

SCHEME OF GOVERNANCE - PART 4A



Scrutiny at Aberdeenshire

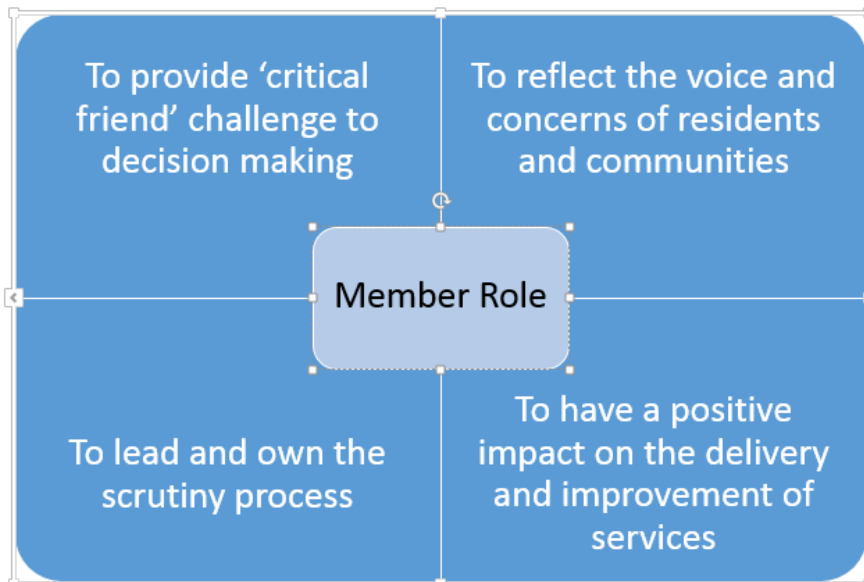
This document forms part of the council's Scheme of Governance and provides information and guidance on how Aberdeenshire Council monitors and reviews performance and service delivery and undertakes scrutiny.

What Is Scrutiny?

Scrutiny, or challenge and review is fundamental to transparent, accountable decision making and performance improvement. Scrutiny is about assessing the impact of the council's strategic policy and planning on communities and residents. Guidance on how the council develops and reviews these policies is contained in the [Policy Development and Review Framework](#)

Members' Responsibilities

Members' responsibility for scrutiny is underpinned by four principles:



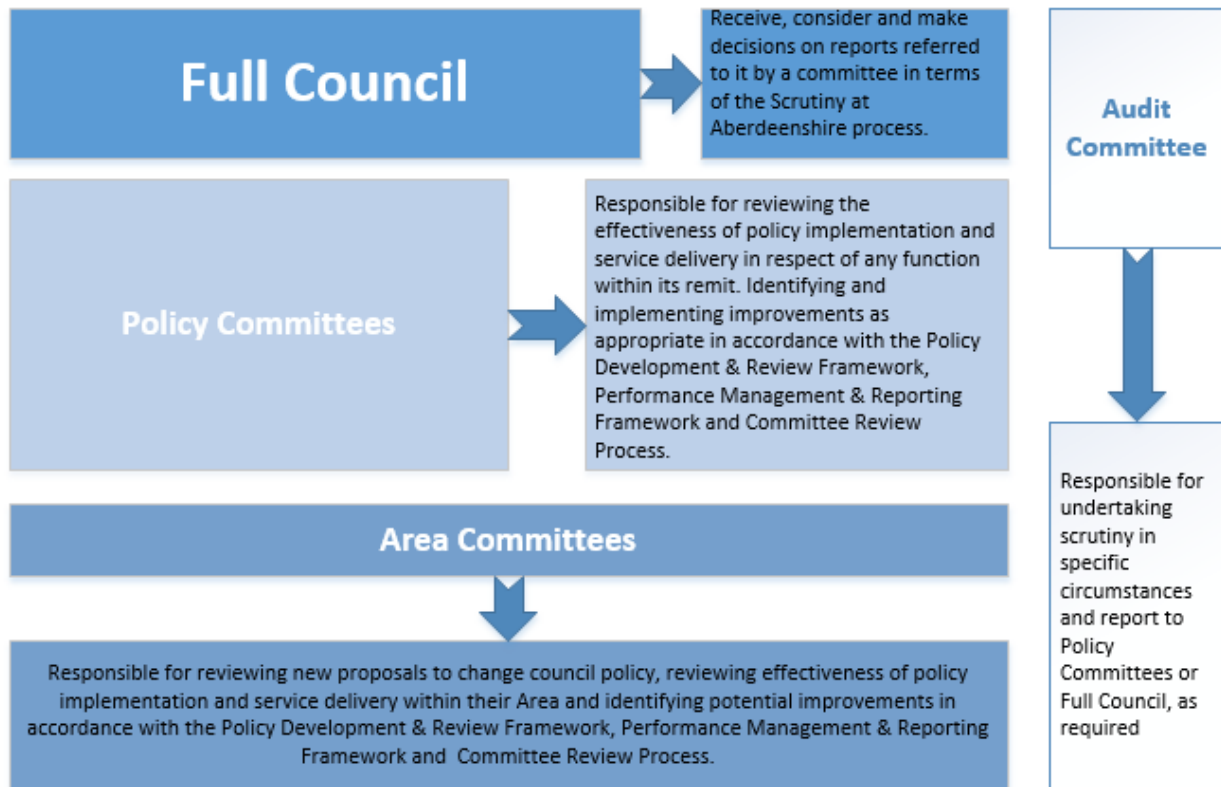
Governance

In the same way that scrutiny is the responsibility of every Member, every committee has a scrutiny remit.

Proposed change to Audit Committee remit

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In Practice

Members are undertaking scrutiny continually whether when considering performance reports, approving new policies, plans and strategies, or considering regular budget monitoring reports. Examples of formal and informal scrutiny include:

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Formal

- Performance reports (including benchmarking)
- Strategies (where these carry performance-related information for monitoring)
- Policy development/approval/review
- Capital & Revenue monitoring
- Service & Business Plans
- Management information
- External Inspection reports
- Internal/External Audit reports
- Resident consultation/feedback (e.g. Reputation Tracker, Citizen Panel, Complaints, Local consultation)
- Referral from Audit Committee

Informal

- Performance sessions outwith committee
- Member surgeries
- Ward forums
- Joint Area Committee/Area Management Team meetings

Delving Deeper

There will be occasions when area and policy committees and the Audit Committee will wish to further assure themselves and may want to undertake further scrutiny.

Triggers for this include:

For area and policy committees only -

- Performance monitoring (via trends, targets) or monitoring of projects/actions is indicating that performance is continually declining or static – this includes customer satisfaction/outcome indicators
- National performance audits or benchmarking data indicates our residents are not experiencing as effective service delivery as others in Scotland/region or we are not improving as quickly or significantly as others
- Internal or external scrutiny activity has indicated a requirement for improvements in an area of service delivery
- Advice from the Feedback team based on complaints received
- Feedback from constituents
- Awareness of local issues that are becoming critical

For the Audit Committee only -

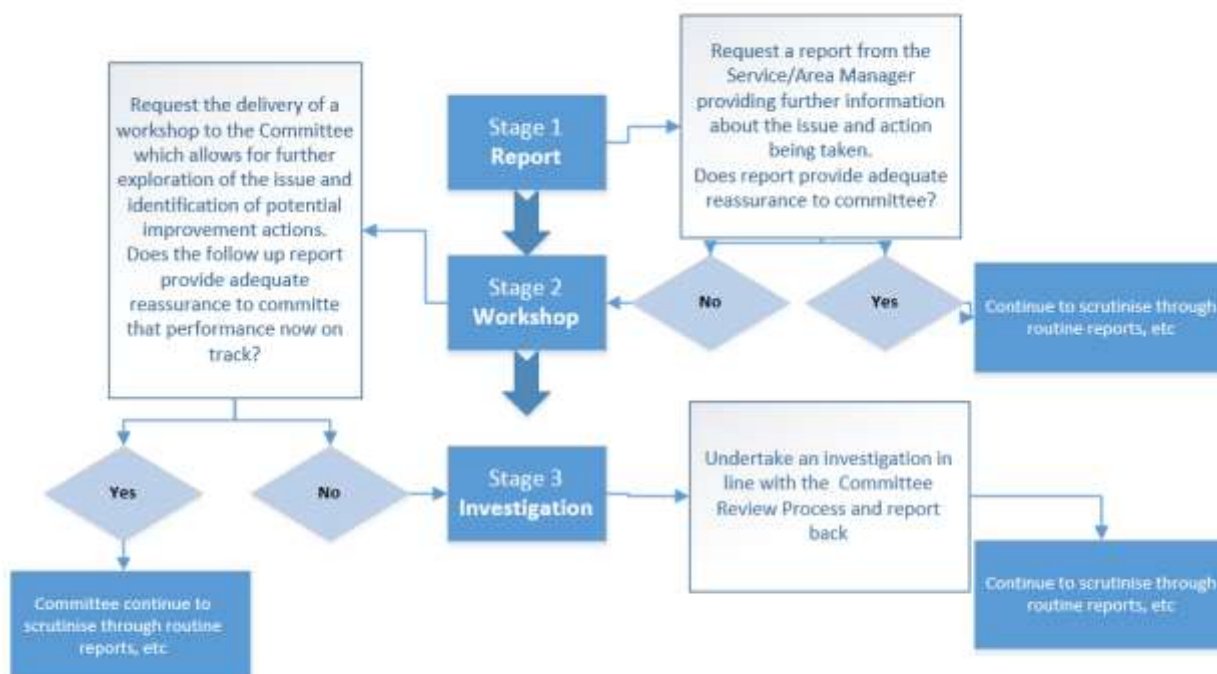
- Where the report from the Chief Officer of the Integration Joint Board on the Council's delivery of adult social work services under direction of the Integration Joint Board identifies a requirement for improvement

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- Where internal or external audit reports have indicated a requirement for improvements in an area of service delivery and the response from the policy committee does not provide sufficient reassurance
- At the request of the Chief Executive or Full Council, to investigate any matter in which the Council has an interest

The Committees can seek further assurance or take action through a three stage process, described below and in further detail in the [Committee Review Process](#)



The outcome of any of these three stages can be to make recommendations for improvement action or policy review to the appropriate governance structure. There is further guidance available on lead officer [roles and responsibilities](#) for each stage and on undertaking an [investigation](#).

Monitoring

Each committee will receive an annual report or such other reports as required which will confirm the outcome of any further assurance scrutiny processes that the committee has undertaken during the year. The report is prepared by the appropriate Director or Area Manager.

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Committee Review Process

The Committee Review Process specifies the roles and responsibilities of committees and lead officers in the review process and provides a step by step guide to delivering the three stage scrutiny process in a clear and consistent manner.

Area Committees – Responsible for reviewing new proposals to change council policy, reviewing effectiveness of policy implementation and service delivery **within their Area** and identifying potential improvements in accordance with the Policy Development and Review Framework. This also allows area committees to have a holistic review of a particular local issue involving different Services.

Policy Committees – Responsible reviewing the effectiveness of policy implementation and service delivery **in respect of any function within its remit** and identifying and implementing improvements as appropriate in accordance with the Policy Development and Review Framework.

Audit Committee is responsible for reviewing –

- the effectiveness of the Council's delivery of adult social work services on behalf of and under direction from **the Integration Joint Board**
- **in terms of its own remit**, an area of service delivery identified for improvement from an audit report where, in exceptional circumstances, having already referred the matter to the relevant policy committee for consideration and having not received sufficient reassurance
- any matter in which the Council has an interest following a request from the Chief Executive or Full Council.

Lead Officers – Responsible for managing delivery of the three stage scrutiny process. Further guidance on lead officer responsibilities is included [here](#).

The following will apply for ALL stages of the review process –

1. **How?** - The Review Process is instigated by the area or policy committee by a request in the minutes of the meeting.

2. **Who?** - The Lead Officers are

Area Committee - Area Manager

Policy and Audit Committee - Service Appointed Officer.

Further guidance on lead officer responsibilities is included [here](#)

3. **Consultation** - The lead officer should consult with Services through Area or Service Management Teams to determine:

- Is a topic already being addressed? - if so report findings from review underway to committee to determine if further assurance is required; or
- Is new legislation or guidance expected within the next year; and

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- Can they support the request for further assurance with current resources/information? - if not refer to Directorate

4. **Prioritising**

In the unlikely event that a significant number of requests for further reassurance are received, Lead Officers should use their professional judgement and the [scoring mechanism](#) to prioritise requests

5. **Outcome**

A report must go back to the relevant Committee for the decision on findings and any improvement action to be recommended.

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Lead Officer Roles & Responsibilities

This section specifies the Lead Officer roles and responsibilities in terms of managing the three stage scrutiny process to ensure this is delivered in a clear and consistent manner.

STAGE 1 – Report

- Prepare report in response indicating either that the issues are already known about and action is being taken or that the issue has been noted and the review will be progressed. This should normally be delivered within a maximum of 2 calendar months. If not achievable, deliver progress report within that timescale.
- Present Report to the Committee, if required.
- Respond to outcome of Committee consideration, as appropriate.

STAGE 2 - Workshop

- Agree date of Workshop. If not identified by the Committee, this should normally be delivered within a maximum of 2 calendar months. If not achievable, deliver progress report within that timescale.
- Prepare pre Workshop briefing note to Committee.
- Deliver Workshop - Informal session bringing key officers/external partners together with Members to further explore the issue and identify potential improvement actions. Could also be start of scoping something more substantial where required.
- Note-take Workshop including outcomes (*Service Administrative Support Team*)
- Report Workshop outcomes and any associated service actions back to Committee for consideration of further action required.

STAGE 3 - Investigation

- Follow the formal investigation process [here](#).
- When - if not identified by the Committee, this should be commenced within a maximum of 2 calendar months. If not achievable, deliver progress report within that timescale.
- Agree and prepare scope of investigation using SMART (Specific, Measurable, Achievable, Realistic, and Timescale) principles with Committee.
- Prepare background briefing – the written briefing contains links to any research with which the Committee may wish to familiarise themselves.
- Identify internal, and where appropriate, external witnesses to provide evidence.
- Invite witnesses to evidence gathering sessions (*Service Administrative Support Team*)
- Support Committee to identify key questions to ask witnesses.
- Deliver Lead Officer presentation to start investigation.
- Note take all evidence gathering sessions (*Service Administrative Support Team*)
- Provide factual summary note of each session and make available via Ward Pages (*Service Administrative Support Team*)
- Support Investigation Group to draft report and their recommendations based on evidence gathered
- Final report to be agreed by Investigation Group

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- Report recommendations to Strategic Leadership Team, where considered appropriate, and prepare management response and action plan.
- Report investigation outcomes and any associated service actions back to Committee for agreement
- Report recommendations to appropriate Committee or Full Council where required
- Provide update on management response and the progression of implementing recommendations to appropriate committees as part of annual reporting process or more frequently where requested.

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Scoring Mechanism for Lead Officer– Prioritising Requests

This scoring mechanism is a tool which can be used in addition to professional judgement to assist Lead Officers in identifying priorities for review in the unlikely event that multiple requests are received from Committees.

New scoring mechanism inserted

Criterion	Score
<ul style="list-style-type: none">• Topic is subject to, or arising, from new legislation or process (within 6 months)• Topic is already subject to Service Review• Topic is already under investigation by another Committee (unless joint approach agreed)• Topic is going to come before Committee within forthcoming 6 months	Allow this process to conclude before further consideration
<ul style="list-style-type: none">• Topic is outwith Council's control	1
<ul style="list-style-type: none">• It is possible to undertake early intervention and/or impact of scrutiny on effectiveness or service performance of topic in question	5
<ul style="list-style-type: none">• There is the ability to resource improvement action and/or have powers to do so	2
<ul style="list-style-type: none">• This is a topic of consistent underperformance as demonstrated by performance reporting at area/service level, benchmarking or external inspection or audit report(s)	4
<ul style="list-style-type: none">• Significant systemic issue raised through the community via a community organisation	3
<ul style="list-style-type: none">• Significant issue which has been the focus of media attention or other wider public interest	2
<ul style="list-style-type: none">• Significant and systemic issue raised by multiple individuals or group through direct contact with Elected Member(s) e.g. via surgeries which gives rise to cause for concern in terms of the operation of a service	2
<ul style="list-style-type: none">• Significant systemic issue which Member(s) have identified as a concern	2

The scoring should be added with those scoring highest representing highest priority and a spreadsheet is available to assist with calculation. (this will be inserted after final approval)

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Stage 3 - Investigation Process

This section provides guidance on undertaking an investigation as specified in stage three of the scrutiny process, where it is deemed to be required.

1. Who

The Group undertaking the investigation (Investigation Group) could include all members of the committee, a smaller group of Members only, a joint Member/Officer working group or joint group of Members and external partners but the **decision on any action required** should always be taken by the Committee that instigated the investigation. Where all members of a committee are appointed to the Investigation Group, the Chair of the Committee will Chair the Investigation Group and in all other cases the Chair will be appointed by members of the Investigation Group.

2. How

The investigation could be undertaken 'traditionally' over a period of weeks, or through a rapid improvement event. The stages described below would happen in both types of investigation, however if undertaken as a rapid improvement event, the timeline would be condensed.

3. Defining the remit

As originally proposed, a topic may be quite loosely defined. If chosen for investigation, the definition of the issue must be clarified to allow a precise focus. The previous workshop session is likely to have focused and defined the area of interest.

Additional information can be sought which will further define the remit of any subsequent investigation. This work is carried out by the lead officer.

A terms of reference should be completed and agreed by the Investigation Group. This will define the specific scope of the investigation, identify potential experts and witnesses who it is thought may advance the investigation, and indicate potential costs which may be incurred in completing the investigation. The terms of reference statement defines the intent, as it is perceived at the start of the process, of how the investigation will proceed, but may need to be amended to allow the Investigation Group to pursue additional evidence sources, or lines of questioning which arise during the investigation timetable.

4. Utilising external experts

In the process of agreeing the remit of the investigation, the Investigation Group may decide to engage an external expert to be part of the review. If it is decided that such assistance would benefit the investigation, a survey will be made of appropriate experts who may be able to guide the Investigation Group. These experts are generally external to the council, accredited professionals, or academics, with a background in the topic under discussion. They have the role of being able to provide a framework of general understanding of the issue, acting as a touchstone for assessing and responding to the information gathered during the investigation process, and also sharing their experience of the issue in its context wider than Aberdeenshire. External experts must be engaged

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through the appropriate processes under procurement procedures and financial regulations.

5. Background papers

When an investigation remit has been agreed, the lead officer should identify any information on the topic that could be considered by Investigation Group to provide general awareness and context. This may take the form of internal spreadsheets, policy documents or committee reports, published research, or other external information. It could also be a session with the external expert, if one is appointed.

6. Setting in context

When the background papers have been made available to the Investigation Group, and any contextual briefing has been provided by the external expert, the investigation process should begin with a session led by the service(s) concerned, which identifies the current situation relating to the topic under discussion. This session is intended to allow members of the Investigation Group to increase their awareness of the current status of the issue under investigation, in addition to providing a service perspective. This may not be required if the Stage 2 workshop has already provided this to Members' expectations.

7. Gathering Evidence

Evidence gathering sessions hear from witnesses, either individually, or in groups. The witnesses should have been identified in the terms of reference adopted for the investigation. Witnesses may be either external to the authority, or may be drawn from its staff resources. This may include the undernoted:-

- Members and council employees, at any level, asked to attend because they have particular knowledge or expertise relevant to the investigation topic.
- Representatives of the Council's partner organisations invited to give an external viewpoint on the area being investigated. This is an important opportunity to develop relationships with partner and external organisations, and to increase the Council's understanding of their work.
- Representatives of service users, invited to attend to give their views on how services are meeting their needs and possible improvements.
- Officers from other councils/bodies doing the same/academics

All appropriate means are used to inform members of the Investigation Group of the matter under review. Investigations could involve fact-finding visits to council offices or facilities to meet service users and employees on the front line. Visits to other local authorities, or providers of similar services may also be undertaken.

Prior to any session, the lead officer should brief witnesses appropriately. Witnesses are encouraged to provide comprehensive answers and to feel free to raise additional issues related to the topic.

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Notes should be taken of the session, highlighting factual, salient points of the discussion. These notes should be confirmed for factual accuracy and representation by the witness, officers and members attending the session.

Generally evidence gathering sessions are not held in public. This is intended to allow witnesses to give comprehensive answers which may involve the disclosure of confidential information.

8. Preparing Recommendations

Once the Investigation Group has heard all the evidence, and drawn its conclusions and recommendations, a formal investigation report is prepared by the lead officer on behalf of the Investigation Group. This is best achieved through a 'wrap-up' session, where the Investigation Group meet informally, with all witness session notes available to them, and discuss what has been learnt in the investigation. The report should highlight key points, the Investigation Group's conclusions and recommendations.

9. Agreeing Actions

The appropriate leadership or directorate team should confirm actions to be taken in response to the recommendations. The investigation report, along with the action plan should be formally reported back to the Committee.

10. Monitoring

When the action plan has been approved, the Committee should be provided with progress updates as part of the annual reporting exercise, or more frequently, where requested. Committee should formally confirm when no further progress updates are required.

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Policy Development & Review Framework

The Policy Development & Review Framework is the process for development, monitoring and formal review of policies within Aberdeenshire and includes provision for consideration of recommendations for the development or review of policies as part of the three stage scrutiny process.

1. Overview

1.1 Introduction

Based on good practice, self-evaluation and stakeholder feedback the Policy Framework comprises the overarching principles and procedures used for the development and monitoring and formal review of policy within Aberdeenshire Council.

1.2 Purpose

The Policy Framework seeks to:

- Confirm the principles that guide policy development and review.
- Establish standardised procedures to ensure that policies are developed, approved, monitored and reviewed consistently.
- Provide a comprehensive, single point of reference for information relating to policy development and review.

1.3 Scope of the Framework

The principles and procedures outlined in the Policy Framework relate to the development and review of council policies as well as providing a guiding framework for the development of service or function specific policies.

1.4 Structure of the Framework

The Policy Framework document comprises the principles that underpin the development and review of policies and the key procedural stages (Initiation; Development; Approval; Implementation and Monitoring & Review).

1.5 Policy Definition

The Policy Framework specifically focuses on the development of policies as defined below. For avoidance of doubt definitions are also provided for other related tools such as documents that may be used to support a policy in order to achieve a specific objective.

Policy – A policy is a formal, concise, accessible statement on how the council intends to conduct business and deliver services. Generally it will be a statement of intent with rules that influence and enable decision making. A policy statement will lessen the risk of conflict and remove the opportunity for unfair selective application of rules. A policy must be consulted on and approved through the appropriate policy committee and any changes to the policy must also be approved. An example of a simple policy statement is:

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Confidentiality Policy

It is our policy to keep confidential all personal information about the children, families, staff and volunteers involved in our service.

Personal information about families in relation to Child Protection concerns will be shared on a need to know basis in line with our Child Protection Policy.

Regulation – A regulation will provide a framework for managing a specific aspect of the council's business and would normally apply to every employee and any individual or organisation acting on the council's behalf. It is rare that the council would develop its own regulations – more usually the council will be obliged by law to follow regulations associated with specific legislation and governed by Scottish, UK or EU law. Any internal regulations developed by the council must be approved by committee and legal advice must be sought. An example of council developed regulations are *the council's Financial Regulations*.

The following definitions are for tools and documents that are likely to be developed in order to deliver a policy. These are statements of actions. These are not policies in their own right and do not have the same status as a policy.

Procedure – A procedure is a written statement that describes how a policy or specific legislation will be put into action within the council. A procedure does not require approval by policy or area committee but should be approved by the relevant Leadership Team. Where linked to a policy, a procedure can be amended in isolation from the associated policy. However if the amendment results in any aspect of the policy being compromised or unable to be delivered as intended, the policy must be reviewed and reapproved by committee as necessary.

A simple example of a procedure is:

Confidentiality Procedures

- *Parents will have access to records kept in the service, but only in relation to their own child*
- *All new staff and volunteers will be informed of our confidentiality policy and procedures as part of their induction programme*
- *Information held in the service in relation to Child Protection Concerns will be stored in a separate locked drawer and will be shared only on a need to know basis in line with our Child Protection Policy and with Data Protection Legislation.*

Protocol – A protocol is a system of informally agreed rules that explain the correct conduct and procedures to be followed in specifically identified situations. A protocol does not require committee approval but should be agreed on by the appropriate Leadership Team. An example of a protocol is:

Protocol for royal and ministerial visits - *This protocol would aim to outline the steps to be followed in advance of, and during organisation of, such an event.*

Guidance – guidance may be associated with a procedure or a policy and will provide advice and direction on how to deal with a particular situation. Guidance does not require approval by policy or area committee and can be reviewed and refreshed as required.

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Strategy/Plan – Plans and strategies will exist at every level in the organisation and will identify principles and actions required to deliver the vision and outcomes stated by the council. There are certain types of strategies and plans that may include a policy statement – for example the Local Development Plan – and these must be approved at committee. It is likely that specific processes and procedures will exist for these types of plans that will ensure appropriate governance however contact the Performance Manager within Business Services to discuss if unsure.

A strategy or plan should not be used to identify a statement of intent without seeking the appropriate consultation and approval.

A simple flowchart has been developed to help determine what type of tool is being developed. This is attached as Appendix 1.

1.6 Governance and Authority

As stated in 1.5 above, a policy must be approved by Members through the appropriate committee. The Councillors' Code of Conduct: 3rd Edition - December 2010 published by the Scottish Government states that the role for Members is to 'determine policy and to participate in decisions on matters placed before you, not to engage in direct operational management of the Council's services; that is the responsibility of the Council's employees. It is also the responsibility of the Chief Executive and senior employees to help ensure that the policies of the council are implemented.'

The council's Scheme of Governance confirms the authority of each committee in relation to all policy matters and resource issues. The Scheme of Governance is available [here](#). In summary, specifically in relation to policy matters:

<insert from scheme of governance>

Aberdeenshire Council

Policy Committees:

Business Services Committee

Infrastructure Services Committee

Communities Committee

Education and Children's Services Committee

Area Committees:

Audit Committee:

Management/Leadership Teams:

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Prior to approval at the appropriate committee, all new or reviewed policies must be approved by the appropriate Directorate Leadership Team. In addition, policies that will be approved by Aberdeenshire Council must be considered by Strategic Leadership Team before being presented to Council.

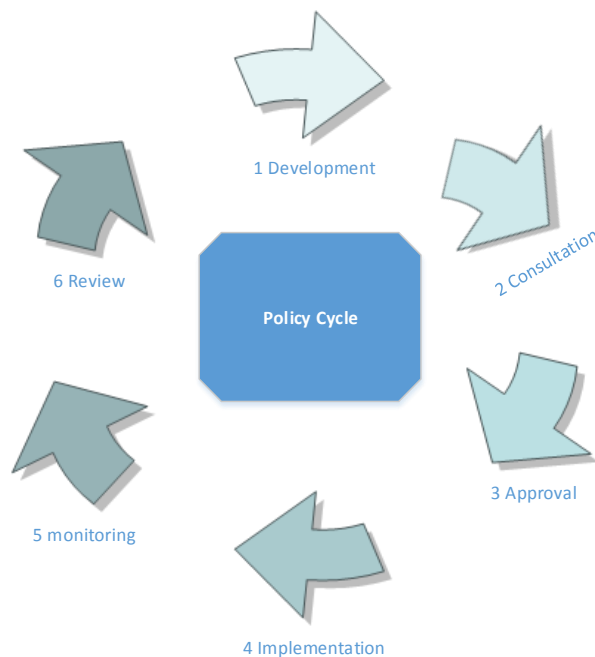
2. PRINCIPLES

Policies developed under the framework should:

- Reflect and support the council's vision and strategic outcomes and priorities.
- Be consistent with national legislation and institutional statutes, regulations and other policies.
- Be guided by best practice and Best Value.
- Be clear, transparent and easily accessible.
- Be informed by consultation and communication with relevant stakeholders.
- Be monitored and periodically reviewed to ensure relevance and fitness for purpose.
- Ensure the council is contributing to a more equal society through advancing equality and good relations in our day-to-day business and compliance with the Public Sector Equality Duty.

3. PROCESS

The policy development process follows a six-stage model (see below). This ensures that the policy cycle is continuous with regular monitoring and review, allowing Aberdeenshire Council to adapt to change. This section outlines each stage of the policy cycle.



At each stage of the policy there must be consideration given equalities.

3.1 Development

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3.1.1 Commissioning stage

Policy development may be commissioned or initiated by policy committees, senior managers or any other council officer. An area or policy Committee may recommend a policy is developed as a result of scrutiny undertaken. A policy committee may also request the development of a specific policy following the annual review of their policy framework.

Any council officer may also recommend a proposal for further investigation to their line manager or Head of Service. In most cases the senior officer will be identified as the 'policy sponsor' and will oversee the development of the policy. They may identify a responsible officer or working group to undertake the policy development.

Irrespective of how a policy idea is commissioned, time must be spent during this stage in dialogue with the appropriate policy chair/vice-chair to secure agreement for the policy to come to committee. Further political discussion may be required or beneficial through pre-agenda or political group discussion, or sometimes Policy Budget Steering Group.

3.1.2 Categorisation within the policy framework

All policies must align to a policy committee and the functions delegated to that committee.

If a policy applies to more than one service (but not all) it must include specific provisions for each service or note any exceptions/additions within any supporting tools or documents. This is also the case for policies which apply council-wide but have specific implications for individual services.

Where a policy is relevant to areas of service that are equally the responsibility of multiple committees, all relevant committees must approve the policy.

3.1.3 Statutory policies and regulations

Where there is a statutory requirement to deliver a service or operate in a specific way **and** the council has no ability to deviate from the statutory direction, organisational procedures or other appropriate tool or document should be developed rather than a policy. The appropriate committee should be made aware of the legislation through a report or briefing.

3.1.4 Policy research

In order to establish precedent and inform the policy process, research must be conducted into existing internal policies or similar external examples. This ensures that problems can be identified early on in the process and improve the quality of the final document.

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Effective research at this stage may also provide ideas and discussion points for implementation and monitoring, and ensures that the council is able to adapt its approach to provide the best value to customers.

Evidence should be gathered, including from partners, to be shared and presented in an accessible way, in good time for members to assimilate prior to discussion. Evidence would include local socio-economic data and the result of locality-based engagement, taking cognisance of Audit Scotland guidance, and Community Empowerment Act guidance.

3.1.5 Equalities

All policies must comply with the Public Sector Equality Duty. During the development of a policy, give due regard or consciously consider the need for the policy to:

1. Eliminate discrimination, harassment and victimisation.
2. Advance equality of opportunity between those who have protected characteristics and those who don't.
3. Foster good relations between those who have protected characteristics and those who don't.

During the development stage of a policy an Equalities Impact Assessment must be completed to demonstrate the impact on any protected characteristic and any mitigating actions that can be taken.

3.1.6 Privacy Impact Assessment

A Privacy Impact Assessment is a process which helps identify and minimise the privacy risks associated with a policy for any individual that may be impacted by the policy. Privacy can relate to information (e.g. information about the person) or physical (e.g. maintaining a person's own physical space or solitude – for example from intrusion as a result of acts of surveillance). Further information and guidance on Privacy Impact Assessments is provided in Policy Development Toolkit for officers which will be available on the council's intranet.

3.1.7 Engagement

Engagement should be on a locality basis and should be designed to be as inclusive and engaging as possible using formats such as workshops or facilitated sessions. Engagement should be undertaken early on in the process whilst ideas are being formulated and before decisions on options have been taken. Members from the locality should be involved in any engagement activity.

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Where there is an anticipated impact on particular stakeholders or individuals with protected characteristics then engagement activity must involve impacted groups. For example if devising a policy on Gypsy Travellers, there must be evidence of engagement with the Gypsy Travellers community.

3.1.8 Drafting

Officers should draft policy taking into account Member engagement, and any other appropriate stakeholder engagement. At this stage consideration should be given to the delivery or operation of the policy and where necessary scenarios 'walked through' to ensure implications and risks are understood and can be managed or mitigated.

3.2 Consultation

- 3.2.1 Policies should be subject to a consultation period for a minimum of 21 days. Consultations will seek comments from internal representative groups (i.e. services) concerned with the policy and should also include representations from recognised trade unions as well as any other interested parties, internal or external, including Members
- 3.2.2 Specifically there must be consultation with area committees. A starter paper should be submitted to all appropriate area committees detailing the core issues and how the proposed policy change might affect each Area or Service. Such reports should be submitted timeously to Area Managers to enable discussion at Area Management Teams should this be considered appropriate. The starter paper should set out the timetable for the area committee to submit its views and for the eventual consideration of the matter by policy committee.
- 3.2.3 Where an impact has been identified for individuals with protected characteristics, there must be evidence of consultation with representative groups.
- 3.2.4 Good practice is to provide feedback on the outcome of the consultation and confirm where comments have been approved or rejected. Reasons for these decisions must also be included. All consultation documents must be prepared for presentation to policy sponsors, and appropriate committee including decisions and reasons as described.
- 3.2.5 All consultation promotes equality of opportunity for all people and giving consideration to the nine protected characteristics - age, religion or belief, sex (gender), sexual orientation, disability, race, pregnancy and maternity, marriage and civil partnership and gender reassignment.
- 3.2.6 This consultation process follows the standard [consultation code of practice](#) for the council.

3.3 Approval

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3.3.1 Policy approval process

Policy approval should be a two-stage process. In the first instance, draft policies must be presented by the responsible officer or policy sponsor to be approved by a senior officer. Approval may be delegated to a Service Manager as per the List of Delegated Powers to Officers.

Officer approved drafts should then be recommended for approval to the relevant policy committee at the next available opportunity. All policies, whether new or revised, must be approved by Members.

When preparing recommendations for approval to the relevant committee, consideration should be given to seeking delegated authority to make minor changes to the policy without reverting back to committee.

3.3.2 Supporting Tools & Documents approval process

Any supporting tools or documents developed in line with related policies, such as procedures and guidance, should be approved by a senior officer as per the scheme of governance.

Approval of supporting tools and documents by committee is not necessary by default, there may be specific circumstances where committee approval would be appropriate. The decision to seek approval at committee should be made in conjunction with the policy sponsor or senior officer.

Where supporting tools or documents requires updating as a result of statutory changes, advice should be sought from the policy sponsor or senior officer to determine if the update is actually impacting on the aligned policy and proposing changes at policy level. If it is it, the policy should be reviewed in line with the review process.

3.3.3 Policy directory and access

All approved policies must be stored in a central council policy directory and must be accessible by all staff. Where relevant, copies should also be made available to the public, via the council's website. The directory will be administered by the performance and improvement team and may only be edited by approved officers.

3.4 Implementation

3.4.1 Policies should have designated dates to determine:

- When the policy was approved;
- When the policy becomes effective;
- When the policy expires or is eligible for review (see section 3.6)

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- 3.4.2 All policies must be accessible to all employees who use it or are affected by it. They must also be communicated across the council so that employees are aware.
- 3.4.3 All policies must be accessible to the residents and communities who will be affected by it. Policies should be published on the council's website and accessible copies (in other formats or languages) should be made available as requested.
- 3.4.4 Policies should designate the officer responsible through the List of Delegated Powers to Officers for developing supporting tools and documents in order to implement approved policies. This includes drafting guidelines, procedures and any other related documents.

3.5 Monitoring

- 3.5.1 Policies should be monitored in line with standard processes and procedures. This should be done by the responsible officer who developed the policy. They must maintain an issues log to review the policy over its lifecycle and be presented at any future policy review.
- 3.5.2 Each policy committee will consider an overview of their policy framework on an annual basis to identify gaps or review requirements.
- 3.5.3 Corporate Leadership Group will review the complete policy framework periodically to ensure synergy and manage conflict as appropriate.

3.6 Policy review process

3.6.1 Year 1 Review

During the first year following implementation of a policy work should be undertaken to monitor and assess its success and, where appropriate, minor revisions proposed. Reviewers will draw on monitoring information provided by the responsible officer but may also seek feedback from staff using the policy on an operational level. The process should be led by an officer with experience in the policy area, but **not** the responsible officer. The reviewer will submit proposed revisions to policies or supporting documents to the policy review steering group. This group will then agree the method for taking forward.

3.6.2 Ongoing Review

Once established, policies must be subject to a full review within five years. Members, through policy committees and area committees, also have the discretion to request a policy review at any time. Additionally, incoming administrations may instruct the responsible senior officer to initiate a review where policies are not consistent with revised priorities.

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- 3.6.3 Policy and area committees may also identify a requirement to review (or develop) a policy through the Scrutiny at Aberdeenshire process.
- 3.6.4 When considered by the policy committee annual overview, policies are categorised using a traffic light system to indicate readiness for review. This also considers the impact of the policy on protected characteristics as defined by the Equality Act 2010. The categories are defined as follows.
- (a) **Red** – Review required.
Policy is older than four years
Policy is believed to have a negative or unknown impact on people with protected characteristics
External or other factors give just cause for review for example a permanent reduction in resources
- (b) **Amber** – For monitoring.
Policy is over three years old
External or other factors that could give just cause for review for example a permanent reduction in resources are anticipated within one-three years
- (c) **Green** – No action
New or recently revised policy - subject to regular monitoring under the Year 1 Review process.
Policy is less than three years old
- 3.6.5 Each policy committee will annually consider the need to review existing policies supported by the appropriate chief officer.
- 3.6.6 Policies may be renewed with no amendments by the policy committee and no further action is required.
- 3.6.7 A policy is identified as requiring review if it meets any of the following criteria:
- Policy does not fit with the current strategic objectives of the council (e.g. Council Plan) or priorities of Members;
 - Policy is not fit for purpose at the present time, for example as a result of changed statutory requirements;
 - Policy must be altered due to statutory obligations;
 - Policy conflicts with other existing policies;
 - Policy is to be consolidated as part of a new policy;
 - The relevant policy committee has requested a full review as part of scrutiny recommendations;
 - Unintended impact on those with protected characteristics has been identified;
 - An area committee has requested a policy review as part of the Committee Review Process.

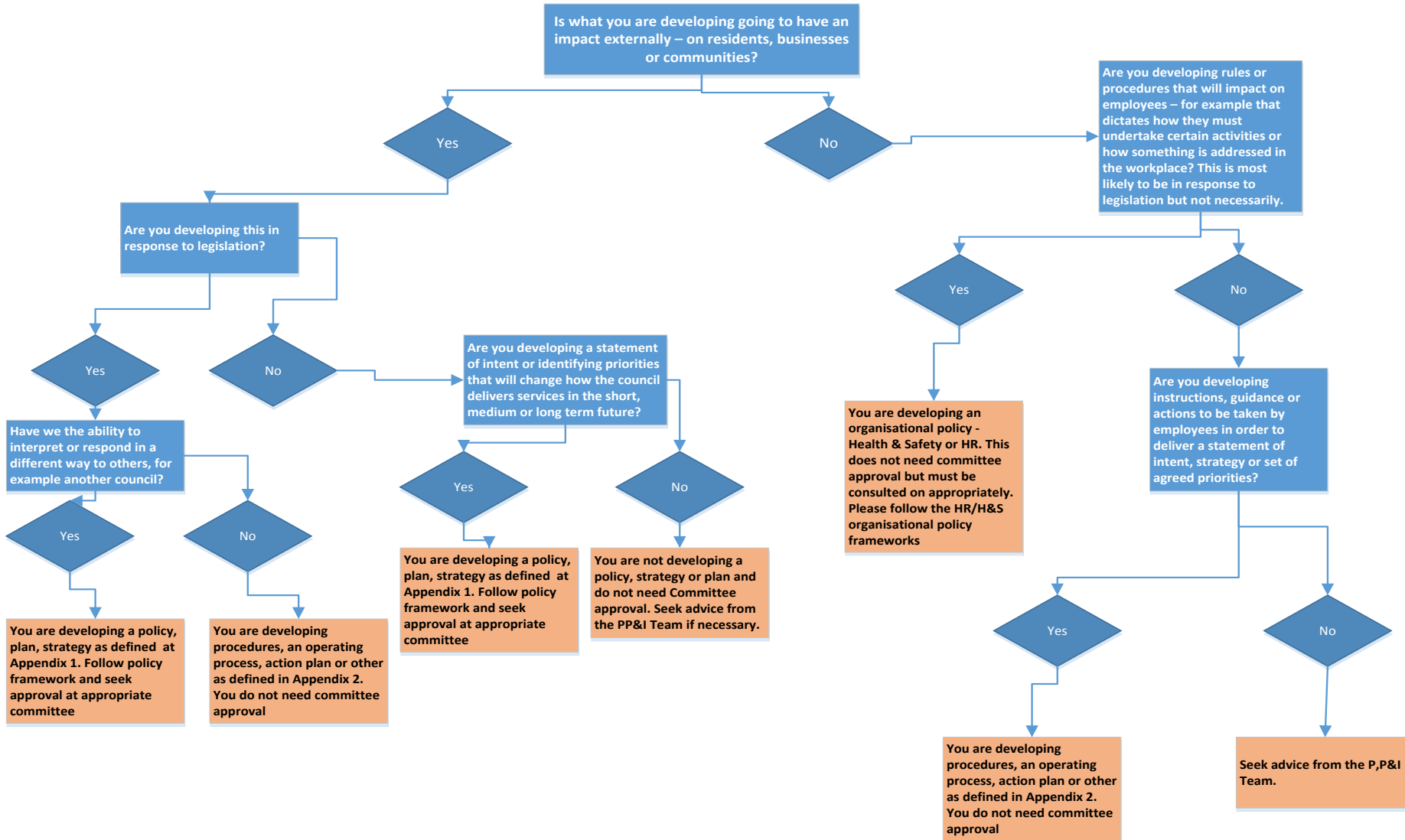
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- 3.6.8 In the event that a policy requires review, the policy committee will instruct a working group to investigate and review the policy, propose amendments or replacements, and present to the steering group at a future date. This review should also consider the impact on any related policy instruments and the need to review or renew these.
- 3.6.9 Policies may also be reviewed or amended before their due date by any officer with appropriate authority under the List of Delegated Powers to Officers. Additionally, they may be reviewed at the discretion of Members.
- 3.6.10 Supporting tools and documents should be also be reviewed within a five year period in line with the review of the policy (as described at section 3.6.2). All supporting tools and documents should identify the officer responsible for conducting reviews within the body of the text.
- (a) Supporting tools and documents may be renewed with no amendments by the responsible senior officer through the List of Delegated Powers to Officers.
 - (b) Section 3.6.8 should inform any review.
 - (c) Members do not by default, have a right to review or amend supporting tools and documents, in so far as they relate to operational matters, but may comment and give recommendations through committees to specify certain provisions.

APPENDIX 4 – SCRUTINY AT ABERDEENSHIRE

Scrutiny at Aberdeenshire



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Scrutiny at Aberdeenshire

Flowchart Appendix 1

The Policy Framework specifically focuses on the development of policies as defined below. For avoidance of doubt definitions are also provided for other related tools such as documents that may be used to support a policy in order to achieve a specific objective.

Policy – A policy is a formal, concise, accessible statement on how the council intends to conduct business and deliver services. Generally it will be a statement of intent with rules that influence and enable decision making. A policy statement will lessen the risk of conflict and remove the opportunity for unfair selective application of rules. A policy must be consulted on and approved through the appropriate policy and any changes to the policy must also be approved. An example of a simple policy statement is:

Confidentiality Policy

It is our policy to keep confidential all personal information about the children, families, staff and volunteers involved in our service.

Personal information about families in relation to Child Protection concerns will be shared on a need to know basis in line with our Child Protection Policy.

Regulation – A regulation will provide a framework for managing a specific aspect of the council's business and would normally apply to every employee and any individual or organisation acting on the council's behalf. It is rare that the council would develop its own regulations – more usually the council will be obliged by law to follow regulations associated with specific legislation and governed by Scottish, UK or EU law. Any internal regulations developed by the council must be approved by committee and legal advice must be sought. An example of council developed regulations are *the council's Financial Regulations*.

Strategy/Plan – Plans and strategies will exist at every level in the organisation and will identify principles and actions required to deliver the vision and outcomes stated by the council. If the strategy or plan identifies a statement of intent that will impact on the development of policy (for example the Local Transport Strategy will impact on potentially planning, development management and roads policy) then the appropriate consultation and approval should be sought.

Flowchart Appendix 2

The following definitions are for tools and documents that are likely to be developed in order to deliver a policy. These are statements of actions. These are not policies in their own right and do not have the same status as a policy.

Procedure – A procedure is a written statement that describes how a policy or specific legislation will be put into action within the council. A procedure does not require approval by policy or area committee but should be approved by the relevant Leadership Team. Where linked to a policy, a procedure can be amended in isolation from the associated policy. However if the amendment results in any aspect of the policy being compromised or unable to be delivered as intended, the policy must be reviewed and reapproved by committee as necessary.

A simple example of a procedure is:

Confidentiality Procedures

- *Parents will have access to records kept in the service, but only in relation to their own child*
- *All new staff and volunteers will be informed of our confidentiality policy and procedures as part of their induction programme*
- *Information held in the service in relation to Child Protection Concerns will be stored in a separate locked drawer and will be shared only on a need to know basis in line with our Child Protection Policy and with Data Protection Legislation.*

Protocol – A protocol is a system of informally agreed rules that explain the correct conduct and procedures to be followed in specifically identified situations. A protocol does not require committee approval but should be agreed on by the appropriate Leadership Team. An example of a protocol is:

Protocol for royal and ministerial visits - *This protocol would aim to outline the steps to be followed in advance of, and during organisation of, such an event.*

Guidance – guidance may be associated with a procedure or a policy and will provide advice and direction on how to deal with a particular situation. Guidance does not require approval by policy or area committee and can be reviewed and refreshed as required.

Strategy/Plan – Plans and strategies will exist at every level in the organisation and will identify principles and actions required to deliver the vision and outcomes stated by the council. An example would be the Customer Communication & Improvement Service Business Plan or the Improvement Strategy.

There are certain types of strategies and plans that may include a policy statement – for example the Local Development Plan – and these must be approved at committee. It is likely that specific processes and procedures will exist for these types of plans that will ensure appropriate governance however contact the Policy, Performance & Improvement Team within Business Services to discuss if unsure.

A strategy or plan should not be used to identify a statement of intent without seeking the appropriate consultation and approval.