so that the impact to customers is fully considered.
- 6.4 Where a proposal exists to introduce a new charge for a discretionary service that may constitute a 'financial key decision', it is a matter for consideration by Cabinet.

6.5 Where a proposal exists to introduce a new charge for a discretionary service that does not constitute a 'financial key decision' it is a matter for consideration by the relevant Head of Service and Director in consultation with the relevant Portfolio Holder and the Council's Section 151 Officer. The Portfolio Holder, for reasons of a political nature, may refer the decision to Cabinet even if it falls outside of the 'financial key decision' definition.

## **7.0 KEY PRINCIPLES – WHICH CUSTOMERS SHOULD RECEIVE A SUBSIDY?**

7.1 In some circumstances it may be appropriate to consider offering a subsidy to all users or certain key groups where it is consistent with achieving the Council's corporate priorities.

7.2 Recognising this, it is Council policy that when charges are reviewed, concessions where appropriate should be considered for certain groups of customers. In some circumstances concessions may not be appropriate and it will be necessary to consider the impact on income levels before introducing the concession.

7.3 It is the policy of the Council that when charges are reviewed, concessions should be considered for different groups of customers. Included in Appendix 1 are details of the current customer groups that should be considered. This Policy delegates the maintenance of this list of different customer groups to the Council's Section 151 Officer so that different customer groups who are not known at the time of writing this Policy are not disadvantaged.

7.4 This Policy retains discretion in respect of the level of concession - concession of between 25% and 100% of the full charge may be appropriate in some cases.

7.5 Concessions may not be appropriate in all circumstances, and it will be necessary to consider the impact on income levels before introducing a concession. An assessment of the desirability of offering a concession will form a part of the process of reviewing charges.

7.6 However, it is recognised that there will be important exceptions that will make charging inappropriate in a number of cases. The following examples are not intended to be exhaustive list:

- Circumstances where the service in question is delivered to all residents or householders equally and which could therefore be considered to be funded from Council Tax;
- Circumstances where the administration costs associated with making a charge could outweigh any potential income;
- Circumstances where making a charge would be directly contrary to achieving one of the Council's Corporate Priorities;
- Circumstances where charging would be counterproductive (i.e. it may result in a substantial reduction in use of the service); and
- Circumstances where the Council incurs extra charges to enable people to have fair access to services.

## **8.0 ADMINISTRATION**

8.1 The principles for administering charges are:

- The financial data used to set charges should be maintained on an ongoing basis and charges should be set with reference to the snapshot trading account for the relevant service area to evidence the current/proposed charging strategy;
- Documentation confirming Director of Service, Portfolio Holder and the Council's Section 151 Officer approval of in year changes to charges should be maintained.
- Charges should be simple to understand and administer;
- Charges should be well promoted so that customers can clearly understand the charging structure and methods of payment before they become liable to be paid;
- Where possible methods of payment should be flexible, convenient and take into account the needs of disadvantaged groups in the community (the easier it is to pay, the more likely it is that payment will be made);
- Wherever possible and practicable, payment should be made prior to the service being received or at the point of delivery; and
- The Council's preferred payment method is Direct Debit, BACS or direct payment through the Council's website followed by PayPoint and telephone payments.

## **9.0 HOW WILL THIS POLICY BE IMPLEMENTED?**

9.1 All charges are subject to annual review as part of the Council's budget setting process. The review of existing charges and consideration given to the introduction of new charges will be undertaken having regard to the guidelines and Charging Strategies set out within this Policy.

**Customer Groups for whom concessions should be considered**

<b>Customer Group</b>	<b>Service Category</b>
Persons in receipt of an approved means tested benefit	Public Health related services e.g. Environmental Health – public health pests (rats and mice), housing standards Waste Services – bulky waste collection  Leisure / Healthy lifestyle
Young people under 16 years of age	Leisure / Healthy lifestyle
Full time students	Leisure / Healthy lifestyle
Registered Carers	Leisure / Healthy lifestyle
Senior citizens over state pensionable age	Leisure / Healthy lifestyle
People with a disability	Car parking and public conveniences Leisure / Healthy lifestyle
Care Leavers	Leisure / Healthy lifestyle
Armed Forces Covenant	Leisure / Healthy lifestyle

An approved means tested benefit means the following benefits only:

- Carer's Allowance
- Council Tax
- Universal Credit
- Employment and Support Allowance (Income Based)
- Housing Benefit
- Income Support
- Jobseeker's allowance (Income based)
- Working Tax Credit

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<b>Recommendations</b>	<b>THAT CABINET:</b> <ol style="list-style-type: none"> <li><b>1. ENDORSES THE COUNCIL'S APPROACH TO TREASURY MANAGEMENT IN 2023/24.</b></li> <li><b>2. REQUESTS A FUTURE REPORT COVERING ACTIVITIES IN 2024/25.</b></li> </ol>
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## **1.0 BACKGROUND**

- 1.1 Treasury Management activity is underpinned by the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code), which requires local authorities to produce Prudential Indicators and a Treasury Management Strategy Statement annually on the likely financing and investment activity. The Prudential Indicators and Treasury Strategies were approved by Council on 23 February 2023.
- 1.2 As a minimum, the CIPFA Code requires that the Council reports on the performance of the Treasury Management function at least twice yearly (mid-year and at year end). The year-end report and the fourth to be presented in relation to 2023/24 is attached at Appendix A. The quarterly reports are presented to Audit and Governance Committee and a half-yearly report was presented to Council in January 2024.
- 1.3 The Treasury Management Stewardship Report 2023/24 (Appendix) A is designed to inform Members of the Council's treasury activity for 2023/24. The report was presented to the Audit and Governance Committee in August 2024 and a link to the draft minutes is included in the background papers and enable scrutiny of activity and performance. The final version of the Stewardship Report will be presented to Full Council in November 2024.

## **2.0 SUMMARY**

- 2.1 In compliance with the requirements of the CIPFA Code of practice, Appendix A provides Cabinet with a summary report of the Treasury Management activity for the period April 2023 to March 2024. A prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.
- 2.2 For the reporting period, there have been no breaches of Treasury Management Strategy Statement that need bringing to the attention of the Committee.



<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	A Well-Run Council
Policy Considerations:	Treasury Management Strategy Statement
Safeguarding:	Not applicable
Equalities/Diversity:	Not applicable
Customer Impact:	Not applicable
Economic and Social Impact:	Not applicable
Environment, Climate Change and Zero Carbon:	Not applicable
Consultation/Community/Tenant Engagement:	Audit and Governance Committee 22 August 2024
Risks:	Borrowing and investment both carry an element of risk. This risk is mitigated through the adoption of the Treasury and Investment Strategies, compliance with the CIPFA code of Treasury Management and the retention of Treasury Management advisors (Arlingclose) to proffer expert advice.
Officer Contact	Anna Crouch Head of Finance <a href="mailto:anna.crouch@nwleicestershire.gov.uk">anna.crouch@nwleicestershire.gov.uk</a>

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## DRAFT TREASURY MANAGEMENT STEWARDSHIP REPORT 2023/24

### 1. Introduction

- 1.1. The Council has adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires the Council to approve treasury management semi-annual and annual reports.
- 1.2. The Council's treasury management strategy for 2023/24 was approved at a meeting on 23 February 2023. The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Council's treasury management strategy.
- 1.3. The Prudential Code includes a requirement for local authorities to provide a Capital Strategy, a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The Council's Capital Strategy, complying with CIPFA's requirement, was approved by full Council on 23 February 2023.

### 2. External Context (provided by Arlingclose Ltd)

- 2.1. **Economic background:** UK inflation continued to decline from the 8.7% rate seen at the start of 2023/24. By the last quarter of the financial year headline consumer price inflation (CPI) had fallen to 3.4% in February but was still above the Bank of England's 2% target at the end of the period. The core measure of CPI, i.e. excluding food and energy, also slowed in February to 4.5% from 5.1% in January, a rate that had stubbornly persisted for three consecutive months.
- 2.2. The UK economy entered a technical recession in the second half of 2023, as growth rates of -0.1% and -0.3% respectively were recorded for Q3 and Q4. Over the 2023 calendar year GDP growth only expanded by 0.1% compared to 2022. Of the recent monthly data, the Office for National Statistics reported a rebound in activity with economy expanding 0.2% in January 2024. While the economy may somewhat recover in Q1 2024, the data suggests that prior increases in interest rates and higher price levels are depressing growth, which will continue to bear down on inflation throughout 2024.
- 2.3. Labour market data provided a mixed message for policymakers. Employment and vacancies declined, and unemployment rose to 4.3% (3mth/year) in July 2023. The same month saw the highest annual growth rate of 8.5% for total pay (i.e. including bonuses) and 7.8% for regular pay growth (i.e. excluding bonuses). Thereafter, unemployment began to decline, falling to 3.9% (3mth/year) in January and pay growth also edged lower to 5.6% for total pay and 6.1% for regular pay, but remained above the Bank of England's forecast.

- 2.4. Having begun the financial year at 4.25%, the Bank of England's Monetary Policy Committee (MPC) increased Bank Rate to 5.25% in August 2023 with a three-way split in the Committee's voting as the UK economy appeared resilient in the face of the dual headwinds of higher inflation and interest rates. Bank Rate was maintained at 5.25% through to March 2024. The vote at the March meeting was eight to one in favour of maintaining rates at this level, with the single dissenter preferring to cut rates immediately by 0.25%. Although financial markets shifted their interest rate expectations downwards with expectations of a cut in June, the MPC's focus remained on assessing how long interest rates would need to be restrictive in order to control inflation over the medium term.
- 2.5. In the Bank's quarterly Monetary Policy Report (MPR) released in August 2023, the near-term projection for services price inflation was revised upwards, goods price inflation widespread across products, indicating stronger domestic inflationary pressure with second-round effects in domestic prices and wages likely taking longer to unwind than they did to emerge. In the February 2024, MPR the Bank's expectations for the UK economy were positive for the first half of 2024, with a recovery from the mild recession in calendar H2 2023 being gradual. Headline CPI was forecast to dip below the 2% target quicker than previously thought due to declining energy prices, these effects would hold inflation slightly above target for much of the forecast horizon.
- 2.6. Following this MPC meeting, Arlingclose, the Council's treasury adviser, maintained its central view that 5.25% remains the peak in Bank Rate and that interest rates will most likely start to be cut later in H2 2024. The risks in the short-term are deemed to be to the downside as a rate cut may come sooner than expected, but then more broadly balanced over the medium term.
- 2.7. The US Federal Reserve also pushed up rates over the period, reaching a peak range of between 5.25-5.50% in August 2023, where it has stayed since. US policymakers have maintained the relatively dovish stance from the December FOMC meeting and at the meeting in March, economic projections pointed to interest rates being cut by a total of 0.75% in 2024.
- 2.8. Following a similarly sharp upward trajectory, the European Central Bank hiked rates to historically high levels over the period, pushing its main refinancing rate to 4.5% in September 2023, where it has remained. Economic growth in the region remains weak, with a potential recession on the cards, but inflation remains sticky and above the ECB's target, putting pressure on policymakers on how to balance these factors.
- 2.9. Financial markets: Sentiment in financial markets remained uncertain and bond yields continued to be volatile over the year. During the first half of the year, yields rose as interest rates continued to be pushed up in response to rising inflation. From October 2023 they started declining again before falling sharply in December 2023 as falling inflation and dovish central bank attitudes caused financial markets to expect cuts in interest rates in 2024. When it emerged in January 2024 that inflation was stickier than expected and the BoE and the Federal Reserve were data dependent and not inclined to cut rates soon, yields rose once again, ending the period some 50+ bps higher than when it started.

- 2.10. Over the financial year, the 10-year UK benchmark gilt yield rose from 3.44% to peak at 4.75% in August, before then dropping to 3.44% in late December 2023 and rising again to 3.92% (28 March 2024). The Sterling Overnight Rate (SONIA) averaged 4.96% over the period to 31 March.
- 2.11. Credit review: In response to an improving outlook for credit markets, in January 2024 Arlingclose moved away from its previous temporary stance of a 35-day maximum duration and increased its advised recommended maximum unsecured duration limit on all banks on its counterparty list to 100 days.
- 2.12. Earlier in the period, S&P revised the UK sovereign outlook to stable and upgraded Barclays Bank to A+. Moody's also revised the UK outlook to stable, Handelsbanken's outlook to negative, downgraded five local authorities, and affirmed HSBC's outlook at stable while upgrading its Baseline Credit Assessment. Fitch revised UOB's and BMO's outlooks to stable.
- 2.13. In the final quarter of the financial year, Fitch revised the outlook on the UK sovereign rating to stable from negative based on their assessment that the risks to the UK's public finances had decreased since its previous review in October 2022, the time of the mini- budget.
- 2.14. Moody's, meanwhile, upgraded the long-term ratings of German lenders Helaba, Bayern LB and LBBW on better solvency and capital positions, despite challenges from a slowing German economy and exposure to the commercial real estate sector. Moody's also upgraded or placed on review for an upgrade, Australian banks including ANZ, CBA NAB and Westpac on the back of the introduction of a new bank resolution regime.
- 2.15. Credit default swap prices began the financial year at elevated levels following the fallout from Silicon Valley Bank and collapse/takeover of other lenders. From then the general trend was one of falling prices and UK lenders' CDS ended the period at similar levels to those seen in early 2023. Earlier in the year some Canadian lenders saw their CDS prices rise due to concerns over a slowing domestic economy and housing market, while some German lenders were impacted by similar economic concerns and exposure to commercial real estate towards the end of the period, with LBBW remaining the most elevated.
- 2.16. Heightened market volatility is expected to remain a feature, at least in the near term and, credit default swap levels will be monitored for signs of ongoing credit stress. As ever, the institutions and durations on the Council's counterparty list recommended by Arlingclose remain under constant review.

### **3. Local Context**

- 3.1. On 31 March 2024, the Council had net borrowing of £26.3m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

**Table 1: Balance Sheet Summary**

	<b>31.3.23 Provisional £'m</b>	<b>31.3.24 Provisional £'m</b>
General Fund CFR	43.9	45.5
HRA CFR	53.0	50.5
<b>Total CFR</b>	<b>96.9</b>	<b>96.0</b>
External borrowing	62.6	56.3
Internal borrowing	34.3	39.7
<b>Total Borrowing</b>	<b>96.9</b>	<b>96.0</b>

- 3.2. The Council pursued its strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, to reduce risk and keep interest costs low.
- 3.3. The treasury management position as of 31 March 2024 and the change during the year is shown in Table 2 below.

**Table 2: Treasury Management Summary**

	<b>31.3.23 Balance £m</b>	<b>Movement £m</b>	<b>31.3.24 Balance £m</b>	<b>31.3.24 Rate %</b>
Long-term borrowing	59.8	-3.5	56.3	3.66%
Short-term borrowing	2.7	-2.7	0.0	2.30%
<b>Total borrowing</b>	<b>62.6</b>	<b>-6.2</b>	<b>56.3</b>	<b>3.58%</b>
Long-term investments	0.0	0.0	0.0	0.00%
Short-term investments	39.0	-24.0	15.0	5.67%
Cash and cash equivalents	4.1	10.9	15.0	5.62%
<b>Total investments</b>	<b>43.1</b>	<b>-13.1</b>	<b>30.0</b>	<b>5.65%</b>
<b>Net borrowing</b>	<b>19.5</b>	<b>6.9</b>	<b>26.3</b>	

- 3.4. As shown above external borrowing decreased by £6.2m after repayment of a £3.5m Lender Option Borrower Option (LOBO) loan held with Commerzbank, a PWLB Maturity Loan of £1.5m and two PWLB annuity loan repayments totalling £1.2m.
- 3.5. Investment balances overall reduced by £13.1m from 31 March 2023 due to capital programme delivery, use of reserves and repayment of debt.
- 3.6. The Council was able to more accurately predict its cashflows allowing more funds to be invested for longer while maintaining cash flow confidence. This resulted in a change in investment portfolio structure which became more balanced between short term investments and cash and cash equivalents as shown in Table 2.

#### **4. Borrowing Update**

- 4.1. CIPFA's 2021 Prudential Code is clear that local authorities must not borrow to invest primarily for financial return and that it is not prudent for local authorities to make any investment or spending decision that will increase the capital financing requirement, and so

may lead to new borrowing, unless directly and primarily related to the functions of the Council. PWLB loans are no longer available to local authorities planning to buy investment assets primarily for yield unless these loans are for refinancing purposes.

- 4.2. The Council currently holds £13.8m in commercial property investments that were purchased prior to the change in the CIPFA Prudential Code. However, these investments are primarily held for local regeneration and support and not financial return and as such will not fall directly into the above category.

## **5. Borrowing Strategy and Activity**

- 5.1. As outlined in the treasury strategy, the Council's chief objective when borrowing has been to strike an appropriately low risk balance between securing lower interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Council's long-term plans change being a secondary objective. The Council's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio.
- 5.2. Interest rates have seen substantial rises over the last two years, although these rises have now begun to plateau. Gilt yields fell in late 2023, reaching April 2023 lows in December 2023 before rebounding to an extent in the first three months of 2024. Gilt yields have remained volatile, seeing upward pressure from perceived sticker inflation at times and downward pressure from falling inflation and a struggling economy at other times.
- 5.3. On 31 December, the Public Work Loans Board (PWLB) certainty rates for maturity loans were 4.74% for 10-year loans, 5.18% for 20-year loans and 5.01% for 50-year loans. Their equivalents on 31 March 2023 were 4.33%, 4.70% and 4.41% respectively.
- 5.4. The cost of short-term borrowing from other local authorities has generally risen with Base Rate over the year. Interest rates peaked at around 7% towards the later part of March 2024 as many authorities required cash at the same time. These rates are expected to fall back to more normal market levels in April 2024.
- 5.5. A new PWLB Housing Revenue Account (HRA) rate which is 0.4% below the certainty rate was made available from 15 June 2023. This rate will now be available to June 2025. The discounted rate is to support local authorities borrowing for the HRA and for refinancing existing HRA loans.
- 5.6. This new reduced HRA borrowing rate may create opportunity for savings for the Council. The Council will evaluate the potential benefits of restructuring its borrowing with the lower HRA rate.

- 5.7. On 31 March 2024, the Council held £56.3m of loans, a decrease of £6.2m to 31 March 2023, as part of its strategy for funding previous and current year's capital programmes. Outstanding loans on 31 March 2024 are summarised in Table 3 below.

**Table 3: Borrowing Position**

	31.3.23 Balance £'m	Net Movement £'m	31.3.24 Balance £'m	31.3.24 Weighted Average Rate %	31.3.24 Weighted Average Maturity (years)
Public Works Loan Board	55.1	-2.7	52.4	3.41%	14.4
Banks (LOBO)	3.5	-3.5	0.0	0.00%	0.0
Banks (fixed-term)	3.9	0.0	3.9	4.74%	2.1
Local authorities (long-term)	0.0	0.0	0.0	0.00%	0.0
Local authorities (short-term)	0.0	0.0	0.0	0.00%	0.0
<b>Total borrowing</b>	<b>62.6</b>	<b>-6.2</b>	<b>56.3</b>	<b>3.57%</b>	<b>16.5</b>

- 5.8. The Council's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Council's long-term plans change being a secondary objective.
- 5.9. In keeping with these objectives, no new borrowing was undertaken, while £6.2m of existing loans were allowed to mature without replacement. This strategy enabled the Council to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk.
- 5.10. There remains an argument for diversifying funding sources, particularly if rates can be achieved on alternatives which are below gilt yields + 0.80%. The Council will evaluate and pursue these lower cost solutions and opportunities with its advisor Arlingclose.
- 5.11. LOBO loans: On 1 April 2023 the Council held £3.5m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Council has the option to either accept the new rate and terms or to repay the loan at no additional cost.
- 5.12. As market interest rates rose, there was increased probability of call options on the LOBOs being exercised by lenders. £3.5m of LOBO loans had annual/semi-annual call option dates during the year to 31 March 2024, lenders exercised options on the following of the Council's loans:-



	Amount £'m	Rate %	Final Maturity	New rate proposed %	5. Action taken by Council
Commerzbank	3.5	4.80	08/02/2055	5.80	Repaid at no cost from cash resources
<b>Total</b>	<b>3.5</b>	<b>4.80</b>	<b>08/02/2024</b>	<b>5.80</b>	

5.18. In February 2024, Commerzbank exercised its option to increase the interest rate from 4.80% to 5.80%. Following a review of our investment balances, the rates offered on other borrowing facilities and with the recommendation of the Council's Treasury Management advisers, the increased rate was declined and the Council repaid the loan in full at no penalty. The Council no longer has any LOBO loans on its books. This removes some of the interest rate risk on the borrowing portfolio.

## 6. Treasury Investment Activity

6.1. The CIPFA Treasury Management Code now defines treasury management investments as those investments which arise from the Council's cash flows or treasury risk management activity that ultimately represents balances that need to be invested until the cash is required for use in the course of business.

6.2. The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year, the Council's investment balances ranged between £43.3m and £68.2m due to timing differences between income and expenditure. The investment position is shown in Table 4 below.

**Table 4: Treasury Investment Position**

	31.3.23 Balance £m	Net Movement £m	31.3.24 Balance £m	31.3.24 Income Return %	31.3.24 Weighted Average Maturity Days
Banks & building societies (unsecured)	2.0	-2.0	0.0	0.00%	0
Government (incl. local authorities)	32.0	-2.0	30.0	5.65%	118
Money Market Funds	4.1	-4.1	0.0	0.00%	0
<b>Total investments</b>	<b>38.1</b>	<b>-8.1</b>	<b>30.0</b>	<b>5.65%</b>	<b>118</b>

- 6.3. Both the CIPFA Code and government guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.
- 6.4. Bank Rate increased by 1% over the period, from 4.25% at the beginning of April 2023 to 5.25% by the end March 2024. Short term rates peaked at 5.7% for 3-month rates and 6.7% for 12-month rates during the period, although these rates subsequently began to decline towards the end of the period. Money Market Rates also rose and were between 4.8% and 5.1% by the end of March 2024.
- 6.5. Investment objectives were achieved by increasing exposure to short dated, low risk deposits with Government and decreasing exposure to both banks and Money Market Funds. This encouraged longer dated deposits with higher returns alongside increased security of funds.
- 6.6. The progression of risk and return metrics are shown in the extracts from Arlingclose's quarterly investment benchmarking in Table 5 below.

**Table 5: Investment Benchmarking – Treasury investments managed in-house**

	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (days)	Rate of Return %
31.12.2023	5.42	A+	0%	118	5.65%
Similar LA's	4.9	A+	61%	50	5.20%
All LA's	4.82	A+	61%	9	5.03%

- 6.8. The Council had budgeted £792,015 in interest income from investments after deductions in 2023/24. Actual income received in 2023/24 was £2.55m. This represents an average return on balances through the year of 4.79%.
- 6.9. Of the £2.55m received an estimated £371k will be deducted to S106 balances and other minor deductions. The remaining £2.18m will be apportioned between the General Fund (GF) and Housing Revenue Account (HRA).
- 6.10. The allocations to the GF and HRA will be worked out based on the notional investment balances of both funds throughout the year. The percentage of which will be applied to the overall interest received after deductions. This approach leads to the balances being split £1.02m to the GF and £1.17m to the HRA. Please note these figures are subject to finalisation and may change.
- 6.11. The forecast interest received for 2023/24 in comparison to actuals is significantly different. This is largely due to the dramatic increase in interest rates by central government in response to the exceptional economic scenario detailed in section 2. These increased interest rates have boosted the interest return from 3.50% on 31 March 2023 to 5.65% on

31 March 2024 resulting in the overall increased investment return.

## **7. Non-Treasury Investments**

- 7.1. The definition of investments in the Treasury Management Code now covers all the financial assets of the Council as well as other non-financial assets which the Council holds primarily for financial return. Investments that do not meet the definition of treasury management investments (i.e. management of surplus cash) are categorised as either for service purposes (made explicitly to further service objectives) or for commercial purposes (made primarily for financial return).
- 7.2. Investment Guidance issued by the then Department for Levelling Up Housing and Communities (DLUHC) and Welsh Government also broadens the definition of investments to include all such assets held partially or wholly for financial return.
- 7.3. On 31 March 2024, the Council held £13.8m of directly owned property investments which although are primarily held for local regeneration and development do also provide financial return as a secondary function.
- 7.4. A full list of the Council's non-treasury investments is available in the Council's investment strategy found [here](#).
- 7.5. These investments are budgeted to generate £195,889 of investment income for the Council after taking account of direct costs, representing a rate of return of 3.91%.

## **8. Treasury Performance**

- 8.1. The Council measures the financial performance of its treasury management activities both in terms of its impact on the revenue budget and its relationship to benchmark interest rates.
- 8.2. Since the beginning of the reporting period the Council has paid £2.2m in interest. The overall interest rate for the financial year 2023/24 is 3.57%. For comparison purposes current 1 year borrowing through the PWLB upon writing this report is 5.7%.
- 8.3. No new borrowing was undertaken in the 2023/24 financial year in line with expectations.
- 8.4. The Council's interest return percentage on 31 March 2024 was 5.65%. In comparison with other local authorities this was significantly better than the 5.03% average. A further comparison is the Daily Sterling Overnight Index Average (SONIA) which on 31 March 2024 was 5.20%.

## **9. Compliance**

- 9.1. The Council's S151 Officer reports that all treasury management activities undertaken during the year complied fully with the CIPFA Code of Practice and the Council's approved Treasury Management Strategy
- 9.2. Compliance with specific investment limits is demonstrated in Table 6 below.

**Table 6: Investment Limits**

	2023/24 Maximum	31.3.24 Actual	2023/24 Limit	Complied? Yes
The UK Government	18.3	0.0	Unlimited	YES
Local authorities and other government entities	30.0	30.0	60.0	YES
Secured investments	0.0	0.0	60.0	YES
Banks (unsecured)	4.1	1.1	60.0	YES
Building societies (unsecured)	0.0	0.0	5.0	YES
Registered providers (unsecured)	0.0	0.0	12.5	YES
Money market funds	22.0	0.0	60.0	YES
Strategic pooled funds	0.0	0.0	25.0	YES
Real estate investment trusts	0.0	0.0	12.5	YES
Other investments	0.0	0.0	2.5	YES
<b>Totals</b>	<b>74.4</b>	<b>31.1</b>		

- 9.3. Compliance with the authorised limit and operational boundary for external debt is demonstrated in Table 7 below.

**Table 7: Debt Limits**

	2023/24 Maximum	31.3.24 Actual	2023/24 Operational Boundary	2022/23 Authorised Limit	Complied?
Borrowing	62.6	56.3	101.8	111.8	YES

- 9.4. Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

## **8. Treasury Management Indicators**

- 8.1. As required by the 2021 CIPFA Treasury Management Code, the Council monitors and measures the following treasury management prudential indicators.

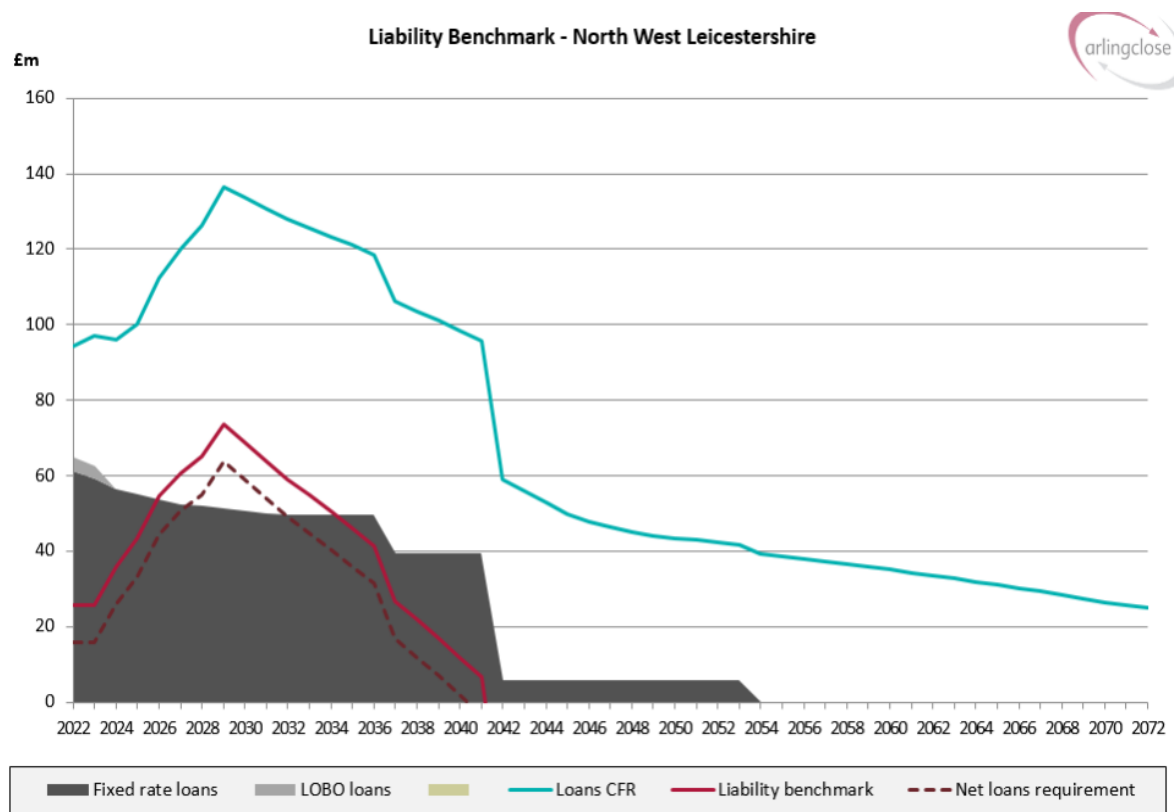
- 8.2. Liability Benchmark: This new indicator compares the Council's actual existing borrowing against a liability benchmark that has been calculated to show the lowest risk level of borrowing. The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future, and so shape its strategic focus and decision making. It represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while

keeping treasury investments at the minimum level of £10m required to manage day-to-day cash flow.

**Table 8: Liability Benchmark**

	31.3.23 Estimate	31.3.24 Forecast	31.3.25 Forecast	31.3.26 Forecast
Loans CFR	96.9	96	100.2	112.4
Less: Balance sheet resources	-81.2	-70	-67	-68
<b>Net loans requirement</b>	<b>15.7</b>	<b>26</b>	<b>33.2</b>	<b>44.4</b>
Plus: Liquidity allowance	10.0	10.0	10.0	10.0
<b>Liability benchmark</b>	<b>25.7</b>	<b>36</b>	<b>43.2</b>	<b>54.4</b>
<b>Existing external borrowing</b>	<b>62.6</b>	<b>56.3</b>	<b>55.1</b>	<b>53.8</b>

8.3. Following on from the medium-term forecast above, the long-term liability benchmark assumes capital expenditure funded by borrowing of £3.8m a year, minimum revenue provision on new capital expenditure based on a 25-year asset life and income, expenditure and reserves all increasing by inflation of 2.5% p.a. This is shown in the chart below together with the maturity profile of the Council's existing borrowing.



8.4. Whilst borrowing may be above the liability benchmark, strategies involving borrowing which is significantly above the liability benchmark carry higher risk.

8.5. **Security:** The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is

calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

**Table 9: Security**

	31.12.24 Actual	2023/24 Target	Complied?
Portfolio average credit score	A+	A-	Yes

- 10.3. **Liquidity:** The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three-month period.

**Table 10: Liquidity**

	31.3.24 Actual	2023/24 Target	Complied?
Total cash available within 3 months	£15,000,000	£2,500,000	Yes

- 10.4. **Interest Rate Exposures:** This indicator is set to control the Council's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interests was:

**Table 11: Interest Rate Exposures**

Interest rate risk indicator	31.3.24 Actual	2023/24 Limit	Complied?
Upper limit on one-year revenue impact of a 1% rise in interest rates	190,677	600,000	YES
Upper limit on one-year revenue impact of a 1% fall in interest rates	-190,677	-600,000	YES

- 10.5 The impact of a change in interest rates is calculated on the assumption that maturing loans and investment will be replaced at current rates. Longer investments would reduce the interest rate risk but would expose the Council to higher liquidity risk.
- 10.6 **Maturity Structure of Borrowing:** This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

**Table 12: Maturity Structure of Debt**

	<b>31.03.24 Actual £m</b>	<b>31.03.24 Actual %</b>	<b>Upper Limit</b>	<b>Lower Limit</b>	<b>Complied?</b>
Under 12 months	1.3	2%	0%	70%	<b>YES</b>
12 months and within 24 months	1.3	2%	0%	30%	<b>YES</b>
24 months and within 5 years	2.5	4%	0%	30%	<b>YES</b>
5 years and within 10 years	1.9	3%	0%	30%	<b>YES</b>
10 years and within 20 years	43.8	78%	0%	90%	<b>YES</b>
20 years and above	5.7	10%	0%	30%	<b>YES</b>
<b>TOTALS</b>	<b>56.4</b>	<b>100%</b>			

10.7 Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

10.8 **Principal Sums Invested for Periods Longer than a year:** The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>No Fixed Date</b>
Actual principal invested beyond year end - £'m	£0	£0	£0	£0
Limit on principal invested beyond year end - £'m	£60	£10	£10	£10
Complied?	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 24 SEPTEMBER 2024



<b>Title of Report</b>	<b>REVIEW OF CORPORATE GOVERNANCE POLICIES</b>	
<b>Presented by</b>	Councillor Rushton Corporate Portfolio Holder  PH Briefed <input checked="" type="checkbox"/>	
<b>Background Papers</b>	<b>A&amp;G Agenda and Minutes 07/08/2024</b>	<b>Public Report:</b> Yes
		<b>Key Decision:</b> Yes
<b>Financial Implications</b>	The annual refresh and update of the policies is good practice and will enhance financial management within the Council.	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	The policies are reviewed annually to ensure any updates in the law are noted so that the Council acts in accordance with the law.	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	The suite of Corporate Governance Policies is regularly reviewed to ensure the Council operates effectively, in line with the appropriate standards.	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To seek Cabinet's comments on and approval of the Council's updated corporate governance policies, following review and approval by the Audit and Governance Committee.	
<b>Reason for Decision</b>	To ensure that the Council has an up to date suite of governance policies in place reflecting the law and best practice.	
<b>Recommendations</b>	<b>THAT CABINET:</b>  <b>1. APPROVES THE CORPORATE GOVERNANCE POLICIES LISTED IN PARAGRAPH 2 OF THE REPORT.</b>	

**1.0 BACKGROUND**

- 1.1 The Council is responsible for ensuring that its business is conducted in accordance with the law and appropriate standards. In discharging this responsibility, the Council has in place arrangements for the governance of its affairs and staff.

1.2 The following documents constitute the Council’s suite of Corporate Policies:

<b>Policy</b>	<b>Last Reviewed</b>
Anti-Fraud and Corruption Policy	2023
Anti-Money Laundering Policy	2023
Confidential Reporting (Whistleblowing) Policy	2023
Risk Management Policy	2023
RIPA Policy	2023
Local Code of Corporate Governance	2023
Data Protection Policy	2023
Information Governance Framework	N/a
Information Security Policy	2023 (formerly the ICT and Cyber Security Policy)
Information Rights Policy	2023 (formerly Information Management Policy)
Records Management Policy	2023 (formerly Information Management Policy)

1.3 An annual review of the suite of policies has been undertaken and the revised draft policies are appended to this report.

## **2.0 POLICY REVIEW**

2.1 The policies have been reviewed by a team comprising Legal Services, Internal Audit, ICT, the Monitoring Officer, the Data Protection Officer and the Section 151 Officer.

As part of the review process, all policies now incorporate a standardised format which sets out key policy details at the start of the document and ensures that completion of an Equality Impact Assessment (EIA) is documented.

All policy authors have completed an EIA for each policy as part of their review.

The main changes to each policy are summarised below.

### **Anti-Fraud and Corruption Policy**

There have been no changes in legislation that affect this policy since the previous review. Therefore, only minor amendments have been made including updates to names referenced within the policy.

### **Anti-Money Laundering Policy**

There have been no changes in legislation that affect this policy since the previous review. Therefore, only minor amendments have been made including updates to names, contact details and dates referenced within the policy.

### **Confidential Reporting (Whistleblowing Policy)**

There have been no changes in legislation that affect this policy since the previous review. Therefore, only minor amendments have been made including updates to names, contact details and the Council's address. References within the policy to the external audit firm have also been updated as the Council's external auditor has changed from Mazars to Azets.

### **Risk Management Policy**

The policy has been amended to confirm that the Audit and Governance Committee is responsible for reviewing the Corporate Risk Register, as per the Council's Constitution. Further clarity around identifying risks has also been inserted in the appendix.

Minor amendments including renames of groups referenced within the policy, insertion of the role of Members to the appendix and formatting revisions have also been made.

A graphic has also been inserted at Section 4 'Risk Management Policy' to illustrate the objectives of the Council's Risk Management Policy. This involves the process of identifying, assessing, managing and controlling and reviewing and reporting risks.

### **RIPA Policy**

There have been no changes in legislation that affect this policy since the previous review. Therefore, only minor amendments have been made including updating the edition date of the Home Office Code of Practice to reflect the latest publication.

### **Local Code of Corporate Governance**

There have been no changes in legislation that affect this policy since the previous review. Therefore, only minor amendments have been made to the formatting of the document.

### **Information Governance Framework**

The Council has been undertaking a review of information governance, as reported to the Audit and Governance Committee through the Senior Information Risk Officer's Annual Report on 24 April 2024. As part of that review, it was identified that it would be helpful to bring together all of the Information Governance Policies into one single framework.

The Information Governance Framework is, therefore, a new document that sets out the Council's approach to information governance, including four key principles that underpin good information governance – information rights, records management, data protection and information security. To underpin the importance of each of these principles, there is a policy for each that sets out the Council's commitments in each of those areas. Supporting these policies are internal standards, procedures and guidance that officers will keep updated to implement the requirements of the policies.

All the policies have been updated into a streamline format with the aim of making them easy to understand and follow. The new framework is, therefore, a consolidation of existing policies but in a new format and layout, with appropriate cross-referencing and connections between all four policies.

This will be the format of the Information Governance policies going forward and in future years, the Information Governance Framework and the four policies that accompany it will be reviewed as a collective and brought back to the Audit and Governance Committee each year as part of the annual Corporate Governance Policies Review.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	A well-run council
Policy Considerations:	As detailed within this report.
Safeguarding:	Whistleblowing, surveillance using RIPA and Protecting people's data are all considered to be safeguarding our communities.
Equalities/Diversity:	The opportunity for whistleblowing helps to ensure any risk of inequality or lack of diversity can be highlighted.
Customer Impact:	Anti-fraud, anti-money laundering and corruption will protect the customer from financial impact.
Economic and Social Impact:	Anti-fraud, anti-money laundering and corruption will protect the customer from any negative economic impacts.
Environment, Climate Change and Zero Carbon:	N/a
Consultation/Community/Tenant Engagement:	N/a
Risks:	The purpose of this report is to set out the review undertaken by Corporate Governance Policy authors and detail the changes made. As part of this, the Risk Management Policy is reviewed annually.
Officer Contact	Paul Stone Strategic Director of Resources <a href="mailto:paul.stone@nwleicestershire.gov.uk">paul.stone@nwleicestershire.gov.uk</a>



# ANTI-FRAUD AND CORRUPTION POLICY

Item	Details
Reference:	Internal Audit – 1 – AF&CP
Status:	Draft
Originator:	Kerry Beavis
Owner:	Kerry Beavis
Version No:	2.7
Date:	<b>[To be inserted once approved and published]</b>

## Key policy details

### Approvals

Item	Date of Approval	Version No.
Consulted with	N/A	N/A
Reviewed by Audit and Governance Committee	7 August 2024	2.7
Approved by Cabinet	24 September 2024	2.7

The policy owner has the authority to make the following minor changes without approval

N/A

### Policy Location

This policy can be found on NWLDC's website and the SharePoint page.

### Equality Impact Assessment (EIA)

Completed by	Completion date
Kerry Beavis	30 July 2024

### Revision history

Version Control	Revision Date	Summary of Changes
2.1	September 2015	
2.2	October 2019	
2.3	May 2020	
2.4	June 2021	
2.5	June 2022	
2.6	June 2023	Minor amendments – name and job title changes.
2.7	July 2024	Minor amendments – name change

### Policy Review Plans

This policy is subject to a scheduled review annually or earlier if there is a change in legislation or local policy that requires it.

## Distribution

Title	Date of Issue
Audit & Governance Committee	7 August 2024
Cabinet	24 September 2024
Available on NWL website	[To be confirmed]

	<b>Contents</b>
1.	Introduction
2.	Scope
3.	Definitions
4.	Culture
5.	Responsibilities
6.	Prevention and deterrence
7.	Detection and investigation
8.	Raising concerns
Appendix A	



# ANTI-FRAUD AND CORRUPTION POLICY

## 1. INTRODUCTION

1.1 North West Leicestershire District Council has a duty to ensure that it safeguards the public money that it is responsible for. The Council expects the highest standards of conduct and integrity from all that have dealings with it including staff, members, contractors, volunteers and the public. It is committed to the elimination of fraud and corruption and to ensuring that all activities are conducted ethically, honestly and to the highest standard of openness and accountability so as to protect public safety and public money.

1.2 All suspicions or concerns of fraudulent or corrupt practice will be investigated. There will be no distinction made in investigation and action between cases that generate financial benefits and those that do not. Any investigations will not compromise the Council's commitment to Equal Opportunities or the requirements of the Human Rights Act or any other relevant statutory provision.

## 2. SCOPE

2.1 This policy provides an overview of the measures designed to combat any attempted fraudulent or corrupt act, whether attempted internally or externally. The policy is designed to:

- encourage prevention;
- promote detection;
- ensure effective investigation where suspected fraud or corruption has occurred;
- prosecute offenders where appropriate; and
- recover losses in all instances of fraud or financial irregularity where possible.

## 3. DEFINITIONS

### 3.1 Fraud

The Fraud Act 2006 is legislation that has been introduced in order to provide absolute clarity on the subject of fraud. Section 1 of the Act introduced a new general offence of fraud and three ways of committing it:

- fraud by false representation;
- fraud by failing to disclose information; and
- fraud by abuse of position.

Fraud by false representation requires:

- dishonesty;
- an intent to make gain or cause loss; and
- the person makes the representation knowing that it is or might be untrue or misleading.

Fraud by failing to disclose information requires:

- dishonesty;
- an intent to make gain or cause loss; and

- failure to disclose information where there is a legal duty to disclose.

Fraud by abuse of position requires:

- dishonesty;
- an intent to make gain or cause loss; and
- abuse of a position where one is expected to safeguard another person's financial interests.

### 3.2 Corruption

Corruption is a form of dishonesty or criminal activity undertaken by a person or organisation entrusted with a position of authority, often to acquire illicit benefit.

### 3.3 Bribery

Broadly the Bribery Act 2010 defines bribery as giving or receiving a financial or other advantage in connection with the "improper performance" of a position of trust, or a function that is expected to be performed impartially or in good faith.

### 3.4 Money Laundering

Money laundering describes offences involving the integration of the proceeds of crime, or terrorist funds, into the mainstream economy. Whilst the risk of money laundering to the Council is relatively low and the provision of The Money Laundering Regulations 2007 do not strictly apply to the Council, the Council has adopted an Anti-Money Laundering policy as good practice. This policy supports staff in complying with the money laundering provisions included within the Proceeds of Crime Act 2002 and the Terrorism Act 2000.

## 4. **CULTURE**

4.1 The Council has determined that the culture and tone of the organisation will be one of honesty and opposition to fraud and corruption. Malpractice or wrongdoing in the provision of our services will not be tolerated and the Council is prepared to take vigorous action to stamp out any instances of this kind of activity. The fight against fraud and corruption can only be truly effective where these acts are seen as anti-social unacceptable behaviour and whistle blowing is perceived as a public-spirited action.

4.2 The prevention/detection of fraud/corruption and the protection of public money are responsibilities of everyone, both internal and external to the organisation. The Council's elected members and employees play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will wherever possible be treated in confidence. The public also has a role to play in this process and should inform the Council if they feel that fraud/corruption may have occurred. The Nolan Committee on Standards in Public Life set out the seven guiding principles (Appendix A) that apply to people who serve the public.

4.3 Concerns must be raised when members, employees or the public reasonably believe that one or more of the following has occurred or is in the process of occurring or is likely to occur:

- a criminal offence;
- a failure to comply with a statutory or legal obligation;
- improper or unauthorised use of public or other official funds;

- a miscarriage of justice;
  - maladministration, misconduct or malpractice;
  - endangering an individual's health and/or safety;
  - damage to the environment; and
  - deliberate concealment of any of the above.
- 4.4 The Council will ensure that any allegations received in any way, including by anonymous letter or telephone call, will be taken seriously and investigated in an appropriate manner. The Council has a [Confidential Report \(Whistleblowing\) policy](#) that sets out the approach to these types of allegation in more detail.
- 4.5 The Council will take action against those who defraud the Council or who are corrupt or where there has been financial malpractice. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as employees raising malicious allegations) may be dealt with as a disciplinary matter.
- 4.6 Where fraud or corruption has occurred due to a breakdown in the Council's systems or procedures, the Head of Service will ensure that appropriate improvements in systems of control are implemented in order to prevent re-occurrence.

## **5. RESPONSIBILITIES**

### **5.1 Responsibilities of Elected Members**

As elected representatives, all members of the Council have a duty to protect the Council and public money from any acts of fraud and corruption. This is done through existing practice, compliance with the Members' Code of Conduct, the Council's Constitution including Financial Regulations and Standing Orders and relevant legislation.

### **5.2 Responsibilities of the Monitoring Officer**

The Monitoring Officer is responsible for ensuring that all decisions made by the Council are within the law. The Monitoring Officer's key role is to promote and maintain high standards of conduct throughout the Council by developing, enforcing and reporting appropriate governance arrangements including codes of conduct and other standards policies.

### **5.3 Responsibilities of the Section 151 Officer**

The Director of Resources has been designated as the statutory officer responsible for financial matters as defined by s151 of the Local Government Act 1972. The legislation requires that every local authority in England and Wales should 'make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility for the administration of those affairs'.

Under the Director of Resources responsibilities, 'proper administration' encompasses all aspects of local authority financial management including:

- compliance with the statutory requirements for accounting and internal audit;
- managing the financial affairs of the Council;
- the proper exercise of a wide range of delegated powers both formal and informal;

- the recognition of the fiduciary responsibility owed to local tax payers.

Under these statutory responsibilities the Section 151 Officer contributes to the antifraud and corruption framework of the Council.

#### 5.4 Responsibilities of Employees

Each employee is governed in their work by the Council's Standing Orders and Financial Regulations, and other codes on conduct and policies (Employee Code of Conduct, Health and Safety Policy, ICT and Cyber Security Policy). Included in the Employee Code of Conduct are guidelines on Gifts and Hospitality, and advice on professional and personal conduct and conflicts of interest. These are issued to all employees when they join the Council. Appropriate disciplinary procedures will be invoked where there is a breach of policy.

Employees are responsible for ensuring that they follow instructions given to them by management, particularly in relation to the safekeeping of the assets of the Council.

Employees are expected always to be aware of the possibility that fraud, corruption and theft may exist in the workplace and be able to share their concerns with management.

#### 5.5 Role of the Leicestershire Revenues and Benefits Partnership Fraud Investigation Team

The Fraud Team based at the Leicestershire Revenues and Benefits Partnership is responsible for the investigation of all revenues and benefit related alleged/suspected fraud cases. Due to the specialised nature of these investigations, a separate sanctions policy has been developed that covers all aspects of the investigation process.

#### 5.6 Role of the External Auditors

Independent external audit is an essential safeguard of the stewardship of public money. This is currently carried out by Azets through specific reviews that are designed to test (amongst other things) the adequacy of the Council's financial systems and arrangements for preventing and detecting fraud and corruption. It is not the external auditor's function to prevent fraud and irregularities, but the integrity of public funds is at all times a matter of general concern. External auditors are always alert to the possibility of fraud and irregularity and will act without undue delay if grounds for suspicion come to their notice.

#### 5.7 Role of the Public

This policy, although primarily aimed at those within or associated with the Council, enables concerns raised by the public to be investigated, as appropriate, by the relevant person in a proper manner.

#### 5.8 Conflicts of Interest

Both elected members and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise with externalisation of services, internal tendering, planning and land issues etc. Effective role separation will ensure decisions made are seen to be based on impartial advice

and avoid questions about improper disclosure of confidential information.

## **6. PREVENTION AND DETERRENCE**

### **6.1 Responsibilities of the Senior Management Team**

Managers at all levels are responsible for the communication and implementation of this policy. They are also responsible for ensuring that their employees are aware of the Council's policies and procedures relating to financial management and conduct and that the requirements are being met. Managers are expected to create an environment in which their staff feel able to approach them with any concerns they may have about suspected irregularities. Special arrangements may be applied from time to time for example where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments, for example payroll or the Council Tax system. These procedures should be supported by relevant training.

Management has responsibility for the prevention of fraud and corruption within all departments. It is essential that managers understand the importance of soundly designed systems which meet key control objectives and minimise opportunities for fraud and corruption. They are responsible for assessing the potential for fraud and corruption within their own department's activities and for implementing appropriate strategies to minimise this risk.

The Council recognises that a key preventative measure in dealing with fraud and corruption is for managers to take effective steps at recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts and agency staff. The Council's formal recruitment procedures contain appropriate safeguards in the form of written references, the verification of qualifications held and employment history. Disclosure and Barring Service (DBS) checks are undertaken for employees working with or who may have contact with children and vulnerable adults.

### **6.2 Role of Internal Audit**

Internal Audit plays a preventative role in trying to ensure that systems and procedures are in place to prevent and deter fraud and corruption. Internal Audit may be requested to investigate cases of suspected financial irregularity, fraud or corruption, except Benefit fraud investigations and Single Person Discount fraud, in accordance with agreed procedures. Within the Financial Procedures Rules in the Constitution, representatives of Internal Audit have the authority to:

- enter any Council owned or occupied premises or land at all times (subject to any legal restrictions outside the Council's control);
- have access at all times to the Council's records, documents and correspondence;
- require and receive such explanations from any employee or member of the Council as he or she deem necessary concerning any matter under examination; and
- require any employee or member of the Council to produce cash, stores or any other Council owned property under their control.

Internal Audit liaises with management to recommend changes in procedures to reduce risks and prevent losses to the Authority.

### 6.3 Working with Others and Sharing Information

The Council is committed to working and co-operating with other organisations to prevent fraud and corruption and protect public funds. The Council may use personal information and data-matching techniques to detect and prevent fraud, and ensure public money is targeted and spent in the most appropriate and cost-effective way. In order to achieve this, information may be shared with other bodies for auditing or administering public funds including the Cabinet Office, the Department of Work and Pensions, other local authorities, National Anti-Fraud Network, HM Revenues and Customs, and the Police.

### 6.4 National Fraud Initiative (NFI)

The Council participates in the National Fraud Initiative (NFI). This requires public bodies to submit a number of data sets, for example payroll, Council Tax, and accounts payable (but not limited to these) which is then matched to data held by other public bodies. Any positive matches (e.g. an employee on the payroll in receipt of housing benefit) are investigated.

### 6.5 Data Sharing

In the interests of protecting the public purse and the prevention and detection of fraud, members of staff are actively encouraged to report any instances of fraud. We have published fair processing notices on our website and also display this information in our public areas, notifying members of the public that we will share information held between departments and other third-party organisations as appropriate in order to prevent and detect crime.

### 6.6 Training and Awareness

The successful prevention of fraud is dependent on risk awareness, the effectiveness of training and the responsiveness of staff throughout the Council. The Council recognises that the continuing success of this policy and its general credibility will depend in part on the effectiveness of training and awareness for members and employees and will therefore take appropriate action to raise awareness levels.

### 6.7 Disciplinary Action

The Council's Disciplinary Procedures will be used to facilitate a thorough investigation of any allegations of improper behaviour by employees. Theft, fraud and corruption are serious offences which may constitute gross misconduct against the Council and employees will face disciplinary action if there is evidence that they have been involved in these activities, including benefit fraud. Disciplinary action will be taken in addition to, or instead of, criminal proceedings depending on the circumstances of each individual case.

Members will face appropriate action under this policy if they are found to have been involved in theft, fraud or corruption against the Authority. Action will be taken in addition to, or instead of criminal proceedings, depending on the circumstances of each individual case but in a consistent manner. If the matter is a breach of the Members' Code of Conduct, then it will be dealt with under the arrangements agreed by the Council in accordance with the Localism Act 2011.

## 6.8 Prosecution

In terms of proceedings the Council will endeavour to take action in relevant cases to deter others from committing offences against the Authority. Any prosecution will be in accordance with the principles contained within The Code for Crown Prosecutors.

## 6.9 Publicity

The Council will optimise the publicity opportunities associated with anti-fraud and corruption activity within the Council. Wherever possible, where the Council has suffered a financial loss action will be taken to pursue the recovery of the loss.

All anti-fraud and corruption activities, including the update of this policy, will be publicised in order to make employees and the public aware of the Council's commitment to taking action on fraud and corruption when it occurs.

## **7. DETECTION AND INVESTIGATION**

7.1 Although audits may detect fraud and corruption as a result of the work that they are undertaking, the responsibility of the detection of financial irregularities primarily rests with management. Included within the audit plans are reviews of system controls including financial controls and specific fraud and corruption tests, spot checks and unannounced visits.

In addition to Internal Audit, there are numerous systems and management controls in place to deter fraud and corruption, but it is often the vigilance of employees and members of the public that aids detection. In some cases frauds are discovered by chance or 'tip-off' and the Council will ensure that such information is properly dealt with within its Confidential Reporting (Whistleblowing) policy.

The Council is committed to the investigation of all instances of actual, attempted and suspected fraud committed by employees, members, consultants, suppliers and other third parties and the recovery of funds and assets lost through fraud.

Any suspected fraud, corruption or other irregularity should be reported to Internal Audit. The Audit Manager will decide on the appropriate course of action to ensure that any investigation is carried out in accordance with Council policies and procedures, key investigation legislation and best practice. This will ensure that investigations do not jeopardise any potential disciplinary action or criminal sanctions.

Action could include:

- investigation carried out by Internal Audit staff;
- joint investigation with Internal Audit and relevant directorate management;
- directorate staff carry out investigation and Internal Audit provide advice and guidance;
- referral to the Police.

The responsibility for investigating potential fraud, corruption and other financial irregularities within the Council lies mainly (although not exclusively) with the Internal Audit section.

## 8. RAISING CONCERNS

8.1 All suspected or apparent fraud or financial irregularities must be raised, in the first instance, directly with the manager or if necessary in accordance with the Council's Confidential Reporting (Whistleblowing) Policy. Advice and guidance on how to pursue matters of concern may be obtained from the Council's nominated contact points who are:

- Chief Executive: [allison.thomas@nwleicestershire.gov.uk](mailto:allison.thomas@nwleicestershire.gov.uk)  
Telephone 01530 454500
  
- Monitoring Officer: [elizabeth.warhurst@nwleicestershire.gov.uk](mailto:elizabeth.warhurst@nwleicestershire.gov.uk)  
Telephone 01530 454762
  
- Section 151 Officer: [paul.stone@nwleicestershire.gov.uk](mailto:paul.stone@nwleicestershire.gov.uk)  
Telephone 01530 454495
  
- Audit Manager: [kerry.beavis@nwleicestershire.gov.uk](mailto:kerry.beavis@nwleicestershire.gov.uk)  
Telephone 01530 454728



# APPENDIX A

## THE SEVEN PRINCIPLES OF PUBLIC LIFE

### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisation 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, holders of public office should make choices on merit.

### **Accountability**

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

### **Openness**

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

### **Honesty**

Holders of public office 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.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

*Committee on Standards in Public Life - The Nolan Report (1995)*





# ANTI-MONEY LAUNDERING POLICY

<b>Item</b>	<b>Details</b>
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Owner:	Kerry Beavis
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The policy owner has the authority to make the following minor changes without approval

N/A

### Policy Location

This policy can be found on NWLDC's website and on the SharePoint page.

### Equality Impact Assessment (EIA)

Completed by	Completion date
Kerry Beavis	30 July 2024

### Revision history

Version Control	Revision Date	Summary of Changes
2.1	September 2015	
2.2	May 2020	
2.3	June 2021	
2.4	June 2022	
2.5	June 2023	Minor amendments - name changes.
2.6	July 2024	Minor amendments - name changes.

### Policy Review Plans

This policy is subject to a scheduled review once annually or earlier if there is a change in legislation or local policy that requires it.

### Distribution

<b>Title</b>	<b>Date of Issue</b>
Audit & Governance Committee	7 August 2024
Cabinet	24 September 2024
NWL Website	[To be confirmed]

	<b>Contents</b>
1.	Introduction
2.	Scope of the policy
3.	Definition of money laundering
4.	Requirements of the money laundering legislation
5.	The money laundering reporting officer (MLRO)
6.	Client identification procedures
7.	Reporting procedure for suspicions of money laundering
8.	Consideration of the disclosure by the money laundering reporting officer
9.	Training

## **ANTI-MONEY LAUNDERING POLICY**

### **1. INTRODUCTION**

- 1.1 The Council is committed to the highest possible standards of conduct and has, therefore, put in place appropriate and proportionate anti-money laundering safeguards and reporting arrangements. Although local authorities are not directly covered by the requirements of the Money Laundering and Terrorist Financing (Amendment) Regulations 2023, they are bound by the Proceeds of Crime Act 2002 and the Terrorism Act 2006, both of which place a number of duties and responsibilities on local authorities and employees and members of the same, in order that they do not find themselves subject to criminal prosecution.

### **2. SCOPE OF THE POLICY**

- 2.1 This policy applies to all employees, whether permanent or temporary, and members of the Council. Its aim is to enable employees and members to respond to a concern they have during their dealings for the Council. Individuals who may have a concern relating to a matter outside work should contact the Police.

### **3. DEFINITION OF MONEY LAUNDERING**

- 3.1 Money laundering is a term designed to cover a number of offences. These offences relate to the improper handling of funds that are the proceeds of criminal acts, or terrorist acts, so that they appear to come from a legitimate source. It relates to both the activities of organised crime but also to those who benefit financially from dishonest activities such as receiving stolen goods. The Proceeds of Crime Act 2002 (POCA), as amended by the Serious Organised Crime and Police Act 2005, creates a range of criminal offences arising from dealing with proceeds of crime.

The four main offences that may be committed under money laundering legislation are:

- concealing, disguising, converting, transferring or removing criminal property from anywhere in the UK;
- entering into or becoming concerned in an arrangement which a person knows, or suspects facilitates, the acquisition, retention, use or control of criminal property by or on behalf of another person;
- acquiring, using or possessing criminal property.\*
- entering into or being concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property\*\* by concealment, removal, transfer or in any other way.

It is also an offence to attempt, conspire or incite to commit any of the above offences and to aid, abet, counsel, or procure the commission of any of the above offences.

\* Criminal property is something which constitutes a person's benefit from criminal conduct or represents such benefit; it is not limited to money and there is no minimum amount.

\*\* Terrorist property includes money or other property likely to be used for terrorism, proceeds of terrorist acts, and proceeds of acts carried out for the purposes of terrorism.

There are also two 'third party' offences:

- failing to disclose information relating to money laundering offences (in respect of both criminal property and terrorist property) where there is reasonable grounds for knowledge or suspicion \*\*\*; and,
- tipping off or informing someone who is, or is suspected of, being involved in moneylaundering activities, in such a way as to reduce the likelihood of or prejudice an investigation.

\*\*\* It is important to note that whilst the disclosure obligations and tipping off offences in relation to criminal property will not always strictly apply to local authorities all individuals and businesses have an obligation to report knowledge, reasonable grounds for belief or suspicion about the proceeds from terrorism, proceeds of acts carried out for the purposes of terrorism or likely to be used for terrorism, where that information has come to them in the course of their business or employment.

3.2 The Terrorism Act made it an offence of money laundering to become concerned in an arrangement relating to the retention or control of property likely to be used for the purpose of terrorism or resulting from acts of terrorism.

3.3 Although the term 'money laundering' is generally used to describe the activities of organised crime for most people it will involve a suspicion that someone they know, or know of, is benefiting financially from dishonest activities.

3.4 Potentially very heavy penalties (unlimited fines and imprisonment up to fourteen years) can be handed down to those who are convicted of one of the offences above.

## **4. REQUIREMENTS OF THE MONEY LAUNDERING LEGISLATION**

4.1 The main requirements of the legislation are:

- to appoint a money laundering reporting officer;
- maintain client identification procedures in certain circumstances;
- implement a procedure to enable the reporting of suspicions of money laundering;
- maintain record keeping procedures.

## **5. THE MONEY LAUNDERING REPORTING OFFICER (MLRO)**

5.1 The Council has designated the Section 151 Officer as the Money Laundering Reporting Officer (MLRO). He can be contacted on 01530 454495 or at [paul.stone@nwleicestershire.gov.uk](mailto:paul.stone@nwleicestershire.gov.uk).

In the absence of the MLRO or instances where it is suspected that the MLRO themselves are involved in suspicious transactions, concerns should be raised with the Deputy Section 151 Officer, who can be contacted on 01530 454492 or at [anna.crouch@nwleicestershire.gov.uk](mailto:anna.crouch@nwleicestershire.gov.uk).

## **6. CLIENT IDENTIFICATION PROCEDURES**

- 6.1 Although not a legal requirement, the Council has developed formal client identification procedures which must be followed when Council land or property is being sold. These procedures require individuals and, if appropriate, companies to provide proof of identity and current address.

If satisfactory evidence is not obtained at the outset of a matter, then the transaction must not be progressed and a disclosure report, available on the intranet, must be submitted to the Money Laundering Reporting Officer.

All personal data collected must be kept in compliance with the Data Protection Act 2018.

## **7. REPORTING PROCEDURE FOR SUSPICIONS OF MONEY LAUNDERING**

- 7.1 Where you know or suspect that money laundering activity is taking/has taken place or become concerned that your involvement in a matter may amount to a prohibited act under the Act, you must disclose this as soon as practicable to the MLRO. The disclosure should be within 'hours' of the information coming to your attention, not weeks or months.
- 7.2 Your disclosure should be made to the MLRO using the disclosure form, available on the intranet.

The report must include as much detail as possible including:

- full details of the person involved;
- full details of the nature of their/your involvement;
- the types of money laundering activity involved;
- the dates of such activities;
- whether the transactions have happened, are ongoing or are imminent;
- where they took place;
- how they are undertaken;
- the (likely) amount of money/assets involved; and
- why, exactly, you are suspicious.

Along with any other available information to enable the MLRO to make a sound judgement as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable them to prepare their report to the National Crime Agency (NCA), where appropriate. You should also enclose copies of any relevant supporting documentation.

If you are concerned that your involvement in the transaction would amount to a prohibited act under sections 327-329 of the Proceeds of Crime Act 2002, then your report must include all relevant details, as you will need consent from the NCA, via the MLRO, to take any further part in the transaction – this is the case even if the client gives instructions for the matter to proceed before such consent is given. You should therefore make it clear in the report if such consent is required and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline.



- 7.3 Once you have reported the matter to the MLRO you must follow any directions they may give you. You must NOT make any further enquiries into the matter yourself; any necessary investigation will be undertaken by the NCA. Simply report your suspicions to the MLRO who will refer the matter on to the NCA if appropriate. All members of staff will be required to co-operate with the MLRO and the authorities during any subsequent money laundering investigation.
- 7.4 Similarly, at no time and under no circumstances should you voice any suspicions to the person(s) whom you suspect of money laundering, even if the NCA has given consent to a particular transaction proceeding, without the specific consent of the MLRO; otherwise, you may commit a criminal offence of 'tipping off'.
- 7.5 Do not, therefore, make any reference on a client file, to a report having been made to the MLRO - should the client exercise their right to see the file, then such a note will obviously tip them off to the report having been made and may render you liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

## **8. CONSIDERATION OF THE DISCLOSURE BY THE MONEY LAUNDERING REPORTING OFFICER**

- 8.1 Upon receipt of a disclosure report, the MLRO must note the date of receipt on their section of the report and acknowledge receipt of it. They should also advise you of the timescale within which they expect to respond to you.
- 8.2 The MLRO will consider the report and any other available internal information they think is relevant, e.g.
- reviewing other transaction patterns and volumes;
  - the length of any business relationship involved;
  - the number of any one-off transactions and linked one-off transactions;
  - any identification evidence held;

and undertake such other reasonable enquiries they think appropriate in order to ensure that all available information is taken into account in deciding whether a report to the NCA is required (such enquiries being made in such a way as to avoid any appearance of tipping of those involved). The MLRO may also need to discuss the report with you.

- 8.3 Once the MLRO has evaluated the disclosure report and any other relevant information, they must make a timely determination as to whether:
- there is an actual or suspected money laundering taking place; or
  - whether there are reasonable grounds to know or suspect that this is the case; and
  - whether they need to seek consent from the NCA for a particular transaction to proceed.
- 8.4 Where the MLRO does so conclude, then they must disclose the matter as soon as practicable to the NCA on their standard report form and in the prescribed manner, unless they have a reasonable excuse of non-disclosure to the NCA (for example, if you are a lawyer and you wish to claim legal professional privilege for not disclosing

- the information).
- 8.5 Where the MLRO suspects money laundering but has a reasonable excuse for nondisclosure, then they must note the report accordingly, they can then immediately give their consent for any ongoing or imminent transactions to proceed. In cases where legal professional privilege may apply, the MLRO must liaise with the Council's Monitoring Officer to decide whether there is a reasonable excuse for not reporting the matter to the NCA.
  - 8.6 Where consent is required from the NCA for a transaction to proceed, then the transaction(s) in question, must not be undertaken or completed until the NCA has given specific consent, or there is deemed consent through the expiration of the relevant time limits in which the NCA must respond, and no response has been received.
  - 8.7 Where the MLRO concludes that there are no reasonable grounds to suspect money laundering then they shall mark the report accordingly and give their consent for any ongoing or imminent transaction(s) to proceed.
  - 8.8 All disclosure reports referred to the MLRO and reports made by them to the NCA must be retained by the MLRO in a confidential file kept for that purpose, for a minimum of five years.
  - 8.9 The MLRO commits a criminal offence if they know or suspect, or have reasonable grounds to do so, through a disclosure being made to them, that another person is engaged in money laundering and does not disclose this as soon as practicable to the NCA.

## **9. TRAINING**

- 9.1 Officers considered likely to be exposed to suspicious situations, will be made aware of these by their senior officer and provided with appropriate training.
- 9.2 Additionally, all employees and members will be familiarised with the legal and regulatory requirements relating to money laundering and how they affect both the Council and themselves.
- 9.3 Notwithstanding the paragraphs above, it is duty of officers and members to report all suspicious transactions whether they have received their training or not.



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# **CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY**

Item	Details
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Owner:	Kerry Beavis
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## Key policy details

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The policy owner has the authority to make the following minor changes without approval

N/A

### Policy Location

This policy can be found on NWLDC's website and on the Sharepoint page.

### Equality Impact Assessment (EIA)

Completed by	Completion date
Kerry Beavis	30 July 2024

### Revision history

Version Control	Revision Date	Summary of Changes
2.1	May 2020	
2.2	June 2021	
2.3	June 2022	
2.4	June 2023	
2.5	July 2024	Minor amendments, including name changes and updates to the external audit firm and the Council's address.

### Policy Review Plans

This policy is subject to a scheduled review annually or earlier if there is a change in legislation or local policy that requires it.

### Distribution

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## CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

“North West Leicestershire District Council is committed to the prevention, deterrence, detection and investigation of fraud, corruption, and malpractice in all forms. It encourages employees and members of the Council and its contractors who have serious concerns about any aspect of its work, including matters of health and safety, to voice those concerns.”

### 1. INTRODUCTION

1.1 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees, members and others that we deal with, who have serious concerns about any aspect of the Council’s work to come forward and voice those concerns. This Confidential Reporting Policy is intended to encourage and enable employees, members, contractors, or suppliers to raise serious concerns **within** the Council rather than overlooking a problem or “blowing the whistle” outside.

1.2 This Policy provides guidance on the way in which concerns may be raised.

This Policy also sets out how matters can be taken further if a person remains dissatisfied with the Council’s response to any concerns raised.

1.3 Employees, members, contractors, and suppliers are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council, or they perceive that it could harm their chances of future business or their career prospects. They may also fear harassment or victimisation. In such circumstances individuals may consider it to be easier to ignore the concern rather than report what may only be a suspicion of malpractice. This Policy document makes it clear that individuals raising concerns will do so without fear of victimisation, subsequent discrimination, or disadvantage.

1.4 It is recognised that, where concerns are raised, most cases will have to proceed on a confidential basis. The Council will do everything it can to protect the confidentiality of those individuals’ raising concerns. However, there may be times when the person making the complaint can be identified due to the nature of the allegation made and, in such cases, it will not be possible to keep the identity of the complainant confidential. In addition, there may be times when the Council will believe it is appropriate to let the subject of a complaint know who made any allegation.

1.5 The Council recognises that individuals raising concerns, termed “qualifying disclosures” under the Public Interest Disclosure Act 1998 are entitled to protection under that Act and/or this Policy and may be eligible to compensation if they subsequently suffer victimisation, discrimination, or disadvantage. Under the Enterprise and Regulatory Reform Act 2013, any disclosure using the Whistleblowing Policy, within reasonable belief of the worker making the disclosure will only be protected if it is made in the public interest. It must also show one or more of the following:

(a) that a criminal offence has been committed, is being committed or is likely to be committed,

(b) that a person has failed, is failing or is likely to fail to comply with any



- legal obligation to which he is subject,
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- (d) that the health or safety of any individual has been, is being or is likely to be endangered,
- (e) that the environment has been, is being or is likely to be damaged, or
- (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

1.6 This policy is designed for workers. Workers include:

- Employees;
- Agency workers;
- People that are training with an employer;
- Self-employed workers, if supervised or working on site.

1.7 The procedures outlined in this Policy **are in addition to** the Council's complaints procedures and other statutory reporting procedures applying to some divisions.

1.8 This Policy has been discussed with the relevant trade unions and has their support.

1.9 The principles of this Policy also apply to concerns of the general public.

## **2. AIMS AND SCOPE OF THE POLICY**

2.1 This Policy aims to:

- encourage workers to feel confident in raising concerns that are in the public interest and to question and act upon concerns;
- provide avenues for workers to raise those concerns and receive feedback on any action taken;
- ensure that workers receive a response to their concerns and that they are aware of how to pursue matters if they are not satisfied;
- reassure workers that they will be protected from the risk of reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

2.2 If Council employees have concerns relating to their employment with the organisation, these should be raised under the Council's Grievance Policy. This Policy is intended to cover major concerns that fall outside the scope of other policies and procedures. As stated in paragraph 1.5, these include:

- conduct which is an offence or a breach of law,
- disclosures related to miscarriages of justice,
- health and safety risks, including risks to the public as well as other employees,
- damage to the environment,
- the unauthorised use of public funds,
- possible fraud and corruption,
- sexual or physical abuse of clients, or
- other unethical conduct.

### **3. SAFEGUARDS - HARASSMENT OR VICTIMISATION**

3.1 The Council is committed to good practice and high standards and aims to be supportive of employees and others using this policy.

3.2 The Council recognises that the decision to report a concern can be a difficult one to make. Workers are legally entitled to protection from unfair treatment if:

(a) they honestly think what they are reporting is true,

(b) they believe that they are telling the right person,

(c) they believe that raising concerns is in the public interest.

Put simply, if an individual is acting in good faith when raising any concerns, they should have nothing to fear because they will be doing their duty to their employer, and/or the Council and those for whom the Council provides a service. In the event that the concerns raised are substantiated, they will be ensuring that bad practice / unethical behaviour / illegal conduct is curtailed.

3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) against individuals who raise concerns in good faith under this Policy and will take appropriate action to protect those who raise a concern in good faith and, where necessary, will take action against those subjecting any complainant to harassment, victimisation or any other pressures as a result of raising concerns.

3.4 Any investigation into allegations of matters listed in paragraph 2.2 of this Policy will not influence, or be influenced by, any disciplinary, redundancy or similar procedures which may already affect either the person raising the concerns or the individual(s) who are the subject of those concerns.

### **4. CONFIDENTIALITY**

4.1 All attempts will be made to ensure any concerns raised will be treated in confidence and to protect the identity of the person making the complaint where they so wish. The Council cannot ensure confidentiality where the individual has themselves informed others of any alleged concerns.

4.2 In addition, there may be times when the identity of the person making the complaint is clear due to the nature of any allegations made. In such cases, the Council cannot take any steps to protect the individual's identity. The individual will, however, still be entitled to the same protection against harassment, victimisation, and other pressures as if their identity remained confidential.

4.3 In a small number of cases, the Council may find it is appropriate to disclose the identity of the individual raising the concern to the person who is the subject of any complaint. It will, however, inform them of this before doing so. Again, they will receive the same protection against harassment, victimisation, and other pressures as if their identity had remained confidential.

4.4 It should be noted that, whilst every effort will be made to protect an individual's identity, the Council may, at an appropriate time ask them to come forward as a witness. If they do become a witness in any case, they will be entitled to the same protection against harassment, victimisation, and other pressures that they are

entitled to when making the initial complaint under this Policy.

## **5. ANONYMOUS ALLEGATIONS**

5.1 This Policy aims to protect those raising concerns and, therefore, it is hoped that any person raising concerns will do so in their own name whenever possible.

5.2 Whilst any concern will be taken seriously, those expressed anonymously will carry less weight but will be given consideration by the Council; an investigation into the matters raised will be investigated at the discretion of the Council.

5.3 In exercising this discretion, the factors to be taken into account will include:

- the nature and seriousness of the issues raised,
- the apparent credibility of the concern, and
- the probable likelihood of being able to confirm the allegation from attributable sources.

5.4 If the Council does not know who has made an allegation, it will not be possible for the Council to offer reassurance and protection to the individual.

## **6. UNTRUE ALLEGATIONS**

6.1 If an allegation is made in good faith but is not confirmed following an investigation by the Council, no action will be taken against the person making the allegation. This should encourage those who have concerns to raise them in the appropriate manner without fear of any reprisals.

6.2 If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against the person making that allegation where appropriate.

## **7. HOW TO RAISE A CONCERN**

7.1 Advice and guidance on how to pursue matters of concern may be obtained from the Council's nominated contact points who are:

- Chief Executive:  
[allison.thomas@nwleicestershire.gov.uk](mailto:allison.thomas@nwleicestershire.gov.uk)  
Telephone 01530454500
- Monitoring Officer:  
[elizabeth.warhurst@nwleicestershire.gov.uk](mailto:elizabeth.warhurst@nwleicestershire.gov.uk)  
Telephone 01530 454762
- Section 151 Officer:  
[paul.stone@nwleicestershire.gov.uk](mailto:paul.stone@nwleicestershire.gov.uk)  
Telephone 01530 454495
- Audit Manager:  
[kerry.beavis@nwleicestershire.gov.uk](mailto:kerry.beavis@nwleicestershire.gov.uk)  
Telephone 01530 454378

- 7.2 Concerns may be raised verbally or in writing, to any of the above-named individuals. If raising a concern in writing, it should be addressed to the named individual at the:

Whitwick Business Centre  
Whitwick Business Park  
Stenson Road  
Coalville  
Leicestershire  
LE67  
3FJ

Clearly mark the envelope "Confidential".

Alternatively, any concerns can be raised with North West Leicestershire District Council's external auditors:

Azets  
6<sup>th</sup> Floor  
Bank House  
Cherry Street  
Birmingham  
B2 5AL

- 7.3 Concerns can be raised in the following ways –

- A written report using the following format:
  - the background and history of the concern (giving relevant dates);
  - the reason why the situation is of particular concern.
  
- A verbal report of any concerns identified by contacting one of the officers named at paragraph 7.1 above to arrange a mutually convenient appointment. When arranging an appointment, it would be helpful to refer to raising a matter under the Confidential Reporting Policy.
  - When making a verbal report set out the facts using the same format identified at paragraph 7.3 above.

- 7.5 The earlier concerns are raised the easier it is for the Council to investigate and take any relevant action.

- 7.7 When raising a concern, the individual will not be expected to prove beyond doubt the truth of an allegation but will need to demonstrate to the person contacted that there are reasonable grounds for concern.

- 7.8 An individual may wish to consider discussing their concern with a colleague or trade union representative first and may find it easier to raise the matter if two (or more) share any concerns.

- 7.9 The individual wishing to raise a concern may invite a trade union representative, professional association representative or a member of staff to be present during any meetings or interviews in connection with the concerns raised, any meetings may be arranged off-site if appropriate.
- 7.10 If an individual feels unable to raise concerns directly with the Council, they should report the matter to a “prescribed person”. This will ensure that their legal rights are protected. The list of prescribed persons can change and so up to date information can be obtained by accessing an online brochure entitled;
- “Whistleblowing: list of prescribed people and bodies”  
available at [www.gov.uk](http://www.gov.uk)

## **8. HOW THE COUNCIL WILL RESPOND**

- 8.1 The Council will respond to concerns but within the constraints of maintaining confidentiality or observing any legal restrictions. In any event, a confidential record of the steps taken will be kept in accordance with the Data Protection Act 2018.
- 8.2 The Council may also ask to meet with the individual raising the concern in order to gain further information. Do not forget that testing out concerns is not the same as either accepting or rejecting them. It is sometimes necessary to test out any concerns raised in order to identify how strong any evidence may be.
- 8.3 Where appropriate, the matters raised may be:
- investigated internally,
  - referred to the police,
  - referred to the external auditor,
  - made the subject of an independent enquiry.

Following any of the action above, a concern may be upheld or may be dismissed.

- 8.4 In order to protect individuals and those accused of misdeeds or possible malpractice, the Council will undertake initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take. In most cases, it is anticipated that these initial enquiries will be completed within ten working days of an allegation being made. The overriding principle, which the Council will have in mind when deciding what steps to take, is whether the matter falls within the public interest. Any concerns or allegations which fall within the scope of any other specific procedures (for example, misconduct or discrimination issues) will normally be referred to the relevant service area for consideration under those procedures.
- 8.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.6 Within seven working days of a concern being raised, the nominated contact will write to the individual raising the concern:
- acknowledging that the concern has been received,
  - indicating how the Council propose to deal with the matter,
  - give an estimate of how long it will take to provide a final response,

- advising whether any initial enquiries have been made,
- providing information on staff support mechanisms, and
- advising whether further investigations will take place and if not, why not.

8.7 The amount of contact between the officers considering the issues and the individual will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the Council will seek further information from the individual.

8.8 The Council will take steps to minimise any difficulties the individual may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure.

8.9 The Council accepts that an individual needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform the individual of the outcome of any investigation.

## **9. THE RESPONSIBLE OFFICER**

9.1 The Chief Executive has overall responsibility for the maintenance and operation of this Policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will immediately notify the Monitoring Officer and Section 151 Officer of all issues raised under this Policy and will report as necessary to the Council.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

10.1 This Policy is intended to provide individuals with an avenue within the Council to raise concerns. The Council hopes the individual will be satisfied with any action taken. If not, and they feel it is right to take the matter outside the Council, the following are possible contact points:

- one of the “prescribed persons”
- trade union
- local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation (Public Concern at Work - 020 7404 6609)
- the Police.

10.2 If the matter is taken outside the Council, the individual should ensure that they do not disclose confidential information. Check with one of the Council’s nominated contact points about that (see 7.1).



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# RISK MANAGEMENT POLICY

Item	Details
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Owner:	Paul Stone
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## Policy Location

This policy can be found on NWLDC's website and on the Sharepoint page under current policies tab.

## Equality Impact Assessment (EIA)

Completed by	Completion date
Paul Stone	13 June 2024

## Revision history

Version Control	Revision Date	Summary of Changes
7.0	13 June 2024	<ul style="list-style-type: none"> <li>Corporate Risk Scrutiny Group now renamed Corporate Risk Management Group</li> <li>Minor formatting changes</li> <li>Clarity on which committee reviews the Corporate Risk Register i.e. Audit and Governance Committee as per the Council's Constitution.</li> <li>Graphic added to section 4.</li> <li>Additional text for clarity regarding identifying risk in the appendix</li> <li>Revised format of the risk register in the appendix</li> <li>Role of Members added in the appendix</li> </ul>

## Policy Review Plans

This policy is subject to a scheduled review once every year or earlier if there is a change in legislation or local policy that requires it.

## Distribution

Title	Date of Issue	Version No.
Audit & Governance Committee	7 August 2024	7.0
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## **1. INTRODUCTION**

1.1 The Council has adopted the principles of risk management in order to meet the following objectives:

- to protect the health, safety and welfare of its employees and the communities it serves.
- to protect its property, assets and other resources.
- to protect the services it provides; to maintain its reputation and good standing in the wider community; and
- to deliver its overall objectives and priorities.

## **2. RISK MANAGEMENT STRUCTURE**

2.1 Risk Management is co-ordinated corporately by the Health and Safety Officer and through the Corporate Risk Management Group (RMG) chaired by Director of Resources. It also refers and reports to Corporate Leadership Team on a quarterly basis, thereby reaching all services in the Council and ensuring senior management oversight and involvement. Progress on Corporate Risk Management is reported to Members through performance reports to the Audit and Governance Committee, at least quarterly. The Corporate Portfolio Holder is the Cabinet member with overall responsibility for risk management.

2.2 The RMG consists of delegates from various council services, each bringing valuable insights to the Council's risk management strategy and the continual evaluation of the Corporate Risk Register.

2.3 Risk management is embedded in the culture of the Council through:

- the continued adoption of the Council's risk management policy statement.
- a nominated officer lead, currently the Director of Resources.
- the RMG and Corporate Leadership Team accountability.
- an established uniform procedure for the identification, analysis, management and monitoring of risk.
- training and briefings in conjunction with appropriate third parties; and
- regular monitoring and reporting through the corporate performance management system and control mechanisms.
- Briefings and workshops held with Audit and Governance Committee Members.

2.4 The Council is responsible for establishing and maintaining appropriate risk management processes, control systems, accounting records and governance arrangements. Internal Audit play a vital role in advising the Council that these arrangements are in place and operating effectively. Each year the Council's Audit Manager produces a risk-based annual Audit Plan. This is informed by a risk assessment which includes a review of corporate and service risk registers, and consultation with key stakeholders and senior management. The Plan is developed to deliver a programme of internal audits to provide independent assurance to senior management and Members. Internal audit undertakes a risk-based approach for individual assignments and gives a rating of the level of assurance that is awarded within

each system / business area. This demonstrates the extent to which controls are operating effectively to ensure that significant risks to the achievement of the Council's priorities are being addressed.

### **3. AIMS OF THE POLICY**

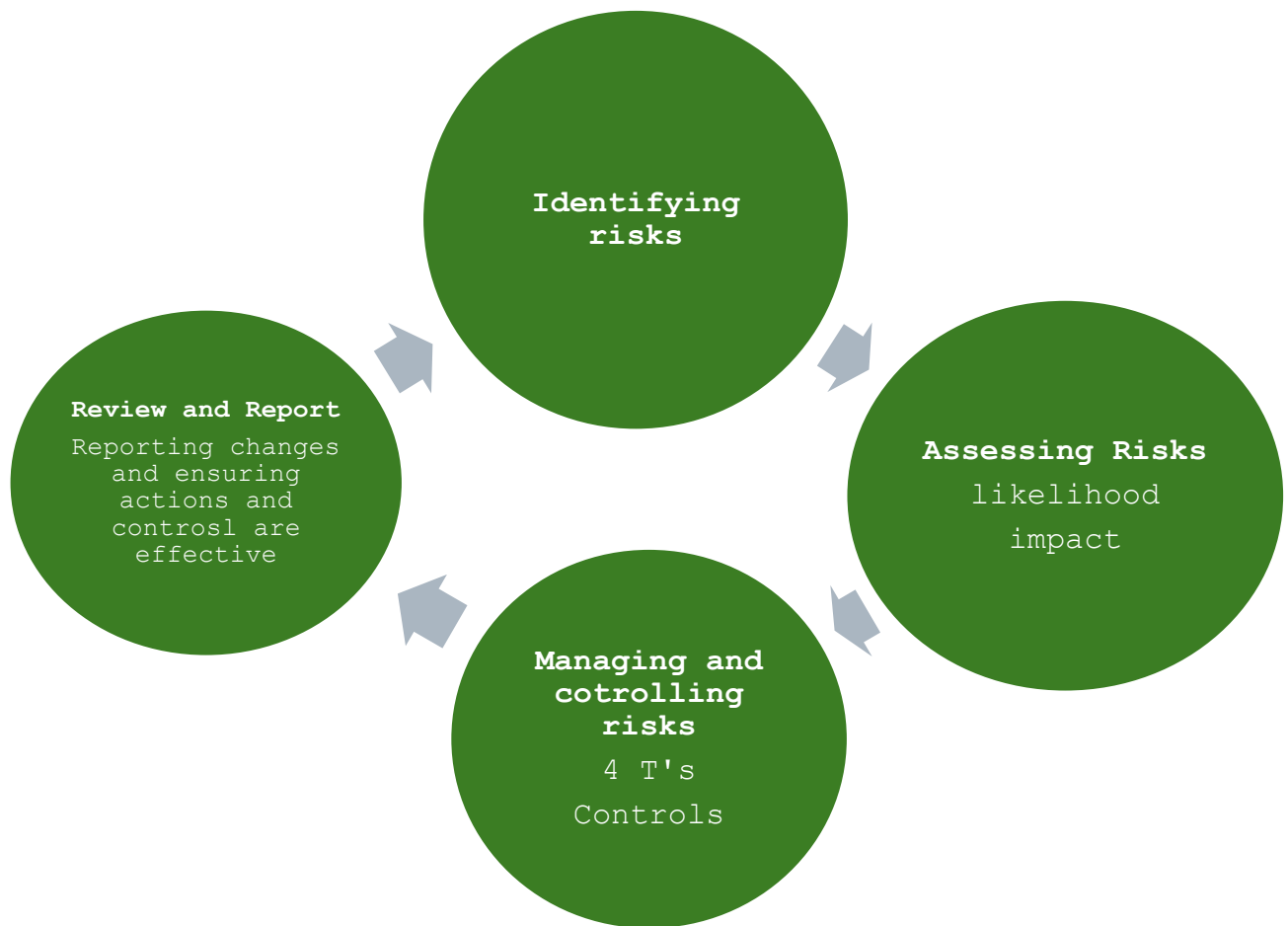
3.1 The Council will strive to maintain its diverse range of services to the community and visitors to the North West Leicestershire area. It will protect and continue to provide these services by ensuring that its assets, both tangible and intangible, are protected against loss and damage. The Council is committed to a programme of risk management to ensure its ambitions for the community can be fulfilled through:

*“The identification, analysis, management and financial control of those risks which can most impact on the Council's ability to pursue its approved delivery plan”.*

3.2 The Council is committed to using risk management to maintain and improve the quality of its own services as well as any contribution by partnerships through its community leadership role. The Risk Management Policy has the following aims and objectives:

- to continue to embed risk management into the culture of the Council.
- to promote the recognition of risk within the Council's defined corporate aims and objectives.
- continue to raise risk awareness within the Council and its partners.
- to manage risk in accordance with best practice.
- to comply with legislation and guidance.
- to improve safety and increase safety awareness.
- to protect Council property, services and public reputation.
- to reduce disruption to services by having effective contingency or recovery plans in place to deal with incidents when they occur.
- to minimise injury, damage, loss and inconvenience to residents, staff, service users, assets, etc arising from or connected with the delivery of Council services.
- to review robust frameworks and procedures for the identification, analysis, assessment and management of risk, and the reporting and recording of events, based on best practice.
- to maximise value for money.
- The CMG will consistently conduct reviews of the Risk Management Policy and the associated processes through the Council's Corporate Leadership Team (CLT) to confirm their ongoing applicability and effectiveness for the Council. This annual review will also assess performance against the aims and objectives set out above. CLT will be accountable to Members for the effective management of risk within the Council. This will be achieved through the quarterly reporting of corporate risks to Audit and Governance Committee.

### **4. RISK MANAGEMENT POLICY**



4.1 The overall objective of the Council’s Risk Management Policy is to ensure that risks to the Council’s objectives, services, employees, partnerships and contractors are identified, recorded, amended, prioritised and then addressed by being treated, tolerated, transferred or terminated. The Policy incorporates:

(a) Identification / Consideration of Risks

- Identifies corporate and operational risks, assesses the risks for likelihood and impact, identifies mitigating controls and allocates responsibility for the mitigating controls.
- Requires the consideration of risk within all service plans and reviews and the regular review of existing risks as identified in the risk register.
- Requires, reports supporting strategic policy decisions and project initiation documents, to include a risk assessment.

- Externally horizon scan for impending risks that may impact the council, communicate the risk to the appropriate risk owner so they can assess for likelihood and impact, identify mitigating controls and allocate responsibility for the mitigating controls.

(b) Development Delivery

- Allocates responsibility for embedding risk management to a senior officer and Member, to jointly champion.
- Embeds risk management into; strategic planning, financial planning, policy making and review, and performance management.
- Requires that an update report arising from the work of the RMG is presented to Corporate Leadership Team for discussion and information on a quarterly basis.
- Develops arrangements to monitor and measure performance of risk management activities against the Council's strategic aims and priorities.
- Considers risks in relation to significant partnerships, which requires assurances to be obtained about the management of those risks.

(c) Member Involvement / Responsibility

- Quarterly reports will be produced for Audit and Governance Committee on the management of business risks together with recommendation of appropriate actions.
- Reporting to Cabinet and Portfolio members where necessary.

(d) Training / Awareness

- Requires relevant training and toolkits to be given to appropriate staff to enable them to take responsibility for managing risks within their environment.
- Requires the maintenance of documented procedures for the control of risk and the provision of suitable information, training and supervision.
- Develops appropriate procedures and guidelines.
- Considers positive risks (opportunities) and negative risks (threats).
- Facilitates risk management awareness training for all members.

(e) Review

- Maintains and reviews a register of corporate business risks linking them to strategic business objectives and assigning ownership for each risk.
- Requires an annual review of the risk management process, including a report to CLT, localised Risk Registers where necessary and quarterly reporting to the Audit and Governance Committee.

- Reports to Audit and Governance Committee, in the case of new or changing strategic risks, through the quarterly performance reporting process.
- Requires each team / department to review their individual Risk Registers as and when required (but no less than quarterly) managed by the respective CLT member.

(f) Business Continuity

- Develops contingency plans in areas where there is a potential for an occurrence having a catastrophic effect on the delivery of the Council's services.

(g) Insurance

- Ensures the appropriate officer responsible for insurance is notified of any new risks.
- Ensures adequate records are maintained and retained to support the Council's defence against disputed insurance claims.

(h) Controlling the Risks

Traditionally in risk management there are four ways to mitigate the risks to the organisation, these being typically referred to as **Treat, Tolerate, Transfer and Terminate** and are known collectively as the "4 Ts".

- **Tolerate** means the risk is known and accepted by the organisation. In such instances the senior management team should formally sign off that this course of action has been taken.
- **Transfer** means the risk mitigation is transferred i.e. it is passed to a third party such as an insurer or an outsourced provider, although it should be noted that responsibility for the risk cannot be transferred or eliminated.
- **Terminate** means we stop the process, activity, etc or stop using the premises, IT system, etc which is at risk and hence the risk is no longer relevant.
- **Treat** means we aim to reduce the likelihood of the threat materialising or else reduce the resultant impact through introducing relevant controls and continuity strategies.

## 5. RISK APPETITE

- 5.1 The Council's risk appetite guides how much risk it is willing to seek or accept to achieve its objectives. The Council recognises it will need to take risks, both in ordinary business and to achieve the priorities set out in the Council Delivery Plan. Good risk management ensures that well informed decisions, are made and the associated risks are understood. By ensuring that risks are properly responded to, the Council will be more likely to achieve its priorities. It also provides control and a high level of due diligence consistent with the Council's responsibilities in managing public money.
- 5.2 The Council recognises effective risk management considers not just threats but also opportunities. So, the approach to risk is to seek the right opportunities and, where possible, minimise threats. By encouraging managed risk taking and considering all of the available options the Council seeks a balance between caution and innovation.
- 5.3 The Council's risk appetite reflects its current position; encouraging managed risk taking for minor to moderate level risks but controlling more closely those risks that come



further up the scale. Risk appetite will vary over time depending on the Council's ambitions and priorities and the wider environment in which we work. Resources are aligned to priorities and arrangements are in place to monitor and mitigate risks to acceptable levels.

- 5.4 Beyond Council risk appetite is the Council's risk tolerance. This sets the level of risk that is unacceptable, whatever opportunities might follow. In such instances the Council will aim to reduce the risk to a level that is within its appetite. Whilst appetite may be lower, tolerance levels may be higher, and the Council recognises that it is not possible or necessarily desirable to eliminate some of the risks inherent in its activities. In some instances, acceptance of risk within the public sector is necessary due to the nature of services, constraints within operating environment and a limited ability to directly influence where risks are shared across sectors.
- 5.5 The Council illustrates its risk appetite and tolerance in the grading of risks within the risk register. Risks that are red represents the outer limit of the Council's risk appetite, and those amber or green indicates the tolerance. Where risks are identified as red, ways to reduce these risks will be sought, through the four T's identified above. The Council is unlikely to take risks that will cause a significant negative consequence for the delivery of Council objectives, and only would consider doing so where this is a clear and overarching need to do so.

## **6. CORPORATE RISK MANAGEMENT GROUP**

- 6.1 The Corporate Risk Management Group is made up of technical experts and corporate leads from the Council's Service Areas. Members of the Group act as "champions" for risk within their services and the Group provides a link into the CLT.
- 6.2 The role of the Group is to maintain a formal framework that will assist with the management of risk and business continuity, by developing the corporate lead and advising CLT on the expected outcome. The objectives of the Group are:
- to assess and advise on the reduction of prevailing risks within the Council's services, to the benefit of staff and the public.
  - to discuss, agree and recommend as appropriate, on matters relating to corporate risk policy.
  - to make reports and recommendations to CLT.
  - to discuss operational risks insofar as they relate to matters of cross-directorate interest.
  - to oversee the implementation of the Council's Risk Management Policy, and to promote a holistic approach to its ongoing management.
  - to promote good risk management practices with the aim of reducing potential liabilities.
  - to consider and identify new risks, and ideas / schemes for risk reduction.
  - to provide a forum to discussion on risk management issues.

These will be achieved through the following:

- the use of the Council's Risk Management reporting system.
- monitoring the Risk Management Policy.
- reviewing the Council's risk register and associated action plans, acting as a forum for examining and rating risks and making recommendations to CLT.
- developing a comprehensive performance framework for risk management and developing and using key indicators capable of showing improvements in risk management and providing early warning of risk.
- supporting the development and review of internal standards and procedures regarding significant risk areas.
- supporting the development and implementation of relevant training, awareness and education programmes.
- supporting the development and implementation of adequate, relevant and effective reporting, communication and information dissemination systems with managers and staff.
- supporting the effective monitoring and review of near misses, untoward incidents and accidents, legal and insurance claims and verifying that appropriate management action has been taken promptly to minimise the risk of future occurrence.
- supporting the review of the risk register and action plans to ensure that appropriate management action is taken appropriately to tolerate, treat, transfer or terminate the risk.
- monitoring compliance with legal and statutory duties.
- providing progress reports to CLT and members, drawing to their attention significant business risks.
- encouraging localised Risk Registers to be created where necessary, as well as supporting dynamic risk assessment.

## **7. PROCEDURES**

- 7.1 The Council will adopt uniform procedures for the identification, analysis, management and monitoring of risk. These will be embodied in a formal risk management framework, which will be subject to annual review by the Audit and Governance Committee, following consideration by CLT.

The approved framework is set out in Appendix A to this Policy document.

## **8. FUNDING FOR RISK MANAGEMENT**

- 8.1 The annual Service and Financial Planning process will include a review of operational risks and consider the allocation of funds for risk management initiatives as part of the annual budget process. If additional funds are required approval will be sought initially from CLT.

## **9. BENEFITS OF EFFECTIVE RISK MANAGEMENT**

9.1 Effective risk management will deliver a number of tangible and intangible benefits to Individual services and to the Council as a whole, for example:

### Improved Strategic Management

- Greater ability to deliver against objectives and targets
- Increased likelihood of change initiatives being delivered effectively
- Improved reputation, hence, support for regeneration
- Increased confidence to take controlled risks

### Improved Operational Managements

- Reduced interruptions to service delivery: fewer surprises!
- Reduced managerial time spent dealing with the consequences of a risk event occurring
- Improved health and safety of employees and others affected by the Council's activities
- Compliance with legislation and regulations

### Improved Financial Management

- Better informed financial decision-making
- Enhanced financial control
- Reduced financial costs associated with losses due to service interruption, litigations, etc.
- Improved containment of insurance premiums Improved Customer Service
- Minimal service disruption to customers and a positive external image

## **10. CURRENT CHALLENGES FACING THE COUNCIL**

10.1 The Council provides a range of services to the residents of North West Leicestershire and the environment within which it operates is always evolving and changing. The current key challenges facing the Council include:

- Ensuring financial sustainability over the medium term.
- Ensuring business continuity and information technology security arrangements futureproof.
- Keeping abreast of Government policy changes, for example the requirements of the Office for Local Government.
- Continually developing the Council's compliance and assurance frameworks to ensure robust decision making.
- Recruitment and retention to key positions across the Council.
- Safeguarding compliance

- Compliance with procurement and contracting regulations
- Responding to emergencies
- Threat of cyber attacks
- Failing to comply with housing landlord regulations
- Failure to meet carbon reduction targets

## APPENDIX A

### RISK MANAGEMENT FRAMEWORK

#### **(A) What is the framework?**

This framework promotes a set of uniform risk management procedures through which directorates will identify, analyse, monitor and manage the risks faced by the Council.

For the purposes of the framework, risk management is defined as *“the identification, analysis, management and financial control of those risks that can impact on the Council’s ability to deliver its services and priorities.”*

Risk management is, therefore, concerned with better decision making, through a clear understanding of all associated risks before final decisions are made by either members or officers. When risks are properly identified, analysed and prioritised it is possible to formulate action plans that propose management actions to reduce risk or deal adequately with the consequences of the risks should they occur. The underlying aim is to treat, terminate or transfer risk to bring them to an acceptable manageable level within the Council, monitor tolerated risk, ensuring services to the public can be maintained, and that the Council’s priorities can be fulfilled.

Risk management, therefore, supports the Council’s service planning process by positively identifying the key issues that could affect the delivery of the service objectives.

#### **(B) Why does the Council need to consider risk management as part of its service planning?**

All organisations must deal with risks, whatever their nature. As a general principle the Council will seek to reduce or control all risks that have the potential to:

- harm individuals.
- affect the quality-of-service delivery or delivery of the Council’s priorities.
- have a high potential of occurrence.
- would affect public confidence.
- would have an adverse effect on the Council’s public image.
- would have significant financial consequences.
- have a potential for litigation in line with exposure detailed below.

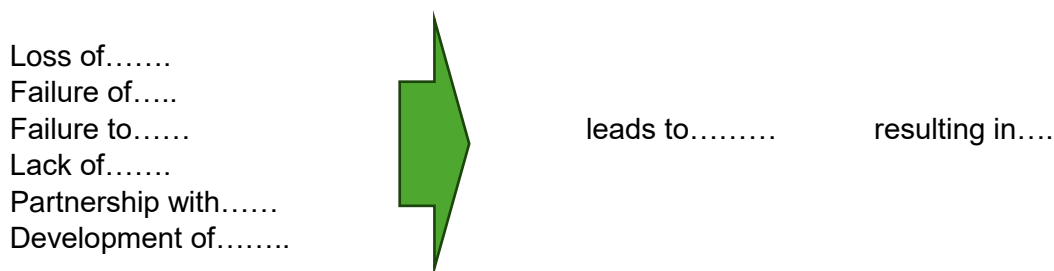
Risk Management cannot be considered in isolation but needs to be an integral part of decision-making and service planning processes of the Council. Risk management must be fully embedded in:

- service planning,
- performance management,
- best value,
- committee reports.

### (C) identifying and assessing risk

In identifying risks, it is important to consider what could prevent or hinder the Council from achieving its objectives. There are three parts to a risk – an **event** that has a **consequence** that leads to an **impact** on the Council’s objectives.

Typical risk phrasing could be:



You will also need to identify whether the risk is:

- **Strategic:** risks that are significant in size and duration and will impact on the reputation and performance of the Council as a whole and in particular on its ability to deliver its four strategic priorities.
- **Corporate:** risks to corporate systems or processes that underpin the organisation’s overall governance, operation and ability to deliver services.
- **Partnership:** risks to a partnership meeting its objectives or delivering agreed services/projects.
- **Operational:** risks specific to the delivery of individual services/service performance/project.

Once risks have been identified, an assessment of their significance is required. This requires a robust and transparent scoring mechanism to be used uniformly across Council directorates.

Scoring should be a group exercise including managers and frontline employees. This is because people’s perceptions vary, and this can have an effect on scoring the risk. Employees who experience a risk every day can become complacent and fail to see how serious it may actually be, whilst a group will usually see the wider impact.

A decision on risk ownership is also required. The owner should be at management level and be responsible for ensuring that controls identified to manage the risk are in place and that they are effective. Delegation of responsibility for particular actions to other employees is acceptable, but overall control of risk must remain with management.

Tables 1 and 2 below set out a scoring mechanism for assessing the likelihood and the impact of exposure to risk.

**Table 1 - assessing the likelihood of exposure**

<b>1. Low</b>	Likely to occur once in every ten years or more
<b>2. Medium</b>	Likely to occur once in every two to three years
<b>3. High</b>	Likely to occur once a year
<b>4. Very High</b>	Likely to occur at least twice in a year

**Table 2 - assessing the impact of exposure**

<b>1. Minor</b>	<p>Loss of a service for up to one day. Objectives of individuals are not met. No injuries.</p> <p>Financial loss over £1,000 and up to £10,000. No media attention.</p> <p>No breaches in Council working practices. No complaints / litigation.</p>
<b>2. Medium</b>	<p>Loss of a service for up to one week with limited impact on the general public.</p> <p>Service objectives of a service unit are not met.</p> <p>Injury to an employee or member of the public requiring medical treatment.</p> <p>Financial loss over £10,000 and up to £100,000.</p> <p>Adverse regional or local media attention - televised or newspaper report.</p> <p>Potential for a complaint litigation possible. Breaches of regulations / standards.</p>

<p><b>3. Serious</b></p>	<p>Loss of a critical service for one week or more with significant impact on the general public and partner organisations.</p> <p>Service objectives of the directorate of a critical nature are not met.</p> <p>Non-statutory duties are not achieved.</p> <p>Permanent injury to an employee or member of the public Financial loss over £100,000.</p> <p>Adverse national or regional media attention - national newspaper report.</p> <p>Litigation to be expected.</p> <p>Breaches of law punishable by fine.</p>
<p><b>4. Major</b></p>	<p>An incident so severe in its effects that a service or project will be unavailable permanently with a major impact on the general public and partner organisations.</p> <p>Strategic priorities of a critical nature are not met. Statutory duties are not achieved.</p> <p>Death of an employee or member of the public. Financial loss over £1m.</p> <p>Adverse national media attention - national televised news report.</p> <p>Litigation almost certain and difficult to defend. Breaches of law punishable by imprisonment.</p>

**(D) Prioritisation of risk**

Table 3 brings together in a matrix the likelihood and impact of risk.

**Table 3 - a risk matrix**

		Likelihood			
		1	2	3	4
Impact	4	4	8	12	16
	3	3	6	9	12
	2	2	4	6	8
	1	1	2	3	4



Based on this matrix, the Council must decide on the level of risk it is prepared to accept as part of its ongoing operations. Any risk above the agreed level should be considered unacceptable and will therefore need to be managed. The risks in the above matrix fall into three zones; red, amber and green. Table 4 sets out the Councils intended response to these risks.

**Table 4 - intended responses to risk**

<b>Red</b>	Controls and/or mitigating actions are required to reduce the risk to an acceptable level. Effort should be focused on reducing the risk of any items appearing in this zone, hence moving them to the amber or green zone.
<b>Amber</b>	Risks will require ongoing monitoring to ensure they do not move into the red zone. Depending on the resources required to address the red risks, it may be appropriate to develop controls/mitigating actions to control these risks.
<b>Green</b>	Existing controls and/or mitigating actions are sufficient and may be excessive. More resource committed to reduce these risks is likely to be wasted. Consideration should be given to relaxing the level of control to release resources for mitigating higher level risks.

(E) Format of the risk register

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Ref	Risk description	Inherent Risk			Risk Response	Risk Owner	Residual Risk		
		Likelihood	Impact	Severity score			Likelihood	Impact	Severity
CR1	<b>Name of Risk</b> <b>Risk</b> <b>Consequence</b>	4	3	12	Treat		3	2	6
Existing Controls	<ul style="list-style-type: none"> <li></li> </ul>								
Planned mitigating actions				Delivery timescales					
Comments and progress on actions									

## **(F) Roles of Officers**

The Council's work is delivered largely through its officers. Set out below is a summary of the roles of different groups of officers in the risk management process:

**Lead officer** – to oversee the overall risk management process and ensuring reporting to Audit & Governance Committee, Cabinet and if necessary, Council. Keep this Risk Management Policy under annual review.

**Corporate Leadership Team (CLT)** – to instil the importance of Risk Management as set out in this policy, to ensure that risk registers etc as set out in this policy are addressed in their areas of responsibility, and to take part in the overall management of risk across the authority.

**Head of Human Resources and Organisational Development** – to address training needs related to the management of risk as they arise through Team Management plans and the coverage of risk training plan for the organisation as a whole.

**Project sponsors** – to ensure the projects under their sponsorship comply with the Risk Management Policy

**Team Managers** – to ensure risk management is instilled into Team Plans as they are developed and ensure that risk management is taken forward as part of the operation of their respective areas of control.

**Members of Corporate Risk Management Group** – to act as champions of risk in their service areas and deliver the objectives of the group as set out in this policy.

**All staff** – to ensure that they are aware of risk management, the corporate policy regarding risk, and identify, report or manage risk as appropriate within their control.

## **(G) Roles of Members**

**Audit and Governance Committee** The role in addressing outstanding internal audit recommendations is multifaceted and crucial for the integrity of an organisation's governance and risk management frameworks. By actively pursuing the resolution of outstanding recommendations, audit committee members help to strengthen the organization's controls and risk management practices.

The Corporate Risk Register is reviewed by CLT on a quarterly basis. Where the discussion reveals that one or more of the criteria outlined below is met, then the relevant Director or Head of Service may be invited to an upcoming Audit and Governance Committee to discuss in more detail if needed.

Criteria for inviting the Director or Head of Service to the Audit and Governance Committee:

- There has been limited progress on the implementation of mitigating actions, over at least two successive quarters
- There is a deteriorating direction of travel, with either increased likelihood / impact of the risk.
- There are significant or emerging likely impacts from a budget perspective, reputational view, or a failure to meet statutory requirements in the area of risk.
- The risk has been considered by the Corporate Risk Management Group and is recommended for review by Audit and Governance Committee.

- There is a forecasted change in the context of the risk (i.e. national policy changes), which requires a review of the likelihood and impact, alongside a challenge on the effectiveness of any current controls



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# **CORPORATE POLICY AND PROCEDURE ON THE REGULATION OF INVESTIGATORY POWERS ACT 2000 AND THE INVESTIGATOR POWERS ACT 2016**

Item	Details
Reference:	Internal Audit – 4 – RIPA
Status:	Final
Originator:	Internal Audit Manager
Owner:	Internal Audit Manager
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### Approvals

Item	Date of Approval	Version No.
Consulted with – no consultation took place as part of the review in 2024		
Reviewed by Audit and Governance Committee	7 August 2024	1.5
Approved by Cabinet	24 September 2024	1.5

The policy owner has the authority to make the following minor changes without approval:

None

### Policy Location

This policy can be found at NWLDC website and the Sharepoint page under current policies tab.

### Equality Impact Assessment (EIA)

Completed by	Completion date
Kerryn Woollett	3 July 2024

### Revision history

Version Control	Revision Date	Summary of Changes
1.1	May 2020	
1.2	June 2021	
1.3	June 2022	No changes
1.4	June 2023	Change job title “Head of Legal and Commercial Services” to “Head of Legal and Support Services” Change Authorising Officers (para 8.6) to include Heads of Service to reflect change in constitution.
1.5	July 2024	Change to date Home Office Codes of Practice last published.

### Policy Review Plans

This policy is subject to a scheduled review once every year or earlier if there is a change in legislation or local policy that requires it.



## Distribution

<b>Title</b>	<b>Date of Issue</b>	<b>Version No.</b>
Audit & Governance Committee	7 August 2024	1.5
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## CORPORATE POLICY AND PROCEDURE ON THE REGULATION OF INVESTIGATORY POWERS ACT 2000 AND THE INVESTIGATORY POWERS ACT 2016

### 1. INTRODUCTION

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) is concerned with the regulation of surveillance and other intelligence gathering by public authorities in the conduct of their legitimate business.
- 1.2 The Investigatory Powers Act 2016 (IPA) sets out the extent to which certain investigatory powers may be used to interfere with privacy. In particular about the interception of communications, equipment interference and the acquisition and retention of **communications data**.
- 1.3 Section 6 of the Human Rights Act 1998 provides that it is unlawful for a public authority to act in a way which is incompatible with a European Convention right. Article 8 of the European Convention on Human Rights says that everyone has the right to respect for their private and family life, their home and their correspondence.
- 1.4 The use of surveillance and other intelligence gathering techniques may amount to an interference with rights protected by Article 8 of the European Convention on Human Rights and could amount to a violation of those rights unless the interference is in accordance with the law.
- 1.5 The aim of RIPA and the IPA is to provide a balance between preserving people's right to privacy and enabling enforcement agencies to gather evidence for effective enforcement action. RIPA provides a statutory framework for the authorisation of certain types of **covert** intelligence gathering which is consistent with the Human Rights Act 1998 and the European Convention on Human Rights. Similarly, the IPA provides a statutory framework for the lawful interception and use of **communications data**.
- 1.6 The Council has approved a policy for tackling fraud and corruption. In limited circumstances the Council may wish to use surveillance techniques or **communications data** for the purpose of enforcing this policy or other of its statutory functions. The requirements of RIPA and the IPA are most likely to apply to those sections of the Council with enforcement / investigatory functions.
- 1.7 Section 27 of RIPA provides that conduct authorised under RIPA will be "lawful for all purposes." This means a person authorised under RIPA is entitled to engage in the conduct which has been authorised under RIPA and the Council will be protected from challenges to both the gathering of, and the subsequent use of, covertly obtained information enabling the Council to show that it has acted lawfully.
- 1.8 RIPA also provides a statutory mechanism for authorising the use of a "**covert human intelligence source**", e.g. undercover agents.
- 1.9 The IPA permits access to **communications data** in specific circumstances.
- 1.10 Non-compliance with RIPA or the IPA may result in:
  - 1.10.1 evidence being disallowed by the courts;
  - 1.10.2 a complaint to the Investigatory Powers Commissioner's Office;

- 1.10.3 a complaint to the Local Government and Social Care Ombudsman; and/or
- 1.10.4 the Council being ordered to pay compensation.

It is essential therefore that the Council's policies and procedures, as set out in this document, are followed. A flowchart of the procedures to be followed is at Appendix 1.

## 2. TYPES OF SURVEILLANCE

- 2.1 Surveillance includes monitoring, observing, listening to persons, watching or following their movements, listening to their conversations and other such activities or communications. It also includes recording any of the aforementioned activities.
- 2.2 Surveillance may be "**overt**" or "**covert**".
- 2.3 Surveillance will be "**overt**" if the act of surveillance is not calculated to be hidden from view, even if the motives of the person undertaking the surveillance remain concealed.
- 2.4 Most of the surveillance carried out by the Council is done overtly – there is nothing secretive, clandestine or hidden about it. In many cases, officers will be behaving in the same way as a normal member of the public, and/or will be going about Council business openly. Similarly, surveillance will be **overt** if the subject has been told it will happen (e.g. where a noisy householder is warned that noise will be recorded if it continues).
- 2.5 Surveillance is "**covert**" if, and only if, it is carried out in a manner that is calculated to ensure that persons who are subject to the surveillance are unaware that it is or may be taking place. RIPA regulates two types of **covert** surveillance.
- 2.6 The first type of **covert** surveillance is "**directed surveillance**". "**Directed surveillance**" means surveillance that is:
  - 2.6.1 **covert**;
  - 2.6.2 not intrusive;
  - 2.6.3 undertaken for the purposes of a specific investigation or specific operation;
  - 2.6.4 undertaken in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
  - 2.6.5 undertaken otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under RIPA to be sought for the carrying out of the surveillance.
- 2.7 RIPA states that "**private information**" includes any information relating to a person's private or family life. The Home Office Covert Surveillance and Property Interference Revised Code of Practice (latest edition at time of writing was February 2024) states that as a result, "**private information**" is capable of including any aspect of a person's private or personal relationship with others, such as family (which should be treated as extending beyond the formal relationships created by marriage or civil partnership) and professional or business relationships.

- 2.8 RIPA sets out a number of grounds on which an authorisation for **directed surveillance** can be considered necessary. In the case of a Local Authority, only one of these grounds is applicable, that ground is that **directed surveillance** is necessary “for the purpose of preventing or detecting crime or of preventing disorder”.
- 2.9 The fact that **covert** surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged surveillance targeted on a single person will usually result in the obtaining of private information about that person as well as others that he or she comes into contact or associates with.
- 2.10 An example of **directed surveillance** would be when officers follow a person over a period of time to find out whether they are working at the same time as claiming benefit. Similarly, although town centre CCTV cameras will not normally require a RIPA authorisation, if a camera is directed in such a way as to observe a particular individual, this would amount to **directed surveillance** and an authorisation would be required.
- 2.11 The second type of **covert** surveillance is “**intrusive surveillance**”. Surveillance is intrusive if, and only if, it is **covert** surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.
- 2.12 A Local Authority cannot carry out **intrusive surveillance** under RIPA. **Intrusive surveillance** can only be carried out by the police and other law enforcement agencies.

### 3. CONDUCT AND USE OF COVERT HUMAN INTELLIGENCE SOURCES

- 3.1 A person is a **Covert Human Intelligence Source (CHIS)** if he or she establishes or maintains a personal or other relationship with another person in order to covertly obtain or disclose information.
- 3.2 RIPA sets out special rules relating to the management and use of information supplied by a **CHIS** and a duty of care is owed to the **CHIS** in how the information is used.
- 3.3 The conduct or use of a **CHIS** requires prior authorisation. Again, the ground on which a **CHIS** may be used by a Local Authority is “for the purpose of preventing or detecting crime or of preventing disorder.”
- 3.4 A RIPA authorisation may not be required in circumstances where members of the public volunteer information to the Council as part of their normal civic responsibilities, however, this will depend on how the information has been obtained. If the person has obtained the information as an ‘insider’ i.e. in the course of a personal or other relationship or “as a result of the existence of such a relationship” then the person is likely to be a **CHIS**, even if the relationship was not formed or maintained for that purpose.
- 3.5 If the person has obtained the information as an outside observer then he or she is not a **CHIS**.
- 3.6 Where contact numbers are set up by the Council to receive information then it is unlikely that persons reporting information will be **CHISs** and similarly, people who complain about anti- social behaviour, and are asked to keep a diary, will not normally

be **CHISs** because they are not being required to establish or maintain a relationship for a **covert** purpose.

#### Juvenile CHISs

- 3.7 Special safeguards apply to the use or conduct of juveniles, that is, those under 18 years old, as a **CHIS**. On no occasion should the use or conduct of a **CHIS** under 16 years of age be authorised to give information against their parents or any person who has parental responsibility for them. In other cases, authorisations should not be granted unless the special provisions, contained within the Regulation of Investigatory Powers (Juveniles) Order 2000 (as amended), are satisfied.
- 3.8 Authorisations for juvenile sources should be granted by those listed in the table at Annex A of the Home Office Covert Human Intelligence Sources Revised Code of Practice (latest edition at time of writing was December 2022). In this Council, only the Chief Executive may authorise the use of a juvenile or vulnerable individual as a CHIS. The duration of such an authorisation is four months from the time of grant or renewal (instead of twelve months), and the authorisation should be subject to at least monthly review. For the purpose of these rules, the age test is applied at the time of the grant or renewal of the authorisation.

#### **4. OPEN SOURCE (ONLINE) COVERT ACTIVITY**

- 4.1 The use of the internet may be required to gather information during an operation, which may amount to **directed surveillance**. The Home Office Covert Surveillance and Property Interference Revised Code of Practice (latest edition at time of writing was February 2024) advises that simple reconnaissance of websites, that is, preliminary examination with a view to establishing whether a site or its contents are of interest, is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a **directed surveillance** authorisation. However, where there is an intention to use the internet as part of an investigation and private information is likely to be obtained, a RIPA authorisation should be considered. When conducting an investigation which involves the use of the internet factors to consider are:
- officers must not create a false identity in order to "befriend" individuals on social networks without an authorisation under RIPA;
  - officers viewing an individual's public profile on a social network should do so only to the minimum degree necessary and proportionate in order to obtain evidence to support or refute the suspicions or allegations under investigation;
  - repeated viewing of open profiles on social networks to gather evidence or to monitor an individual's status, must only take place once a RIPA authorisation has been granted and approved by a Magistrate; and
  - officers should be aware that it may not be possible to verify the accuracy of information on social networks and, if such information is to be used as evidence, take reasonable steps to ensure its validity.
- 4.2 Further, where an investigator may need to communicate covertly online, for example, contacting individuals using social media websites without disclosing his or her identity, a **CHIS** authorisation should be considered.

## 5. USE OF PERSONAL DEVICES FOR BUSINESS USE

- 5.1 Use of a personal device to access the internet or social media for business use, for example, as part of investigation, is still captured by RIPA. Consequently, officers are advised not to use personal devices for business use, particularly using a personal device to access the internet and social media for business use.

## 6. THE COUNCIL OWNED DRONE

- 6.1 Use of a drone has the potential to capture **private information**. **Collateral intrusion** is also highly likely when using a drone. Therefore, consideration should be given to whether a RIPA authorisation is required. A drone can be a very useful tool to use in an investigation, however, if there is the potential to gather **personal information** the subject of the investigation and/or the landowner will either need to be notified of the use of the drone (such that any use of the drone is not covert) or a RIPA authorisation will be needed. If the drone is to be flown over a residential area or highly populated area, where the potential for **collateral intrusion** is high, notification that the drone will be used will be published on the Council's website prior to the flight.

## 7. LOCAL AUTHORITY DIRECTED SURVEILLANCE CRIME THRESHOLD

- 7.1 A **Crime Threshold** applies to the authorisation of **directed surveillance** by Local Authorities under RIPA (see article 7A of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010). This **Crime Threshold** does not apply to the authorisation of a **CHIS** by a Local Authority.
- 7.2 Local Authorities can only authorise use of **directed surveillance** under RIPA for the purpose of preventing or detecting criminal offences or disorder associated with criminal offences that are:
- 7.2.1 punishable, whether on summary conviction or on indictment, by a maximum term of at least six months imprisonment; or
- 7.2.2 relate to the underage sale of alcohol or tobacco.
- 7.3 If the **Crime Threshold** is not met, though surveillance is still required, a Non-RIPA form should be completed. A Non-RIPA form requires the applicant officer to consider necessity and proportionality as per a RIPA authorisation, however, there is no requirement for approval by a Justice of the Peace.

## 8. AUTHORISATION PROCESS - DIRECTED SURVEILLANCE AND USE OF A CHIS

### Stage 1 - Request for Authorisation

- 8.1 **Directed surveillance** or the use of a **CHIS** can only be authorised by a Local Authority if the authorisation is *necessary* for the purpose of preventing or detecting crime or preventing disorder and the authorised surveillance is *proportionate* to what is sought to be achieved by carrying the surveillance out. When authorising the use of a **CHIS** arrangements also need to be in place for management of the **CHIS** and to ensure the security and welfare of the **CHIS**.
- 8.2 For **directed surveillance** or the use of a **CHIS**, only the approved RIPA forms, available on the Home Office website

(<https://www.gov.uk/government/collections/ripa-forms--2>)

may be used. Any other form will be rejected by the Authorising Officer. The applicant officer should complete the appropriate form providing as much detail as possible then submit to the appropriate Authorising Officer for authorisation.

- 8.3 If in doubt about the process to be followed or the information required in the form, an applicant officer should always seek the advice of the Head of Legal and Support Services or the Audit Manager before applying for an authorisation under RIPA.
- 8.4 The applicant officer will be responsible for ensuring that copies of all forms are forwarded to the Audit Manager within seven days of issue. As a control measure the Audit Manager will supply the applicant officer with a referenced copy of the authorisation which they should keep in their department in secure storage. Officers should ensure that material passing between them is sent in such a way that it cannot be read or intercepted by other people.

#### Stage 2 - Considering an Application for Authorisation

- 8.5 **Directed surveillance** or use of a **CHIS** can only be lawfully carried out if properly authorised and carried out in strict accordance with the terms of the authorisation.
- 8.6 The Secretary of State has specified by statutory instrument (the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010) that, for any district council in England, Directors, Heads of Service or Service Managers or equivalent are designated persons for the purpose of s.28 and s.29 of RIPA, that is, they may act as Authorising Officers for the purpose of authorising applications for **directed surveillance** or the use of a **CHIS**. In this Council, the Chief Executive, the Directors and Heads of Service are designated to act as Authorising Officers under the Constitution (Part 2, Sec G4, Para 1.5).
- 8.7 Before signing a form seeking authorisation, the Authorising Officer must have regard to this Policy and Procedure, to any relevant Code of Practice, to any advice from the Head of Legal and Support Services or the Audit Manager and to any other relevant guidance.
- 8.8 The Authorising Officer must also satisfy himself / herself that the surveillance proposed in the application is:
  - 8.8.1 *in accordance with the law;*
  - 8.8.2 *necessary* in the circumstances of the particular case on the ground of preventing or detecting crime or preventing disorder; and
  - 8.8.3 *proportionate* to what it seeks to achieve.
- 8.9 In considering whether or not the proposed surveillance is proportionate, the Authorising Officer will need to consider:
  - 8.9.1 The seriousness of the crime or disorder which the surveillance seeks to detect and weigh this against the type and extent of surveillance proposed. For minor offences, it may be that surveillance is never proportionate; and



- 8.9.2 whether there are other more non- intrusive ways of achieving the desired outcome. If there are none, the Authorising Officer will need to consider whether the proposed surveillance is no more than necessary to achieve the objective, as the least intrusive method will be considered proportionate by the courts.
- 8.10 The Authorising Officer will also need to take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance. This is known as “**collateral intrusion**”. Measures must be taken whenever practicable to avoid or minimise, so far as practicable, **collateral intrusion**.
- 8.11 When authorising the conduct or use of a **CHIS** the Authorising Officer must also be satisfied that appropriate arrangements are in place for the management and oversight of the **CHIS**. This must address health and safety issues through a risk assessment. The Authorising Officer must also have regard to any adverse impact on community confidence that may result from the use or conduct of the information obtained.
- 8.12 The authorisation does not take effect until a Justice of the Peace has made an order approving the grant of the authorisation.

### Stage 3 - Judicial Approval

- 8.13 If the Authorising Officer is satisfied that the surveillance is *necessary and proportionate*, they will instruct Legal Services to seek approval from a Justice of the Peace sitting at the Magistrates’ Court.
- 8.14 Legal Services will request a hearing date from the Court. The time taken to obtain a hearing date from the Court will need to be taken into account when scheduling any proposed surveillance.
- 8.15 Urgent approvals should not be necessary.
- 8.16 If the approval is urgent and cannot be handled the next working day then the applicant officer should:
- 8.16.1 Phone the Court’s out of hours legal staff contact. You will be asked about the basic facts and urgency of the authorisation. If the police are involved in the investigation, you will need to address why the police cannot authorise the application.
- 8.16.2 If urgency is agreed, then arrangements will be made for a suitable Magistrate to consider the application. You will be told where to attend and give evidence.
- 8.16.3 Attend the hearing as directed with two copies of the signed RIPA authorisation form.
- 8.17 At the hearing the Council will provide the Court with a copy of the authorisation signed by the Authorising Officer, together with any supporting documents relevant to the matter showing the necessity and proportionality of the authorisation and which contain all the information relied upon. Also included will be a summary of the circumstances of the case.
- 8.18 The hearing will be in private, heard by a single Justice of the Peace (Magistrate / District Judge) who will read and consider the application.
- 8.19 On reviewing the papers and hearing the application the Justice of the Peace will determine whether they are satisfied that there were, at the time the authorisation was granted, and continue to be reasonable grounds for believing that the authorisation is

*necessary and proportionate*. In addition they must also be satisfied that the Authorising Officer had the relevant authority to authorise the Council's own internal authorisation prior to it passing to the Court.

- 8.20 For authorisations for the use of a **CHIS** the Justice of the Peace will also need to be satisfied that there were and are reasonable grounds for believing appropriate arrangements are in place for the management and oversight of the **CHIS**.
- 8.21 The Justice of the Peace may ask questions of the Council in order to satisfy themselves of the necessity and proportionality of the request.
- 8.22 In considering the application the Justice of the Peace may decide to:
  - 8.22.1 grant an Order approving the authorisation or renewal. The authorisation or renewal will then take effect and the Local Authority may proceed to use surveillance in accordance with the authorisation;
  - 8.22.2 refuse to approve the authorisation or renewal. The RIPA authorisation will not take effect and the Local Authority may not use the proposed surveillance. Where an application has been refused the Council may wish to consider the reasons for that refusal. For example, a technical error in the form may be remedied without the need to go through the internal authorisation process again. The Council may then wish to reapply for judicial approval once those errors have been remedied;
  - 8.22.3 refuse to approve the grant or renewal and quash the authorisation or notice. A Justice of the Peace must not exercise its power to quash an authorisation unless the applicant (the Council) has had at least two business days' notice from the date of the refusal in which to make representations.

#### Stage 4 - Duration and Review

- 8.23 If the Justice of the Peace approves the authorisation, the authorisation will last, in the case of **directed surveillance**, a period of 3 months and, in the case of a **CHIS**, a period of 12 months.
- 8.24 Authorising Officers must then conduct regular reviews of authorisations granted in order to assess the need for the surveillance to continue. Reviews should be conducted on a monthly basis as a minimum. The Authorising Officer may decide that reviews should be conducted more frequently, particularly where a high level of collateral intrusion is likely.
- 8.25 A review involves consultation with the applicant officer and any other persons involved in the surveillance. The applicant officer must give sufficient information about the surveillance and any information obtained by the surveillance for the Authorising Officer to be satisfied that the authorised surveillance should continue. Applicant officers should be pro-active in preparing reports to assist Authorising Officers carry out reviews.

#### Stage 5 - Renewals

- 8.26 If it appears that the surveillance will continue to be *necessary* and *proportionate* beyond the three-month period for **directed surveillance** or 12 months for use of a **CHIS**, the authorisation must be renewed.
- 8.27 An application for renewal should be made by the applicant officer by completing the appropriate form which is available from the Home Office website (<https://www.gov.uk/government/collections/ripa-forms--2>). This form should then be submitted to the Authorising Officer who must then consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred.
- 8.28 The Authorising Officer must be satisfied that it is *necessary* and *proportionate* for the authorisation to continue and that the **Crime Threshold** continues to be met. The authorisation for renewal must then be approved by a Justice of the Peace for it to take effect.
- 8.29 An authorisation may be renewed and approved before the initial authorisation ceases to have effect but the renewal takes effect from the time at which the authorisation would have expired. If necessary, a renewal can be granted more than once.

#### Stage 6 - Cancellations

- 8.30 The Authorising Officer who granted or last renewed the authorisation must cancel the authorisation if the grounds for granting (or renewing) no longer apply or if the authorisation is no longer *necessary* or *proportionate*.
- 8.31 An authorisation can be cancelled on the initiative of the Authorising Officer following a periodic review or after receiving an application for cancellation from the applicant officer. Forms for the cancellation of **directed surveillance** and use of a **CHIS** are available on the Home Office website

(<https://www.gov.uk/government/collections/ripa-forms--2>)

## **9. COMMUNICATIONS DATA**

- 9.1 The term “**communications data**” includes the “who”, “when”, “where”, and “how” of a communication but not the content i.e. what was said or written. It includes the way in which, and by what method, a person or thing communicates with another person or thing. It excludes anything within a communication including text, audio and video that reveals the meaning, other than inferred meaning, of the communication.
- 9.2 It can include the address to which a letter is sent, the time and duration of a communication, the telephone number or e-mail address of the originator and recipient, and the location of the device from which the communication was made. It covers electronic communications including internet access, internet telephony, instant messaging and the use of applications. It also includes postal services.
- 9.3 The acquisition of **communications data** is permitted under Part 3 of the IPA and will be a justifiable interference with an individual’s human rights under the European Convention on Human Rights only if the conduct being authorised or required to take place is *necessary* for the purposes of a specific investigation or operation, *proportionate* and *in accordance with law*.
- 9.4 Training should be made available to all those who participate in the acquisition and disclosure of **communications data**.

- 9.5 The Home Office has published the “Communications Data Code of Practice” (latest edition at time of writing was November 2018). This code should be readily available to persons involved in the acquisition of **communications data** under the IPA and persons exercising any functions to which this code relates must have regard to the code.
- 9.6 The IPA stipulates that conduct to be authorised must be *necessary* for one or more of the purposes set out in the IPA. For Local Authorities this purpose is “for the applicable crime purpose” which means:
- 9.6.1 Where the **communications data** is wholly or partly events data (events data covers information about time-bound events taking place across a telecommunication system at a time interval, for example, information tracing the origin or destination of a communication that is, or has been, in transmission), the purpose of preventing or detecting serious crime; or
- 9.6.2 In any other case, the purpose of preventing or detecting crime or of preventing disorder.
- 9.7 “Serious Crime” means:
- 9.7.1 an offence for which an adult is capable of being sentenced to one year or more in prison;
- 9.7.2 any offence involving violence, resulting in a substantial financial gain or involving conduct by a large group of persons in pursuit of a common goal;
- 9.7.3 any offence committed by a body corporate;
- 9.7.4 any offence which involves the sending of a communication or a breach of privacy; or
- 9.7.5 an offence which involves, as an integral part of it, the sending of a communication or breach of a person’s privacy.
- 9.8 A Local Authority may not make an application that requires the processing or disclosure of internet connection records for any purpose.

## 10. AUTHORISATION PROCESS - COMMUNICATIONS DATA

- 10.1 Acquisition of **communications data** under the IPA involves four roles:
- 10.1.1 The Applicant Officer - The applicant officer is a person involved in conducting or assisting an investigation or operation within a relevant public authority who makes an application in writing or electronically for the acquisition of **communications data**;
- 10.1.2 The Single Point of Contact (SPoC) - The SPoC is an individual trained to facilitate the lawful acquisition of **communications data** and effective co-operation between a public authority, the Office for Communications Data Authorisations (OCDA) and telecommunications operators and postal operators. To become accredited an individual must complete a course of training appropriate for the role of a SPoC and have been issued the relevant SPoC unique identifier. The Home Office provides authentication services to enable telecommunications operators and postal operators to validate SPoC credentials.

- 10.1.3 The Senior Responsible Officer - Within every relevant public authority there should be a Senior Responsible Officer. The Senior Responsible Officer must be of a senior rank in a public authority. This must be at least the same rank as the designated senior officer specified in Schedule 4 of the IPA. Where no designated senior officer is specified the rank of the senior responsible officer must be agreed with the Home Office; and
- 10.1.4 The Authorising Individual - **Communications data** applications can be authorised by three separate categories of individual depending on the circumstances of the specific case. The Authorising Individual for Local Authorities is the authorising officer in the OCDA. Section 60A of the IPA confers power on the IPC to authorise certain applications for **communications data**. In practice the IPC will delegate these functions to his staff. These staff will sit in a body which is known as the OCDA.
- 10.2 An authorisation provides for persons within a public authority to engage in conduct relating to a postal service or telecommunication system, or to data derived from such a telecommunication system, to obtain **communications data**. The following types of conduct may be authorised:
- 10.2.1 conduct to acquire **communications data** - which may include the public authority obtaining **communications data** themselves or asking any person believed to be in possession of or capable of obtaining the **communications data** to obtain and disclose it; and/or
- 10.2.2 the giving of a notice - allowing the public authority to require by a notice a telecommunications operator to obtain and disclose the required data.

#### Stage 1 - Making an Application

- 10.3 Before public authorities can acquire **communications data**, authorisation must be given by an Authorising Individual. An application for that authorisation must include an explanation of the necessity of the application.
- 10.4 Necessity should be a short explanation of the investigation or operation, the person and the **communications data** and how these three link together. The application must establish the link between the three aspects to be able to demonstrate the acquisition of **communications data** is necessary for the statutory purpose specified.
- 10.5 When granting an authorisation the authorising individual must also believe that conduct to be proportionate to what is sought to be achieved by obtaining the specified **communications data** – that the conduct is no more than is required in the circumstances. This involves balancing the extent of the interference with an individual's rights and freedoms against a specific benefit to the investigation or operation being undertaken by a relevant public authority in the public interest.
- 10.6 As well as consideration of the rights of the individual whose data is to be acquired consideration must also be given to any actual or potential infringement of the privacy and other rights of individuals who are not the subject of the investigation or operation.
- 10.7 The applicant officer will complete an application form setting out for consideration the necessity and proportionality of a specific requirement for acquiring **communications data**.

- 10.8 The application should record subsequently whether it was authorised by an authorising individual and when that decision was made. Applications should be retained by the public authority and be accessible to the SPoC.

#### Stage - 2 Consultation with the Single Point of Contact

- 10.9 A SPoC must be consulted on all Local Authority applications before they are authorised.
- 10.10 Amongst other things the SPoC will:
- 10.10.1 assess whether the acquisition of specific **communications data** from a telecommunications operator or postal operator is reasonably practicable or whether the specific data required is inextricably linked to other data; and
- 10.10.2 advise applicants on the most appropriate methodology for acquisition of data where the data sought engages a number of telecommunications operators or postal operators.
- 10.11 The National Anti-Fraud Network ('NAFN') is hosted by Tameside Metropolitan Borough Council.
- 10.12 In accordance with section 73 of the IPA, all Local Authorities who wish to acquire **communications data** under the IPA must be party to a collaboration agreement. In practice this means they will be required to become members of NAFN and use NAFN's shared SPoC services. Applicant officers within Local Authorities are therefore required to consult a NAFN SPoC throughout the application process. The accredited SPoCs at NAFN will scrutinise the applications independently. They will provide advice to the Local Authority ensuring it acts in an informed and lawful manner.
- 10.13 In addition to being considered by a NAFN SPoC, the local authority making the application must ensure someone of at least the rank of the senior responsible officer in the local authority is aware the application is being made before it is submitted to an authorising officer in OCDA. The local authority senior responsible officer must be satisfied that the officer(s) verifying the application is (are) of an appropriate rank and must inform NAFN of such nominations. In this Council the Chief Executive is the Senior Responsible Officer and the officers notified to the NAFN (notified in March 2019) as able to verify applications are the Head of Legal and Support Services and the Audit Manager.
- 10.14 NAFN will be responsible for submitting the application to OCDA on behalf of the local authority.

#### Stage 3 - Authorisation of Applications

- 10.15 The (OCDA) performs this function on behalf of the IPC. An authorising officer in OCDA can authorise requests from Local Authorities.
- 10.16 The authorising individual is responsible for considering and, where appropriate, authorising an application for **communications data**. It is their responsibility to consider the application and record their considerations at the time, in writing or electronically in order to show that they have understood the need for the application and considered necessity and proportionality to a standard that will withstand scrutiny. Comments should be tailored to a specific application as this best demonstrates the application has been properly considered.

- 10.17 If the authorising individual believes the acquisition of **communications data** meets the requirements set out in the IPA and is necessary and proportionate in the specific circumstances, an authorisation will be granted. If the authorising individual does not consider the criteria for obtaining the data have been met the application should be rejected and/or referred back to the SPoC and the applicant officer.

#### Stage 4 - Refusal to Grant an Authorisation

- 10.18 Where a request is refused by an authorising officer in OCDA, the public authority has three options:
- 10.18.1 not proceed with the request;
- 10.18.2 resubmit the application with a revised justification and/or a revised course of conduct to acquire **communications data**; or
- 10.18.3 resubmit the application with the same justification and same course of conduct seeking a review of the decision by OCDA. A public authority may only resubmit an application on the same grounds to OCDA where the senior responsible officer or a person of equivalent grade in the public authority has agreed to this course of action. OCDA will provide guidance on its process for reviewing such decisions.

#### Stage 5 - Duration of Authorisations and Notices

- 10.19 An authorisation becomes valid on the date upon which the authorisation is granted. It is then valid for a maximum of one month. This means the conduct authorised should have been commenced, which may include the giving of a notice, within that month.
- 10.20 Any notice given under an authorisation remains in force until complied with or until the authorisation under which it was given is cancelled.
- 10.21 All authorisations should refer to the acquisition or disclosure of data relating to a specific date(s) or period(s). Any period should be clearly indicated in the authorisation. The start date and end date should be given, and where a precise start and end time are relevant these must be specified.
- 10.22 Where an authorisation relates to the acquisition or obtaining of specific data that will or may be generated in the future, the future period is restricted to no more than one month from the date upon which the authorisation was granted.
- 10.23 Authorising individuals should specify the shortest possible period of time for any authorisation. To do otherwise would impact on the proportionality of the authorisation and impose an unnecessary burden upon the relevant telecommunications operator(s) or postal operator(s).

#### Stage 6 - Renewal of Authorisations

- 10.24 Any valid authorisation may be renewed for a period of up to one month by the grant of a further authorisation. A renewed authorisation takes effect upon the expiry of the authorisation it is renewing.
- 10.25 Renewal may be appropriate where there is a continuing requirement to acquire or obtain data that will or may be generated in the future. The reasons for seeking renewal

should be set out by the applicant officer in an addendum to the application upon which the authorisation being renewed was granted.

10.26 Where an authorising individual is granting a further authorisation to renew an earlier authorisation, they should:

10.26.1 consider the reasons why it is necessary and proportionate to continue with the acquisition of the data being generated; and

10.26.2 record the date and, when appropriate to do so, the time when the authorisation is renewed.

### Stage 7 - Cancellations

10.27 An authorisation may be cancelled at any time by the Local Authority or OCDA and must be cancelled if, at any time after the granting of the authorisation, it is no longer necessary for a statutory purpose or the conduct required by the authorisation is no longer proportionate to what was sought to be achieved.

10.28 In practice, it is likely to be the public authority that is first aware that the authorisation is no longer necessary or proportionate. In such cases the SPoC (having been contacted by the applicant officer, where appropriate) must cease the authorised conduct.

10.29 A notice given under an authorisation (and any requirement imposed by a notice) is cancelled if the authorisation is cancelled but is not affected by the authorisation ceasing to have effect at the end of one month period of validity.

## **11. CENTRAL CO-ORDINATION**

11.1 The Chief Executive will be the Senior Responsible Officer for the overall implementation of RIPA and the IPA.

11.2 The Head of Legal and Support Services will be responsible for:

11.2.1 giving advice and assistance to all staff concerned with the operation of RIPA and the IPA;

11.2.2 arranging training for all staff concerned with the operation of RIPA and the IPA; and

11.2.3 maintaining and keeping up to date this corporate policy and procedure.

11.3 The Audit Manager will be responsible for:

11.3.1 maintaining a central and up to date record of all authorisations;

11.3.2 along with the Head of Legal and Support Services, giving advice and assistance to all staff concerned with the operation of RIPA and the IPA; and

11.3.3 allocating reference numbers to authorisations.

## **12. WORKING WITH OTHER AGENCIES**



- 12.1 When another agency has been instructed on behalf of the Council to undertake any action under RIPA, this Council will be responsible for obtaining a RIPA authorisation and therefore this Policy and Procedure must be used. The other agency must then be given explicit instructions on what actions it may undertake and how these actions are to be undertaken.
- 12.2 When another agency (e.g. Police, HMRC, etc):
- 12.2.1 wish to use the Council's resources (e.g. CCTV surveillance systems) for RIPA purposes, that agency must use its own RIPA procedures and, before any officer agrees to allow the Council's resources to be used for the other agency's purposes he or she must obtain a copy of that agency's RIPA form, a copy of which must be passed to the Audit Manager for inclusion on the central register;
- 12.2.2 wish to use the Council's premises for their own RIPA action, and is expressly seeking assistance from the Council, the request should normally be granted unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the other agency's activities. Suitable insurance or other appropriate indemnities may need to be sought. In such cases, the Council's own RIPA forms should not be used as the Council is only assisting and not involved in the RIPA activity of the other agency.

### **13. OTHER SOURCES OF INFORMATION**

- 13.1 The Home Office has issued Codes of Practice on **directed surveillance, CHISs and communications data**. These Codes of Practice supplement this policy and procedure document and should be used as a source of reference by all officers whose task it is to apply the provisions of RIPA and the IPA and their subordinate legislation.

### **14. RECORDS MANAGEMENT**

- 14.1 The Council must keep a detailed record of all authorisations, judicial approvals, reviews, renewals, cancellations and rejections in the relevant services. A central record of all authorisation forms, whether authorised or rejected, will be maintained and monitored by the Audit Manager.
- 14.2 All Authorising Officers must send all original applications for authorisation to the Audit Manager. Each document will be given a unique reference number, the original will be placed on the central record and a copy will be returned to the applicant officer.
- 14.3 Copies of all other forms used and the judicial approval form must be sent to the Audit Manager bearing the reference number previously given to the application to which it refers.

#### Service Records

- 14.4 Each service must keep a written record of all authorisations issued to it, and any judicial approvals granted, to include the following:
- 14.4.1 a copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- 14.4.2 a record of the period over which the operation has taken place;

- 14.4.3 the frequency of reviews prescribed by the Authorising Officer;
- 14.4.4 a record of the result of each review;
- 14.4.5 a copy of any renewal of an authorisation and any supporting documentation submitted when the renewal was requested;
- 14.4.6 the date and time when any instruction was given by the Authorising Officer, including cancellation of such authorisation;
- 14.4.7 a copy of the order approving or otherwise the grant or renewal of an authorisation from a Justice of the Peace; and
- 14.4.8 the required date of destruction and when this was completed.

Central Record Maintained by the Audit Manager

- 14.5 A central record of all authorisation forms, whether authorised or rejected, is kept by the Audit Manager. The central record must be readily available for inspection on request by the Investigatory Powers Commissioner.
- 14.6 The central record must be updated whenever an authorisation is granted, reviewed, renewed or cancelled. Records will be reviewed after a period of 6 years from the date on which the relevant criminal or civil proceedings file is closed for archive and deleted when no longer necessary.
- 14.7 The central record must contain the following information:
  - 14.7.1 the type of authorisation;
  - 14.7.2 the date on which the authorisation was given;
  - 14.7.3 name / rank of the Authorising Officer;
  - 14.7.4 details of attendances at the Magistrates' Court to include date of attendances at court, the determining Justice of the Peace, the decision of the Justice of the Peace and the time and date of that decision;
  - 14.7.5 the unique reference number (URN) of the investigation / operation. This will be issued by the Audit Manager when a new application is entered in the Central Record. The applicant officer will be informed accordingly and should use the same URN when requesting a renewal or cancellation;
  - 14.7.6 the title of the investigation / operation, including a brief description and names of the subjects, if known;
  - 14.7.7 if the authorisation was renewed, when it was renewed and who authorised the renewal, including the name and rank / grade of the Authorising Officer;
  - 14.7.8 whether the investigation / operation is likely to result in the obtaining of **confidential information** (information is confidential if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation. Examples might include consultations between a health professional and a patient, information from a patient's medical records; or matters subject to legal privilege);

14.7.9 if the authorisation was reviewed, when it was reviewed and who authorised the review, including the name and rank / grade of the Authorising Officer;

14.7.10 the date and time that the authorisation was cancelled.

14.8 It should also contain a comments section enabling oversight remarks to be included for analytical purposes.

14.9 The Audit Manager co-ordinating RIPA and IPA applications ensures that there is an awareness of the investigations taking place. This would also serve to highlight any unauthorised **covert** surveillance being conducted.

#### Retention and Destruction of Material

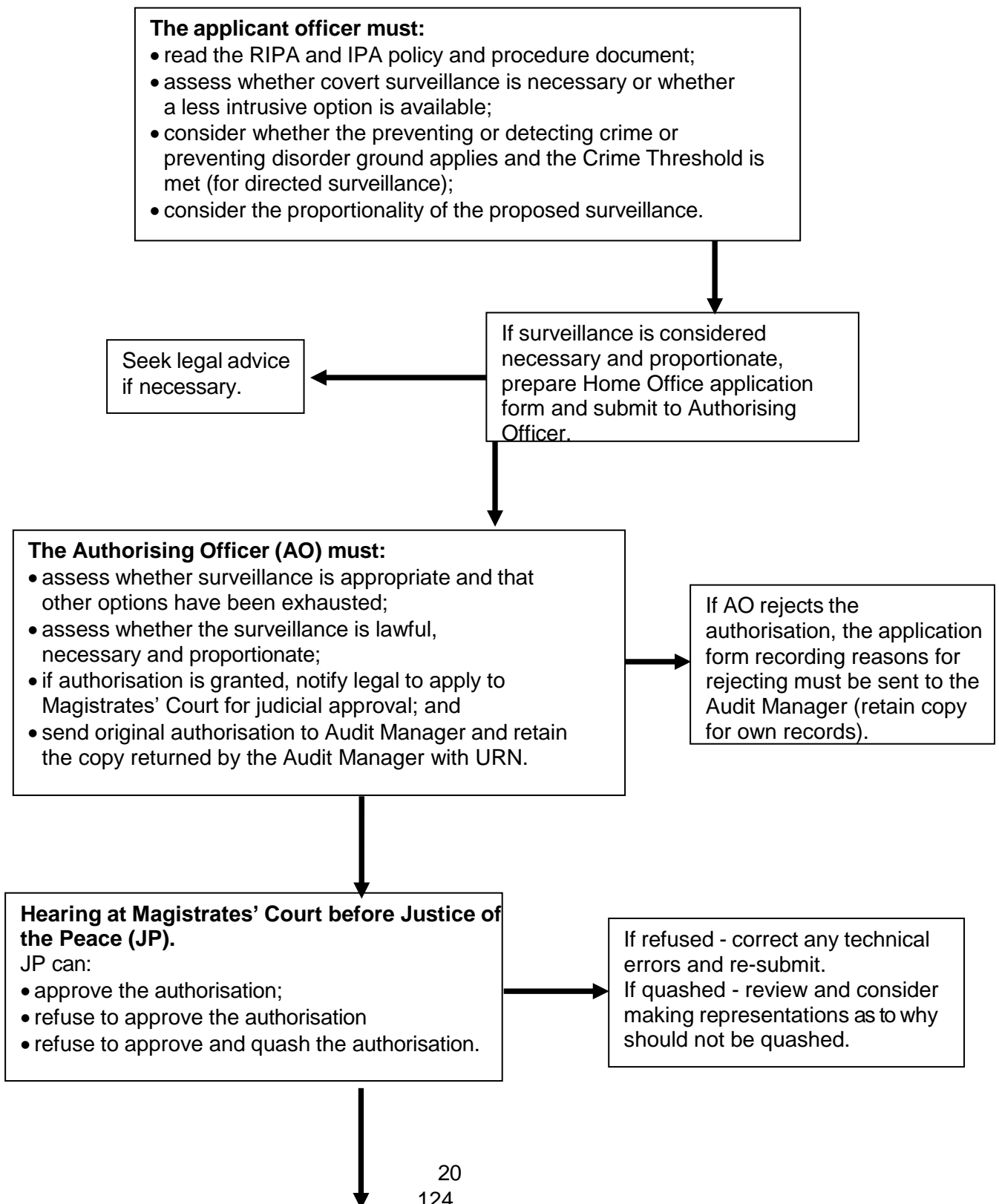
14.10 Departments must ensure that arrangements are in place for the handling, storage and destruction of material obtained through the use of **covert** surveillance, a CHIS and/or the acquisition of communications data which accord with the Council's Information Management Policy. Records will be reviewed after a period of 6 years from the date on which the relevant criminal or civil proceedings file is closed for archive and must be destroyed as soon as they are no longer necessary. **Confidential material must be destroyed as soon as it is no longer necessary.** It must not be retained or copied unless it is necessary for a specified purpose. Where there is doubt, advice must be sought from the Head of Legal and Support Services or the Senior Responsible Officer.

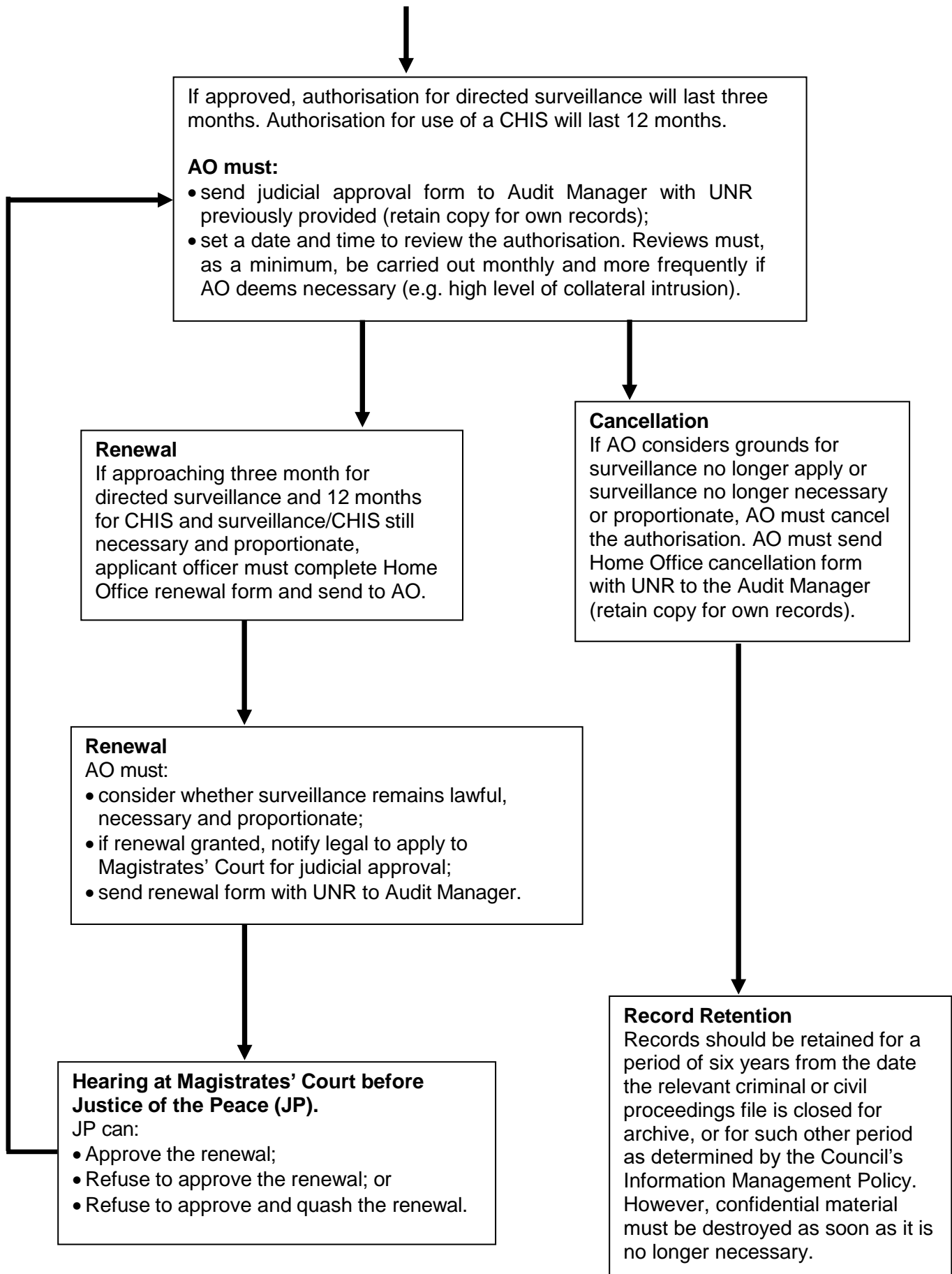
### 15. REVISION HISTORY

Date	Action
December 2006	ASG Revised
May 2009	ASG Reviewed
June 2010	AW Reviewed and updated
March 2012	ASG Revised
October 2012	HO Guidance issued
September 2013	RH Reviewed and updated
October 2015	DMG Reviewed and updated
9 December 2015	Approved by Audit and Governance Committee
12 January 2016	Approved by Council

**RIPA - AUTHORISATION OF DIRECTED SURVEILLANCE / USE OF A CHIS PROCEDURE**

(Note: Note: Only the Chief Executive may authorise the use of a juvenile or vulnerable individual as a CHIS)





If approved, authorisation for directed surveillance will last three months. Authorisation for use of a CHIS will last 12 months.

**AO must:**

- send judicial approval form to Audit Manager with UNR previously provided (retain copy for own records);
- set a date and time to review the authorisation. Reviews must, as a minimum, be carried out monthly and more frequently if AO deems necessary (e.g. high level of collateral intrusion).

**Renewal**

If approaching three month for directed surveillance and 12 months for CHIS and surveillance/CHIS still necessary and proportionate, applicant officer must complete Home Office renewal form and send to AO.

**Cancellation**

If AO considers grounds for surveillance no longer apply or surveillance no longer necessary or proportionate, AO must cancel the authorisation. AO must send Home Office cancellation form with UNR to the Audit Manager (retain copy for own records).

**Renewal**

- AO must:
- consider whether surveillance remains lawful, necessary and proportionate;
  - if renewal granted, notify legal to apply to Magistrates' Court for judicial approval;
  - send renewal form with UNR to Audit Manager.

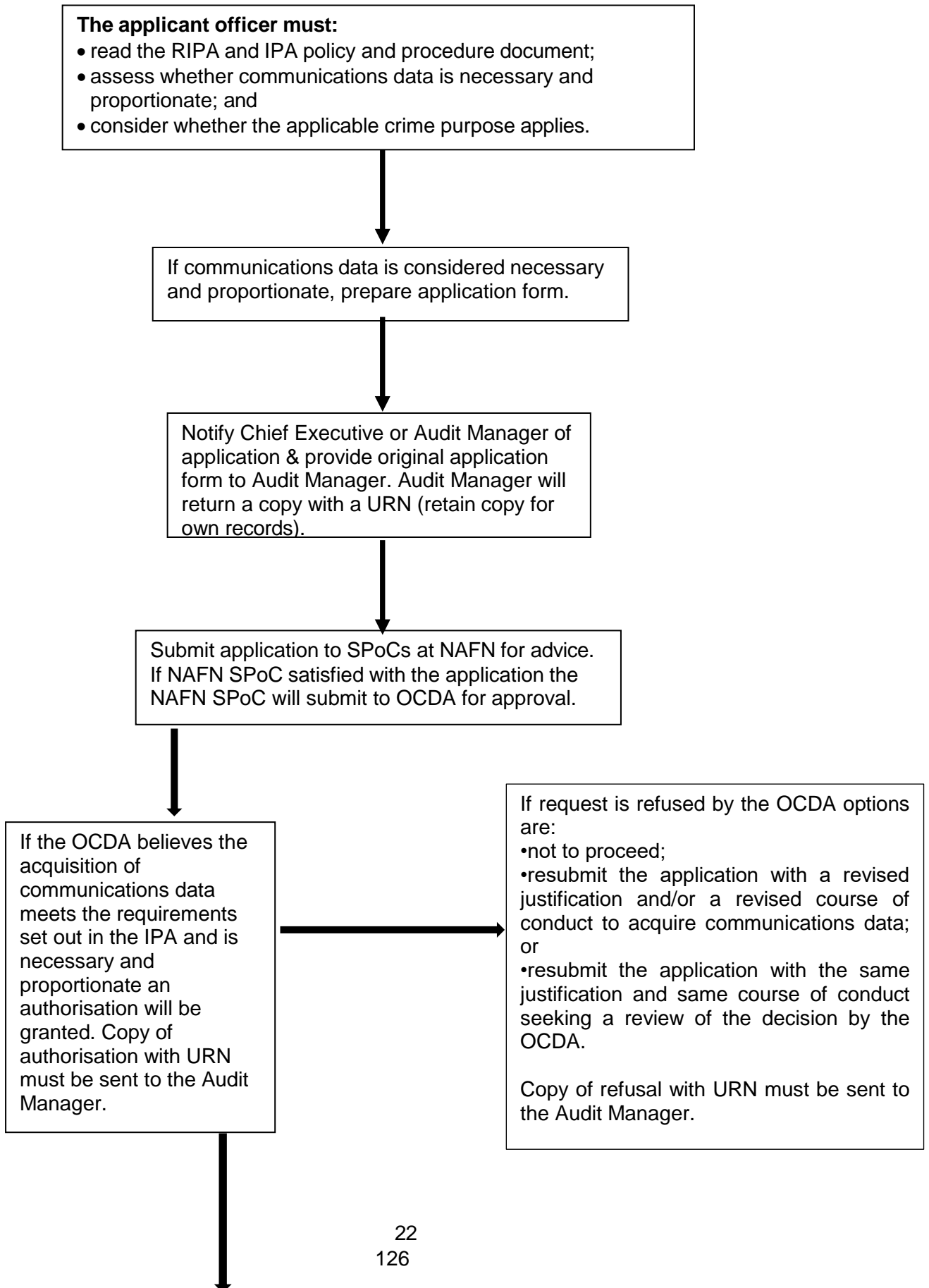
**Record Retention**

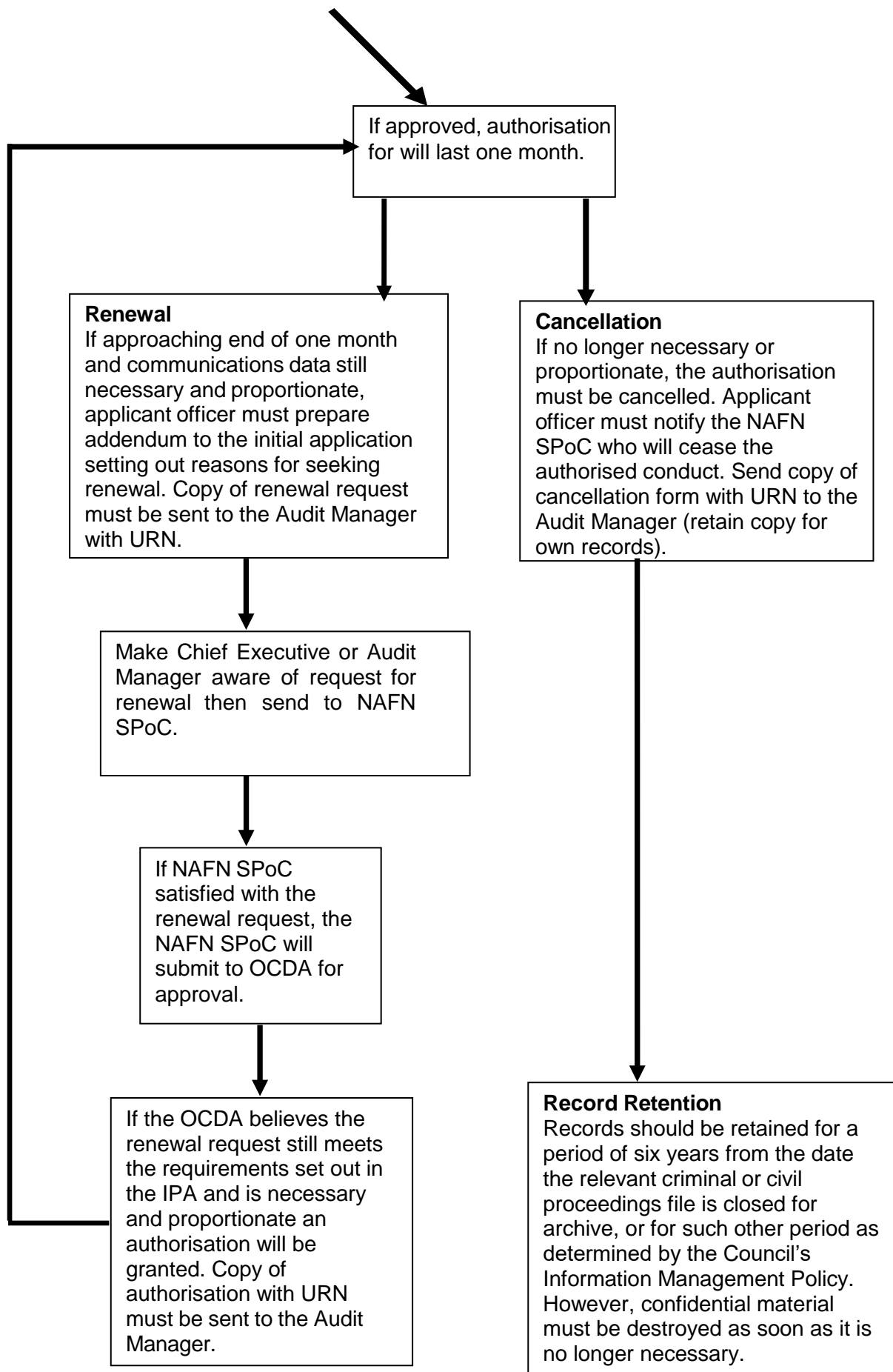
Records should be retained for a period of six years from the date the relevant criminal or civil proceedings file is closed for archive, or for such other period as determined by the Council's Information Management Policy. However, confidential material must be destroyed as soon as it is no longer necessary.

**Hearing at Magistrates' Court before Justice of the Peace (JP).**

- JP can:
- Approve the renewal;
  - Refuse to approve the renewal; or
  - Refuse to approve and quash the renewal.

IPA - COMMUNICATIONS DATA AUTHORISATION PROCESS











# Local Code of Corporate Governance

Item	Details
Reference:	LCCG-01
Status:	Final
Originator:	Head of Finance
Owner:	Head of Finance
Version No:	7
Date:	<b>[To be inserted once approved and published]</b>

## Key policy details

### Approvals

Item	Date of Approval	Version No.
Consulted with	N/a	
Reviewed by Audit and Governance Committee	07/08/2024	7
Approved by Cabinet	24/09/2024	7

The policy owner has the authority to make the following minor changes without approval

- Minor amendments as a result of changes in national policy and changes to local priorities

### Policy Location

This policy can be found on the Council's website.

### Equality Impact Assessment (EIA)

Completed by	Completion date
Anna Crouch	12 August 2024

### Revision history

Version Control	Revision Date	Summary of Changes
1	2009	
2	October 2017	
3	May 2020	
4	June 2021	
5	May 2022	
6	July 2023	New section on the current challenges facing the Council Changes to formatting
7	July 2024	Changes to formatting

### Policy Review Plans

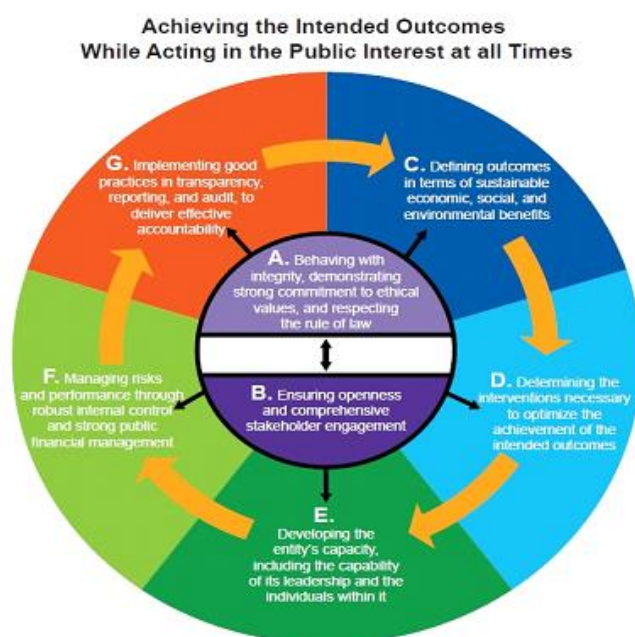
This policy is subject to a scheduled review once a year or earlier if there is a change in legislation or local policy that requires it.

## Distribution

Title	Date of Issue	Version No.
Audit and Governance Committee	7 August 2024	7
Cabinet	24 September 2024	7
Website updated	[To be confirmed]	7

## 1. INTRODUCTION

- 1.1 In 2014, the Chartered Institute of Public Finance and Accountancy (CIPFA) and the International Federation of Accountants (IFAC) collaborated to produce The International Framework: Good Governance in the Public Sector. The International Framework defines governance as comprising the arrangements put in place to ensure that intended outcomes for stakeholders are defined and achieved. It states that in order to deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity's objectives while acting in the public interest at all times.
- 1.2 CIPFA in association with the Society of Local Authority Chief Executives (SOLACE) has published their Framework entitled 'Delivering Good Governance in Local Government 2016'.
- 1.3 The diagram below illustrates<sup>1</sup> the core principles of good governance in the public sector and how they relate to each other: Principles A and B permeates implementation of principles C to G.



<sup>1</sup> Delivering Good Governance in Local Government 2016

- 1.4 In North West Leicestershire, good governance is about how the Council ensures that it is doing the right things, in the right way and for the benefit of the communities it serves. The starting place for good governance is having shared values and culture and a framework of overarching strategic policies and objectives underpinned by robust systems and processes for delivering these.
- 1.5 By ensuring good governance is in place, the Council will ensure it has high standards of management, strong performance, the effective use of resources and good outcomes which in turn will lead to increased public trust.
- 1.6 The Council is committed to the seven core principles of good practice contained in the CIPFA framework and will test its governance arrangements against this framework and report annually (via its annual assurance review and Annual Governance Statement).
- 1.7 These seven core principles, also known as the Nolan Principles - The Seven Principles of Public Life, apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. A link to the Government website setting out the principles is below:

[The Seven Principles of Public Life - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

## **2 SUMMARY OF COMMITMENT**

- 2.1 By adopting this Local Code of Corporate Governance, we are responding to the CIPFA/SOLACE Joint Working Group Guidance and Framework entitled 'Delivering Good Governance in Local Government'.
- 2.2 In doing so the Council will:
- Accept the core principles set out in section 3 below as the basis for our Corporate Governance arrangements.
  - Publish an Annual Governance Assurance Statement with the Council's Statement of Accounts.
  - Draw up Action Plans of improvements to our corporate governance arrangements, such plans to be monitored by the Audit and Governance Committee.

## **3 FUNDAMENTAL PRINCIPLES OF CORPORATE GOVERNANCE**

- 3.1 Set out in this document is the Council's proposed Local Code of Corporate Governance which is based on the seven core principles (as set out in the illustration above) adopted for local government from the report of the Independent Commission of Good Governance in Public Services.

<b>Principle A – Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of rule</b>	
<b>Sub-Principle</b>	<b>The Council is committed to:</b>
<b>Behaving with Integrity</b>	<ul style="list-style-type: none"> <li>• Ensuring members and officers behave with integrity and lead as a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation.</li> <li>• Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (The Nolan Principles).</li> <li>• Leading by example and using these standard operating principles or values as a framework for decision making and other actions.</li> <li>• Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure they are operating effectively.</li> </ul>
<b>Demonstrating strong commitment and ethical values</b>	<ul style="list-style-type: none"> <li>• Seeking to establish, monitor and maintain the organisation’s ethical standards and performance.</li> <li>• Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation’s culture and operation.</li> <li>• Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values.</li> <li>• Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with high ethical standards expected by the organisation.</li> </ul>
<b>Respecting the rule of law</b>	<ul style="list-style-type: none"> <li>• Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations.</li> <li>• Creating the conditions to ensure that the statutory officers, other key post holders and members are able to fulfil their responsibilities in accordance with legislative and regulatory requirements.</li> <li>• Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders.</li> <li>• Dealing with breaches of legal and regulatory provisions effectively and ensuring corruption and misuse of power are dealt with effectively.</li> </ul>

<b>Principle B – Ensuring Openness and comprehensive stakeholder engagement</b>	
<b>Sub-Principle</b>	<b>The Council is committed to:</b>
<b>Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness</b>	<ul style="list-style-type: none"> <li>• Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided.</li> <li>• Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear.</li> <li>• Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action.</li> </ul>
<b>Engaging comprehensively with institutional stakeholders</b>	<ul style="list-style-type: none"> <li>• Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably.</li> <li>• Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively.</li> <li>• Ensuring that partnerships are based on trust, a shared commitment to change, a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit.</li> </ul>
<b>Engaging stakeholders effectively, including individual citizens and service users</b>	<ul style="list-style-type: none"> <li>• Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes.</li> <li>• Ensuring that communication methods are effective, and that members and officers are clear about their roles with regard to community engagement</li> <li>• Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs.</li> <li>• Implementing effective feedback mechanisms in order to demonstrate how their views have been taken into account.</li> <li>• Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity.</li> <li>• Taking account of the interests of future generations of tax payers and service users.</li> </ul>

**Principle C – Defining outcomes in terms of sustainable economic, social, and environmental benefits**

<b>Sub-Principle</b>	<b>The Council is committed to:</b>
<b>Defining outcomes</b>	<ul style="list-style-type: none"> <li>• Having a clear vision which is an agreed formal statement of the organisation’s purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the organisation’s overall strategy, planning and other decisions.</li> <li>• Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer.</li> <li>• Delivering defined outcomes on a sustainable basis within the resources that will be available.</li> <li>• Identifying and managing risks to the achievement of outcomes.</li> <li>• Managing service user expectations effectively with regard to determining priorities and making the best use of the resources available.</li> </ul>
<b>Sustainable economic, social and environmental benefits</b>	<ul style="list-style-type: none"> <li>• Considering and balancing the combined economic, social and environmental impact of policies, plans and decisions when taking decisions about service provision.</li> <li>• Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation’s intended outcomes and short-term factors such as the political cycle or financial constraints.</li> <li>• Ensuring fair access to services.</li> <li>• Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs.</li> </ul>



<b>Principle D – Determining the interventions necessary to optimise the achievement of the intended outcomes</b>	
<b>Sub-Principle</b>	<b>The Council is committed to:</b>
<b>Determining interventions</b>	<ul style="list-style-type: none"> <li>• Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and including the risks associated with those options. Therefore, ensuring best value is achieved however services are provided.</li> <li>• Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts.</li> </ul>
<b>Planning interventions</b>	<ul style="list-style-type: none"> <li>• Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets.</li> <li>• Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered.</li> <li>• Considering and monitoring risks facing each partner when working collaboratively including shared risks.</li> <li>• Ensuring arrangements are flexible and agile so that the mechanisms for delivering outputs can be adapted to changing circumstances.</li> <li>• Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured.</li> <li>• Ensuring capacity exists to generate the information required to review service quality regularly.</li> <li>• Preparing budgets in accordance with organisational objectives, strategies and the medium-term financial plan Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy.</li> </ul>
<b>Optimising achievement of intended outcomes</b>	<ul style="list-style-type: none"> <li>• Ensuring the medium-term financial strategy integrates and balances service priorities, affordability and other resource constraints.</li> <li>• Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term.</li> <li>• Ensuring the medium-term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage.</li> <li>• Ensuring the achievement of ‘social value’ through service planning and commissioning.</li> </ul>



**Principle E – Developing the entity’s capacity, including the capability of its leadership and the individuals within it**

<b>Sub-Principle</b>	<b>The Council is committed to:</b>
<b>Developing the entity’s capacity</b>	<ul style="list-style-type: none"> <li>• Reviewing operations, performance use of assets on a regular basis to ensure their continuing effectiveness.</li> <li>• Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how the Council’s resources are allocated so that outcomes are achieved effectively and efficiently.</li> <li>• Recognising the benefits of partnerships and collaborative working where added value can be achieved.</li> <li>• Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources.</li> </ul>
<b>Developing the capability of the entity’s leadership and other individuals</b>	<ul style="list-style-type: none"> <li>• Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained.</li> <li>• Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body.</li> <li>• Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the Chief Executive leads the Council in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other’s authority.</li> <li>• Developing the capabilities of members and senior management to achieve effective shared leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:               <ul style="list-style-type: none"> <li>○ ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged.</li> <li>○ ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis.</li> <li>○ ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external.</li> </ul> </li> <li>• Ensuring that there are structures in place to encourage public participation.</li> </ul>

	<ul style="list-style-type: none"> <li>• Taking steps to consider the leadership’s own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections.</li> <li>• Holding staff to account through regular performance reviews which take account of training or development needs Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.</li> </ul>
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<b>Principle F – Managing risks and performance through robust internal control and strong public financial management</b>	
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<b>Sub-Principle</b>	<b>The Council is committed to:</b>
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<b>Managing Risk</b>	<ul style="list-style-type: none"> <li>• Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making.</li> <li>• Implementing robust and integrated risk management arrangements and ensuring that they are working effectively.</li> <li>• Ensuring that responsibilities for managing individual risks are clearly allocated.</li> </ul>
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<b>Managing Performance</b>	<ul style="list-style-type: none"> <li>• Monitoring service delivery effectively including planning, specification, execution and independent post implementation review.</li> <li>• Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation’s financial, social and environmental position and outlook.</li> <li>• Ensuring an effective scrutiny or oversight function is in place which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation’s performance and that of any organisation for which it is responsible (OR, for a committee system).</li> <li>• Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making.</li> <li>• Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement.</li> <li>• Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements ).</li> </ul>
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<b>Robust internal control</b>	<ul style="list-style-type: none"> <li>• Aligning the risk management strategy and policies on internal control with achieving the objectives.</li> <li>• Evaluating and monitoring the Council’s risk management and internal control on a regular basis.</li> <li>• Ensuring effective counter fraud and anti-corruption arrangements are in place.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor.</li> <li>• Ensuring an effective audit committee or equivalent group or function which is independent of the executive and accountable to the governing body: provides a further source of assurance regarding arrangements for managing risk and maintaining an effective control environment that its recommendations are listened to and acted upon.</li> </ul>
<b>Managing Data</b>	<ul style="list-style-type: none"> <li>• Ensuring effective arrangements are in place for the safe collections, storage, use and sharing of data, including processes to safeguard personal data.</li> <li>• Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies.</li> <li>• Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring.</li> </ul>
<b>Strong Public Finance Management</b>	<ul style="list-style-type: none"> <li>• Ensuring financial management supports both long term achievement of outcomes and short-term financial and operation performance.</li> <li>• Ensuring well-developed financial management is integral at all levels of planning control and control, including management of financial risks and controls</li> </ul>

**Principle G – Implementing good practices in transparency, reporting, and audit to deliver effective accountability**

<b>Sub-Principle</b>	<b>The Council is committed to:</b>
<b>Implementing good practice in transparency</b>	<ul style="list-style-type: none"> <li>• Writing and communicating reports for the public and other stakeholders in an understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate.</li> <li>• Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand.</li> </ul>
<b>Implementing good practice in reporting</b>	<ul style="list-style-type: none"> <li>• Reporting at least annually on performance, value for money and the stewardship of its resources.</li> <li>• Ensuring members and senior management own the results.</li> <li>• Ensuring robust arrangements for assessing the extent to which the principles contained in the Framework have been applied and publishing the results on this assessment including an action plan for improvement and evidence to demonstrate good governance (Annual Governance Statement).</li> <li>• Ensuring that the Framework is applied to jointly managed or shared service organisations as appropriate.</li> <li>• Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other similar organisations.</li> </ul>
<b>Assurance and effective accountability</b>	<ul style="list-style-type: none"> <li>• Ensuring that recommendations for corrective action made by external audit are acted upon.</li> <li>• Ensuring an effective internal audit service with direct access to Audit and Governance Committee members is in place which provides assurance with regard to governance arrangements and recommendations are acted upon.</li> <li>• Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations.</li> <li>• Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement.</li> <li>• Ensuring that when working in partnership, arrangements for accountability are clear and that the need for wider public accountability has been recognised and met.</li> </ul>



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# Data Protection Policy

<b>Item</b>	<b>Details</b>
Reference:	Information Governance-1 DPP
Status:	Draft
Originator:	Head of Legal & Support Services
Owner:	Data Protection Officer
Version No:	1:1
Date:	[To be inserted once approved and published]

## Key policy details

### Approvals

Item	Date of Approval	Version No.
Consulted with N/A		
Reviewed by Audit and Governance Committee	7 August 2024	1:1
Approved by Cabinet	24 September 2024	1:1

The policy owner has the authority to make the following minor changes without approval.

- **Operational Changes** - any modification in data protection procedures or required alignments with other documents within the Information Governance Framework.
- **Regulatory Decisions** - when Court or regulatory decisions impact information security practices.
- **Guidance Changes** - If there are changes in regulatory guidance related to data protection the policy owner should review and update this policy accordingly.

### Policy Location

This policy can be found at NWLDC's website and the Sharepoint page under current policies tab.

### Equality Impact Assessment (EIA)

Completed by	Completion date
Fay Ford	1 June 2024

### Revision History

Version Control	Revision Date	Summary of Changes
1:1	July 2024	Creation of Document

### Policy Review Plans

This policy is subject to a scheduled review once every year or earlier if there is a change in legislation or local policy that requires it.

### Distribution

Title	Date of Issue	Version No.
Distributed to Cabinet	24 September 2024	1:1
Published on NWLDC Website	TBC	1:1

### Data Protection Policy



## 1. Introduction

North West Leicestershire District Council ('the Council') has responsibilities under the Data Protection Act 2018(DPA 2018), UK General Data Protection Regulation (UK GDPR), Local Government Acts and the Human Rights Act 1998 to protect rights of privacy and ensure that personal data is sufficiently protected when it is being processed.

The Council is required as part of its overall information governance structure to ensure that appropriate controls are implemented and maintained in the collection and use of personal information pertaining to its customers, clients and staff and that these are in accordance with the requirements of the current data protection law (the DPA 2018 and the UK GDPR along with other legislation).

In most cases the Council will be the data controller for the personal data it processes. A data controller is the organisation or person who determines and controls the purpose for the processing of personal data. In some cases, the Council may be a joint data controller with another organisation.

There may also be circumstances in which the Council has appointed a third party to process data on its behalf and in such circumstances that party will be a data processor but the Council will remain the data controller.

This policy sets out the Council's approach to complying with the above legislation in relation to data protection and forms part of the Council's Information Governance Framework, which applies to all staff including employees, councillors, agency staff, contractors, volunteers or any other persons who have access to, or use the Council's information concerning personal data.

## 2. Scope

This policy forms part of the Council's Information Governance Framework, which applies to all staff including employees, councillors, agency staff, contractors, volunteers or any other persons who have access to, or use the Council's information.

The scope of this policy requires compliance with the principles defined in law.

**Personal data** is defined as:

Any information related to an identified or identifiable living natural person ('data subject'). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identifications number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person (Article 4 UK GDPR).

**Special category personal data** is defined as personal data relating to any of the following (Article 9 UK GDPR):

- Racial or ethnic origin.
- Political opinions.
- Religious or Philosophical beliefs.
- Trade Union membership.
- Genetic or biometric data for the purpose of uniquely identifying a natural person.

- Data concerning health.
- Sex life or sexual orientation.

**Criminal Offence data** is personal data relating to criminal convictions and offences or related security measures (Article 10 UK GDPR).

Criminal offence data can only be processed:

- Under the control of official authority, or
- If authorised by domestic law - this means that one of the conditions in schedule 1 of the DPA is met.

All personal data must be protected. Special category personal data and criminal offence data may require special protection measures.

### 3. Principles of Good Practice

The UK GDPR includes principles which must be adhered to whenever personal data is processed. Processing includes obtaining, recording, using, holding, disclosing and deleting personal data.

All personnel processing personal data must ensure they adhere to the principles as defined in the data protection law which require that personal data is:

- Used fairly lawfully and transparently.
- Used for specific explicit purposes.
- Used in a way that is adequate, relevant and limited to only what is necessary.
- Accurate and where necessary kept up to date.
- Kept for no longer than is necessary.
- Handled in a way that ensures appropriate security including protection against unlawful or unauthorised processing, access, loss destruction or damage.

### 4. Access and use of Personal Data

This policy applies to everyone that has access to personal data and includes any third party or individual who conducts work on behalf of North West Leicestershire District Council or who has access to personal data for which the council is responsible and who will be required contractually or otherwise to comply with this policy.

The Policy is also applicable to Members who create records in their capacity as representatives of the council.

It is an offence for any person to knowingly or recklessly obtain, procure or disclose personal data, without the permission of the data controller.

All data subjects are entitled to:

- Be informed about how data is being used.
- Access personal data.
- Have correct data updated.
- Have data erased.
- Stop or restrict the processing of data.
- Data portability (allow data subjects to get and reuse data for different services).
- Object to how data is being processed in certain circumstances.

The above rights are not absolute and only apply in certain circumstances

The Council will process all personal data in accordance with the relevant legislation. Where the Council is seeking to pursue a new project or process that involves the use of personal data, a data protection impact assessment will be carried out to assist the Council in systematically analysing, identifying and minimising the data protection risks.

The Council will only process personal data where it complies with the data protection principles under the legislation and in doing so will only process the minimum personal data required for the intended purpose. The Council will also seek to use anonymised data where appropriate to do so in order to avoid the retention of personal data where it is not necessary to retain it.

In the collection and retention of personal data, the Council will take reasonable steps to ensure that the personal data held is accurate, up-to-date and not misleading. All personal data will be retained in accordance with the Council's retention schedule.

The Council holds an information asset register, which includes information about data processing activities and any systems that process personal information.

Personal data will be processed and stored by the Council in accordance with the Council's IT Security Policy. Where the Council appoints a third party to process personal data on its behalf, it will enter into a data processing agreement with the third party to ensure that the personal data is sufficiently protected. The Council will ensure that information processed by third parties is done so in line with legal requirements and good practice.

The Council has privacy notices which explain why it collects personal data, how that personal data is used and shared (if applicable), and the rights that people have over their personal data.

## **5. Sharing Personal Data**

There may be a need for the Council to share personal data that it holds with another party, in which case it will only do so where it has a legal obligation, power or permission to do so. Where appropriate, individuals will be informed that their personal data is being shared and any personal data shared will be undertaken confidentially and securely.

The Council will ensure that data sharing agreements are in place (where appropriate) to set out the terms on which personal data will be shared with another party. The Council also maintains a register of data sharing arrangements.

Where personal data is being transferred, the Council will endeavour not to transfer personal data outside of the European Union, to third countries or international organisations unless there is a legal requirement to do so or it can be evidenced that appropriate safeguards are in place as required by data protection legislation. In the event that international transfers are being considered, a data protection impact assessment will be undertaken.

Personal data within the Council will only be accessed by those employees that need to access the information for their role and business need. There may be circumstances in which it is appropriate to limit access to certain personal data to specific members of staff, due to the sensitive nature of the personal data and/or how it is being used.

## **6. Information Security Incidents**

The Council has a procedure for reporting, logging and investigating information security incidents. Where such information security incidents indicate that there has been a breach of data protection legislation, the Council will consider whether it is appropriate and necessary to report the breach to the Information Commissioner's Office in accordance with the Council's procedure.

All incidents of a personal data breach must be reported to the Data Protection Officer via the [staff portal](#). As much information as possible should be provided and reported as soon as or within '24hrs' of the incident being identified.

An information security incident includes but is not restricted to the following:

- The loss or theft of data or information.
- The transfer of data or information to those who are not entitled to receive that information.
- Attempts (either failed or successful) to gain unauthorised access to data or information storage or a computer system.
- Changes to information or data or system hardware, firmware or software characteristics without the Council's knowledge.
- The unauthorised use of a system for the processing or storage of any data by any person.

## **7. CCTV and Surveillance Camera Technologies**

The Council recognises that images and audio recordings of identifiable individuals captured by surveillance camera systems (e.g. CCTV; body worn cameras, drones etc) are personal data and will be subject to the same provisions and safeguards afforded by data protection legislation as other types of personal information.

The Council has a CCTV policy which sets out how it will ensure that the data protection legislation will be complied with and takes account of the Surveillance Camera Commissioner's Code of Practice.

CCTV and surveillance camera technologies will only be used where it is necessary and proportionate to achieve its objective. The introduction of new CCTV and surveillance camera technologies will be subject to a data protection impact assessment.

### **Further Information**

The Information Commissioner's Office (ICO) is the independent authority set up to monitor compliance with the Data Protection Act and General Data Protection Regulation. It also issues guidance and good practice notes. You can contact the ICO here [Information Commissioner's Office \(ICO\)](#).

The ICO can consider complaints about an organisations failure to comply with the Act and regulations following the initial reply from that organisation.



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# Information Governance Framework

Item	Details
Reference:	Information Governance -1-IGF
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Owner:	Data Protection Officer
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## Key policy details

### Approvals

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Consulted with N/A		
Reviewed by Audit and Governance Committee	7 August 2024	1:1
Approved by Cabinet	24 September 2024	1:1

The policy owner has the authority to make the following minor changes without approval.

- **Operational Changes** - any modification in data protection procedures or required alignments with other documents within the Information Governance Framework.
- **Regulatory Decisions** - when Court or regulatory decisions impact information security practices.
- **Guidance Changes** - If there are changes in regulatory guidance related to data protection the policy owner should review and update this policy accordingly.

### Policy Location

This policy can be found at the Council's website and SharePoint page under current policies tab.

### Equality Impact Assessment (EIA)

Completed by	Completion date
Fay Ford	1 June 2024

### Revision History

Version Control	Revision Date	Summary of Changes
1:1	July 2024	Creation of Document

### Policy Review Plans

This policy is subject to a scheduled review once every year or earlier if there is a change in legislation or local policy that requires it.

### Distribution

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Published on NWLDC website	TBC	



# Information Governance Framework

## 1. Introduction

North West Leicestershire District Council (the “Council”) processes information in a variety of ways in order to effectively and efficiently deliver services to its customers. The Council recognises that good information management is key to ensuring that information is used appropriately and that the relevant legislation and guidance is complied with. It is of paramount importance that information is efficiently managed and that appropriate accountability, standards, policies and procedures provide a robust governance framework for effective information management.

This Information Governance Framework captures the Council's approach to holding, obtaining, recording, using and sharing information, as well as how the Council ensures that sufficient technical and organisational measures are in place to safeguard it. It includes the principles of information governance, policies and procedures, roles and responsibilities and training requirements.

## 2. Scope

This Information Governance Framework and the documents within it apply to all staff including employees, councillors, agency staff, contractors, volunteers or any other persons who have access to, or use the Council's information. It applies to all types of information and data, both electronic and manual, which is held, processed or transmitted by the Council.

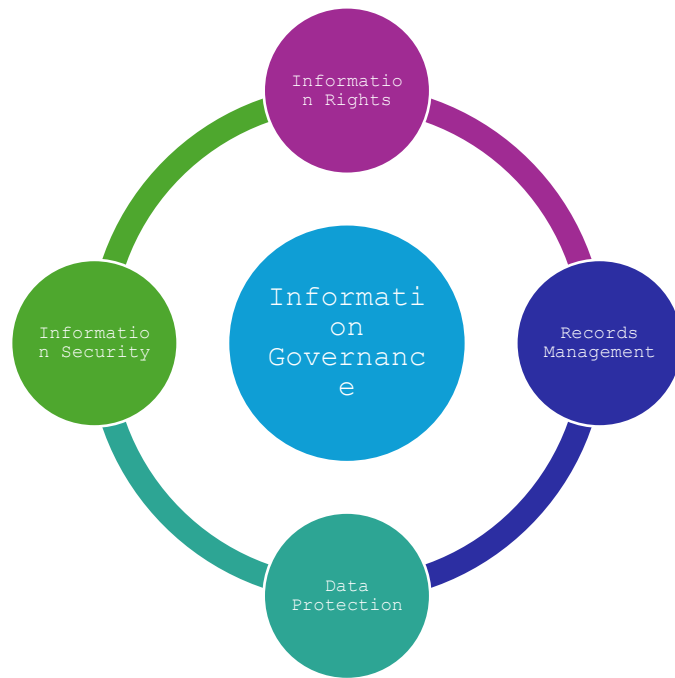
Information includes all paper and electronic records, whether that be raw or analysed data, informal or formal documents, customer or other records and any other type of content.

Non-compliance with this Framework and associated policies could potentially expose the Council and/or its customers to unacceptable risk.

## 3. Principles

Information governance spans a variety of activities that the Council undertakes. The following principles apply to all information held by the Council and form the foundation of good information governance:

1. Information Rights - we have legal obligations to provide information when requested.
2. Records Management - we must retain information for an appropriate period of time and manage records effectively.
3. Data Protection - we are required to have appropriate safeguards in place to protect our information, especially personal data.
4. Information Security - we must ensure that we have technical measures in place to ensure that the handling of our information is secure.



It is important that staff understand what information they need to do their job and how these principles apply to the information they handle.

#### **4. Policies and Procedures**

In line with the above principles, this Information Governance Framework includes four key policies:

1. Information Rights Policy
2. Records Management Policy
3. Data Protection Policy
4. Information Security Policy

Underpinning these policies are internal standards, procedures and guidance that set out how the policy requirements will be achieved.

# Information Governance Framework

## Policies

These set out why requirements are in place

Our key policies are:

Information Rights Policy

1. Records Management Policy

2. Data Protection Policy

3. Information Security Policy

## Standards

These set out what the requirements are

These include:

Retention Schedule

Information Asset Register

Data Sharing Register

Acceptable Use

## Procedures and Guidance

These set out how requirements are met

These include:

Data Breach and Information Security Incident Procedure

Information Requests Guidance

Procedure for Information Sharing

Subject Access Requests Guidance

CCTV and Surveillance Camera Technologies Procedure

Employee Monitoring Procedure

## 5. Roles and Responsibilities

The **Senior Information Risk Owner (“SIRO”)** is the Head of Legal and Support Services.

The SIRO has the following responsibilities:

- To be accountable for risk management in relation to information governance at the Council;
- To take overall ownership of the organisation's information risk approach, including the information governance framework; and
- To oversee the Data Breach and Information Security Incident Procedure and the Council's compliance in relation to dealing with information security incidents (data breaches).

The SIRO is supported by the Council's **Data Protection Officer (“DPO”)**, who has the following key responsibilities:

- To monitor compliance across the organisation to ensure that the Council meets its obligations under data protection legislation and applicable guidance;
- To ensure that the Council develops, implements, reviews and updates measures to comply with data protection legislation;
- To ensure that the Council has an appropriate training programme to make members of staff aware of their responsibilities in relation to information governance and data protection;
- To deal with any complaints in relation to the processing of personal data;
- To be responsible for the Council's approach to dealing with information security incidents and ensure that any personal data breaches are fully investigated and reported through the appropriate channels if appropriate; and
- To act as the contact point for the ICO on issues relating to the processing of personal data and to co-operate with the ICO in relation to any enquires and/or investigations.

The DPO is part of the **Information Governance Team** that manages information governance on a day-to-day basis across the organisation and supports staff in how they handle information.

### **Information Asset Owners**

Information Asset Owners are team managers with responsibilities for service areas. Team managers in their capacity as Information Asset Owners are responsible for ensuring that staff and contractors know of their responsibilities, understand and follow procedures for handling, releasing and disposing of information. They will consult with the DPO as required.

## **Surveillance Camera System Senior Responsible Officer**

The Community Safety Team Leader is responsible for surveillance cameras and their systems across the Council.

## **IT Security**

The ITC team manager is responsible for Information security for the Council.

## **6. Training and Guidance**

All staff must complete annual training on data protection. This training is delivered electronically via an e-module for the majority of staff. Where members of staff do not have IT access, alternative arrangements are in place.

Training specific to managers will be delivered to Team Managers and CLT as part of the Council's annual Corporate Governance Programme, as and when required.

Training for specific service areas will also be delivered on an ad hoc basis, as and when circumstances demand.

The Council has an internal information governance toolkit for staff to use to access the documents within the framework, including relevant procedures and guidance.

In addition to the above, the Information Governance Team promote good information governance via a variety of methods, including internal blogs, bulletins and where necessary, corporate emails.

## **7. Monitoring and Review**

This Information Governance Framework will be reviewed each year to coincide with the review of the Council's Corporate Governance policies. It will also be updated and/or amended as necessary to reflect changes in legislation and best practice.

## **8. Relevant Legislation**

The following legislation is relevant to this Information Governance Framework:

- The UK General Data Protection Regulation
- Data Protection Act 2018
- Human Rights Act 1998
- Protection of Freedoms Act 2012
- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Local Government Acts
- Computer Misuse Act 1990





# Information Security Policy

Item	Details
Reference:	Information Governance-1-ISP
Status:	Draft
Originator:	Head of Legal & Support Services
Owner:	Data Protection Officer
Version No:	1:1
Date:	[To be inserted once finalised]

## Key policy details

### Approvals

Item	Date of Approval	Version No.
Consulted with N/A		
Reviewed by Audit and Governance Committee	7 August 2024	1:1
Approved by Cabinet	24 September 2024	1:1

The policy owner has the authority to make the following minor changes without approval.

- **Operational Changes** - any modification in information security or technology procedures or required alignments with other documents within the Information Governance Framework.
- **Regulatory Decisions** - when Court or regulatory decisions impact information security practices.
- **Guidance Changes** - If there are changes in regulatory guidance related to information security the policy owner should review and update this policy accordingly.

### Policy Location

This policy can be found on NWLDC's website and Sharepoint page under current policies tab.

### Equality Impact Assessment (EIA)

Completed by	Completion date
Fay Ford	August 2024

### Revision History

Version Control	Revision Date	Summary of Changes
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### Policy Review Plans

This policy is subject to a scheduled review once every year or earlier if there is a change in legislation or local policy that requires it.

### Distribution

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Distributed to Cabinet	24 September 12024	1:1
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### Information Security Policy



## 1. Introduction

This Information Security Policy outlines our commitment to protect North West Leicestershire District Council's ("The Council") information assets against all internal, external, accidental or deliberate threats and minimise risks related to information security.

Information security is characterised as the preservation of:

- Confidentiality - ensuring that information is only available to those who have authorisation to have access.
- Integrity - safeguarding the accuracy and completeness of information and processing methods.
- Availability - ensuring that authorised users have access to information and associated assets when required.

The confidentiality, integrity and availability of data is vital to Council operations and public trust.

Information security management is an ongoing cycle of activity aimed at continuous improvement in response to changing threats and vulnerabilities. It can be defined as the process of protecting information from unauthorised access, disclosure, modification or destruction and is vital for the protection of information and the Council's reputation.

The Council has a statutory obligation to have sound information security arrangements in place. The Data Protection Act 2018 emphasises the importance of technical and organisational measures to ensure secure processing of personal data. The security principle under the UK GDPR emphasises processing personal data securely through appropriate technical and organisational measures.

## 2. Purpose

The purpose of this policy is to:

- Establish guidelines and procedures for safeguarding information within the council.
- Ensure the protection of all information in all its forms.
- Establish a framework for managing information security.
- Promote a secure information culture within the Council.

## 3. Scope

This policy forms part of the Council's Information Governance Framework, which applies to all staff including employees, councillors, agency staff, contractors, volunteers or any other persons who have access to, or use the Council's information systems and data. It applies to all information assets as defined in the Council's Records Information Management Policy.

Application of this policy applies throughout the information lifecycle from acquisition/creation, through to utilisation storage and disposal.

## 4. Responsibilities

**The Senior Information Risk Owner (SIRO)**

- is responsible for managing Information Security within the authority.

### **The IT Manager**

- is responsible for the implementation of this policy.

### **All employees**

- must adhere to this policy and report any security incidents promptly
- are responsible for protecting information assets and following security best practices.

## **5. Authorised Use**

Access to information for which the Council is responsible is permitted in support of the Council's areas of business or in connection with a service utilised by the Council. Authorised users are defined as Council employees, elected members, authorised contractors, temporary staff and partner organisations.

## **6. Information Classification**

Asset classification and control is an essential requirement, which will ensure the Confidentiality, Integrity and Availability of information used by the council. An information classification system is used to define appropriate protection levels and to communicate the need for special handling measures. Each information asset should be classified to indicate its sensitivity and to identify the controls required to protect it. All information assets must be classified based on its sensitivity and criticality for the council's business. Employees should follow the Information Classification Procedure to determine the appropriate information handling procedures for each classification level. The classification levels are:

- **Sensitive** - sensitive information where consideration should be given to who it is shared with.
- **Official Sensitive** (personal) – sensitive information concerning individuals.
- **Official Sensitive** (commercial) - sensitive information with commercial implications.
- **Legal Privilege** - confidential communications between lawyers and clients when the purpose is to seek legal advice.
- **Official** – any information not marked (not covered under other categories and no special handling required).

## **7. Data Retention**

The Council recognises the importance of managing data retention effectively to ensure compliance with legal requirements, operational needs and privacy considerations. We have a data Retention Schedule with principles that guide our retention practices. Employees should adhere to the requirements of this schedule. Please Contact the Data Protection Officer for any queries relating to data retention.

## **8. Access Control**

- Access to information will be based on the principle of least privilege and need to know basis.
- User access rights should be reviewed periodically and revoked promptly when no longer necessary.

## **9. Password Management**

- Employees must use strong unique passwords for their accounts.
- Regular password changes are encouraged.
- Multi- Factor authentication (MFA) should be implemented wherever possible.

## **10. Data Encryption**

- Sensitive data in transit (e.g emails, network traffic) and at rest (e.g stored files) must be encrypted.
- Encryption protocols and algorithms should align with industry best practices.

## **11. Incident Response**

- All security incidents shall be reported immediately to the ICT Service Desk who will pass the calls to the ICT Security Officer or ICT Manager who will instigate an investigation and report any incidents that cause serious loss or damage to the Head of Customer services and the Data protection officer.
- The personal data breach process and reporting requirements still apply to security incidents that amount to or include personal data breaches. Any Security incident that may have potential to lead to disciplinary action will involve the appropriate involvement and consultation with head of Human Resources and Organisation Development and or (depending on the nature of the incident) the Audit services manager.

## **12. Physical Security**

- Access to physical premises should be restricted.
- Visitors must sign in and be escorted whilst on site.

## **13. Training and Awareness**

- Regular security awareness sessions will be conducted for all staff.
- Employees will be informed about phishing risks, social engineering and safe computing practices.

## **14. Third-Party Vendors**

- Third-party vendors handling our data must adhere to our security standards.
- Contracts with vendors should contain information security clauses.

## **15. Compliance with Legal and Contractual Obligations**

The Council will abide by all UK legislation relating to information storage and processing including:

- Data Protection Act 2018
- UK General Data Protection Regulation 2018
- The Freedom of Information Act 2000
- The Environmental Information Regulations 2004
- The Computer Misuse Act 1990
- The Human Rights Act 1998
- The Copyright Designs and Patents Act 1988

**Compliance**

Non-compliance with this policy may result in disciplinary action.

Regular audits will assess adherence to this policy.



# Information Rights Policy

Item	Details
Reference:	Information Governance -1-IRP
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Owner:	Data Protection Officer
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## Key policy details

## Approvals

Item	Date of Approval	Version No.
Consulted with N/A		
Reviewed by Audit and Governance Committee	7 August 2024	1:1
Approved by Cabinet	24 September 2024	1:1

The policy owner has the authority to make the following minor changes without approval.

- **Operational Changes** - any modification in information rights procedures or required alignments with other documents within the Information Governance Framework.
- **Regulatory Decisions** - when Court or regulatory decisions impact information rights practices.
- **Guidance Changes** - If there are changes in regulatory guidance related to information rights the policy owner should review and update this policy accordingly.

## Policy Location

This policy can be found on the Council's website and the Sharepoint page under current policies tab.

## Equality Impact Assessment (EIA)

Completed by	Completion date
Fay Ford	1 June 2024

## Revision History

Version Control	Revision Date	Summary of Changes
1:1	July 2024	Creation of Document

## Policy Review Plans

This policy is subject to a scheduled review once every year or earlier if there is a change in legislation or local policy that requires it.

## Distribution

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## Information Rights Policy

## **1. Introduction**

Under the Data Protection Act 2018 individuals have various rights in relation to the information that North West Leicestershire District Council (the “Council”) processes about them.

Members of the public can also request information from the Council under the Freedom of Information Act 2000(FOI) The Environmental Information Regulations 2004 apply to all information which relates to the environment, in its broadest sense, including land, air, water, soil, buildings, animals and people, pollution of all kinds, waste, health and safety. This also includes reports, measures and analysis of environmental information. Whereas the Freedom of Information Act 2000 applies to all other information.

This policy sets out the Council’s approach to complying with this legislation in relation to information rights.

## **2. Scope**

This policy forms part of the Council’s Information Governance Framework, which applies to all staff including employees, councillors, agency staff, contractors, volunteers or any other persons who have access to, or use the Council’s information.

It covers:

- Requests from the public (FOI, EIR).
- Data Protection and privacy rights (UK GDPR & Data Protection Act).

## **3. Principles**

### **Transparency**

- The Council will be transparent about its information holding and processes.
- Privacy Notices will be made available to individuals.

### **Access to information**

- The Council will respond promptly to requests for information under FOI and EIR.
- Requests for personal data will be handled in accordance with the UK GDPR and the Data Protection Act.

## **4. Collection, Use and Retention of Information**

The Council collects information, including personal information, in order to operate as a local authority and to deliver services to members of the public. Where it is appropriate for information to be made publicly available, the Council will seek to do so by publishing it on its website and/or making it available by other means. In the case of some information, it will not be appropriate to share the information publicly e.g. where the information is confidential and/or there is a right to privacy.

In accordance with the legislation, the Council will only retain information for as long as necessary and will ensure that all information is held with appropriate levels of security. The Council maintains a retention schedule that sets out how long we will keep each type of information for.

## 5. Personal Information

The Council processes personal data only where necessary, proportionate and the requirements of data protection legislation are met. It handles all personal data in accordance with its Data Protection Policy.

Individuals that the Council holds personal data about have the following rights:

- The right to be informed about how and why their data is being used.
- The right of access to their own personal information held by the Council.
- The right of rectification where their data is inaccurate or not up to date.
- The right to erasure of their data.
- The right to restrict the processing of their data by the Council.
- The right to object to processing of their data by the Council.
- The right to have their data 'ported' to another organisation.
- Rights in relation to automated decision making and profiling.

The rights of individuals in relation to their personal data will depend on the purposes for which the Council is processing that data, which are set out in the Council's privacy notice(s).

Requests in relation to data subject rights can be made via the Council's website and the Council will respond to such requests as soon as possible (and in any event within the relevant timescales). Sometimes we may need to extend the timeframe for response where the request is large and/or complex, in which case we will advise the requestor as soon as possible. In some cases, we may ask the requestor to clarify or refine their request to enable us to provide an appropriate response.

We will endeavour to provide any information in the format requested, where it is reasonable and practicable to do so.

## 6. Other Information

The Council holds a range of information that any member of the public can submit a request to obtain a copy of, under either the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 (or both). Information requests for such information can be made via the Council's website.

Where reasonable and practical to do so, we will make information publicly available on the Council's website or by other means.

If there are any charges or restrictions on use in relation to the information requested, then the requestor will be notified accordingly.

The Council will seek to respond to requests for information as soon as possible but in any event within the statutory timescales. Should there be a need to extend a deadline for any reason, the requestor will be notified.

Where a requestor is dissatisfied with the outcome of their request, it is open to them to request an internal review. Internal reviews will be carried out by another member of staff, independent to the officer that provided the initial response.

A requestor has the right to complain the Information Commissioner's Office if they remain



dissatisfied with the outcome following an internal review.

## **7. Relevant Legislation**

The following legislation is relevant to this policy:

- The UK General Data Protection Regulation
  - Data Protection Act 2018
  - Human Rights Act 1998
  - Freedom of Information Act 2000
  - Environmental Information Regulations 2004
  - Local Government Acts
- 8.** This Policy will be updated and or amended as necessary to reflect the changes in legislation and best practice.

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# Records Management Policy

Item	Details
Reference:	Information Governance -1-RMP
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Originator:	Head of Legal & Support Services
Owner:	Data Protection Officer
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## Key policy details

### Approvals

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Consulted with N/A		
Reviewed by Audit and Governance Committee	7 August 2024	1:1
Approved by Cabinet	24 September 2024	1:1

The policy owner has the authority to make the following minor changes without approval.

- **Operational Changes** - any modification in data protection procedures or required alignments with other documents within the Information Governance Framework.
- **Regulatory Decisions** - when Court or regulatory decisions impact information security practices.
- **Guidance Changes** - If there are changes in regulatory guidance related to data protection the policy owner should review and update this policy accordingly.

### Policy Location

This policy can be found on the Council's website and on the Sharepoint page under current policies tab.

### Equality Impact Assessment (EIA)

Completed by	Completion date
Fay Ford	August 2024

### Revision History

Version Control	Revision Date	Summary of Changes
1:1	July 2024	Creation of Document

### Policy Review Plans

This policy is subject to a scheduled review once every year or earlier if there is a change in legislation or local policy that requires it.

### Distribution

Title	Date of Issue	Version No.
Distributed to Cabinet	24 September 2024	1:1
Published on NWLDC Website	[TBC]	1:1

## Records Management Policy

### 1. Introduction

North West Leicestershire District Council's ("The Council") records support effective service delivery, provide evidence of its activities and decisions, and maintains the corporate memory. It is important that the Council manages its records appropriately to ensure that it complies with data protection legislation and is able to locate information when required. Systematic management of records protects the Council's most important information and improves business resilience and efficiency.

This policy establishes guidelines for the management, retention and disposal of data records within the Council. It sets out the Council's lifecycle approach to records management and the expectations for all employees in managing information effectively.

## 2. Scope

This policy forms part of the Council's Information Governance Framework, which applies to all staff including employees, councillors, agency staff, contractors, volunteers or any other persons who have access to, or use the Council's information.

This policy applies to all records that the Council holds, including the following:

- Documents (including hand-written, typed, and annotated copies).
- Paper based files.
- Computer files (including word processed documents, databases, spreadsheets and presentations).
- Maps and plans.
- Electronic mail messages (email).
- Web pages (on either the intranet and internet).
- Faxes.
- Brochures and reports.
- Forms.
- Audio and video tapes including CCTV and voicemail / voice recording systems.

## 3. Use

All information must be used consistently, only for the intentions for which it was intended and never for an individual employee's personal gain or purpose. If in doubt employees should seek guidance from the Data Protection Officer.

**Disclosure** - only specific information required should be disclosed to authorised parties and always in accordance and with strict adherence to the Data Protection Act. There are a range of statutory provisions that limit, prohibit or set conditions in respect of the disclosure of records to third parties and similarly arrange of provisions that require or permit disclosure.

### 3.1 Storage of Records

There is an Information Asset Register/ Record of Processing Activities.

The Council has an Information Asset Register/ Record of Processing Activities that identifies the assets owned by the Council and location of the same. It is subject to annual review and any risk found will be reported to the SIRO.

### 3.2 Retention

The retention period varies dependant on the type of information being stored. All Council Records retention periods should be detailed in the Information Asset Register and can be checked in the Corporate Retention Schedule available as part of the Council's Information Governance Framework.

The information must be relevant, fit for purpose it was intended and only retained for as long as it is genuinely required.

**3.3 Disposal** - It is particularly important under Data Protection legislation that the disposal of records, which is defined as the point in their lifecycle when they are either transferred to an archive or destroyed, is undertaken in accordance with clearly established policies which have been formally adopted by the Council.

**3.4 Transfer** - The mechanisms for transferring information from one organisation to another should be tailored to the sensitivity of the material contained within the records and the media on which they are held. The DPO can advise on appropriate safeguards.

#### **4. Relevant Legislation**

The Council is committed to continuously improving the way it responds to information requests that fall under specific statutory regimes.

The UK General Data Protection Regulation  
The Data Protection Act 2018  
The Freedom of Information Act 2000  
The Environmental Information Regulations 2004

The following legislation is also relevant to this policy:

- Human Rights Act 1998
- The Local Government (Records) Act 1962 - this gave Local Authorities limited discretionary power to hold their records in local archives
- The Local Government Act 1972 - sets out the basic requirement for local authorities to 'make proper arrangements' to keep good records

#### **5. Information Management Framework**

NWLDC has implemented a framework of processes, procedures, standards and training materials together with defined roles and responsibilities that has been established, in order to support compliance with this policy so that:

- i) Appropriate information and documents are captured as records;
- ii) Records can be easily accessed by those who need them;
- iii) Records are available for as long as they are required in accordance with legislation and listed;
- iv) Records are disposed of appropriately when no longer required in line with legal and regulatory obligations;
- v) Records will be appropriately marked and kept securely and protected from accidental loss or destruction.

#### **6. Roles And Responsibilities**

##### **The Senior Information Risk Owner (SIRO)**

The Council has appointed the Monitoring Officer as the SIRO. The SIRO has responsibility for ensuring that effective systems and processes are in place to address the Information Governance agenda.

The SIRO is the overall owner of the information risk within the Council and acts as the focal point for information risk management within the Council including resolution of any risk issues raised by IAO. The SIRO will report annually to the Audit and Governance Committee on the content of the SIRO Report regarding information risks.

### **Information Asset Owners (IAO)**

Each information Asset will have a relevant team manager as an Information Asset Owner.

The information asset includes records associated with the operation of the directorate function. Key decisions about the management of information will be made by the IAO. IAO provide quarterly assurances to the SIRO detailing any information asset records) perceived to be at risk

### **Data Protection Officer (DPO)**

The DPO appointed under statutory GDPR obligations, is responsible for monitoring the Council's compliance with data protection legislation and its compliance with its own policies in relation to the protection of personal data. Monitoring of this policy will be overseen by the DPO. In the event of identification of high risks, the DPO will escalate to the appropriate level of management.

### **All Staff**

All Council employees are responsible for any records that they create or use in the course of their duties. It is the responsibility of all employees to adhere to this policy when handling all types of Council information.

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**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**CABINET – TUESDAY, 24 SEPTEMBER 2024**



<b>Title of Report</b>	<b>EQUALITY, DIVERSITY AND INCLUSION POLICY AND ACTION PLAN</b>	
<b>Presented by</b>	Councillor K Merrie MBE Infrastructure Portfolio Holder  PH Briefed <input data-bbox="1254 600 1358 674" type="checkbox"/> Yes	
<b>Background Papers</b>	<a href="#">Equality Framework for Local Government (EFLG) 2021   Local Government Association</a>  <a href="#">Equality and Diversity Policy 2019-2022.docx (sharepoint.com)</a>	<b>Public Report:</b> Yes  <b>Key Decision:</b> No
<b>Financial Implications</b>	There are no financial implications to the Equality, Diversity and Inclusion policy, and action plan at this stage. <b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	The legal implications from the Equality Act 2010 have been considered within the policy, and as such if any concerns or issues do arise, then they should be dealt with on a case-by-case basis.  <b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	Staff training will need to be refreshed to take consideration of the Equality, Diversity and Inclusion policy, and any impacts from the equality action plan will need to be picked up by the relevant services, as the equality framework encourages departmental service cross working.  <b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	This report outlines a revised Equality, Diversity and Inclusion policy, and a new equality action plan that sets out the three Council's equality objectives. A Cabinet meeting held on 23 July 2024 agreed that the Council will treat care leavers as a protected characteristic. The decision as to care leaver status has been written into the Equality, Diversity and Inclusion policy, and equality action plan. Furthermore, the report shall enable members of Cabinet to comment on the proposed wider revised Equality, Diversity and Inclusion policy, and action plan.	

<b>Reason for Decision</b>	The previous Equality, Diversity and Inclusion policy is out of date and thus required an update to be in line with current legislation and good practice.
<b>Recommendations</b>	<b>THAT CABINET ADOPTS THE UPDATED EQUALITY, DIVERSITY AND INCLUSION POLICY AND ASSOCIATED ACTION PLAN.</b>

## 1.0 BACKGROUND

1.1 This report proposes a revised and updated Equality, Diversity, and Inclusion policy (E, D and I) policy. A detailed equality action plan to support the policy is also proposed – this has been based on the Local Government Association (LGA) Equality framework 2021. Together these documents will provide a strong foundation for the Council to demonstrate its continued commitment and resource towards equality related work.

1.2 The purpose of the policy is to provide equality, fairness, and respect for everyone who works in the Council, irrespective of their employment, whether temporary, part-time, or full-time, and otherwise. The policy extends to the Council's role as a service provider and community leader. The policy shall provide a framework to avoid incidents of unlawful discrimination whereby someone is protected under the Equality Act 2010. The Act has progressed in its scope and interpretation of the nine protected characteristics and as such these have been explored within the current policy, and over time with developing case law in the employment and service sectors.

1.1 The nine protected characteristics enshrined in the Equality Act are as follows: -

- **Age:** The Act makes discrimination on the grounds of age in employment and education provision unlawful.
- **Disability:** defined as having a physical or mental impairment that has a 'substantial' and 'long term' negative impact on your ability to do normal daily activities.
- **Sex/Gender:** The Act makes discrimination on the grounds of sex in employment and education provision unlawful.
- **Gender Reassignment:** a person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or attributes of sex. Therefore, the individual does not have to be going through with the process but may in fact identify with a particular gender.
- **Marriage and Civil Partnership:** The Equality Act 2010 prohibits employers from discriminating against employees because they are legally married or in a civil partnership, Marriage and civil partnership can be between a man and a woman or between partners of the same sex.
- **Pregnancy and Maternity:** pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth and this includes treating a woman unfavourably because she is breastfeeding.

- **Race/Ethnicity/Nationality** refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.
- **Religion or Belief:** religion refers to any religion or lack of religion and belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). A belief should affect your life choices or the way you live for it to be included in the definition.
- **Sexual Orientation:** whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

- 1.3 A Cabinet meeting held on the 23 July 2024, agreed that the Council will now treat care leavers as a protected characteristic. Care Leavers are people under the age of 25 who have been looked after by a Local Authority as a child. Care Leavers often face potential disadvantage and negative experiences, and Cabinet agreed this would be a positive development to help redress some of those adversities when accessing Council services, employment etc.

The protected characteristics specified within the Equality Act 2010 are enshrined within the law, however the Council does bear its corporate parenting responsibility seriously and will endeavour to put in place targeted support for this group of people. The decision by Cabinet has now been incorporated into the updated version of the E, D, and I policy accordingly.

- 1.4 The equality action plan attached at the Appendix is a document that supports the measures needed for the Council to demonstrate in a time monitored manner how it is working towards and meeting its equality objectives. The action plan includes a set of three equality objectives that have been set in line with the top priorities of project work for the Council.

An example is where, the Council is proposing to commence ethnicity pay reporting in the period 2025/2026, and the action plan will be used as a live working document to record the steps and progress made towards such a target.

It is possible there may be further legislative or other requirements in the E, D and I field with the election of the new government. The policy and action plan will be kept under review in the event of such changes.

A number of the equality action plan objectives will require departmental cross working in line with the Council's approach to "One Team, one Council."

- 1.5 The proposed Equality policy and associated action plan was considered by the Corporate Scrutiny Committee at its meeting on 29 August 2024.

The full draft minutes of the Corporate Scrutiny Committee and be found at the following link: -

[Agenda Template \(nwleics.gov.uk\)](https://www.nwleics.gov.uk)

- 1.6 A wide range of questions were raised by members at the Scrutiny meeting. These included questions about the proportions of employees with disabilities, whether neurodiversity was included in the policy, if job carving was used as a tool by the Council, and whether the work of the LGA on disability had been incorporated into the plan.

The Head of Human Resources and Organisation Development advised that these considerations were incorporated into the policy and action plan. He agreed to provide details of the proportions of employees with a disability compared to the population of the district area and to consider if job carving was a tool that might be used by the Council when recruiting to job roles.

Members of the Committee also wanted to see greater Member input, and increased attempts to engage marginalised communities within the district in decision making. The Head of Human Resources and Organisational Development acknowledged that greater engagement with certain sections of the community within the district was a key aim of the plan.

A member questioned the make-up of the Council's Cabinet. The Head of Legal and Support Services explained that it was the Leader of the Council who appointed to the Cabinet from the administration, based on skills, expertise, and interest in the particular portfolio areas.

A further similar question on the make-up of the Council's Cabinet was subsequently tabled at the Council meeting held on 10 September 2024. The question and reply from the Portfolio Holder can be seen in the additional papers at the following link: -

<https://minutes-1.nwleics.gov.uk/ieListDocuments.aspx?MIId=2616&x=1&>

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Planning and regeneration Communities and housing A well-run council
Policy Considerations:	All individuals and their departments that have been involved in drafting this E, D and I policy or action plan will need to update their specific and departmental policies.
Safeguarding:	It is not expected that there will be any safeguarding impacts due to the E, D and I policy or the equality action plan.
Equalities/Diversity:	E, D and I Training will be updated to include aspects of the policy and action plan.
Customer Impact:	Services will need to consider the impacts on customers through the completion of Equality Impact Assessments.
Economic and Social Impact:	The policy and action plan are expected to improve and reduce the gap between those individuals that have a protected characteristic and those that do not, in line with the Public Sector Equality Duty (PSED).
Environment, Climate Change and Zero Carbon:	None expected.
Consultation/Community/Tenant Engagement:	Consultation has taken place with the Council's recognised trade unions prior to Cabinet's consideration of the policy and action plan. This report was also taken to the Corporate Scrutiny

	Committee on 29 August 2024, please see section 1.5 for more details.
Risks:	There are potential legal and reputational risks to the Council of not considering E,D and I when delivering services and when preparing policies and procedures. If the policy is adopted by Cabinet subsequently the risks will be incorporated into the Councils risk registers.
Officer Contact	Mike Murphy Head of Human Resources and Organisation Development <a href="mailto:Mike.murphy@nwleicestershire.gov.uk">Mike.murphy@nwleicestershire.gov.uk</a>

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Equality, Diversity and Inclusion Policy  
2024 – 2028

## Contents

- Introduction
- What is Equality, Diversity, and Inclusion (E, D and I)?
- Definitions:
  - Protected characteristics
  - Public Sector Equality Duty (PSED)
  - Different types of discrimination
  - Human Rights
  - Harassment and sexual harassment
- Our commitment to E, D and I
- Our role as leaders
- Partnership working
- Our workforce
- Accessible communications
- Equality monitoring
- Equality Impact Assessments



## 1. INTRODUCTION

1.1 North West Leicestershire District Council (the Council) prides itself in its proactive approach to Equality, Diversity, and Inclusion. This Policy provides a clear and strong direction so that our staff, partners, members, and stakeholders know what to expect from the Council's equality agenda and objectives.

Linked to this Policy is our Equality Action Plan that outlines in detail our Equality Statement, objectives, and actions we will take over the life of this Policy. This Equality, Diversity and Inclusion Policy is the Council's public statement of commitment. This document, which the Council refer to as the Policy, has been developed to ensure that we meet the requirements of the Equality Act 2010 and the Public Sector Equality Duty, respectively.

1.2 The Policy, however, goes much further and contributes to our commitment to Equality, Diversity, and Inclusion with specific focus on: -

- Reinforcing the Council's responsibility under the Equality Act 2010, and our role as:
  - **Community leaders** through our democratically elected Members working with communities and partners in the public, private and voluntary sectors to improve the quality of life for the people within our district.
  - **A service provider**, by providing services and facilities which meet the diverse needs of our residents and people who work in and visit our district.
  - **As an employer**, by being fair in our recruitment, promotion, training and in the development of our staff. By aiming to have a representative workforce that reflects the communities we support and by providing a work environment that is safe, accessible, and free from harassment and discrimination.
- Developing an action plan to help us ensure equality of opportunity across all sections of the community, and our workforce. To ensure our services to all residents are provided fairly and without discrimination. This action plan is created in accordance with the Local Government Association (LGA) Equality Framework.
- Promoting equality and diversity across our staff and among our residents, to ensure the removal of unfair discrimination and disadvantage, harassment, and to foster good relations, in the workplace and between different community groups.
- Educating all staff at all levels to approach their work with an open mind and to offer support and assistance to others.

1.3 Equality, Diversity, and Inclusion (E, D and I) is a duty that everyone must hold and move forward in a collective manner. The Council, via this Policy and other mechanisms has made a public commitment to E, D and I, and to apply this Policy, we ensure that we understand the communities that we serve and understand those that work for us. The Council follow and adhere to the principals as recommended by the Local Government Association and their Equality Framework, and accordingly have drafted our Equality Action Plan based on these recommendations, data analysis and an understanding of what the key priorities should be. The Council will abide by the relevant provisions of the Equality Act 2010 and particularly the General and Specific Equality Duties established by the Act.

## **2. WHAT IS EQUALITY, DIVERSITY, AND INCLUSION?**

2.1 **Equality** means everyone is treated fairly, with respect and are given good opportunities. The Council realise individual needs are sometimes best met in different ways, but people must not be unfairly discriminated against. The Equality Act 2010 ensures that we must all contribute to creating a positive environment where discriminatory practices and unfair discrimination do not happen. The Council adopts an equitable approach by giving individuals resources according to their needs, so that everyone can fully participate at work and in society. Equality of opportunity, in terms of access to fair and equitable services, is equal treatment and outcomes that meet the needs of the individual.

2.2 **Diversity** refers to the differences that exist between each of us and that we must consider our own unique needs when helping others. This means understanding how people's differences and likenesses can be used for the benefit of the individual, the organisation, and our communities. People with diverse backgrounds and attitudes will bring a variety of ideas and experiences, and a diverse organisation can draw upon these so it can listen to and meet the needs of its employees, customers, and the community it serves.

2.3 **Inclusion** is where those differences are seen as a benefit, and where perspectives and differences are shared.

## **3. DEFINITIONS**

EQUALITY ACT 2010

3.1 The Equality Act 2010 protects people from unfair discrimination on the grounds of the nine protected characteristics: -

- **Age:** The Act makes discrimination on the grounds of age in employment and education provision unlawful.
- **Disability:** defined as having a physical or mental impairment that has a 'substantial' and 'long term' negative impact on your ability to do normal daily activities.
- **Sex/Gender:** The Act makes discrimination on the grounds of age in employment and education provision unlawful.
- **Gender Reassignment:** a person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or attributes of sex. Therefore, the individual does not have to be going through with the process but may in fact identify with a particular gender.
- **Marriage and Civil Partnership:** The Equality Act 2010 prohibits employers from discriminating against employees because they are legally married or in a civil partnership<sup>12</sup>. Marriage and civil partnership can be between a man and a woman or between partners of the same sex<sup>1</sup>.
- **Pregnancy and Maternity:** pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth and this includes treating a woman unfavourably because she is breastfeeding.
- **Race/Ethnicity/Nationality:** refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.
- **Religion or Belief:** religion refers to any religion or lack of religion and belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
- **Sexual Orientation:** whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

3.2 It is against the law to discriminate against anyone because of any of these nine 'protected characteristics'.

3.3 As a Council we have recognised that the some vulnerable/disadvantaged groups are not legally covered as a protected characteristic, however we have chosen to recognise the following as a non-legal protected characteristic. Care Leaver: A care leaver is an adult who spent time in care as a child (i.e., under the age of 18). This care could have been approved by the state through a court order or on a voluntary basis. It encompasses various forms of care, such as foster care, residential care (including children's homes), and other arrangements outside the immediate or extended family.

#### 4. PUBLIC SECTOR EQUALITY DUTY [PSED]

4.1 The [Public Sector Equality Duty](#) consists of a general duty which is supported by specific duties. The general duty requires public sector organisations to have due regard to the need to:-

1. **Eliminate discrimination, harassment, and victimisation.**  
This means the Council must stop people from being treated unfairly or differently because of one of the 'protected characteristics,' listed in the Equality Act 2010. The council also has a duty under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, to also publish our Gender Pay Gap report annually.
2. **Advance equality of opportunity between people who share a protected characteristic and those who do not.**  
This means the Council must do its best to meet the needs of people with protected characteristics and stop any unfair treatment suffered by people because of their protected characteristic(s).
3. **Foster good relations between people who share a protected characteristic and those who do not.**  
This means the Council must help people who share a protected characteristic and those who do not share it, to get on together.

4.2 Having 'due regard' means consciously thinking about the aim of the equality duty as part of decision-making processes. This means consideration of equality issues must influence the decisions reached by public bodies, such as, how they function as employers; how they form, evaluate and review Policy ; how they design, deliver and evaluate services; and how they appoint and procure or obtain goods and services from others.

## 5. THE DIFFERENT TYPES OF DISCRIMINATION

5.1 Discrimination can be intentional or unintentional and may occur directly, indirectly, by association, or by perception. There are also two specific types of discrimination that apply only to disability: "discrimination arising from disability" and "failing to make reasonable adjustments" (see [Different types of discrimination under the Equality Act 2010](#)).

5.2 Discrimination is not always obvious and can be subtle and unconscious. This stems from a person's general assumptions about the abilities, interests and characteristics of a particular group that influences how they treat those people (known as "unconscious bias"). Such assumptions or prejudices may cause them to apply requirements or conditions that put those groups at a disadvantage. Examples include: steering employees into particular types of work on the basis of stereotypical assumptions without considering the particular attributes and abilities of individuals; recruiting or promoting individuals into particular roles because of assumptions about the reactions or preferences of other employees or clients; and using different standards for different groups of employees to judge performance.

### 5.3 Direct Discrimination

Where you are directly treated less favourably than another person, usually because you hold one of the nine protected characteristics. For example, treating a colleague differently to others because of their age.

#### **5.4 Indirect Discrimination**

This occurs when, for example, a rule is applied fairly to all but in fact, the ability of one group to respond to that rule, is much greater than the ability of another. An example of this might be a rule that everyone should apply for something via the internet. This could exclude the older generation who may not have internet access or computer skills.

#### **5.5 Discrimination by perception**

This refers to discrimination because you believe a person has a protected characteristic. It applies even if the person does not actually have that characteristic. For example, Tom is 45 but looks much younger. Many people assume he is in his mid-20s. He is not allowed to represent his company at an international meeting because the managing director thinks he is too young. Tom has been discriminated against on the perception of a protected characteristic.

#### **5.6 Discrimination by association**

This is the form of discrimination which occurs when one person has a protected characteristic, but another person is treated negatively from knowing them. For example, you could be discriminated against because you have a family member or a friend who has a disability. For example, May works as a project manager and is looking forward to a promised promotion. However, after she tells her boss that her mother, who lives at home, has had a stroke, the promotion is withdrawn. This may be discrimination against May because of her association with a disabled person.

#### **5.7 Positive Discrimination**

This is the opposite end of the scale as this is where you treat someone more favourably because of their protected characteristics. For example, If two employees apply for a promotion (one with no protected characteristic and one with a physical disability). If the manager chooses to promote the worker with the disability over the other employee even if that employee has effectively shown that they are more suitable for the job, this could constitute positive discrimination. Despite the fact it is called “positive” and may look like it is a step in the right direction, it is not and is unfair and unlawful.

#### **5.8 Positive Action**

This refers to any action taken to attempt to put right an imbalance in the makeup of a workforce or deal with existing stereotypes/problems. For example, an organisation may wish to employ more individuals with a disability or those who align themselves as from Black and Minority Ethnic communities, in order to have a more diverse workforce and therefore, encourage people from these protected groups to

apply for vacancies, e.g., disabled people are guaranteed an interview if they meet all the essential criteria.

## **6. OTHER DEFINITIONS**

### **6.1 Human Rights**

Every person in the world has basic human rights and freedoms. Human rights are based on core principles such as dignity, fairness, equality, respect, and independence. They are relevant to day-to-day life and protect people's freedom to control their own lives, effectively take part in decisions made by public authorities which impact upon their rights and get fair and equal services from public authorities.

### **6.2 Harassment and sexual harassment**

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of: violating someone else's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Sexual harassment is conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

### **6.3 Victimisation**

Victimisation is treating another person detrimentally either because that person has made a complaint of discrimination or harassment, or because they have supported someone else who has made such a complaint, for example by giving a witness statement that supports the allegations.

### **6.4 Bullying**

There is no legal definition of bullying. However, the Council regards it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating, or injuring the recipient.

Bullying can be physical, verbal, or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

## **7. OUR COMMITMENT TO E, D AND I**

7.1 Equality, diversity, and inclusion in the workplace is not only good practice but makes good business sense. We will create a working environment free of bullying,

harassment, victimisation, and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued. This commitment includes training managers and all other employees about their rights and responsibilities under the equality, diversity, and inclusion Policy. All staff should understand that they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public:

- Take complaints of bullying, harassment, victimisation, and unlawful discrimination seriously by fellow employees, customers, suppliers, visitors, the public and any others during the organisation's work activities.
- Make opportunities for training, development, and progress available to all staff.
- Make decisions concerning staff being based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).
- Review employment practices and procedures when necessary to ensure fairness, and update them and the Policy to take account of changes in the law.
- Monitor the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality, diversity, and inclusion, and in meeting the aims and commitments set out in the E, D & I Policy.

## **8. OUR ROLE AS LEADERS**

8.1 This Policy assists the Corporate Leadership Team (CLT), Team Managers and Team Leaders, to fully meet the aims set out in the Equality Statement and to fully realise the equality objectives of the Council. All supporting documents, codes of practice, legislative information, monitoring and training will be aimed at helping all employees, to implement the Policy effectively, in terms of service delivery and employment practice. These responsibilities are: -

- To provide leadership through CLT who will work with the political leadership in creating an equality and diversity culture within the Council.
- For all employees to embrace the principles of equality of opportunity and apply these to their everyday activities.
- Not to harass, abuse or bully any other employee or customer, on the grounds of a protected characteristics.
- For the Equality, Diversity, and Inclusion Officer to provide guidance to staff on equality and diversity law and be pro-active in promoting equality and diversity.

## **9. PARTNERSHIP WORKING**

9.1 The Council collaborates closely with many partners and agencies in the delivery of its functions and services. We are a member of the Leicestershire Equalities Forum (LSEF), which is a group consisting of equality officers from all statutory organisations in Leicestershire. The Forum meets regularly and focuses on tackling issues shared by all members. We are also accredited under the 'Disability Confident Employer' scheme, and currently are awarded level 2 status, which is valid up to 05/06/2025. This accreditation further showcases our commitment to E, D and I, and Inclusion, and ensures that we are continually reviewing our ways of working, collecting data and improving diversity in the workplace so that we can be on track (in the future) to apply for leadership level 3 within the scheme.

## **10. OUR WORKFORCE**

10.1 We operate a pay and reward system which is transparent, based on objective criteria and free from bias. We continue to review all new posts, and any existing posts regraded as part of reviews, to ensure equal pay. Through these actions we aim to avoid unfair discrimination in our pay and reward system. Each year we produce information in relation to the characteristics of our workforce which, whilst being a legal requirement, is also useful for workforce planning. We report on Gender pay gap and publish this information annually. This is an important exercise not only because it is a legal requirement, however it is the right thing to do, and allows us as an organisation to further enhance our role of creating a more diverse and inclusive workforce.

10.2 We continually collect and monitor data as to our workforce which is characterised by protected characteristic, it must be noted that this is in line with data protection and bound by the GDPR principals. This data evaluation then determines our equality projects and areas of further prioritisation. It is however recognised that staff are only encouraged and not directed to disclose protected characteristics if they so wish, which is usually done via the self-declaration portal. We also use this data to compare it to our demographic information that we collect as part of the Census, to ensure that our workforce is largely representative of the communities that we serve.

10.3 There are a wide range of policies to support people who work for us and future employees. These policies let staff know what is expected from them as employees and what they can expect from the Council as an employer. Equality monitoring starts at the point of application and continues through to minimise any unconscious bias and to help us achieve a workforce that is representative of the district.

10.4 The Council staff are active in promoting and supporting diversity in the workforce. This includes:

- Making sure we are fair in what we pay people, through having a non-discriminatory job evaluation scheme.
- Making sure bullying and harassment does not happen in the workplace.



- Supporting employees in making sure they have a good balance of work life and home life (work-life balance).

10.5 The Council understands the law in respect of reasonable adjustments and our duty as an employer to take such steps as are reasonable to prevent any practice, Policy, physical feature of the workplace or any other arrangements being made, which places a disabled employee or applicant at a disadvantage compared to a non-disabled employee or applicant. The Council will consider disability in advance of a recruitment campaign so that advertising, application forms and assessments, arrangements for interviews, job descriptions and employee specifications, and selection criteria are appropriate and as inclusive as possible.

10.6 We will ask applicants at the outset if they require any reasonable adjustments to be made to the recruitment process. These may include [ensuring easy access to the premises for an interview/adapting psychometric tests/replacing psychometric tests with an alternative option/providing an alternative to a telephone interview for a deaf candidate/providing a suitable chair for an interview with a candidate suffering from back problems/list other relevant examples].

10.7 The Council is committed to training its workforce on the importance of E, D and I, and therefore all new starters must attend equality, diversity, and inclusion training as part of their onboarding programme.

Every current employee must attend regular equality, diversity, and inclusion training on at least a three-year basis.

We expect all our staff to proactively support our E, D and I initiatives in everything that they do.

## **11. ACCESSIBLE COMMUNICATIONS**

11.1 We want to encourage communication with people from different communities and make sure we do this in a way that prevents exclusion.

The Council will: -

- Talk to people and listen to people in the way they find the easiest and best. We will also help others to do the same.
- Look at ways to raise the profile of equality and diversity through targeted positive communications, equality, and diversity events, either as a Council, or working in partnership with other organisations and government bodies. Invitations and publicity for events will clearly state the appropriate booking systems to request any facilities or services required.
- Continue to provide information upon request in a number of different formats or community languages and offer to go through a document personally with someone to help them understand it. Alternative formats which may include large print, Braille and audio will be available on request.
- Continue to ensure, where possible that public meetings and events are accessible. This includes providing, upon request and in agreement, alternative formats for written documents, help with using the hearing system,

level access, accessible toilets, where possible assist with the provision with transport to and from the venue, and adequate emergency exit procedures.

## 11.2 TRANSLATION AND INTERPRETATION SERVICE

Translation and Interpretation guidance is available to assist officers and our customers in delivering our services. We have access to a service called Language Line, which is available upon request.

Interpreters (including sign language interpreters) can be provided where we receive prior notification that they are required. Information about our services can be provided in different formats/languages with advanced notice.

## 11.3 COMMENTS AND COMPLAINTS

Comments and complaints are encouraged from our customers in any form of communication – by email, telephone, in writing or face-to-face.

The Council has formal processes for the management of complaints to ensure customers receive informed and considered responses in circumstances where they are unhappy with our services. The Council recognises that information from complaints can help us to improve services in the future.

The Council's mission is to put customers at the heart of what is done and how it is done, regardless of how they chose to contact us. We will respond positively to customers' views and actively seek to promote opportunities for customers to tell us what they think and for them to influence future service development and delivery.

## **12. EQUALITY MONITORING**

12.1 Equality monitoring is looking at the information that is collected about different services and groups of people. This will tell us how well equality and diversity is embedded in the work we do. It is something we think is especially important for understanding our customers. Information about the people who work for us is collected and monitored for the same reason.

This information will be used to: -

- Understand how many people from different protected characteristics are employed by the council
- Understand how many people from different protected characteristics use our services, or are not using those services.
- Help understand what diverse groups think about our services and about what can be improved to meet their needs.
- Support service provision, monitor inequalities and demonstrate compliance with legislation.

We have produced a generic equality monitoring form to collect equality and diversity information of service users, residents, and partners, etc.

### **13. EQUALITY IMPACT ASSESSMENT**

13.1 The Equality Impact Assessment (EIA) process reflects best practice in the sector and is in place to support any new/amended proposal, policy, service, or function. This shall be achieved by the following:

- Team Leaders and Managers will all be trained in completing Equality Impact Assessments
- Equality Impact Assessment (EIA) documentation with corresponding guidance notes is available to direct the document writer throughout the process.
- There is a question-and-answer sheet that shall provide information as to common queries that were raised throughout the process of creating the new EIA form.
- EIA's are reviewed and monitored closely by the Equality, Diversity and Inclusion Officer, and advice given.
- EIA's that are completed to a high standard within service departments have the opportunity to allow permission for these to be shared with the staff group. If permission is given, then these are shared.
- Actions arising from equality analysis and assessments will be reflected in Service Plans.

### **14. PUBLISHING THE RESULTS**

14.1 We recognise the importance of not only communicating our clear commitment to equality, diversity, and social inclusion but also the importance of keeping local people regularly informed of the progress being made and the outcomes being achieved. This includes opportunities for local people to take part in this work and help contribute to the improvements the council is seeking. To help keep local people informed we will: -

- Share results with selected consultation groups.
- Report to the Corporate Scrutiny Committee annually on progress with the action of this Policy.
- We will publish information on our intranet.
- Produce an end of year report of our progress against the Equality themes which are contained within the Equality, Diversity, and Inclusion Action Plan, and make this available on the council website.
- Publish information on the Council website about the Council's work to progress its overall equalities agenda.
- Ensure our customer centre can provide leaflets, documents on Council services and information on new initiatives in community languages upon request.

## **15. CONCLUSION**

- 15.1 The Policy recognises the constant diversity changes happening across the district and our organisation, and as such the Council is committed to continually reviewing and improving existing structures and practices. There is a firm commitment to provide equality of opportunity, tackling discrimination, harassment, hate and disadvantage and to fostering good relations. The Council are also committed to achieving the highest equality standards in service delivery, decision-making and employment practice.

**END**

## Equality Action Plan

### Statement

The Council is committed to the equality of opportunity in the workplace, and within all services provided to customers, communities, and stakeholders. The Council believes in fairness, equitable practices and approaches that value diversity, equality, and inclusion. The Council is opposed to all types of discrimination, and unfair/unlawful practices, and the Council will take appropriate action wherever instances of discrimination and harassment occur, in the delivery of services and in the course of employment.

North West Leicestershire District Council has a duty under the Equality Act 2010, and the Public Sector Equality Duty (PSED) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act,
- Advance equality of opportunity between people who share a protected characteristic and those who do not,
- Foster good relations between people who share a protected characteristic and those who do not.

### Objectives

**Objective 1 - Collecting and sharing data** – using staff and census data, which allows for sharing of this information within teams and departments to help inform decision making. (Collecting, analysing, and publishing workforce data). Systems are in place to collect and analyse employment data across a range of practices (recruitment, training, leavers, grievance and disciplinaries etc).

**Objective 2 – Workforce diversity and inclusion** - there is a move towards greater diversity in the Council's workforce profile compared with previous years. There are appropriate examples of positive action to improve diversity. There is evidence that the workforce profile at all levels broadly matches the community profile.

**Objective 3 – Political and officer leadership** - The political and executive leadership have publicly committed to reducing inequality, fostering good community relations, and challenging discrimination. Therefore, there is active work to further raise the profile of equality, diversity and inclusion (E, D and I) within the Council.

## Equality Action Plan

The following four headings below are taken from the Equality Framework for Local Government (EFLG) 2021, and the action plan is built around this framework:

1. Understanding and collaborating with communities
2. Leadership, partnership, and organisational commitment
3. Responsive services and customer care
4. Diverse and engaged workforce.

### **Understanding and working with your communities**

<b>LGA framework points – taken from EFLG 2021</b>	<b>Where NWLDC is at now and responsible officer/team?</b>	<b>What do we want to have achieved by 2028.</b>
<p><u><i>Objective one - Collecting and sharing data.</i></u></p> <p>Effective community engagement – are the communities involved in the decision-making process.</p> <p>Relevant, proportionate, and appropriate information about the local communities and their protected characteristics is being gathered.</p> <p>Information is shared appropriately across the organisation and with partners,</p>	<ul style="list-style-type: none"> <li>• Information as to the district and census changes between 2011 and 2021 have been analysed and will be placed into a dashboard.</li> <li>• The equalities information that is collected by different departments is dependent on need for such confidential information and is done so proportionally. As is proportionate, this information is not held in a single department.</li> <li>• EIA process and form has been reviewed and streamlined – 1 form to be completed for policy/ function/ service and for proposals which is a</li> </ul>	<p>Power BI dashboards have been created and will be shared with managers in 2024/2025 so that service planning can be informed by community data to ensure that the Council is focussing on services that are needed.</p> <p>A process for engaging with communities will have been created by setting up a cross organisation working group to discuss equality matters.</p>

<b>LGA framework points – taken from EFLG 2021</b>	<b>Where NWLDC is at now and responsible officer/team?</b>	<b>What do we want to have achieved by 2028.</b>
informing the planning of services and contributing to better outcomes.	new element. Guidance notes have also been included within the process. This will capture underrepresented groups and should ensure communities are further involved in decision making via consultation.	

<b>LGA framework points – taken from EFLG 2021</b>	<b>Where NWLDC is at now and responsible officer/team?</b>	<b>What do we want to have achieved by 2028.</b>
<p><u><i>Analysing and using data information</i></u></p> <p>Information and data are disaggregated and analysed to support the assessment of local need, impacts of changes to services and priorities. Information and data is used effectively as part of impact assessment/risk assessment ensuring due regard is given to the public sector equality duty.</p> <p>Performance data is monitored against equality objectives and outcomes with key partners and other stakeholders. Equality outcomes for commissioned and procured services are monitored and reported on.</p>	<ul style="list-style-type: none"> <li>• This will be achieved through the EIA process.</li> </ul>	<p>To work alongside East Midlands Council.</p> <p>LSEF supports the delivery of the equality, diversity and human rights agenda within statutory bodies, the voluntary and community sector, and Local Strategic Partnerships (LSPs).</p> <p>It is made up of people from various organisations across the area, responsible for progressing equality and diversity.</p>



LGA framework points – taken from EFLG 2021	Where NWLDC is at now and responsible officer/team?	What do we want to have achieved by 2028.
<p><u>Effective community engagement</u></p> <p>A whole Council approach to the development of inclusive community engagement structures is being developed throughout the organisation. There are opportunities for communities to be involved in decision making.</p> <p>People from under-represented groups are encouraged and enabled to participate in decision making. A range of engagement methodologies are used. Priorities have been changed because of community engagement with a clear and demonstrable evidence basis. The organisation and its partners share information and the results of engagement activities to ensure that particular groups are not being over consulted with.</p>	<ul style="list-style-type: none"> <li>• Where a policy/function/service or proposal that is being considered may affect certain members of a community, an EIA is completed to help establish which communities/ those with protected characteristics will be affected, and how to mitigate against these.</li> <li>• UPDATE: Through the EIA process, consultation should form part of the due regard test of evidence gathering.</li> <li>• For example, the census has shown that the majority of residents in the district identify as white, and that the largest religion/belief is that of Christianity. This is similar for other protected characteristic groups. However, there is a majority of people who do not identify with any religion or belief, and this information has been fed into the corporate events list process, and the current list has been signed off by full council.</li> </ul>	<p>To establish what community engagement is currently being undertaken and ensure that future engagement activity (with changes as necessary) is enabling all residents to be able to participate in decision making.</p>

<b>LGA framework points – taken from EFLG 2021</b>	<b>Where NWLDC is at now and responsible officer/team?</b>	<b>What do we want to have achieved by 2028.</b>
<p><u><i>Fostering good community relations</i></u></p> <p>The organisation and its partners have a strong understanding of the quality of relations between different communities and collectively monitor relations and tensions.</p> <p>The organisation and its partners are actively engaged in planning and delivering activities that foster good relations. I.e. Harassment and hate crimes are monitored and analysed regularly. Appropriate action is taken to address the issues that have been identified. Members play a role in monitoring community relations and reporting intelligence.</p>	<ul style="list-style-type: none"> <li>• Harassment is monitored from an internal perspective via HR statistics in reference to disciplinary or police referral cases.</li> </ul>	<p>Where it is identified that a hate crime impacts on a community with protected characteristics – we will make sure that community groups / housing etc are working with local Joint Action Groups (JAG) and partners to minimise the problem – for example we may need to be looking at how we allocate housing safely etc.</p>

LGA framework points – taken from EFLG 2021	Where NWLDC is at now and responsible officer/team?	What do we want to have achieved by 2028.
<p><u>Participation in public life</u></p> <p>The Council has an understanding of public life by different communities/or those with protected characteristics (developing).</p> <p>Local people are encouraged to participate in public life or in other activities where they are under-represented. The council uses a range of different methods, and it is able to innovate and find new ways to extend participation in certain communities (achieving)</p>	<ul style="list-style-type: none"> <li>• UPDATE: through analysis of the censuses 2011 and 2021 the Council has a good understanding of the population makeup of the district. This can be used to inform service delivery and community engagement.</li> <li>• For example, the census tells us that the Polish community is our second largest community (second to our white Christian community) and therefore we need to understand how we are best to engage with this group of residents.</li> </ul>	<p>To build upon and develop the current corporate events list which enables the Council to educate, celebrate and commemorate certain events throughout the year.</p>

**Leadership, partnership, and organisational commitment**

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LGA framework points	Where NWLDC is at now?	What do we want to have achieved by 2028.
<p><u><i>Political and officer leadership</i></u></p> <p>All across the organisation from senior management to officers and beyond, there is some evidence of action, not just 'talking about it.' The organisation has established and publicised a strong business case for its equality work. Ensure committed leadership, partnerships and show good organisational commitment. The political and executive leadership have publicly committed to reducing inequality, fostering good relations, and challenging discrimination.</p>	<ul style="list-style-type: none"> <li>E, D and I training offered to whole staff group from 2023. Equalities month took place again in October 2023, with an external trainer conducting sessions relating to unconscious bias (specifically relating to the recruitment process). Corporate events list 2024 now in place and being actioned.</li> </ul>	<p>Opportunities for senior leaders and managers to engage with equality and diversity events will continue in order to demonstrate, commitment and leadership.</p> <p>All new and existing staff will be given Equality, Diversity, and Inclusion (ED&amp;I) training.</p>
<p><u><i>Priorities and partnership working</i></u></p> <p>Partnership working arrangements are being reviewed with the voluntary and community sector and the wider community to ensure that local equality priorities are addressed. There is support and investment in the voluntary and community sector that it is able to work as a network or collective with the council.</p>	<ul style="list-style-type: none"> <li>The Council is a member of the East Midlands Council (EMC) and LSEF group, to share best practice.</li> </ul>	<p>Opportunities to work in partnership will continue to be supported where appropriate.</p>

<b>LGA framework points</b>	<b>Where NWLDC is at now?</b>	<b>What do we want to have achieved by 2028.</b>
<p><u>Using equality impact assessments (EIA)</u> The organisation can demonstrate that improvements in equality outcomes are being delivered as a result of effective equality analysis/impact assessment, and that negative impacts have been mitigated.</p>	<ul style="list-style-type: none"> <li>• This has been achieved through the EIA workshops training. The monitoring and evaluation of the EIA form will allow us to map out if improvements have been made.</li> <li>• Current audits of EIA are being undertaken, at random intervals for quality checks. It was agreed that certain EIA's will be shared on an internal platform.</li> <li>• Contact was made with the agencies below\.</li> <li>• Age UK</li> <li>• Melton Mencap</li> <li>• Leicestershire Centre for Integrated Living (LCiL) – could provide support on employing those with autism at work only - at current time.</li> <li>• The Race Equality Centre in Leicester and Leicestershire Due to funding and under resources, no agency could commit to helping the Council to undertake any consultation work if needed.</li> </ul>	<p>By 2028 we aim to have an effective network of external groups and stakeholders that contribute to our equality outcomes.</p>

**Responsive services and customer care**

LGA framework points	Where NWLDC is at now?	What do we want to have achieved by 2028.
<p><u>Commission and procurement services.</u></p> <p>The organisation ensures that procurement and commissioning processes and practices take account of the diverse needs of clients, and that providers understand the requirements of the Public Sector Equality Duty. The organisation ensures that procurement and commissioning processes and practice take account of the diverse needs of clients and that providers understand the requirements of the Public Sector Equality Duty.</p>	<ul style="list-style-type: none"> <li>• Bids or proposals should be captured as part of the EIA analysis. The EIA form now includes the word 'proposal' which should help with this aspect.</li> </ul>	<p>The procurement process will include as assessment of fair and equitable practices so that where appropriate goods and services purchased by the Council take account of the diverse needs and priorities of residents and service users.</p>
<p><u>Integration of equality objectives into planned service outcomes</u></p> <p>Equality objectives for the organisation have been set and published in accordance with the requirements to support the Public Sector Equality Duty.</p>	<ul style="list-style-type: none"> <li>• Equality homepage has been updated, and the equality objectives have been set and presented to CLT.</li> <li>• Heads of service plans will be reviewed and challenged to ensure that they incorporate equality objectives into the service outcomes that they are required to deliver.</li> </ul>	

LGA framework points	Where NWLDC is at now?	What do we want to have achieved by 2028.
<p><u>Service delivery and design.</u></p> <p>The organisation has systems to collect, analyse and measure how satisfied all sections of the community are with all services. There is evidence that services are meeting the needs of a diverse community, and that take up of services is representative of the wider community.</p> <p>The mapping and satisfaction data collected is disaggregated by different equality groups or vulnerable communities.</p> <p>There are mechanisms in place for service users to be consulted about service development and delivery.</p> <p>Take up of services is representative of the community in proportions that would be expected.</p>	<ul style="list-style-type: none"> <li>• There are mechanisms in place for service users to be consulted about service development and delivery in some departments, and these will be further picked up through consultation in EIA process.</li> <li>• UPDATE: HR is collaborating with Customer Services to capture information based on age and gender. This information can then be built on in terms of trying to gauge a picture of what the Council's customer base looks like.</li> <li>• UPDATE: HR has worked alongside Legal Services to create an Individual actions EIA form. This form will sit alongside the general EIA process. This should ensure that if an action is being taken against an individual, then due regard is taken, monitored, and mitigated against.</li> </ul>	<p>Customer satisfaction rates will be monitored and reviewed and fed into the delivery and design of services.</p>



**Diverse and engaged workforce.**

LGA framework points	Where NWLDC is at now?	What do we want to have achieved by 2028.
<p><u>Workforce diversity and inclusion</u></p> <p>There is a move towards greater diversity in its workforce profile compared with previous years, including increasing the levels of previously under-represented groups at all levels of the organisation.</p> <p>There are appropriate examples of positive action to improve diversity. There is evidence that the workforce profile at all levels broadly matches the local labour market/community profile. There are reasonable explanations for gaps (e.g., the community profile is constantly changing or there is a retired population) and what the organisation is doing about it. Good use is made of flexible working arrangements and targeted career pathway initiatives to address potential barriers and under representation.</p>	<ul style="list-style-type: none"> <li>• Recruitment, transfer, leavers, and promotion information via strand of ethnicity, age, and gender is recorded.</li> <li>• UPDATE: HR has worked alongside legal Service to create an Individual actions EIA form. This form will sit alongside the general EIA process. This should ensure that if an action is being taken against an individual, then due regard is taken, monitored, and mitigated against.</li> <li>• Census Ethnic group, national identity, language, and religion has been published 29 November 2022, and placed into a dashboard, this will be made available to managers in 2024/2025.</li> <li>• UPDATE: Introduction of hybrid working and the promotion of flexible working. This aims to break down potential barriers to work more flexibly. Also, could positively affect females, and anyone with a disability.</li> </ul>	

LGA framework points	Where NWLDC is at now?	What do we want to have achieved by 2028.
	<ul style="list-style-type: none"> <li>• The Council has recognised that the some vulnerable/disadvantaged groups are not legally covered as a protected characteristic, however we have chosen to recognise the following as a non-legal protected characteristic.</li> <li>• Care Leaver: A care leaver is an adult who spent time in care as a child (i.e., under the age of 18). This care could have been approved by the state through a court order or on a voluntary basis. It encompasses various forms of care, such as foster care, residential care (including children’s homes), and other arrangements outside the immediate or extended family.</li> </ul>	
<p><u><i>Inclusive strategies and policies</i></u></p> <p>The organisation has an excellent set of policies and procedures in place which are actively promoted to staff from all protected groups and used by managers to promote equality. Strategic, innovative, and holistic approaches have been considered to improve outcomes.</p>	<ul style="list-style-type: none"> <li>• Return to work interviews, reflection times are conducted regularly. Managers have all had training in <b><i>‘handling difficult conversations</i></b> and the health and wellbeing team has run Make Every Contact Count (MECC) Training.</li> <li>• Evaluation of EIA workshops has taken place, and the feedback has been positive. Many have reported that this</li> </ul>	<p>Our policies, plans and training programmes will be evaluated for their impact on inclusivity and proven to have an effective impact.</p>

LGA framework points	Where NWLDC is at now?	What do we want to have achieved by 2028.
<p>Staff say that they can have difficult conversations with their managers about aspects of equality at work and in the wider world that affect them and their colleagues.</p> <p>Training and development strategies are proven to be making a significant difference to the wider equality agenda for employees and for workforce diversity. Staff involved in equality networks are satisfied that they are listened to and that they can make a difference in the organisation.</p>	<p>has helped them in their understanding of the requirements of the Public Sector Equality Duty.</p> <ul style="list-style-type: none"> <li>• I Trent system will allow staff to record their protected characteristics anonymously. Information to be monitored and analysed by HR only.</li> </ul>	

LGA framework points	Where NWLDC is at now?	What do we want to have achieved by 2028.
<p><u><i>Learning, development, and progression</i></u></p> <p>The organisation carries out regular assessments of their training, learning and development needs of members and officers in order that they understand their equality duties and take action to deliver equality outcomes. Consideration is given to the progression of under-represented groups.</p> <p>An assessment has been made as to what equality-related training, learning or development is required in the organisation. Appropriate behavioural competencies have been identified for the workforce.</p> <p>The learning and development plan/strategy take account of equality issues including the progression of under-represented groups. Induction training for new members includes equality and all members are offered equality training. Appraisal processes ensure staff and managers are aware of their equality-related responsibilities and accountabilities.</p>	<ul style="list-style-type: none"> <li>• EIA training was rolled out to all team leaders and managers in October 2022.</li> <li>• Staff training available to all staff and new starters. Appraisals do pick up equality related responsibilities.</li> </ul>	<p>To have developed and implemented a customised equality training programme for members.</p> <p>To have reviewed and updated behavioural competencies to include and consider ED&amp;I.</p>

LGA framework points	Where NWLDC is at now?	What do we want to have achieved by 2028.
<p><u>Collecting, analysing, and publishing workforce data</u></p> <p>Systems are in place to collect and analyse employment data across a range of practices (recruitment, training, leavers, grievance and disciplinaries etc). It is possible to analyse data by all the protected characteristics whilst ensuring that there are appropriate safeguards in place to protect from any risk of personal identification.</p> <p>Data on applicants, people shortlisted, and the composition of the workforce is systematically collected. This can be categorised by the protected characteristics.</p> <p>The organisation considers and is addressing pay gaps across other areas of inequality such as religion and belief/ age, LGBT+ etc.</p>	<ul style="list-style-type: none"> <li>Equalities information relating to the Council's workforce is being collated and published into a dashboard that will be made available to managers in 2024/2025. Senior HR Advisor is also collating information as to leavers, recruitment, retention demographic and protected characteristic information for analysis and monitoring. Sensitive protected characteristics are collated by the employee self-access portal on I Trent: that is only accessible by HR only.</li> </ul>	<p>The Council's Gender pay gap will be reported annually.</p> <p>Data in relation to ethnicity pay gap will start to be collated in 2024/25, with a view to publication from 2025/26 onwards, annually.</p>

LGA framework points	Where NWLDC is at now?	What do we want to have achieved by 2028.
<p><u>Health and wellbeing</u></p> <p>There is a positive health and wellbeing culture throughout all levels and areas of the organisation which supports all employees sense of identity and self-esteem. Staff feel well supported by their managers and the policies of the organisation. There have been significant outcomes in the health and wellbeing of all staff including those with protected characteristics.</p> <p>The organisation understands the concept of different models of disability.</p>	<ul style="list-style-type: none"> <li>• All staff are given the same benefits, i.e., access to Employee Assistance Programme (EAP), UK healthcare. The UK healthcare scheme also covers existing medical conditions.</li> <li>• Staff have access to the health and wellbeing hub.</li> <li>• Remote access to the sickness absence meetings has meant consistency in ensuring policies are applied proportionally. The Council ensures that reasonable adjustments and recommendations are made so that all individuals can participate in work, social and general activities.</li> <li>• An employee wellbeing policy and strategy in place.</li> <li>• The Equalities team partners with the health and wellbeing team to promote topics, such as world mental health day.</li> </ul>	<p>Health and wellbeing initiatives will continue to be innovative.</p> <p>To seek employee views on the impact of the Health and Wellbeing policy and strategy</p>

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 24 SEPTEMBER 2024



<b>Title of Report</b>	<b>MINUTES OF THE COALVILLE SPECIAL EXPENSES WORKING PARTY</b>	
<b>Presented by</b>	Councillor Tony Gillard Business and Regeneration Portfolio Holder  PH Briefed <input type="checkbox"/> Yes	
<b>Background Papers</b>	<a href="#"><u>(Public Pack)Agenda Document for Coalville Special Expenses Working Party, 13/08/2024 18:30 (nwleics.gov.uk)</u></a>	<b>Public Report:</b> Yes  <b>Key Decision:</b> Yes
<b>Financial Implications</b>	As set out in the reports to the Coalville Special Expenses Working Party (CSEWP) on 13 August 2024.  <b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	Legal advice was provided during the drafting of all reports to the CSEWP on 13 August 2024.  <b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	There are no staffing or corporate implications arising from the report.  <b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To share the minutes of the Coalville Special Expenses Working Party from 13 August 2024.	
<b>Reason for Decision</b>	So that the decisions of the Coalville Special Expenses Working Party can be considered.	
<b>Recommendations</b>	<b>THAT CABINET:</b> 1) <b>NOTES THE MINUTES OF THE COALVILLE SPECIAL EXPENSES WORKING PARTY AT APPENDIX 1.</b> 2) <b>CONSIDERS ANY RECOMMENDATIONS MADE BY THE WORKING PARTY AT ITS MEETING ON 13 AUGUST 2024.</b>	

## 1.0 BACKGROUND

- 1.1 The Coalville Special Expenses Working Party consists of all ward members from the Coalville Special Expenses Area and meets as often as is required to meet business demands, which is usually quarterly.
- 1.2 As the Working Party reports directly to Cabinet, all recommendations made are to be sent to the first available Cabinet meeting for final approval.

## 2.0 TERMS OF REFERENCE

- 2.1 To consider budget and financial issues which either solely or predominantly affect the Coalville Special Expenses Area and to make recommendations to Cabinet.
- 2.2 To receive reports and examine possible project options on which recommendations will be made to Cabinet.

## 3.0 RECOMMENDATIONS TO CABINET FROM THE MEETING ON 13 AUGUST 2024

### 3.1 Capital Projects Update

- 3.1.1 There were no recommendations made.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	<ul style="list-style-type: none"><li>- A Well Run Council</li><li>- Communities and Housing</li><li>- Planning and Regeneration</li></ul>
Policy Considerations:	Taken into consideration in drafting of reports to CSEWP.
Safeguarding:	Taken into consideration in drafting of reports to CSEWP.
Equalities/Diversity:	Taken into consideration in drafting of reports to CSEWP.
Customer Impact:	Taken into consideration in drafting of reports to CSEWP.
Economic and Social Impact:	The reports and proposals presented to CSEWP will have positive economic and social impacts.
Environment, Climate Change and Zero Carbon:	Taken into consideration in drafting of reports to CSEWP.
Consultation/Community/Tenant Engagement:	Taken into consideration in drafting of reports to CSEWP.
Risks:	None identified.
Officer Contact	Paul Wheatley Head of Business and Regeneration <a href="mailto:Paul.Wheatley@nwleicestershire.gov.uk">Paul.Wheatley@nwleicestershire.gov.uk</a>



MINUTES of a meeting of the COALVILLE SPECIAL EXPENSES WORKING PARTY held in the Abbey Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 13 AUGUST 2024

Present: Councillor M B Wyatt (Chair)

Councillors M Burke, D Everitt, M French, J Legrys, J Windram, L Windram and C Beck

In Attendance: Councillors R Johnson (Observer) and P Moulton (Observer)

Officers: Mrs A Crouch, Mr J Knight, Mr P Wheatley and Mr T Devonshire

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor J Geary.

**2. DECLARATIONS OF INTEREST**

Councillor M Wyatt declared a registerable interest as the owner of two businesses within the town.

**3. MINUTES OF THE PREVIOUS MEETING**

Consideration was given to the meeting held on 13 February 2024.

It was moved by Councillor M Burke, seconded by Councillor D Everitt, and

RESOLVED THAT:

The minutes of the meeting held on 13 February 2024 be approved as an accurate record of proceedings.

**4. 2024/25 CAPITAL PROJECTS UPDATE**

The Leisure Services Team Manager presented the report.

Members sought clarification on the reference to the agreement between NWLDC and LCC about the relocation of the Mother and Child Statue on the High Street. The Head of Property and Economic Regeneration said that he felt this related to work to make good the previous location of the statue, but he would confirm this with Members outside of the meeting

A Member was concerned that there was no budget allocated to mitigate overflowing bins in Coalville Park and hoped this could be addressed.

A discussion was had about the budget allocated to Scotlands Recreation Ground Bowls Pavilion access road pothole repairs. Officers advised that for the year 2024/25 all the budget allocated towards the repairs would come from the Special Expenses Budget. This would be considered during the 2025/26 budget consultation process, and it was possible that in the future some funding may come from the General Fund.

The Chairman commended the success of Coalville in Bloom, and the feedback received for the display at Broomleys Leys corner.

The Chairman said that Greenhill Tenants Association wanted to raise funds for improving play facilities and wanted to take part in the Community Lottery Fund to do so. It was

agreed that the Chairman would provide the Leisure Services Team Manager with contact details for the Tenants Association.

By affirmation of the meeting it was,

RESOLVED THAT:

The progress updates on the 2023/24 Capital Projects and the projects included within the 2024/25 Asset Management Plan be noted.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 6.43 pm

Likely to contain exempt information under paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 11.

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Agenda Item 12.

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Agenda Item 13.

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