

## Notice of Meeting and Agenda

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**Monday 16 November 2015 at 2:00pm**  
**in the City Chambers, High Street, Edinburgh**

**Please note change to  
start time of meeting**

**1 Order of Business**

Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

**2 Declaration of Interests**

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

**3 Minute of the Lothian Valuation Joint Board of 7 September 2015**  
(circulated) – submitted for approval as a correct record

**4 Period 7 Financial Statement 2015-16** – report by the Treasurer (circulated)

**5 Revenue Budget 2016-17 – Board Update** – report by the Treasurer  
(circulated)

**6 Mid Term Review – Treasury Management Activity** – report by the Treasurer  
(circulated)

**7 Assessor's Quarterly Report to the Joint Board** – report by the Assessor and Electoral Registration Officer (circulated)

**8 Code of Conduct for Employees** – report by the Assessor and Electoral Registration Officer (circulated)

**9 Discretions Policy Statement** – report by the Assessor and Electoral Registration Officer (circulated)

**10 Managing Attendance Procedure** – report by the Assessor and Electoral Registration Officer (circulated)

**11 Recruitment and Selection Policy** – report by the Assessor and Electoral Registration Officer (circulated)

**12 Revised Records Management Policy** – report by the Assessor and Electoral Registration Officer (circulated)

**Andrew Kerr**  
Chief Executive and Clerk

## Membership

### **The City of Edinburgh Council (9)**

Councillor Nigel Bagshaw  
Councillor Karen Doran  
Councillor Ricky Henderson  
Councillor Karen Keil  
Councillor Alex Lunn  
Councillor Mark McInnes  
Councillor Adam McVey  
Councillor Jason Rust  
Councillor Norman Work (Convener)

### **Midlothian Council (2)**

Councillor Jim Bryant  
Councillor Margot Russell

### **West Lothian Council (3)**

Councillor Dave King  
Councillor Greg McCarra  
Councillor Barry Robertson (Vice-Convener)

### **East Lothian Council (2)**

Councillor Jim Gillies  
Councillor John McNeil

## Notes:

- (1) If you have any questions about the agenda or meeting arrangements, please contact Lesley Birrell | Governance Service - Committee Services | Legal, Risk and Compliance | Corporate Governance | City of Edinburgh Council | Business Centre 2:1 | Waverley Court | 4 East Market Street | Edinburgh | EH8 8BG | tel 0131 529 4240 | email [lesley.birrell@edinburgh.gov.uk](mailto:lesley.birrell@edinburgh.gov.uk)
- (2) A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the Main Reception Office, City Chambers, High Street, Edinburgh.
- (3) The agenda, minutes and public reports for this meeting can be viewed online by going to [www.edinburgh.gov.uk/meetings](http://www.edinburgh.gov.uk/meetings). Members and Officers of the City of Edinburgh Council can also view them by going to the Orb home page and clicking on Committee Business.



Please recycle this paper

# Lothian Valuation Joint Board

Edinburgh, 7 September 2015

**Present:**

**City of Edinburgh Council** – Councillors Work (Convener), Bagshaw, Ricky Henderson, Keil, McInnes and McVey.

**East Lothian Council** – Councillors Gillies and McNeil.

**Midlothian Council** – Councillor Russell.

**West Lothian Council** – Councillor McCarra.

## 1 Minute

**Decision**

To approve the minute of the Lothian Valuation Joint Board of 22 June 2015 as a correct record.

## 2 Annual Audit Report to Members and the Controller of Audit

The External Auditor's report on the audit of the Joint Board's 2014-15 financial statements was presented. The report set out relevant matters arising from the audit which required to be reported under International Standard on Auditing (UK and Ireland) 260 (ISA 260).

Carol Foster, Senior Audit Manager, Audit Scotland highlighted the principal areas covered by the report and responded to questions from members.

**Decision**

To note the annual audit report.

(Reference – report by Audit Scotland, submitted)

## 3 Audited Annual Accounts for the Year Ended 31 March 2015

The audited financial statements for the year ended 31 March 2015 were presented. There were no significant issues identified during the course of the audit and no qualifications to the auditor's opinion.

**Decision**

- 1) To note the audited annual accounts for the year ended 31 March 2015.
- 2) To authorise the audited accounts for signature.
- 3) To retain the £0.175m underspend from the 2014/2015 financial year.

(Reference – report by the Treasurer, submitted)

#### **4 Period 4 Financial Statement 2015-2016**

The Board's actual and budgeted expenditure for the period to 31 July 2015 was reported together with a year end projection to 31 March 2016.

At this stage, the projected outturn against the core budget indicated a forecast spend of £6.056m resulting in a net underspend of £0.062m.

##### **Decision**

To note the projected outturn position for 2015-2016.

(Reference – report by the Treasurer, submitted)

#### **5 Assessor's September 2015 Progress Report to the Joint Board**

The Assessor presented an update on the service overview and priorities, current issues and the future direction of the Joint Board.

##### **Decision**

To note the updates contained in the report.

## Period 7 Financial Statement 2015/16

16<sup>th</sup> November 2015

### 1 Purpose of report

This report summarises the projected revenue budget outturn position to 31<sup>st</sup> March 2016, based on the position at period ending 31<sup>st</sup> October 2015. The report has been prepared in consultation with the Assessor.

### 2 Main Report

#### Projected Revenue Outturn 2015/16

2.1 The table below compares projected revenue outturn 2015/16 with the budget. The forecast variance, based on the position at 31<sup>st</sup> October, is an under spend of £0.095m. The forecast expenditure has reduced by £0.033m from that reported to the Board in September 2015. The reduction is primarily due to a review of the utilities forecast, the possibility of which was reported in September.

2.2 The table below details forecasts against the Core Budget and Individual Electoral Registration (IER) income/expenditure that is subject to specific grant funding.

	Core Budget			IER Budget			Total		
	Budget £'000	Forecast £'000	Variance £'000	Budget £'000	Forecast £'000	Variance £'000	Budget £'000	Forecast £'000	Variance £'000
<b>Expenditure</b>									
Employee costs	4,566	4,498	(68)	128	224	96	4,694	4,722	28
Premises costs	624	576	(48)	0	0	0	624	576	(48)
Transport costs	103	102	(1)	5	0	(5)	108	102	(6)
Supplies & Services	711	734	23	191	233	42	902	967	65
Third Party Payments	95	94	(1)	0	100	100	95	194	99
Support Services	65	65	0	0	0	0	65	65	0
<b>Gross Expenditure</b>	<b>6,164</b>	<b>6,069</b>	<b>(95)</b>	<b>324</b>	<b>557</b>	<b>233</b>	<b>6,488</b>	<b>6,626</b>	<b>138</b>
<b>Income</b>									
Sales, Fees & Charges	(43)	(43)	0	0	0	0	(43)	(43)	0
IER Grant	0	0	0	(324)	(557)	(233)	(324)	(557)	(233)
Interest	(3)	(3)	0	0	0	0	(3)	(3)	0
<b>Total income</b>	<b>(46)</b>	<b>(46)</b>	<b>0</b>	<b>(324)</b>	<b>(557)</b>	<b>(233)</b>	<b>(370)</b>	<b>(603)</b>	<b>(233)</b>
<b>Net Expenditure</b>	<b>6,118</b>	<b>6,023</b>	<b>(95)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,118</b>	<b>6,023</b>	<b>(95)</b>

#### Forecasts to 31<sup>st</sup> March 2016

2.3 At this stage, the projected outturn against the core budget of £6.118m indicates a forecast spend of £6.023m which would result in a net under spend of £0.095m. The principal reasons for the variance are as follows:

##### (a) Employee cost - under spend £0.068m

This is principally due to an ongoing policy of review and control of vacant posts. In light of 2016/17 budget pressures, staff within the Board were approached under terms of the Board's Voluntary Early Release Arrangements (VERA) policy.

Three business cases are currently being progressed with the current assumption being that these will be accepted and approved. The associated one-off costs would be met through previous years' unspent requisition. Further detail is provided in paragraph 2.6.

**(b) Premises costs - under spend £0.048m**

Primarily due to a reduction in the electricity forecast. This follows de-energising of two meters.

**(c) Supplies and Services – over spend £0.023m**

Primarily due to higher telephone charges resulting from increased usage during election periods, the impact of the introduction of IER, and the use of mobile technology for electoral canvass.

**Individual Electoral Registration (IER) – funding available 2015/16; £0.557m**

2.4 The table below details the one-off funding available for IER. The current forecast assumes that IER grant will either be fully spent during 2015/16 or any balance carried forward to 2016/17. Further details of IER cost pressures 2016/17 are included in the *Revenue Budget 2016/17 Report* which is presented separately on this agenda.

Income	£'000
IER core grant funding 2015/16	324
IER additional funding 2015/16	19
IER grant funding carried from 2014/15	214
<b>Total</b>	<b>557</b>

**Unspent requisition balance**

2.5 Voluntary Early Release (VERA) and Redundancy Schemes were approved by the Board at its meeting on 4th February 2011. The Board has previously approved the retention of unspent funding contributions from constituent councils to meet future costs associated with early release measures, and, subject to further Board approval, any future unforeseen costs. The balance available to the Board was £0.596m at 31st March 2015. Three VERA business cases are currently being progressed.

**Forecast requisition balance**

2.6 The table below outlines the estimated balance at 31<sup>st</sup> March 2017 based on the 2015/16 under spend included in this report and the 2016/17 draft budget shortfall reported separately on this agenda. Any change to the outturn 2015/16 and budget 2016/17 would adjust the estimated closing reserve 2017.

Reserve	£'000
Balance March 2015	£596
VERA x 3 – one-off exit costs 2015/16	(£100)
2015/16 requisition under spend (based on this report)	£95
Draft budget shortfall 2016/17 (final budget in Feb 16)	(£364)
<b>Estimated closing reserve 31.03.17</b>	<b>£227</b>

**3 Conclusions**

3.1 At this stage, there is a projected net under spend of £0.095m against the core revenue budget relating to Financial Year 2015/16.

3.2 The Board has no current power to establish a general reserve, but has previously approved a creditor balance be set-aside to cover the cost of staffing early release measures. The balance available to the Board at 31<sup>st</sup> March 2015 is £0.596m.

#### **4 Recommendations**

- 4.1 The Board is recommended to note the projected outturn position for 2015/16.

**Hugh Dunn,  
Treasurer.**



## Revenue Budget 2016/17 – Board Update

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16<sup>th</sup> November 2015

### 1 Purpose of report

The purpose of this report is to update the Board on development of the 2016/17 budget. The Board have been updated regularly, most recently in September, regarding 2016/17 budget pressures. These have arisen predominantly due to Individual Electoral Registration (IER).

### 2 Main Report

#### Draft Budget 2016/17

- 2.1 The budget for the past four years for the Lothian Valuation Joint Board has been held at £6.118m. During this period the Board has managed budget pressures of £0.467m.
- 2.2 Budget development has been undertaken recognising the budget restraint being implemented across Scottish local government. This position has been reported previously along with the funding uncertainties facing the Board.
- 2.3 A draft 2016/17 budget has been prepared in consultation between the Assessor and Treasurer. This has been prepared so that the Board are aware of the funding pressures emerging prior to a final 2016/17 budget report being presented to the Board for approval in February 2016.
- 2.4 The draft budget for 2016/17 is currently £6.482m. This represents an **increase of £0.364m** to the approved budget 2015/16. This shortfall is wholly attributable to the ongoing cost attributed to IER. IER has been subject of previous reports to the Board, since its introduction in 2014. Whilst further work will be undertaken on the budget between now and February 2016, it is recognised that the position is unlikely to change unless additional IER grant funding is provided by the Cabinet Office for 2016/17.
- 2.5 Should additional IER grant not be received, it is recommended that any budget shortfall 2016/17 arising from IER be managed in 2016/17 on a one-off basis by drawing down from the creditor balance currently held to finance staffing exit costs. The balance available at 31<sup>st</sup> October 2015 is £0.596m. Although the Assessor and Treasurer recognise the need to move towards a sustainable budget position going forward, the above recommendation provides a managed position for 2016/17. Further work will be under-taken throughout 2016/17 to assess options to move to a sustainable budget.

2.6 The Assessor has under-taken a full review of budgets and staffing requirements as part of this 2016/17 budget process. The table below details the budget pressures facing the Board and the efficiencies built in to part-manage.

<b>Draft Budget 2016/17</b>	<b>£'000</b>	<b>£'000</b>
Core budget pressures ( staffing budget increases - additional 0.5% pay award 15/16, increased hours, pay award 16/17, increments)		224
Core budget efficiencies ( net reduction of seven posts)		-329
<b><u>IER budget pressure 2016/17</u></b>		
- Permanent canvasser/customer support assistant teams	231	
- Other costs (mainly postages and printing)	238	
		469
<b>Budget shortfall 2016/17</b>		364

2.7 In light of the uncertainty surrounding 2016/17 funding levels, staff within the Board were approached under the terms of the Board's Voluntary Early Release Arrangements (VERA) policy. The draft budget 2016/17 builds in £0.329m of efficiencies including a net reduction of seven posts. This reduction in posts is due to a combination of vacancy management (4 posts) and VERA business cases (3 posts). The Assessor considers it a risk to service delivery to approve further VERA applications beyond those currently built in to the draft 2016/17 budget. Updates on the risks facing the Board are provided in section 3.

2.8 The recommendation to adopt a one-year managed position is due to the following key service / risk factors:

- The Board will experience higher demand levels during 2016/17 as a result of the 2016 Scottish Parliament Elections and the 2017 Local Authority Elections;
- It will enable further clarity to be received during 2016/17 on the ongoing service/financial requirements of Individual Electoral Registration. IER is under review and costs of £0.469m currently included in the draft 2016/17 maybe subject to reduction (no increase is expected as a result of the review);
- The Board also require to under-take a full revaluation of non-domestic properties during 2017;
- The impact of potential changes to Council Tax will also be better understood 2016/17.

### **3 Budget pressures / service risk**

#### **3.1 Individual Electoral Registration (IER)**

3.1.1 IER setup funding may to cease from 2016/17 onwards. The Board has received £1.2m from the Cabinet Office since 2013/14. However, there remains a cost for "business as usual (BAU)" estimated at £20m UK-wide, of which the Board is currently estimating an ongoing pressure of £0.469m from 2016/17.

3.1.2 The Cabinet Office and Scottish Government are aware of the ongoing financial pressure to Electoral Registration Officers (ERO's). However there is no indication at this stage that additional funding will be provided through the Local Government Finance Settlement. The matter has been raised with COSLA who are progressing the funding issue with the Scottish Government.

3.1.3 Any IER Grant allocations for 2016/17 are unlikely to be known until closer to March 2016.

3.1.4 There are two main elements that contribute to the additional on-going costs of IER; namely **staffing costs and printing/postages**. Some background to these costs is provided below;

- **Postage/Printing** - Firstly when either a Household Enquiry Form (HEF) or the Invitation to Register (ITR) application is issued there is a legal requirement, in the event of non-return, to issue two further reminder forms and to follow up with a doorstep visit. All forms must include a reply paid envelope and the issue of these forms is a weekly activity. During the canvass period every household in Lothian receives a HEF. Secondly, the IER process requires the generation of far more printed and posted material. While this requirement is evident throughout the entire IER process, the most obvious is at canvass periods. Pre IER a returned canvass form could be used to inform the ERO of new electors living at an address, along with various options that individual wished to exercise, for example, postal voting, opt out etc. Under IER, a returned HEF indicating new electors requires each of those electors to be issued with an ITR for completion. Additional material has to be issued should the elector indicate any preference as regards postal voting etc. Both the HEF and ITR forms are in A3 format while the old canvass form was A4.
- **Staffing** - Prior to IER canvassers were only required for a two month period every year in order to support the annual canvass. The period of canvassing has increased and as a result of IER annual canvasser costs have doubled. A permanent team of Customer Support Assistants has also been setup to deal with increased registration matters arising from IER.

3.1.5 Following meetings of an IER Expert Panel chaired by the Cabinet Office and attended by the Chair of the SAA Electoral Registration Committee, the IER process remains under review. This group of ERO's have been brought together by the Cabinet Office to consider changes to improve the IER process for ERO's, to make improvements to the user journey for electors, and to reduce costs and lower the identified £20m nationwide gap. Following consideration of proposals it is the intention to pilot proposed changes within the ERO community. At present no timetable is available but it is unlikely that the effect of any permanent change to IER processes shall have effect during 2016/17. The Board will be updated of outcomes (service and financial) as they arise.

## **3.2 Revaluation 2017**

- 3.2.1 The Scottish Government has requested that the majority of values be available to their statisticians by mid-2016 at the latest with as many as possible ready by early 2016. Valuation Notices shall be issued to all NDR properties by early 2017 and from then work increases a pace dealing with enquiries and appeals. The previous revaluation saw large numbers of appeals lodged. A risk remains as to what appeal levels shall be recorded during 2017.
- 3.2.2 The number of retained professional staff has been decreasing in recent years with two further Valuer and one Senior Technician posts removed as part of the draft 2016/17 budget. Considerable risk would be placed on the 2017 Revaluation and ongoing service delivery, should further staffing reductions take place.

## **3.3 The Future of Council Tax**

- 3.3.1 This represents an area of significant uncertainty. The Scottish Assessors Association (SAA) has contributed to the Scottish Government's Commission investigating Council Tax and possible alternatives. This Commission is due to report at the end of the year, from which the Government shall decide on the way forward.
- 3.3.2 The timetable for implementation may be very quick. If legislation is in place by the end of 2016 it is likely that a new system could be implemented during 2018.
- 3.3.3 In the event that Assessors are requested to become involved in a Council Tax revaluation or the implementation of another form of property tax, it can be expected that any additional funding required for implementation and maintenance would be provided by the Scottish Government. This position also means that it represents a very high risk to consider further reduction in staffing levels for those staff who are currently employed to undertake property valuation. The reduction in knowledge and experience could not be recovered during the short implementation period that is being considered.

## **4 Budget Flexibility**

- 4.1 The Board has the ability to carry-forward unspent requisitions in any one year as a creditor or provision to meet known future commitments. The Board has already approved the retention of the balance of unspent requisitions to meet the cost of staffing early release measures (VERA). As reported to the Board in September this balance stands at £0.596m.
- 4.2 The Board may require to approve the use of this creditor to further fund the approved 2016/17 budget when it is presented in February 2016. The draft 2016/17 budget at this stage would require a drawdown of £0.364m.
- 4.3 The table below details the creditor position based on the draft 2016/17 budget and the Period 7 Financial Statement 2015/16 which is also reported on this agenda. The affordability of further VERA requests will have to be assessed in terms of developing a sustainable budget 2017/18.

	<b>£'000</b>
Balance March 2015	£596
VERA (3) exit costs 2015/16 <sup>1</sup>	(£100)
2015/16 requisition under spend (based on P7) <sup>2</sup>	£95
Draft budget shortfall 2016/17 <sup>3</sup>	(£364)
<b>Estimated closing balance 31.03.17</b>	<b>£227</b>

<sup>1</sup> Business cases ongoing.

<sup>2</sup> Estimate based on information at 31<sup>st</sup> October 2015. Final outturn 2015/16 may differ.

<sup>3</sup> Based on draft budget 2016/17 reported in November 2015. Final budget to be presented in February 2016.

## **5 Recommendations**

It is recommended that the Board:

- 5.1 Notes there is a projected shortfall of £0.364m against the draft budget 2016/17, at this stage of budget development;
- 5.2 Consider use of the creditor balance to address the forecast budget shortfall for 2016/17, which arises as a result of IER. If IER grant is subsequently received for 2016/17, it will be applied to reduce the level of drawdown required from the creditor balance;
- 5.3 Notes the Assessor and Treasurer will work together to establish a sustainable budget for 2017/18 with further reports being presented throughout 2016/17.

**Hugh Dunn,  
Treasurer.**

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**Appendices:** None  
**Contact/Tel:** Mr. T.MacDonald: 0131 469 3078  
**Background Papers:** Held at the Office of Treasurer



## Mid Term Review – Treasury Management Activity

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**16 November 2015**

### **1. Introduction**

1.1 The purpose of this report is to review the investment activity undertaken on behalf of the Board during the first half of the 2015/16 Financial Year.

### **2. Background**

2.1 Following the introduction of new Investment Regulations in Scotland the Board adopted the appropriate Codes of Practice and approved an Annual Investment Strategy at its meeting on the 16th March 2015.

### **3. Mid Term Review - Annual Investment Strategy**

3.1 The Board's Investment Strategy has been to maintain its bank account as part of the City of Edinburgh Council's group of bank accounts. Any cash balance is effectively lent to the Council, but is offset by expenditure undertaken by the City of Edinburgh Council on behalf of the Board. Interest is given on month end net indebtedness balances between the Council and the Board in accordance with the Local Authority (Scotland) Accounts Advisory Committee's (LASAAC) Guidance Note 2 on Interest on Revenue Balances (IoRB). In line with recent short term interest rates, the investment return continues to be small, but the Board gains security from its counterparty exposure being to the City of Edinburgh Council. Net end of month balances for the first half of the year were:

Opening Balance	£1,232,534.02
April	£749,647.63
May	£991,659.46
June	£983,859.00
July	£934,209.89
August	£828,535.28
September	£1,123,474.83

3.2 Although interest is not calculated until March, in line with the guidance note, the interest rate averaged 0.362% during the first half of the financial year.

#### **4. Recommendations**

4.1 It is recommended that the Board notes the investment activity undertaken on behalf of the Board.

**Hugh Dunn**  
Treasurer

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**Appendix**                      None

**Contact/tel**                      Innes Edwards, Tel: 0131 469 6291  
([innes.edwards@edinburgh.gov.uk](mailto:innes.edwards@edinburgh.gov.uk))

# ASSESSOR'S NOVEMBER 2015 PROGRESS REPORT TO THE JOINT BOARD



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**16 November 2015**

## **1.0 PURPOSE OF REPORT**

To advise and update members as to the service overview and priorities, current issues and the future direction of the Joint Board.

## **2.0 ELECTORAL REGISTRATION SERVICE OVERVIEW AND PRIORITIES**

### **2.1 Electoral Registration – Service Overview 29<sup>th</sup> August 2015 – 31<sup>st</sup> October 2015**

#### **2.1.1 2015 Canvass**

On the 3<sup>rd</sup> August we commenced the issue of 357,238 Household Enquiry Forms (HEF) as the first step in the annual canvass process as required under the regime of Individual Electoral Registration (IER). Following its completion we shall publish the revised register on 1st December 2015.

190,545 first reminders were issued between 1<sup>st</sup> and 3<sup>rd</sup> September and 118,087 second reminders were issued on 30<sup>th</sup> September. We have continually assessed the return rate which is lower than the levels reached under the pre-IER canvass process. As I mentioned in my last Board report the percentage of the electorate engaging electronically, which is more efficient and cost effective, has also reduced. As a result of this poor response it was decided to issue a third reminder in an attempt to gain a more complete and accurate 1<sup>st</sup> December electoral register. 85,500 third reminder forms were issued during the first week in November, I will assess the effectiveness of this additional step at the conclusion of the canvass.

As I have previously mentioned, the form itself is in most parts prescribed by legislation and little scope exists to make alterations. The insertion of a simple explanatory leaflet with the form at the first reminder did little to increase the return. Advertising and publicity events have likewise not been cost effective. In particular, my staff took part in an event called Holyrood Rocks, this was run by the Scottish Political & Cultural Partnership and supported by the Electoral Commission, and was aimed at the younger generation. The event was held on a Friday evening and cost the Board approximately £450 in overtime pay and expenses with the only outcome being one person registering to vote.



When names are added to the returned HEF I am required to send an Invitation to Register (ITR) to any new or altered name advised. Only on return of the ITR or an on-line application can I add any potential elector to the register. The return rates for ITR forms is particularly low and this is similar across the country. We will continue to do what we can to get those who are eligible to register, registered.

Another concern is the low numbers of young persons registering. I have written to or emailed all young persons known to me requesting that they register. I have subsequently asked Chief Executives of the 4 Council areas to encourage Head Teachers to make an announcement at school assemblies etc. about the need to register.

### **2.1.2 Absent Voters List**

As at the publication of the Registers on 27<sup>th</sup> February 2015 the number of postal voters on the list was 120,206 compared to the current number which stands at 123,459. The current number of postal voters across the 4 constituent councils are approximately;-

- East Lothian 15,288
- Edinburgh 72,086
- Midlothian 12,553
- West Lothian 23,532

A number of requests for absent votes made on ITRs are still being processed.

### **2.1.3 End Date for the Transition to Individual Electoral Registration (IER)**

On 16<sup>th</sup> July 2015 the Parliamentary Secretary, John Penrose MP, wrote to all Electoral Registration Officers announcing that he would bring forward the end date for the transition to IER to December 2015. As a result it is likely that legislation shall shortly come into force that requires the removal of all unconfirmed electors from the electoral register prior to its publication on the 1<sup>st</sup> December 2015.

Prior to the commencement of the 2015 Household canvass there were 34,000 unconfirmed electors within Lothian. As expected the canvass process has helped to reduce this number either through removal of electors no longer resident or by their successful registration under IER.

A small amount of additional funding was made available by the Cabinet Office which was used to carry out some specific targeted weekend doorstep canvass, evening contact via telephone where contact details exist, and the issue of letters providing detailed and specific information that indicates clearly the outcome for non-completion of an application.

There has been a lot of media attention regarding an expected large fall off of electors at 1<sup>st</sup> December, to keep you properly informed, the expected final unconfirmed elector numbers in Lothian at present are approximately;-

- East Lothian 332
- Edinburgh 2,776
- Midlothian 276
- West Lothian 680

#### 2.1.4 Lothian By-Elections

Following the UK Parliamentary General Election on 7<sup>th</sup> May 2015 three by-elections were called in Lothian.

	<b>Polling Day</b>
City of Edinburgh Council, Ward 12, Leith Walk	10 September
Midlothian Council, Ward 4, Midlothian West	10 September
West Lothian Council, Ward 1, Linlithgow	1 October

All elections went smoothly with no negative affect on the annual canvass.

## 2.2 Electoral Registration – Service Priorities November 2015 – February 2016

### 2.2.1 The service priorities over the next 3 months

- Conclude the household canvass, processing all applications received;
- Publish the Electoral Register on 1st December 2015;
- Continue processing all received applications such as registration applications, postal vote requests, change's to opt out status, change of name etc.;
- Continue all doorstep canvass requirements as required under IER;
- Continue engagement activities to encourage registration by 16/17year olds;
- Carry out the refresh of signatures for absent voters whose signatures are now five years old, and
- Commence preparation work for the 2016 Scottish Parliamentary election.

## 3.0 COUNCIL TAX OVERVIEW AND PRIORITIES

### 3.1 Council Tax – Service Overview 29<sup>th</sup> August 2015 – 31<sup>st</sup> October 2016

#### 3.1.1 Council Tax – New Dwellings

As at 28<sup>th</sup> August 2015 there were 403,975 chargeable dwellings in Lothian which has risen to 405,340 as at 31<sup>st</sup> October 2015, an increase of 1,365 dwellings in 2 months. This figure can be compared to the same period in 2014 where 812 dwellings were added.

### **3.1.2 Council Tax – Altered Bands**

During the period, as a result of alterations carried out prior to the date of sale and re-appraisal of bandings, the bandings of 53 dwellings have been altered which compares to 54 altered bands during the same period in 2014.

### **3.1.3 Council Tax – Altered Houses with no sales**

During the period, the records of 521 dwellings have been updated, as a result of alteration work being carried out to existing dwellings compared to 463 dwellings during the same period in 2014. As previously reported the updated information should improve the time taken to alter the bands of any altered dwellings which are subsequently sold and also ensure preparation for any future revaluation or property tax.

### **3.1.4 Council Tax – Proposals and Appeals**

The numbers of Council Tax proposals/appeals outstanding continues to stand at reasonable levels. As at 28<sup>th</sup> August 2015 there were 51 cases outstanding. As at 31<sup>st</sup> October 2015 there were 56 cases outstanding. Appeal hearings continue to be arranged regularly to ensure the disposal of cases at least equates to the number received thus maintaining low numbers outstanding.

### **3.1.5 Local Tax Commission**

As I have mentioned before the Scottish Government set up a Commission to consider options for a Council Tax replacement. I continue to provide support for the evidence gathering exercise.

The Commission is due to publish their report in the very near future which will provide information on the various options available. A replacement tax is unlikely to be decided prior to the Scottish Parliamentary elections in May 2016.

It is hoped that the future of Council Tax and the implications for my organisation will be clearer by Autumn 2016 thus ending many years of uncertainty.

## **3.2 Council Tax – Service Priorities November 2015 – February 2016**

The main service priorities in Council Tax are as normal:-

- Update my records by carrying out the survey of Council Tax subjects which have been altered and not sold and
- Continue to resolve proposals and appeals against Council Tax banding.

## **4.0 NON DOMESTIC RATING OVERVIEW AND PRIORITIES**

### **4.1 Non-Domestic Rating – Service Overview 29<sup>th</sup> August 2015 – 31<sup>st</sup> October 2015**

#### **4.1.1 2010 Revaluation Appeals**

The number of 2010 Revaluation appeals outstanding at Lands Tribunal has further reduced since my last report with the David Lloyd Tennis Centres now resolved. The remaining appeals listed at Lands Tribunal for Scotland include Ikea, Telecommunication subjects and an Oil Pipeline.

#### **4.1.2 Running Roll**

Professional and technical staff have continued to survey and value subjects that have been newly constructed, altered or demolished. From 29<sup>th</sup> August 2015 to 31<sup>st</sup> October 2015 there have been 175 additions, 167 valuation alterations and 129 deletions. This can be compared to the previous period in 2014 where there was 176 additions, 232 valuation alterations and 243 deletions.

#### **4.1.3 Running Roll Appeals**

During the period 29<sup>th</sup> August 2015 to 31<sup>st</sup> October 2015, 100 appeals have been resolved. As at 31<sup>st</sup> October the number of outstanding running roll appeals stood at 595 of which majority refer to appeals lodged following the reduced drink drive alcohol limit. Courts to deal with this type of appeal are scheduled to continue through the rest of the calendar year.

#### **4.1.4 2017 Revaluation**

Work towards publishing the 2017 revaluation roll has commenced in earnest. Questionnaires issue continues for all subject categories. Cost questionnaires continue to be issued on a regular basis to principally allow contractors valuations to be carried out. Similarly the main issue of rent questionnaires has been issued. Return rates are very poor and we continue to strive to improve the data we hold to facilitate continued analyses for all types of subject categories.

In Lothian we aim to have up to 50% of our subjects with draft valuations by end January 2016, 75% by end June and 100% by end August 2016.

#### **4.1.5 Scottish Government Consultations and Bills Affecting Non-Domestic Rates**

A response to the Scottish Government 'consultation on non-domestic rates: setting decapitalisation rates for the 2017 revaluation' is being drafted and will be submitted by the due date. The conclusion of the consultation and resultant prescription of decapitalisation rates is an essential element required in the valuation of contractors based valuations. Lothian continues to take an active part in this consultation.

On 22<sup>nd</sup> June the Scottish Parliament introduced the Land Reform (Scotland) Bill to make provision for non-domestic rates to be levied on shootings and deer forests. The Bill was referred back for further consideration and possible amendment.

The responses to the 'Supporting Business – Promoting Growth consultation' have now been analysed by the Scottish Government. The analysis was published mid September and we await the views of the Scottish Parliament on the outcomes they may propose.

#### **4.2 Non-Domestic Rating – Service Priorities November 2015 – February 2016**

The service priorities in Non-Domestic Rating are:-

- Prepare cases as may be required by the Valuation Appeal Committee;
- Schedule and action the disposal of running roll appeals;
- Survey and value new property or alterations to existing properties to ensure the Valuation Roll is as complete and accurate as possible;
- Continue to update databases with rent, cost, turnover and throughput information to ensure analysis is as complete and accurate as possible;
- Continue to analyse rents and costs in preparation for the 2017 Revaluation and
- Continue to derive rates and carry out valuations in preparation for the 2017 Revaluation.

### **5.0 HUMAN RESOURCES AND OFFICE MANAGEMENT**

#### **5.1 UNISON**

Regular JCC meetings continue to be held. Concern has been raised about the operation of the VERA Procedure and lack of time to consult on new and reviewed policies.

Policies are timetabled for review to ensure that all policies meet current legislative, management and staff requirements. This timetable is to be shared with the Trade Union in the hope that appropriate time for consultation can be agreed and actioned. I have the updated Code of Conduct for Employees Policy, Recruitment & Selection and Absence Management Procedure under a separate report to the Board for approval.

#### **5.2 Staffing**

As stated previously, the introduction of IER has led to a review of our staffing requirements. As the future of the current IER processes are still under review the staff required for the task are recruited on a temporary basis. At the present time the numbers are 13 canvassers, 1 mail support and 4 call centre staff.

To meet the budget requirements for 2016/17 I considered it necessary to canvass staff to assess their desire to leave the organisation in terms of the VERA policy. I received numerous notes of interest which I considered with my senior management team, studied the business case and concluded my decision based on cost efficiencies and business continuity. My proposed offer of VERA to three staff was agreed with the Treasurer who confirmed support. I should say that the trade union expressed their dissatisfaction at the further reduction to the staff complement.

In adherence with the VERA Procedure section 6.5 states; for cases with a salary up to £50,000 approval is given by the Assessor on the Joint Board's behalf. Section 6.6 states that all approved cases will be reported to the Joint Board and included in an annual report to the Joint Board. As the salary of the three members of staff are below £50,000 I have approved the applications and now complete the procedure by reporting to the Board.

### **5.3 Records Management**

The Keeper of the Records of Scotland wrote to me on 3<sup>rd</sup> June 2015 requesting that I submit my Records Management Plan no later than 30<sup>th</sup> October 2015, this requirement is set out in section 1(1) of the Public Records (Scotland) Act 2011.

The following documentation was submitted by the due date as required;-

- Records Management Policy
- Records Management Plan
- Records Retention & Disposal Policy
- Records Retention & Disposal Schedule

I have placed the documentation on the LVJB website and await comments from the Keeper of the Records which I expect to have by end November.

## **6.0 RISK MANAGEMENT**

### **6.1 Risk Registers**

The job specific risk registers continue to be updated at each service meeting ensuring that all risks are considered and mitigated as soon as practicable. The strategic risk register continues to be reviewed and updated on a regular basis.

### **6.2 Information Technology**

My IT team have been involved in developing a forms management system which should greatly assist with the numerous forms being issued and returned in preparation for the 2017 revaluation. They continue to develop the valuation systems to automate some valuation processes and to ensure values for the 2017 can be uploaded to our in-house valuation system and the Scottish Assessors website.

**7.0 BUILDING ISSUES**

**7.1 Building Maintenance**

The grounds maintenance is now being carried out appropriately. Contractors have visited my office and I hope to have roof and internal repairs carried out prior to the end of the year.

**8.0 FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

**9.0 RECOMMENDATIONS**

As there are no financial implications, nor approvals sought, the Joint Board is requested to note the contents of this report.

**Joan M Hewton  
ASSESSOR & ERO**

**16 November 2015**

## **1 PURPOSE OF REPORT**

1.1 The purpose of this report is to ask the Board to approve an amendment to the undernoted policy.

### **Code of Conduct for Employees**

## **2 MAIN REPORT**

This policy has been reviewed to incorporate a section to inform employees of their responsibility in reporting a potential conflicts of interests regarding misuse of their position, or any information obtained in the course of employment, to further their own interests or the interests of others who do not have a right to benefit under the Board's policies.

The code advises employees that a conflict of interest can arise if their outside activities, private, personal or financial interests influence or interfere, or appear to or could be perceived to influence or interfere, with the decisions they make in the course of their work for the Board.

## **3 CONSULTATION**

Unison have been consulted who have agreed it as a local collective agreement.

## **4 FINANCIAL IMPLICATIONS**

4.1 There is no financial impact.

## **5 ENVIRONMENTAL IMPACT**

5.1 There are no adverse environmental impacts arising form this report.

## **6 RECOMMENDATIONS**

6.1 Lothian Valuation Joint Board is recommended to approve the :-

- a) Revised Code of Conduct for Employees

## **Appendix**

Code of Conduct for Employees

**Joan M Hewton**  
**ASSESSOR & ERO**





**CODE OF CONDUCT  
FOR EMPLOYEES**



# CODE OF CONDUCT FOR EMPLOYEES

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# CODE OF CONDUCT FOR EMPLOYEES

## 1 INTRODUCTION

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- 1.1 Within these notes Lothian Valuation Joint Board is referred to as “The Board.”
- 1.2 This Code of Conduct applies to employees of Lothian Valuation Joint Board and is based upon the National Code for Local Government Employees in Scotland produced by COSLA.
- 1.3 The Public expects a high standard of conduct from all Local Government employees in Scotland. There is a National Code of Conduct for Councillors and it is right that there should be a Code of Conduct for Employees. This Code sets out the minimum standards of conduct that are expected of you as a Board employee. The Board shall ensure that new employees know about their Code, and that all employees are helped to understand the Code.
- 1.4 The Code does not affect employees’ rights and responsibilities under the law; its purpose is to provide clear and helpful advice. Parts of the Code may be more applicable to some employees than others because of the nature of their work, but all employees must comply with the Code. Adherence to the Code will be part of the terms and conditions of employment and a breach of the Code may give rise to disciplinary action. As far as possible, employees should also comply with the Code where they are appointed as a representative of the Board on any organisation, Trust or Company.
- 1.5 Equally importantly, the Code also provides employees with guidance about their rights and duties at work.
- 1.6 The Code incorporates the Key Principles identified by the Begg Committee on Standards in Public Life. These are listed below, altered slightly to place them in a Local Government context.

- **Selflessness**

Employees should not take decisions which will result in any financial or other benefit to themselves, their family, or their friends. Decisions should be based solely on the Board's best interests.

- **Integrity**

Employees must not place themselves under any financial or other obligation that might reasonably be thought to influence them in the performance of their duties.

- **Objectivity**

Employees must make decisions solely on merit when carrying out Board business including making appointments, awarding contracts or recommending individuals for rewards or benefits.

- **Accountability and Stewardship**

As an employee, you are accountable for your decisions and actions to the Board as your employer. The Board, in turn, is accountable to the public.

- **Openness**

Employees should be as open as possible in all the decisions and actions taken, giving reasons for decisions and should not restrict information unless this is clearly required by the provision of the Data Protection Act and/or Freedom of Information Act.

- **Honesty**

As an employee, you have a duty to declare any private interest which might affect your work with the Board.

- **Leadership**

Managers have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the Board.

- **Respect**

Employees must respect Councillors and all Board employees and the role they play, treating them with courtesy at all times.

The Local Government Ombudsman will use the Code as a benchmark of good practice where a complaint of maladministration has been made.

## **2 RELATIONSHIPS**

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### **2.1 The Public**

2.1.1 As an employee, you may have contact with members of the public as users of services, clients or citizens. You should always be courteous and helpful. You should deal fairly, equitably and consistently with each member of the public, and you must follow the Board's policies including the Equal Opportunities Policy.

### **2.2 Councillors**

2.2.1 Employees are responsible to the Board. Their job is to give advice to Members of the Board, and to carry out the Board's work under the direction of the Assessor and Electoral Registration Officer.

### **2.3 Contractors**

2.3.1 As an employee, you must be fair and impartial in your dealings with contractors, sub-contractors and suppliers.

2.3.2 If employees are involved in the tendering process they must follow the Board's procedures and rules about tenders and contracts.

2.3.3 If you are an employee who has both a "client" and "contractor" responsibility in the tendering process, you must observe the requirement for accountability and even-handedness in undertaking these two roles.

2.3.4 If employees have access to confidential information on tenders or costs for either internal or external contractors they must not disclose that information to any unauthorised individual or organisation.

2.3.5 Employees must follow the Lothian Valuation Joint Board's Standing Orders for Contracts, which have been adopted by the Board.

### **3 CONFLICTS OF INTEREST**

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3.1 As an employee, you must not misuse your position, or any information obtained in the course of employment, to further your own interests or the interests of others who do not have a right to benefit under the Board's policies. Such misuse may result in disciplinary action, up to and including dismissal, and in certain cases constitute a criminal offence.

3.2 You should never use your position with the Board to seek special favour or preferential treatment for yourself, relatives or personal contacts.

#### **What is a Conflict of Interest?**

3.3 A conflict of interest can arise if your outside activities, private, personal or financial interests influence or interfere, or appear to or could be perceived to influence or interfere, with the decisions you make in the course of your work for the Board.

3.4 Within this context, outside activities, private, personal or financial interests include those that you or a family member may have.

3.5 These can include involvement in a company or business, or in a club or organisation, and include both employed and non-employed roles and activities, including unpaid or voluntary positions within such organisations.

3.6 A conflict of interest can occur where you have access to Board information and use, or could be perceived as using, this information for personal gain or advantage or this information is passed without authorisation to a family member, personal contact or an external organisation you are involved with, who then gain or could be perceived to gain an advantage or benefit by receiving this information.

#### **3.7 Examples of Conflicts of Interest**

Examples of conflict of interest include (but are not limited to):

- you, a family member, or a personal contact own property which you may be involved in providing a domestic or business valuation which may be affected by a decision or recommendation that you are involved in making, in the course of your work for the Board;
- you are involved in voluntary work for a charity, which may benefit financially or otherwise be affected by a decision or recommendation that you are involved in making, in the course of your work for the Board;
- work / involvement in business outwith the Board, without permission to do so;
- you have access to information at work which may assist or be perceived as assisting you in a private venture;
- you use Board systems / contacts to obtain information for your own financial benefit;
- you are involved in conducting a disciplinary investigation in which a person you have a personal relationship with is involved.

### **Requirement to Declare Conflicts of Interests**

- 3.8 It is your responsibility to declare any actual or potential conflicts of interest. If you are in any doubt about whether an actual or potential conflict of interest exists, you should consult the HR manager.
- 3.9 This will safeguard you from the possibility of future criticism, and allow your manager to plan the work you are involved in accordingly to avoid actual or potential conflicts of interest arising which could impact negatively on the Board and potentially result in disciplinary action up to and including dismissal being taken against you.
- 3.10 Similarly, if a manager becomes aware of an actual or potential conflict of interest, which an employee appears not to have raised, they should raise the matter with the employee and consult with HR Manager for advice on appropriate action.
- 3.11 If you consider there may be a conflict of interest you should complete a Declaration Form – Conflict of Interest. This should be submitted to the HR Manager for consideration.
- 3.12 In the case of the Depute and Heads of Service, the form should be submitted to the Assessor. The Assessor should submit the form to the Clerk to the Board.
- 3.13 The HR Manager must maintain accurate records of declarations made and any actions required regarding declared conflict of interests.

### **Review of Approval**

- 3.14 Where you have declared a conflict of interest, this should be reviewed by the HR Manager on an annual basis to ensure that any actions taken remain appropriate and proportionate.
- 3.15 If there are any material changes which affect your declared conflict of interest in the interim period, this should be reported immediately to the HR Manager.

### **Consequences of non-declaration**

- 3.16 If information comes to light regarding your outside activities, private or personal interests, and the Board considers that you should have made a declaration but chose not to do so, or if you did not fully disclose details of any potential conflict of interest, then disciplinary action up to and including dismissal may be taken against you.

## **4 OPENNESS & DISCLOSURE OF INFORMATION**

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- 4.1 The Board's decision-making process must be transparent and open. The Board must provide the public with clear and accessible information about how it operates. It must also ensure that there is an effective complaints procedure in place for the public to use when things go wrong. However, there are exceptions to the principle of openness where confidentiality is involved, and information may be withheld if, for example, it would compromise a right of personal or commercial confidentiality. This does not apply where there is a legal duty to provide information. If employees are in any doubt whatsoever regarding whether or not to provide particular information, they should consult the Assessor and Electoral Registration Officer.
- 4.2 Employees must, subject to these qualifications, adopt the principle of openness on making information available to the public, and must not break the law in this area.

## 5 PAID EMPLOYMENT OUTWITH THE BOARD

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- 5.1 The Board will normally allow employees to undertake paid employment outside the Board unless there is a clear conflict of interest, or it is likely to have an adverse effect on the work of the Board or the health of the employee and their ability to undertake their duties at work. If an employee is graded PO1 or above and wants to undertake paid employment outside the Board, he/she must first obtain the approval of the Assessor and Electoral Registration Officer. This procedure is in employees' interests and will protect them. Employees are not allowed to use the equipment and resources of the Board in any outside employment except with the express approval of the Assessor and Electoral Registration Officer.
- 5.2 The rules concerning paid employment apply equally to fees which an employee may receive for a publication, broadcast, speech or lecture where he/she has used official information or your own work experience. If an employee is in any doubt, he/she should consult the Assessor and Electoral Registration Officer.
- 5.3 If an employee wishes to use the equipment and resources of the Board for the benefit of a voluntary or charitable organisation, the Board's policy on what assistance can be given to such organisations should be clarified.

## 6 HOSPITALITY

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- 6.1 Employees may receive offers of hospitality when dealing with outside bodies and such offers should be treated with caution. Employees should not accept offers of hospitality unless having considered the following questions: -

*"Can I justify this?"*

*"Would accepting the hospitality lead to legitimate criticism?"*

*"Am I expected to attend because of my position?"*

*"What is the motivation behind the offer?"*

- 6.2 If an employee is in any doubt, they should seek the advice of the Assessor and Electoral Registration Officer.
- Employees must follow the Board's policy on declaring offers of hospitality and follow the current procedures for having any offers authorised.
  - Employees must record hospitality received or given in the Register maintained by the Board.

## 7 GIFTS

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- 7.1 Employees must not accept personal gifts in any case where this might reasonably influence judgement. Employees may keep items of token value, e.g. pens, diaries or small tokens received in thanks. Other than such modest items, all offers of gifts must be recorded in the Register maintained by the Board.



## **8 CORRUPTION**

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- 8.1 It is important that employees are aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything, or for showing favour or disfavour to any person, in the course of working within the Board.

## **9 USE OF RESOURCES**

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- 9.1 Employees serve the public, and must remember this principle when using Board equipment, materials and resources, in order to ensure value for money. The personal use of Board equipment should only occur with the prior approval of the Assessor and Electoral Registration Officer.

## **10 APPOINTMENTS**

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- 10.1 The Board has an approved Recruitment and Selection Policy and employees must follow the Board's policies and all appointments must be made on the basis of merit.
- 10.2 If employees are involved in the recruitment and selection process and have any kind of relationship, which might affect their ability to be impartial, that relationship must be declared to the Human Resources Manager. The Human Resources Manager will decide whether that employee can participate in the recruitment and selection process.
- 10.3 The same procedure must be followed in applying other human resource procedures such as grievance or disciplinary procedures or job evaluation.
- 10.4 Employees must not lobby a Councillor or another colleague either directly or indirectly to secure his/her own appointment or promotion, or the appointment or promotion of another person. If you have been lobbied by an applicant, another colleague, a Councillor or any other person, you must report the matter to the Assessor and Electoral Registration Officer.

## **11 CONTACT WITH THE MEDIA**

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- 11.1 In an employee's work with the Board, contact with the media should only take place where this has been authorised by the Assessor and Electoral Registration Officer. Unless specific arrangements have been made, all such contact, including telephone calls should be referred to the Assessor or Depute Assessors.

## **12 POLITICAL NEUTRALITY**

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- 12.1 The public expects employees to carry out their duties in a politically neutral way, and this must be respected by Councillors. The political activities of a small number of employees are restricted by law. The Board has produced guidance on Politically Restricted Posts where employees holding these posts are disqualified from being or becoming a member of a local authority, member of the Scottish Parliament, member of the House of Commons or member of the European Parliament.

- 12.2 Employees must serve the Board and all Members of the Board, regardless of their political outlook.
- 12.3 Employees must implement the policies of the Board irrespective of personal views.
- 12.4 If employees are asked by a Councillor to provide assistance with a matter that is clearly party political or which does not have a clear link with the work of the Board, they should politely refuse and inform the Councillor that the matter is being referred to the Assessor and Electoral Registration Officer.
- 12.5 Political groups may sometimes seek advice from Board employees. As an employee, you must follow the Board's procedure.
- 12.6 The following is an example of good practice in regulating access by political groups to the advice of employees:-
- The office-bearers (of the group) must first approach the Assessor and Electoral Registration Officer.
  - The office-bearers must tell the Assessor and Electoral Registration Officer what type of advice they are seeking.
  - The Assessor and Electoral Registration Officer will decide whether attendance at the meeting is appropriate and which employee or employees should attend.
  - Once the employee has given the advice to the group, the employee must leave the meeting before any decision is made.
  - Strict confidentiality must be observed by the employee. The discussion in one political group should not be disclosed to another political group or to any member of such a group.

## **13 YOUR RIGHTS AS AN EMPLOYEE**

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### **13.1 Public Statements**

13.1 As a citizen, an employee is entitled to express his/her views about the Board, provided it is not done making use of any private information gained through work with the Board. However, an employee should not, in work capacity, criticise the Board either through the media or at a public meeting, or in any written communication with members of the public.

### **13.2 Access to your Councillor**

As a citizen, employees are entitled to raise with their Councillor any complaint which they have about the services of the Board.

However, if an employee complaint concerns any aspect of his/her work with the Board, however, the employee must make use of the Board's Grievance Procedure.

### **13.3 Equality at Work**

Employees are entitled to expect fair and reasonable treatment from colleagues, managers and Councillors. If an employee feels that he/she has been unfairly treated or has been discriminated against, he/she is entitled to make use of the appropriate Board procedures, eg, Fair Treatment at Work or the Board's Grievance Procedure.

The Board recognises the benefits to be gained from developing good employment relationships at all levels within the organisation and acknowledges the valuable role trade unions play in maintaining this relationship. It is essential, therefore, that employee relation issues are resolved through effective communication and in a climate of mutual respect.

There may be rare occasions when an employee feels that he/she has been required by a colleague, a Councillor or a member of the public, or by an organisation, to act in a way which might be illegal, improper or unethical, or which is otherwise in conflict with the principles of this Code of Conduct. You must report this to the Assessor & Electoral Registration Officer immediately.

The following is an example of good practice which allows concerns of this nature to be raised confidentially inside the Board: -

- If you are in this situation you must report the matter to your line manager.
- If, however, you feel that you cannot discuss the matter with your line manager then you must report the matter to the Assessor and Electoral Registration Officer.
- The Assessor and Electoral Registration Officer will then decide - in consultation, where necessary, with the Board's Monitoring Officer - what action is to be taken, including whether the issue which you have raised can be dealt with through the Board's Grievance Procedure.
- The confidentiality of your concern will be maintained wherever possible.

(The Board's Monitoring Officer is the Director of Corporate Services, City of Edinburgh Council.)

## **14 EMPLOYEE APPEARANCE**

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- 14.1 All employees are required to be neat and tidy in appearance, look smart and be well groomed. Employees should use their judgement and common sense to wear clothes appropriate to their work environment and schedule each day. Attention should be given to personal hygiene.
- 14.2 The Board reserves the right to insist that employees do not wear items and/or jewellery that it believes may cause offence to customers or other members of staff. In particular, it should be noted that symbols, which are overtly party political or political in the wider sense, will not be tolerated.
- 14.3 Employees who are required to wear personal protective equipment should wear these throughout appropriate working periods. Failure to wear personal protective equipment will be treated as a disciplinary offence.

- 14.5 The Board supports the wearing of cultural and religious dress. The exception to this is where the health, safety and welfare of the wearer are compromised by the wearing of such dress and/or where it is likely to enhance the risk to other employees.

## **15 FINANCIAL REGULATIONS**

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- 15.1 Lothian Valuation Joint Board is accountable for the stewardship of public funds. Stewardship is a function of management, and, therefore, a responsibility placed upon the Elected Members and Officers of the Board. That responsibility is discharged by the establishment of sound arrangements and systems for the planning, appraisal, authorisation and control over the use of resources, and by the preparation, maintenance and reporting of accurate and informative accounts. Employees are expected to adhere to the Board's Financial Regulations.

## **16 STANDARDS OF CONDUCT & BEHAVIOUR**

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- 16.1 The Public expects a high standard of conduct from all Local Government employees in Scotland. Employees are, therefore, reminded that they should not engage in conduct which may discredit the Board.
- 16.2 It is the duty of all employees to report any criminal convictions they may incur and should you be charged with any criminal activity which might be detrimental to undertaking the duties of your post, or which might bring the Board into disrepute, you must inform the Assessor and Electoral Registration Officer as soon as possible.
- 16.3 The Board has an E-mail & Internet Policy which all employees must adhere to.
- 16.4 Personal use of Board e-mail facilities can be used in accordance with the current E-mail and Internet Policy.
- 16.5 The Board recognises that there are potential risks associated with the internet and has implemented a security policy. Employees are reminded that they should not use the Board's IT equipment to bring the Board into disrepute for example creating "web-logs". Employees must adhere to the Board's policy/instructions on the use of the internet.
- 16.6 Lothian Valuation Joint Board expects employees to conduct themselves in an appropriate and reasonable manner and in accordance with the standards set down within the range of Board policies.
- 16.7 The Board has a duty to protect the public funds it administers and to this end, expects that its employees should only claim those benefits to which they are entitled. If there is any doubt the employee should speak with their Line Manager or may seek advice from the Human Resources Manager.

## CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES GIFTS & HOSPITALITY REGISTER

### 1 GENERAL

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- 1.1 Uncertainty can arise in relation to the correct approach to take with regard to the offer of gifts, hospitality and other benefits in kind to Officers in connection with their official duties.
- 1.2 Officers will be faced, from time to time, with the difficulty of deciding whether or not to accept gifts and hospitality. It is impossible within a Code of Conduct to cover every sort of circumstances which may arise and an exercise in good judgement will sometimes be required to decide how the public interest, and the Board's good name, may be best served.
- 1.3 This Code of Conduct has been drawn up to provide a basis for making a decision in the vast majority of cases.

### 2 ASSESSOR & ELECTORAL REGISTRATION OFFICER

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- 2.1 The Assessor & Electoral Registration Officer is in a unique position, as the creation of good external relations, both inside and outside the Board's area, is one of the important responsibilities of the Assessor & Electoral Registration Officer, so he/she will inevitably be faced with offers of gifts and hospitality.
- 2.2 A reasonable amount of entertainment is a normal part of the courtesies of public life and extreme strictness could give unnecessary offence to people and organisations with whom the Board's relationship should be cordial.
- 2.3 However, an appearance of improper influence can be easily created and therefore it is important in the case of doubt that the Assessor & Electoral Registration Officer should err on the side of caution.
- 2.4 The extent of the hospitality will be a factor as to its acceptability. It may be more reasonable to join in hospitality offered to a group than to accept something unique to oneself.
- 2.5 When a particular person or body has a matter currently in issue with the Board then a more restrictive approach must be taken. An important criterion in reaching a decision is what interpretation others may reasonably put on a decision to accept an invitation/gift.

### 3 OTHER EMPLOYEES

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- 3.1 Employees at lower levels will often run a greater risk of their actions being misinterpreted, simply because they are often in a much closer working relationship with donors.

- 3.2 Employees must, therefore, report to the Assessor & Electoral Registration Officer on the offer of any gifts or hospitality all offers of gifts and hospitality and whether they should be accepted or refused are recorded on the Gifts and Hospitality Register maintained by the Board.
- 3.3 The Assessor & Electoral Registration Officer will retain a similar Register within which he/she will record offers of gifts or hospitality made to himself/herself and to the Depute Assessors.
- 3.4 All Registers are to be open for inspection by the Assessor & Electoral Registration Officer and Internal Auditor.
- 3.5 Decisions on whether to accept or refuse offers must be made in writing to the donor.

## 4 CORRUPTION

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- 4.1 Employees should be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.
- 4.2 If an allegation is made, it is for the employee to demonstrate that any such reward has not been corruptly obtained.
- 4.3 Employees must report immediately to the Assessor & Electoral Registration Officer if they are concerned that an individual or organisation has made them an offer of a gift or hospitality with a view to gaining preferential treatment in their dealings with the Board.

## 5 GIFTS

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- 5.1 Employees should treat with caution any offer of a gift or favour that is made to them, or to a member of his/her family, by a person or body who have, or may seek to have, dealings with the Board, eg who do, or might, provide work, goods or services to the Board or who need some decision from the Board.
- 5.2 The individual or organisation making an offer may hope to gain preferential treatment in any dealings they have with the Board. Even if this is not their intention, acceptance could lead others to believe this was a factor.
- 5.3 As a general rule, therefore, Board employees are not permitted to accept personal gifts and they must tactfully refuse any such gift offered to him/her by any persons who have or seek dealings with the Board. The offer should be reported to the Assessor & Electoral Registration Officer and recorded in the Gifts and Hospitality Register described above.
- 5.4 The only exception to this rule is a modest gift, given to a wide range of people and not uniquely to the employee. These gifts are usually given at Christmas time, when commercial custom and practice may lead to gifts being sent to customers, including possibly, Board Officers. Nothing more than a calendar, diary or other simple item of office equipment of modest value should be accepted.

- 5.5 An expensive gift should raise a question in the mind of an employee. If in doubt the advice of the Assessor & Electoral Registration Officer should be obtained.
- 5.6 All gifts to be returned should be returned via the Assessor & Electoral Registration Officer. Where the gift is of a perishable nature, the Assessor & Electoral Registration Officer will make arrangements to have it sent to some charitable organisation and the donor informed.

## **6 HOSPITALITY**

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- 6.1 Hospitality can have many forms - lunch/dinner invitations, tickets to sporting, theatre or other events.
- 6.2 Whilst it would be wrong to produce an atmosphere in which all invitations for social involvement with outside bodies were refused, it is important to avoid any suggestion of improper influence or giving others the opportunity reasonably to impute improper influence. Employees should, therefore, treat with caution offers of hospitality. In particular, caution is necessary where hospitality is offered by a person or body having or seeking business with, or a decision from, the Board.
- 6.3 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Board in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Board should be seen to be represented.
- 6.4 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Board may be taking affecting those providing the hospitality.
- 6.5 It is particularly important that any hospitality accepted is of an appropriate scale and nature to the affairs in hand.
- 6.6 Employees must never canvass or ask for hospitality, even in the belief that this may save the Board money. There is too much scope for misinterpretation of intentions and uncertainty about the impartiality of the Officer concerned.
- 6.7 Particular care should be exercised in dealing with contractors, developers, etc. In general, their offers of hospitality should be declined because acceptance, particularly if repeated, may make it difficult to avoid an obligation or may be capable of misconstruction.
- 6.8 Where it is clearly evident that the work of the Board would be facilitated, invitations to attend receptions, lunches, cocktail parties, etc., may be accepted.
- 6.9 All offers of hospitality should be reported to the Assessor & Electoral Registration and recorded within the Gifts and Hospitality Register described above.

## **7 OFFERING HOSPITALITY/GIFTS**

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- 7.1 There may be occasions when Officers are in a position to offer hospitality/gifts to be provided at the Board's expense. The above considerations in relation to appropriateness, appearance of improper influence, apparent closeness of personal relationships and public perception have equal application.

- 7.2 Officers should have continual regard to the scope for misinterpretation of intentions and uncertainty about the impartiality of the Officer concerned.
- 7.3 All instances of offering hospitality/gifts at the Board's expense should be reported to the Assessor and Electoral Registration Officer and recorded within the Gifts and Hospitality Register described above.



### Conflict of Interest Declaration Form

As an employee of Lothian Valuation Joint Board you are required to complete this form if you consider that you, a family member, or a personal contact, has a private, personal or financial interests or involvement in outside activities, which may relate to your work with the Board and could result in a perceived or actual conflict of interest.

#### Section 1: Personal Details

Name:

Job Title:

Pay Number:

#### Section 2: Type of Interest (please tick as appropriate)

Financial (you) [  ]

Financial (family member) [  ]

Financial (personal contact) [  ]

Membership of Organisation/Club [  ]

Other (Please explain) [  ]

#### Section 3: Explanation of Potential Conflict

Please provide as much detail as possible and explain why you consider this is or could be interpreted as a conflict of interest (continue on a separate page if necessary).

**Declaration**

**I confirm that the above information is accurate and contains all the relevant details.**

**I have read the Code of Conduct and agree to comply the terms detailed in it.**

<b>Signature:</b>	<b>Date:</b>
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**Section 4: Manager Details**

**Name:**

<b>Job Title:</b>	<b>Pay Number:</b>
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**Section 5: Action Taken (for completion by manager)**

**Please explain the action you have taken in light of the information provided:**

**Declaration**

**I confirm that the above information is accurate and contains all relevant details.**

**I confirm I have notified the employee concerned of any further action that s/he must undertake.**

<b>Signature:</b>	<b>Date:</b>
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**1 PURPOSE OF REPORT**

1.1 The purpose of the report is to ask the Board to approve the undernoted.

- **Local Government Pension Scheme (Scotland) Regulations 2014-Regulation 58 Discretions Policy Statement**

**2 MAIN REPORT**

The Discretions Policy statement has been revised in line with the new Local Government Pension Scheme regulations, and will be presented to Lothian Pension Fund in accordance with Pension Scheme regulations.

**3 CONSULTATION**

No consultation has taken place with Unison as this is not required.

**4 FINANCIAL IMPLICATIONS**

4.1 There is no financial impact.

**5 ENVIRONMENTAL IMPACT**

5.1 There are no adverse environmental impacts arising from this report.

**6 RECOMMENDATIONS**

6.1 Lothian Valuation Joint Board is recommended to approve the:-

- a) Discretion Policy Statement

**Appendix 1**

Discretion Policy Statement

**Joan M Hewton  
ASSESSOR & ERO**



THE LOCAL GOVERNMENT PENSION SCHEME (SCOTLAND)  
REGULATIONS 2014 – Regulation 58

# DISCRETION POLICY STATEMENT

<b>DISCRETIONS POLICY STATEMENT</b>	
Approved By	Lothian Valuation Joint Board
Date of Approval	16 November 2015
Owner	Bill Kerr, Human Resource Manger
Issue & Date	
Identity	Discretions Policy Statement
Location of electronic copy	Share Point
Location of paper copy	Human Resources
Change Authority	
Review Frequency	
Next Review Date	

Issue	Author	Date	Details of Change

## **Discretions Policy Statement**

### **CONTENTS**

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2. Scope
3. Definitions

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6. Flexible retirement
7. Waiving Actuarial Reduction on Early Retirement between 55 and 60
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10. Voluntary Early Retirement for Former Employees aged 55 and 60
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### **Discretions - Non Compulsory Policy Statement**

12. Establishment of shared cost AVC schemes
13. Forfeiture of pension rights after conviction of employment related offences
14. Recovery or retention where former member has misconduct obligation
15. Inward transfer of pension rights
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18. Discretionary Payments
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Appendix 1: Definitions

## **1. DISCRETIONS POLICY STATEMENT**

- 1.1 Under Regulation 58 of the *Local Government Pension Scheme (Scotland) Regulations 2014*, each employer who is a member of the Local Government Pension Scheme is required to have a discretions policy statement covering the various discretions that are contained in the regulations.
- 1.2 The new regulations came into effect on 1 April 2015.
- 1.3 This Discretions Policy Statement sets out which of the discretions the LVJB intends to adopt and how it will operate them. When coming to a decision about the discretions that are available, the main consideration has been how the use of a discretion would look to the general public, in terms of whether it could lead to a serious loss of confidence in the LVJB as a publicly funded body.

## **2. SCOPE**

- 2.1 Some of the statements are compulsory, in that every member of the Local Government Pensions Scheme must publish their intentions towards some discretions. Others are optional. The Discretions Policy Statement groups the compulsory and non-compulsory discretions together under separate headings, for ease of reference.
- 2.2 LVJB's position applies to all LVJB employees who are members of the Local Government Pension Scheme.

## **3. DEFINITIONS**

- 3.1. There is a list of definitions and an explanation of terms in Appendix 1.

## **COMPULSORY DISCRETIONS**

### **4. Additional Pension Contributions (APCs) (Regulation 16(2)(e) & 16(4)(d) of the LGPS (Scotland) Regulations 2014)**

#### **4.1 LVJB Policy:**

*LVJB's policy on this is **not** to enter into Shared Cost APCs with employees who wish to increase their pension because of the additional employer costs.*

## Explanation

- 4.2 This regulation deals with employees buying **additional** pension contributions to increase their pension. Employees can choose to buy additional pension up to an agreed limit, which is subject to annual increase in line with the Pensions (Increase) Act 1971 (£6,500 from 1<sup>st</sup> April 2015). Pension contributions like this are called Additional Pension Contributions (APCs).
- 4.3 The Regulations allow LVJB to pay the associated employer costs, where an employee has chosen to buy additional pension. Given that this is an extra cost to LVJB, and APCs are additional pension beyond the standard pension available to all employees, LVJB's Policy is not to enter into Shared Cost APC's to increase employees' pensions.

## How it works

- 4.4 The regulations allow employers to enter voluntarily into an APC contract with a pension member who is contributing to the main section of the scheme, in order to purchase additional pension of not more than the additional pension limit.
- 4.5 The scheme member can choose to make their additional pension contributions in regular instalments (in accordance with Regulation 16(2) (e)) or as a lump sum (in accordance with Regulation 16(4) (d)).
- 4.6 Employees looking for more information about APCs should contact Lothian Pension Fund, in the first instance.

## 5. Early Payment of Pension on or after age 55 but before age 60 (Regulation 29(5) of LGPS (Scotland) Regulations 2014) – still in employment

### 5.1 LVJB Policy:

- *LVJB will **not** have a policy of granting early payment of benefits (i.e. early retirement) on or after age 55 and before age 60 to those still in employment when they make the request;*
- *Where the LVJB does agree that an employee may retire early, they will **not** have a general policy of waiving the actuarial reduction by applying the rule of 85 protections.*

## Explanation

- 5.2 Employees can only retire early with LVJB's agreement. Employees can apply for early retirement and details about this can be found in the [Managing Retirement Policy](#). All requests are considered on a case-by-case basis. LVJB will only allow early retirement where a sound business case can be made for doing so or where other exceptional circumstances make payment of those benefits justifiable.



- 5.3 When employees retire early, their pensions may be subject to an actuarial reduction, to compensate for them leaving the fund earlier than expected. The 2014 Regulations give employers the discretion to turn on the rule of 85 protections (see section 8, below).

#### **How it works**

- 5.4 If LVJB agrees that an employee can retire early, LVJB has to meet the pension strain costs associated with that decision and the employee's pension is also subject to an actuarial reduction. If LVJB decides to apply the rule of 85 protection, the resulting pension strain costs that have to be met would increase. This strain cost must be included in the early retirement business case and the cost savings test will still have to be met before the case can be approved.

### **6. Flexible Retirement (Regulation 29(6) of the Local Government Pension Scheme (Scotland) Regulations 2014)**

#### **6.1 LVJB Policy:**

*LVJB has adopted this regulation and details of our flexible retirement scheme can be found in the [Managing Retirement Policy](#).*

#### **Explanation**

- 6.2 Flexible retirement is where employees, who are pension members and are aged 55 or over, can ask LVJB to allow them to access their pension benefits while agreeing to work either reduced hours and/or at a lower grade.
- 6.3 Approval will be subject to it being shown that the request is operationally beneficial, will result in a clear business benefit to LVJB and the costs are affordable and can be met.

#### **How it works**

- 6.4 When pension members take flexible retirement, they must take all the pension benefits they have accrued in respect of membership before 1 April 2009.
- 6.5 For pension accrued from 1 April 2009, members can decide to:
- take all, part or none of the benefits in respect of membership from 1 April 2009 onwards;
  - take any additional benefits such as added years contracts, additional pension contracts (APCs), additional voluntary contributions (AVCs) or additional pension or membership awarded by the employer.
- 6.6 Where they decide to take part or none of the pension they have accrued since 2009, they will get access to that once they retire.

- 6.7 If the rule of 85 applies, there may still be some actuarial reduction to the member's pension. This will depend on when the member joined the LGPS and other variables.
- 6.8 Where there is an actuarial reduction, the regulations give LVJB the option to waive the reduction but this would result in LVJB having to meet that cost. LVJB does **not** have a general policy of waiving any actuarial reductions (see 7 below).

**7. Waiving Actuarial Reduction on Early Retirement aged 55 and under 60 (Regulation 29(8) of LGPS (Scotland) Regulations 2014 – still in employment.**

**7.1 LVJB Policy:**

*LVJB **will not waive** any reduction which would normally be applied to the member's benefits.*

**Explanation**

- 7.2 Any scheme member can ask for the early payment of their pension benefits, providing they are aged between 55 and 60. However, the benefits may be reduced for early payment.
- 7.3 LVJB allows employees to request early retirement under the [Managing Retirement Policy](#), as noted at 5, above.
- 7.4 LVJB has the discretion to waive the reduction that would apply. However, doing so would mean LVJB would be liable to cover the pension strain costs that would apply. Therefore, LVJB **has not adopted** this discretion.

**8. Choice of Early Payment of Pension Schedule 2 (Paragraphs 2 & 3 of the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014)**

**8.1 LVJB Policy:**

*LVJB **will not** have a general policy of applying the Rule of 85 in cases where early retirement is agreed. Nor will LVJB waive any reduction that would normally be applied to the benefits.*

**Explanation**

- 8.2 This regulation deals with applying the rule of 85 to employees retiring early under Regulation 29 (5) between age 55 and 60.

- 8.3 The rule of 85 does not automatically apply to members who voluntarily retire and take their pension benefits on or after age 55 and before age 60 (except in cases of flexible retirement). As a result, the member's benefits may be actuarially reduced.

#### **How it works**

- 8.4 The new regulations allow LVJB the discretion to apply the 85 year rule protections to avoid pension members having their benefits reduced. There is also the option of waiving part of the actuarial reduction. If LVJB agreed to do this, LVJB would then have to meet the pension strain costs. For this reason, LVJB has chosen not to adopt this discretion.

### **9. Award of Additional Pension (Regulation 30 of the Local Government Pension Scheme (Scotland) Regulations 2014)**

#### **9.1 LVJB Policy:**

*LVJB will **not** have a general policy of awarding additional pension.*

#### **Explanation**

- 9.2 This regulation allows employers to award current members up to £5,000 additional pension. Employers can also make an award to former employees whose employment was terminated on the grounds of redundancy or the interest of efficiency, provided they do this within 6 months of the employee leaving.
- 9.3 LVJB may consider written requests on their individual merits, where there is a financial or operational advantage to LVJB and will consider individual cases on their merits.

#### **How it works**

- 9.4 An employer may award a member additional pension which would become payable from the same date as the member's normal pension. The maximum extra pension which can be awarded is £5,000. Such awards can be made to current members or, within 6 months of leaving, to members whose employment was terminated on the grounds of redundancy or the interest of efficiency. The employer must make an appropriate payment into the fund within one month of making a decision.
- 9.5 The figure of £5,000 will be increased annually each April (from April 2016) under the Pension (Increase) Act 1971.

### **10. Voluntary Early Retirement for Former Employees aged 55 and 60 (Regulation 29(5) of the Local Government Pension Scheme (Scotland) Regulations 2014)**

## 10.1 LVJB Policy:

*LVJB will **not** have a general policy of allowing early payment of benefits for former employees, but will consider applications on their merits.*

### Explanation

10.2 This deals with former employees of the LVJB who:

- were members of Lothian Pension Fund;
- left the Scheme after 1 April 2015; and
- want to access their pension early.

10.3 This is an option in the Scheme Regulations which allows former members of staff to access their deferred pension benefits early, provided they are at least 55 years old and have LVJB's agreement.

### How it works

10.4 Where the member has left LVJB employment and is aged 55 or over and under age 60, they can ask for the early payment of their deferred pension benefits, providing they are not in local government employment. They need to get LVJB's agreement to early payment.

10.5 LVJB may wish to agree to early payment where there are financial or operational benefits in doing so. Financial hardship of the former employee will not, in itself, be considered grounds for agreement. Where early payment is agreed, LVJB will not have a general policy of applying the Rule of 85, or waiving any reduction which would normally be applied to the benefits.

## 11. Voluntary Early Retirement between the ages of 55 and 60 (Regulation 30 of the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008) – Former Employees

### 11.1 LVJB Policy:

- *LVJB will **not** have a general early release policy for former employees, but will consider applications on their merits. LVJB may agree, where it can be demonstrated as being in LVJB's financial or operational interests.*

### Explanation

11.2 This regulation deals with former employees of LVJB who were members of Lothian Pension Fund, who are covered by the 2008 regulations and who want to access their pension early.

- 11.3 It applies to former employees with deferred benefits who left the Scheme before 1 April 2015. The Scheme Regulations allows former members to obtain access to their deferred benefits early provided they are at least 55 years old. Benefits would be reduced for early payment of pension. The amount of the reduction depends on the extent of the protection applicable to the member in respect of the 'Rule of 85'. The reduction is calculated in accordance with guidance issued by the Government Actuary's department.
- 11.4 Decisions to award early payment of benefits under this regulation put a strain on the pension fund, which results in a pension strain cost being passed on to LVJB. However, LVJB has the discretion to agree where it could be demonstrated that there were financial or operational benefits in doing so.

### **How it works**

- 11.5 Any scheme member aged 55 or over, who has left their employment, can ask for the early payment of pension benefits. If the member is under age 60, it is at LVJB's discretion whether to agree to early payment. (This discretion may also apply to former members with deferred pension rights when they attain age 50, depending on when they originally joined Lothian Pension Fund).
- 11.6 If LVJB does agree, it can then go on to consider whether any actuarial reduction should be made.
- 11.7 Where there is an actuarial reduction, the regulations give LVJB the option to waive the reduction but this would result in LVJB having to meet that cost. LVJB does **not** have a general policy of waiving any actuarial reductions

## **DISCRETIONS - NON COMPULSORY POLICY STATEMENT**

### **12. Establishment of shared cost AVC schemes (Regulation 17(1) of the Local Government Pension Scheme (Scotland) Regulations 2014)**

#### **12.1 LVJB Policy:**

*The policy of LVJB is **not** to establish a shared cost AVC scheme.*

#### **Explanation**

- 12.2 This regulation allows LVJB to set up an additional voluntary contribution (AVC) scheme, which would require contributions from the LVJB. Scheme members already have access to an AVC arrangement, which accepts member-only contributions.

12.3 No employing authority in the UK has established a shared cost AVC scheme. To do so would result in further costs for the employer.

**13. Forfeiture of pension rights after conviction of employment related offences  
(Regulation 89 of the Local Government Pension Scheme (Scotland) Regulations 2014)**

**13.1 LVJB Policy:**

*The LVJB reserves the right to exercise this discretion, should the need arise, in the interest of maintaining confidence in the public service.*

**Explanation**

13.2 This regulation deals with current employees, who are member of the Local Government Pension Scheme, and are convicted of serious offences. In these circumstances, LVJB can apply to the Scottish Ministers to forfeit all or part of a scheme member's pension benefits. This would only apply in cases where the conviction was for a serious offence which was either '*gravely injurious to the State*' or '*liable to lead to serious loss of confidence in the public service*'.

13.3 It is recommended by Lothian Pension Fund that all employers adopt this provision.

**14. Recovery or retention where former member has misconduct obligation  
(Regulation 90 of the Local Government Pension Scheme ((Scotland) Regulations 2014)**

**14.1 LVJB Policy:**

*LVJB reserves the right to exercise this discretion, should the need arise, in the interest of maintaining confidence in the public service.*

**Explanation**

14.2 This regulation deals with situations where LVJB suffers a loss arising from a criminal, negligent or fraudulent act by an employee or a former employee. This provision allows LVJB to recover funds to cover that loss from the former employee's pension benefits, providing that all other efforts to recover the loss have been exhausted.

## How it works

14.3 This provision allows employers to recover monies from pension benefits in respect of acts of theft or fraud carried out by an employee. For example, the theft of a substantial sum of money could be recovered from a scheme member's pension benefits. This provision can also apply to former employees by deducting this amount from a member's pension so they only receive the reduced pension when they retire. It is recommended by the Lothian Government Pension Scheme that all employers adopt this provision.

## 15. Inward Transfers of Pension Rights (Regulation 98 of the Local Government Pension Scheme (Scotland) Regulations 2014)

### 15.1 LVJB Policy:

*LVJB will **not** have a general policy of allowing late transfers to proceed in respect of the inward transfer of pension rights from schemes that the Lothian Pension Fund recognises.*

## Explanation

15.2 This covers cases where new employees to LVJB want to transfer service accrued with other pension funds to the Lothian Pension Fund. Lothian Pension Fund does not, and will not, permit the inward transfer of pension rights from private sector pension schemes or personal pension arrangements.

15.3 The Scheme Regulations allow members to transfer previous pension rights into the Local Government Pension Scheme. The Regulations state that all transfers must be requested within **12 months** of the member joining the scheme. However, employers and administering authorities have the discretion to allow transfers to proceed after this time-limit has expired.

15.4 Allowing late transfers results in a cost to LVJB. This will be a particular consideration if there is a possibility that early retirement may be considered in the future, as such an increase in liabilities could give rise to increased strain on Fund costs.

## How it works

15.5 Employees can apply and LVJB will consider individual applications for late transfers on their merits and may, in agreement with Lothian Pension Fund, exercise discretion to allow a late transfer to proceed where there is no financial impact on either LVJB or Lothian Pension Fund and/or if there are extenuating circumstances as to why the member did not request the transfer previously.

## 16. Member Contributions (Regulation 9(4) of the Local Government Pension Scheme (Scotland) Regulations 2014)

### 16.1 LVJB Policy:

*LVJB reserves the right to exercise this discretion should the need arise providing that a consistent approach is taken, in the interest of maintaining confidence in the public service.*

### Explanation

16.2 This regulation covers cases where employees move to a different pay band during the financial year, which would result in a change to their pension contributions. Under this regulation, LVJB may adjust a member's contribution rate during the financial year if their pay changes.

### How it works

16.3 Employers have to allocate members into the appropriate contribution bands annually. If a member's pay moves into a different band during a financial year, the employer has discretion to implement the new band immediately but may prefer to wait until the next annual review.

## 17. Additional Pension Contributions (Regulation 16 (16) of the Local Government Pension Scheme (Scotland) Regulations 2014)

### 17.1 LVJB Policy:

*Employees who have gaps in their pension contributions due to agreed unpaid leave can choose to buy back the missing element. They must decide to do this within 30 days of returning to work. LVJB will **not** generally agree to extend the 30-day time limit, but may do so exceptionally, where an employee provides evidence of extenuating circumstances.*

### Explanation

17.2 This covers cases where employees have a gap in their contributions following an agreed period of absence from LVJB.

17.3 Under this regulation employees must make a written request to LVJB to buy back lost pension within 30 days of returning to work. If they decide to do so the cost of buying back the lost pension will be shared with the employer. The Regulations give the employer discretion to extend the 30-day time limit.

### How it works

17.4 Where an employee decides to buy back missed pension contributions within 30 days of returning to work, the employer **MUST** pay the associated employer costs. There is no discretion around this. The



Regulations are quite clear that the employer must meet the costs if the employee's request is made within the 30-day deadline. The mechanism for these payments is a Shared Cost Additional Pension Contract.

**18. Discretionary Payments  
(The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998; and the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 2008)**

18.1 The Discretionary Payments and Injury Benefits Regulations allow employers, such as LVJB to make discretionary payments to employees, who may also get access to their pension at the same time, in relation to:

- Injury Allowances;
- Redundancy payments;
- Awarding compensatory added years; and
- Gratuities for non-pensionable service.

18.2 Under regulation 51A, LVJB must formulate and publish a policy in relation to:

- **Regulation 4:** basing redundancy payments on an actual weeks pay where this exceeds the statutory weeks pay limit;
- **Regulation 35:** awarding compensation for redundancy payment of up to 104 weeks pay;
- **Regulation 8:** awarding compensatory added years; and
- **Regulation 49B:** ill-health gratuities.

18.3 It is up to each employer to consider how to deal with these discretions within the context of its own policies on severance, redundancy and early retirement.

18.4 In considering how it makes these payments, all employer members of the Local Government Pension Scheme must have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service. All employer members are urged to ensure that they are satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

**Calculation of Severance and Redundancy Payments**

18.5 LVJB's method of calculating severance and redundancy payments can be found in the LVJBs' policies on the Intranet.

**Added Years with Early Access to Pension**

18.6 LVJB will **not** have a general policy of awarding added years compensation in redundancy cases where the employee is also getting access to their pension.

- 18.7 LVJB will consider each individual case on its merits and have regard to the operational benefits, the affordability of the proposal and the extent to which the case meets LVJB's cost/saving test and provides a financial benefit of 25% of basic annual pay.
- 18.8 Where added years are agreed, the employee's redundancy payment will not be enhanced i.e. it will be based on the statutory weeks pay limit multiplied by the statutory number of weeks.
- 18.9 The level of added years to be awarded in each case is determined by the statutory conditions and the local conditions applied by LVJB which:
- i) limit added years to one added year for every two years of Pension Scheme service; and
  - ii) limit the maximum award of added years to 5 years.
- 18.10 Added years will be reduced where that is necessary to ensure the required financial benefit is provided.
- 18.11 These local conditions may apply to voluntary severance/ redundancies and compulsory redundancies. An employee does **not** have the right to have an application for added years considered or approved.

### **III-Health Gratuities**

- 18.12 Regulation 49B allows LVJB to make discretionary payments to employees who leave on the grounds of capability but who do not meet the criteria for ill-health retiral, either in terms of length of pension membership or the medical criteria for ill-health retiral. In these circumstances, LVJB has the discretion to make a payment of not more than the equivalent of 30 weeks pay.
- 18.13 Given the cost of this, LVJB **will not** pay ill-health gratuities in these circumstances.

### **19. Review**

- 19.1 In making this Discretions Policy Statement, LVJB has referred to the statutory provisions and to advice from the City of Edinburgh Council as the Pension Scheme administering authority.
- 19.2 This Discretions Policy Statement will be kept under review and will be revised as and when necessary to reflect any changes in regulations or policy. Any changes to this Discretions Policy Statement will be advised to the administering authority and scheme members in writing within one month of the change taking effect.

**DEFINITIONS/EXPLANATION OF TERMS**

Actuarial reduction	If you leave the pension fund before age 65, your pension may be reduced as your pension is being paid earlier than expected and will be payable for longer. The reduction is based on factors calculated by the Government Actuary's Department.
Additional Pension Contribution (APC)	These are payments that pension fund members can make to cover some gaps in their pension contribution history or to increase their pension benefits.
APC contract	When an employee makes additional pension contributions to increase pension benefits or to make up for lost pension, these are paid over an agreed period of time, and this is known as an APC contract.
AVC	Additional voluntary contribution. LVJB staff can choose to pay these through the in-house AVC scheme with Prudential or Standard Life.
Deferred pension benefits	The pension built up by someone who has left the pension fund.
Early payment of pension/benefits	Early retirement.
LGPS	Local Government Pension Scheme – a nationwide scheme for employees working in local government. The Scheme is administered locally for participating employers through 99 regional pension funds.
LPF	Lothian Pension Fund - the regional pension fund that administers the LGPS for the LVJB.
Pension member	A member of staff (or ex-members of staff) who pays, or paid, contributions into the LGPS.
Pension strain cost	The charge that may be made by LVJB to compensate LPF if you retire early.
Rule of 85	Where your calendar length of active membership of the LGPS and your age, when added together, come to 85, you may have some protection against actuarial reduction, depending on when you joined the scheme.

**1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to ask the Board to approve significant amendments to the undernoted procedure.

**Managing Attendance Procedure**

**2 MAIN REPORT**

- 3.1 This procedure has been reviewed to assist line managers to monitor, control and improve attendance levels and to reduce the adverse impact of sickness absence on staff and service delivery. The significant changes to the procedure are long term absences will now be managed in line with the trigger levels and staged process which are adopted for short term absences. The trigger levels and the staged warnings have also been revised to ensure a tighter control over absence management

**3 CONSULTATION**

Unison have been consulted and have agreed the procedure as a local collective agreement.

**4 FINANCIAL IMPLICATIONS**

- 4.1 There is no financial impact.

**5 ENVIRONMENTAL IMPACT**

- 5.1 There are no adverse environmental impacts arising from this report.

**6 RECOMMENDATIONS**

- 6.1 Lothian Valuation Joint Board is recommended to approve the :-
- a) Managing Attendance Procedure

**Appendix**

Draft Managing Attendance Procedure

**Joan M Hewton**  
**ASSESSOR & ERO**



MANAGING  
ATTENDANCE  
PROCEDURE

**MANAGING ATTENDANCE PROCEDURE**

Approved By	Lothian Valuation Joint Board
Date of Approval	
Owner	Bill Kerr
Issue & Date	1
Identity	Managing Attendance Procedure
Location of electronic copy	
Location of paper copy	Human Resources
Change Authority	
Review Frequency	Yearly
Next Review Date	15 November 2016

Issue	Author	Date	Details of Change

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## MANAGING ATTENDANCE PROCEDURE

(Covering all employees)

### 1 INTRODUCTION

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1.1 Lothian Valuation Joint Board (LVJB) and Unions recognise that a high level of attendance, achieved in accordance with the aims of the Joint Board's Policy on Absence Management, is a vital factor in providing effective and efficient operation of Joint Board Services. High levels of attendance will contribute positively to the provision of direct quality service provision in the context of a best value regime. The aim of this procedure is to provide such a basis for dealing with sickness absence.

This procedure is designed to help line managers monitor, control and improve attendance levels and to reduce the adverse impact of sickness absence on staff and service delivery. All sickness absence will be dealt with using this procedure.

1.2 LVJB recognises that high attendance levels are a vital factor in providing cost-effective and efficient services. All parties to this agreement recognise that high sickness absence levels adversely impact on staff and service delivery and are therefore unsustainable.

1.3 The Senior Management Team will oversee the operation of the procedure.

1.4 Key to the operation of the procedure will be the consistent application of its provisions. Management discretion used appropriately will, when used in conjunction with other supportive policies and procedures, provide employees with appropriate support to improve their attendance levels where possible/practicable.

1.5 The effective management of sickness absence must be a high priority for all line managers.

1.6 LVJB sickness absence trigger points have been set and will be reviewed regularly.

1.7 To promote continuous improvement in the area of sickness absence, it is mandatory for line managers to continuously monitor their staff's attendance.

1.8 A key tool in the effective management of absence is the **Return to Work** interview. It is mandatory to undertake a return to work interview each time an employee returns to work from a period of sickness absence, even where the absence duration is only one day.

1.9 The procedure provides a process for Managing Attendance which may result in action being taken up to, and including dismissal on capability grounds.

1.10 Line managers will ensure that employees are made aware of the Procedure and that their attendance will be monitored against the trigger levels set by LVJB. In addition, they will also be responsible for operating the procedural arrangements for their employees.

1.11 Medical information relating to cases will be kept strictly confidential.

1.12 Where sickness absence relates to an employee with a disability, line managers require to comply with the Equality Act and the duty to make reasonable adjustments. Advice must be sought from the Human Resource Manager



- 1.13 This procedure has been developed in compliance with the legislative framework and guidance on the public sector equality duty.
- 1.14 An employee has the right to be represented by a Trade Union representative or a work colleague at any formal stage meeting convened under this procedure.

## 2 NOTIFICATION OF ABSENCE

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- 2.1 An employee must telephone their line manager or alternative designated contact on the first day of absence in accordance with the reporting arrangements for LVJB and provide the following information:
- the reason for absence
  - an anticipated return to work date
  - any work commitments that may need to be rearranged or re-allocated

If an employee cannot make personal contact, they must ensure that notification is always made on their behalf, in line with the appropriate contact arrangements.

- 2.2 E-mails or text messages **are not accepted** as an appropriate method of notification other than when they are agreed for use as a reasonable adjustment in the case of an employee with a disability.
- 2.3 Failure to notify the designated contact without good reason will lead to the absence being deemed unauthorised and will result in the withholding of sickness absence payments and possibly disciplinary action. If a satisfactory explanation is provided after investigation of the circumstances, payment will be re-instated.
- 2.4 If a manager has not heard from an employee on the first day of absence, within the timescales indicated in reporting arrangements, they should try to establish contact later on the first day and also on successive days, in an attempt to determine the reason for the absence.
- 2.5 Contact made with employees in accordance with this provision is considered reasonable. This is neither harassment nor an invasion of privacy as it is the responsibility of the manager to establish the whereabouts of the employee and why they are not at work.
- 2.6 The employee must update their line manager on their absence on the fourth and seventh day of absence and weekly thereafter. Failure to do so will result in the withholding of sickness absence payments. If a satisfactory explanation is provided after investigation of the circumstances, payment will be re-instated. In the case of a long term absence appropriate contact periods will be agreed with the employee.

## 3 CERTIFICATION OF ABSENCE

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- 3.1 For an absence of **seven calendar days or less**, the employee must submit a self-certificate form to their line manager on the day they return to work unless a Medical Practitioner has issued a Fit Note for the entire period of the absence.
- 3.2 For an absence continuing for **more than seven calendar days**, in addition to completing a self-certificate form, the employee must consult a Medical Practitioner and obtain a Fit Note. The Fit Note must be forwarded immediately to the HR manager. If the absence is likely to continue beyond the date shown on the medical certificate the employee should consult their Medical Practitioner again and submit additional Fit Notes to cover the period of their absence.
- 3.3 If the employee's health improves, they will be expected to return to work at the end of the period and under any specific workplace/ working time adjustments/restrictions specified in the most current Fit Note if operationally feasible. In the case of an employee with a disability, any adjustments which are deemed reasonable and able to be accommodated will be made.

## 4 UNAUTHORISED ABSENCE

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- 4.1 When an employee's absence is not supported by appropriate documentation or where the correct notification procedure has not been followed, this will be regarded as unauthorised absence and sickness absence payments will be withheld. If a satisfactory explanation is provided after investigation of the circumstances, payment will be re-instated.
- 4.2 However, if, after investigation and consideration of the circumstances and any explanation given, the absence remains unauthorised, pay will not be re-instated and the matter will be dealt with under LVJB's disciplinary procedure. Any such action will not prevent the absence itself being dealt with under the provisions of this procedure.

## 5 SUSPENSION OF SICKNESS PAYMENTS

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- 5.1 Sickness payments will be suspended where an employee abuses the provisions of this procedure. Examples of abuse will be:-
  - Sickness due or attributable to deliberate conduct prejudicial to recovery e.g. a failure to take the necessary steps to assist recovery or to deliberately act in a way which sets back the employee's recovery.
  - The employee's own misconduct or neglect.
  - Active participation in professional sport i.e. under a contract.
  - Injury while working in the employee's own time on their own account for private gain or for another employer.
  - Fraudulent claims for sickness payments which are likely to constitute gross misconduct and could lead to dismissal.

- 5.2 Where such an abuse constitutes misconduct it will be dealt with under the provisions of LVJB's disciplinary arrangements. This will not prevent the absence itself being dealt with under the provisions of this procedure.

## 6 PROCEDURAL RECORDING AND MONITORING

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- 6.1 The Senior Management Team will oversee the operation of the procedure, and work with line managers to continuously improve attendance levels.
- 6.2 Managers must **notify Human Resources of all sickness absences on the first day of absence or as soon as possible thereafter.**

This information is used to:-

- Ensure timely notification of changes in sick pay level (ie a reduction to half pay or to zero pay).
  - Produce absence reports.
  - Produce reports of formal action taken.
  - Monitor the effectiveness of LVJB's Managing Attendance arrangements.
- 6.3 Each line manager is required to monitor attendance levels within their team and apply the formal stages of this procedure in line with sections 11 and 12 below.
- 6.4 An early decision must be made by the line manager on whether the issue is one of short-term or long-term absence or if a recognisable pattern of absence has emerged. In reaching a decision, the nature of the absence and the employee's current medical circumstances should be taken into account when determining a way forward e.g. their disability, a planned recuperation/ rehabilitation following hospitalisation.
- 6.5 Line managers must maintain records of actions taken and when they were taken. All formal documentation must be passed to Human Resources for retention in personnel files.
- 6.6 The Human Resource Manager must be consulted prior to the exercising of any managerial discretion which results in the formal stages of the procedure not being used.

## 7 WELL-BEING AND PREVENTATIVE ACTION

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- 7.1 LVJB encourages employees to adopt and pursue healthy lifestyle options which can contribute to a positive work-life balance and lead to lower employee sickness absence levels.
- 7.2 LVJB offers supportive measures such as a confidential employee counselling service and physiotherapy.

- 7.3 Effective monitoring of sickness absence can identify issues which, if tackled early, can impact positively on an employee's well-being/ absence level, for example sickness absence related to stress or musculoskeletal problems.

## 8 TERMINAL ILLNESS

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- 8.1 Where an illness or medical condition is diagnosed as one from which the individual will not recover ie their illness/condition is terminal, the formal stages of this procedure **will not** operate and any medical referral will only be to assist in the employee's wellbeing.

## 9 TRIGGER POINTS

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- 9.1 Sickness absence will be considered as problematic and having an adverse impact on individual and /or team performance and service delivery where any of the following trigger points are reached:

### Short-term

- a) Three instances of sickness absence within a 6 month rolling period; or
- b) Eight days of sickness absence within a 6 month rolling period.

### Long-term

- c) Eight weeks of continuous sickness absence.

### Review Periods

- d) Review periods for employees placed on a stage warning for sickness absence will normally be as undernoted:-

<b>Stage 1</b>	<b>6 months</b>
<b>Stage 2</b>	<b>9 months</b>
<b>Stage 3</b>	<b>12 months</b>

### Pattern

- d) Other recurring or recognisable patterns such as sickness absence which occur. Examples include:-
  - On a Friday and/or a Monday.
  - Before or after public holidays or periods of annual leave.
  - Before, during or after school holidays.
  - Regular patterns of sickness absence in a year or in successive year's ie specific recurring dates when sickness absence occurs.

## 9.2 Disabled Employees

In the case of employee with a disability, it may be appropriate to increase the trigger levels as a reasonable adjustment where it is evident that the disability is adversely impacting on the employee's efforts to attend work.

## 10 OCCUPATIONAL HEALTH ADVICE

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10.1 It is recognised that an early referral can have a positive effect on absences related to stress, mental illness and musculo skeletal conditions. In stress cases a referral should be made immediately to ensure the earliest possible intervention. Absences due to musculo - skeletal or mental health should be the subject of a referral prior to a trigger being reached.

10.2 Where an employee has reached a trigger point, the line manager will seek appropriate medical advice from LVJB's Occupational Health provider and taking account of the advice received, decide on a course of action in accordance with the procedure. This referral will be made in conjunction with the HR Manager.

10.3 An employee will be required to participate in a medical referral by LVJB's Occupational Health provider. In these circumstances the employee will be advised of the reason(s) for seeking medical advice, his/her rights under Access to Medical Reports legislation and given a copy of the referral form prior to the occupational health appointment.

10.4 In any Occupational Health referral, advice should be sought to determine if the employee could be covered by the disability provisions in the Equality Act and, if so, whether the circumstances of the case therefore require consideration of any reasonable adjustments, as provided for in the Equality Act and what they might be.

### 10.5 Case Conferences

In particularly complex cases, for example where a disability is a feature, a case conference may be used to identify a way forward. This would normally be attended by the employee and their representative, line manager and the Human Resource Manager. Recent occupational health reports or advice should be available to inform the meeting.

## 11 MANAGEMENT ACTION

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### Counselling

Whenever sickness absence causes concern and it is considered appropriate, the employee may be counselled by an appropriate line manager of the Joint Board, which will normally be the employee's **immediate** line manager. During counselling the line manager will, taking account of all the circumstances, discuss sensitively with the employee the acceptable level of attendance at work, the employee's level of sickness absence and the reasons for the absences.

The line manager should indicate clearly to the employee the improvement in attendance required and should consider taking any other action which may assist the employee to achieve this improvement.

### 11.1 Line Management Review of Individual Circumstances

(a) Progression into any of the formal stages of the procedure will not be automatic when a trigger is reached but will be subject to consideration of the circumstances. This will take place where the trigger level is reached or the absence relates to a **“one off”** situation (which could involve one or more periods of absence) e.g.

- a surgical intervention or
- a management enforced absence relating to a contagious or other infection or notifiable disease that is required by law to be reported to government authorities

Or

- Where up to that point the employee has had very low or no sickness absence over an extended period of a year or more.

In such circumstances line managers must consult with the Human Resource Manager when wishing to apply discretion and not apply the normal stages of the procedure. Line managers must keep records of actions taken, when they were taken and record these decisions and forward copies to the Human Resource Manager.

## 12 STAGED APPROACH

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12.1 Where a review determines that action in line with this procedure is required, there are 4 formal stages to managing absence cases:

**Stage 1:** if no improvement or sustained return to work, move to

**Stage 2:** if no improvement or sustained return to work, move to

**Stage 3:** if no improvement or sustained return to work, move to

**Stage 4.** Final assessment and potential dismissal on the grounds of capability due to ill-health

12.2 Other than where the provisions of paragraph 11.1 above apply or where an illness is terminal, a line manager must use the formal stages of this procedure when an employee's absence level or pattern reaches a trigger point (see also section 9). It may be that a combination of long and short-term absence occurs.

12.3 Where action has led to the issuing of a staged warning, **any** subsequent sickness absence which does not meet improvement targets will result in a progression to the next procedural stage. This means that additional long or short-term absence or a continuation of recognisable

sickness absence patterns will mean progression to the next stage if improvement targets are not met.

- 12.4 Stage 1, 2 and 3 have specific monitoring periods as per 9.1 (d) which line managers require to assess if progression to the next stage is required at an earlier point in the monitoring period due to a significant adverse impact on Service delivery ie **there is no requirement for the monitoring period to end if action is required earlier prior to that point.**

### STAGE 1

- 12.5 In cases where an employee reaches a trigger point, the line manager will review the absence record and **may seek appropriate medical advice**, both to comply with this procedure and to identify what additional support / measures can be provided to improve the employee's attendance and wellbeing. **This does not necessarily require a referral to the Occupational Health Provider for LVJB.**
- 12.6 The line manager will arrange a Stage 1 meeting giving seven calendar days' notice. Along with the invitation to the meeting, written details of the sickness absence record and any other relevant information, e.g. any current occupational health report, should be provided and the employee informed of the right to be represented by a trade union representative or work colleague.
- 12.7 The meeting should normally take place in the workplace, however if this is not suitable, the meeting may be held at the employee's home or at another location if mutually agreed.
- 12.8 The purpose of a stage 1 meeting between the line manager and the employee is to:-
- a) Explore reasons for absence and consider any mitigating factors;
  - b) Discuss the absence record and any adverse operational impact;
  - c) Consider any Occupational Health advice and identify what could reasonably be done to facilitate an improvement in attendance or an early return to work;
- 12.9 During the meeting line managers should:-
- assess the overall situation to determine if there are any mitigating factors (including any medical condition; disability; absence as a result of stress in the workplace),
  - If the employee is disabled, consider reasonable adjustments
  - Consider the availability of funding for adjustments or adaptations that could allow the employee to maintain regular attendance and limit the impact of the absence on service delivery.

At the conclusion of the meeting the following will apply:-

- a) Where there are no mitigating factors which would prevent it, a Stage 1 warning for unsatisfactory attendance will be issued and a formal monitoring period put in place, this will normally be for a period of 6 months;

- b) An improvement target is defined;
  - c) Any reasonable adjustments such as changes to workload, work practices are identified and implemented if required (including any requirements supporting a phased return).
- 12.10 A record of the meeting will be made and the outcome of the meeting will be confirmed in writing to the employee and any representative attending the meeting within 7 calendar days. A copy must be sent to Human Resources to be placed in the employee's personal file.
- 12.11 Where the employee achieves the improvement target set at stage 1, the line manager will confirm that in writing and normal monitoring arrangements will apply thereafter.
- 12.12 Where an acceptable level of attendance or a return to work is not achieved or maintained during the stage 1 warning period, the line manager will activate stage 2 of the process.
- 12.13 For long-term absence cases, stage 1 will normally be activated if a return to work is not achieved within 8 weeks of the first day of absence **or earlier** if the absence is having a significant adverse impact on service delivery.

### STAGE 2

- 12.14 The line manager will arrange a stage 2 meeting, giving 7 calendar days' notice, where:
- The required level of improvement in attendance has not been achieved or maintained during the monitoring of the stage 1 warning period ie additional periods of short-term or a new period of long-term-term absence occurs during the monitoring period, or
  - There has not been a return to work.
- 12.15 At this meeting, the line manager will confirm the issues discussed at previous meetings and:-
- a) Explore reasons for absence and consider any mitigating factors.
  - b) Discuss the absence record and any adverse operational impact.
  - c) Discuss any updated Occupational Health report obtained prior to the meeting.
  - d) In cases of continuous long-term absence, consider whether the employee may be eligible for ill-health retirement.
  - e) Identify any support already provided and what further support may be appropriate including consideration of reasonable adjustments.
  - f) Where circumstances permit, discuss whether redeployment on medical grounds might allow the employee to reach an acceptable level of attendance or a return to work.
  - g) Refer to a previous warning issued at Stage 1 that is still "live".



- h) Where there are no mitigating factors which would prevent it, issue a Stage 2 warning for continued unsatisfactory attendance and set a further formal monitoring period, which will normally be a further period of 9 months.

For long-term absence cases, stage 2 will normally be activated if a return to work is not achieved within 6 months of the first day of absence or earlier if the absence is having a significant adverse impact on service delivery.

- i) Advise that attendance/absence will continue to be closely monitored.
- j) Set a target for improvement.
- k) Highlight the action that may be taken if the required improvement or a return to work is not achieved (including the possibility of dismissal).

12.16 A record of the meeting will be made and the outcome of the meeting will be confirmed in writing to the employee and their representative within 7 calendar days and a copy will be sent to Human Resources to be placed in the employee's personal file.

12.17 Where the employee achieves the improvement target set at stage 2, the line manager will confirm that in writing and normal monitoring arrangements will apply thereafter.

### STAGE 3

The line manager will arrange a stage 3 meeting, giving 7 calendar days' notice, where:

- the required level of improvement in attendance has not been achieved or maintained during the monitoring of the stage 2 warning period ie additional periods of short-term or a new period of long-term-term absence occurs during the monitoring period, or
- There has not been a return to work.

12.18 At this meeting, the senior manager will confirm the issues discussed at previous meetings and:-

- a) Explore reasons for absence and consider any mitigating factors.
- b) Discuss the absence record and any adverse operational impact.
- c) Discuss **the** updated Occupational Health report obtained prior to the meeting.
- d) In cases of continuous long-term absence, consider whether the employee may be eligible for ill-health retirement.
- e) Identify any support already provided and what further support may be appropriate including consideration of reasonable adjustments.
- f) Discuss whether redeployment on medical grounds might allow the employee to reach an acceptable level of attendance or a return to work.

- g) Refer to a previous warning issued at Stage 2 that is still “live”.
- h) Where there are no mitigating factors which would prevent it, issue a Stage 3 warning for continued unsatisfactory attendance and set a further formal monitoring period, which will normally be a further period of 12 months.

For long-term absence cases, Stage 3 will normally be activated if a return to work is not achieved within 9 months of the first day of absence **or earlier** if the absence is having a significant adverse impact on service delivery.

- i) Advise that attendance/absence will continue to be closely monitored.
  - j) Set a target for improvement.
  - k) Highlight the action that may be taken if the required improvement or a return to work is not achieved (including the possibility of dismissal).
- 12.19 A record of the meeting will be made and the outcome of the meeting will be confirmed in writing to the employee and her/his representative within 7 calendar days and a copy will be sent to HR to be placed in the employee’s personal file.
- 12.20 Where the employee achieves the improvement target set at stage 3, the line manager will confirm that in writing and normal monitoring arrangements will apply thereafter.
- 12.21 Where steps taken at stages 1, 2 and 3 have not been successful in improving attendance levels, the Senior Manager should consider:
- If the monitoring period should be extended by a relatively short period to allow an employee who has just fallen short of meeting their defined targets to succeed.
  - If an aspect of their job has an adverse effect on an employee and if redeployment is a possibility that might enable them to make a return to work or reach an acceptable attendance level.
  - Referring the case to Executive for a Stage 4 meeting.

### STAGE 4

- 12.22 Progression to Stage 4 need not be delayed until the end of the 12 -month monitoring period, or any extension to it, where the absence is creating severe adverse operational difficulties.
- 12.23 For long-term absence cases, Stage 4 will normally be activated if a return to work is not achieved or likely to be achieved within 12 months of the commencement of the absence or earlier if the absence is having an unsustainable impact on service delivery.
- 12.24 As a Stage 4 meeting can result in dismissal, an up-to-date Occupational Health report must be available before a Stage 4 meeting is convened. The report should include advice on reasonable adjustments where appropriate or if redeployment could be considered. In appropriate cases, the referral should request information as to whether early retirement on the basis of permanent incapacity is a possibility.

- 12.25 When that report is received, a Stage 4 meeting will be arranged to consider, in the light of the occupational health advice, whether there are any further actions that LVJB can take to assist the employee to continue in employment or whether employment should be terminated due to ill - health.
- 12.26 The Assessor or Depute Assessor will chair the meeting and the HR Manager will attend in an advisory capacity.
- 12.27 The employee will be given at least 7 days' written notice of the intention to hold a Stage 4 meeting which will outline the grounds for convening the meeting and that one possible outcome may be dismissal by reason of lack of capability due to ill-health.
- 12.28 If for any reason the employee cannot attend the meeting, one further date will be set and the employee informed that non-attendance will result in a decision being taken in their absence on the basis of the information available and that it could result in dismissal.
- Alternatively, the employee can be advised that a Trade Union representative or work colleague can attend the meeting on their behalf or provide a written submission.
- 12.29 At the meeting the manager or designate who chaired the stage 3 will present a report on the employee's attendance record and on the content of the previous meetings held, including any measures taken to assist the employee to improve their attendance record or return to work, such as reasonable adjustments to help overcome a disability or consideration of a redeployment opportunity.
- 12.30 The employee and/or the representative will be given an opportunity to provide a full response and to put forward any suggestions as an alternative to dismissal. Any options identified as an alternative to dismissal will be discussed and may require further consideration.
- 12.31 When reaching a decision about whether or not to terminate employment, the Assessor or Depute Assessor will consider issues such as:-
- The employee's absence record and its impact on other employees and service delivery.
  - The likelihood of a sustained return to work in the foreseeable future.
  - Financial implications of continuing sickness absence.
  - Submissions made by the employee and/or their representative.
  - Where appropriate what actions have been taken or adjustments made to attempt to enable the employee to continue in employment.
  - Any mitigating factors.
  - The medical advice received including consideration of termination of employment due to ill-health.

This list is not exhaustive and the weight attached to each will depend upon the circumstances of the case, balancing the needs of LVJB and the employee.

### MEETING OUTCOMES

#### 12.32 **Action Short of Dismissal**

Where the use of discretion or the existence of mitigating factors means that further action short of dismissal is appropriate (such as extending Stage 3 monitoring on an exceptional basis), this will be set out in a letter and the employee's situation will continue to be monitored. The letter confirming the decision will normally be issued within 7 calendar days of the meeting.

A further stage 4 meeting may be necessary should the expected improvement not happen or sickness absence re-occurs.

#### 12.33 **Ill-Health Retiral (Termination of employment on grounds of capability due to permanent ill-health)**

Where LVJB's Occupational Health provider considers that the employee is permanently unfit to carry out the duties of her/his post or a comparable post, the Assessor or Depute Assessor will meet with the employee to inform her/him of this decision. Where no suitable alternative employment can be found within Lothian Valuation Joint Board, in conjunction with any training or retraining which would facilitate alternative employment, the employee will be informed that:

- (a) for staff covered by the provisions of the Local Government Pension Scheme, her/his services will be terminated on grounds of capability due to permanent ill-health with Tier 1 or Tier 2 benefits; or
- (b) Staff who are not members of the pension Schemes and therefore cannot access the Schemes' provisions will be dismissed on the grounds of capability due to ill health

12.34 Where an employee provides written evidence that her/his GP or specialist disagrees with the Occupational Health decision, the Senior Management Team will review the case and, if necessary, a further, independent, medical opinion will be obtained which will be used to reach a final decision.

### DISMISSAL

12.35 At a stage 4 meeting where it is decided that no other options, including redeployment, can be pursued which will improve attendance or facilitate a sustained return to work, the employee will be informed that they are to be dismissed on grounds of capability due to ill-health. This letter will normally be issued within 7 calendar days of the meeting. The letter will indicate that there is a right of appeal against the decision

- 13.1 The appropriate manager will review the employee's general attendance record and will normally hold a further staged meeting returning to the last stage previously reached in the procedure. Thereafter, subsequent stages of the procedure may be followed if necessary.
- 13.2 It is recognised that cases may arise where, following a period of satisfactory attendance, the employee's absence level returns to a level which gives cause for concern. In such cases it may be appropriate to seek further Occupational Health advice.

### **14 ABATEMENT OF ANNUAL LEAVE**

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- 14.1 Certain National Schemes of Salaries/Pay and Conditions of Service allow Authorities the discretion to make a proportionate reduction in the Annual Leave entitlement of an employee who has been absent through sickness or industrial injury for a period exceeding 3 months during the leave year (ie January to December).
- 14.2 Where such discretion exists and an employee is absent for a period exceeding 3 months during the leave year, the Joint Board will normally abate Annual Leave. In exceptional circumstances the Assessor may, agree to grant the full period of annual leave.
- 14.3 This means, for the appropriate employees, that the Joint Board will limit their Annual Leave to a period in compliance with the Working Time Regulations 1998

### **15 REVIEW OF PROCEDURE**

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- 15.1 The Procedure will be reviewed as required, in the light of experience or changes to legislation, in consultation with the recognised Trade Unions.

### **16 LOCAL AGREEMENT**

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- 16.1 This document is a local collective agreement between LVJB and Unison. Every effort will be made by both parties to ensure that this document will be maintained as a local collective agreement and adjusted by agreement to meet changing future needs. In the event of a failure to reach agreement both parties reserve the right to terminate this local agreement by giving four months' notice in writing. In such circumstances the terms of the local agreement will cease to apply to existing and future employees.

PROCEDURAL STEP	TIMESCALE	ACTION POINT
<b>Trigger reached</b>	During a rolling 6 months	Review – “one off” arrangements considered for discretion/mitigation. Otherwise move to Stage 1.
<b>Stage 1 Meeting</b>	7 calendar days’ notice	Stage 1 outcome letter within 7 calendar days.
<b>Stage 1 monitoring</b>	6 months*	Breach of triggers leads to stage 2.
<b>Stage 2 Meeting</b>	7 calendar days’ notice	Stage 2 outcome letter within 7 calendar days.
<b>Stage 2 monitoring</b>	9 months*	Breach of triggers leads to stage 3.
<b>Stage 3 Meeting</b>	7 calendar days’ notice	Stage 3 outcome within 7 calendar days.
<b>Stage 3 monitoring</b>	12 months*	Breach of triggers leads to stage 4.
<b>Stage 4</b>	7 calendar days’ notice	<ul style="list-style-type: none"> <li>• Breach of Triggers.</li> <li>• Can extend stage 3 monitoring.</li> <li>• Dismiss.</li> <li>• Approve ill -health retiral.</li> </ul>
<b>Stage 4 outcome</b>	Letter of outcome within 7 calendar days	Right of appeal if dismissal.

\* Appropriate action can be taken within monitoring period where the absence has a significant adverse impact on service delivery.

**1 PURPOSE OF REPORT**

1.1 The purpose of this report is to ask the Board to approve a revised policy.

**Recruitment & Selection Policy**

**2 MAIN REPORT**

The policy has been reviewed and amended to ensure compliance with current legislation.

**3 CONSULTATION**

Unison have been consulted who have agreed it as a local collective agreement.

**4 FINANCIAL IMPLICATIONS**

4.1 There is no financial impact.

**5 ENVIRONMENTAL IMPACT**

5.1 There are no adverse environmental impacts arising from this report.

**6 RECOMMENDATIONS**

6.1 Lothian Valuation Joint Board is recommended to approve the:-

Revised Recruitment & Selection Policy

**Appendix 1**

Recruitment & Selection Policy

**Joan M Hewton**  
**ASSESSOR & ERO**



# RECRUITMENT & SELECTION POLICY





**RECRUITMENT AND SELECTION POLICY**  
**(covering all employees)**

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## **RECRUITMENT AND SELECTION POLICY** **(covering all employees)**

### **1. INTRODUCTION**

- 1.1 LVJB is an equal opportunities employer and positively values the different perspectives and skills of a diverse workforce. LVJB is committed to promoting equality of treatment, opportunity and outcome for all employees and job applicants.
- 1.2 Recruitment and Selection decisions will always be based on merit. The procedures followed will comply with all relevant legislation, codes of practice and guidelines.
- 1.3 LVJB will inform potential job applicants about this policy by making it available on LVJB website.

### **2. SCOPE**

- 2.1 This policy applies to the recruitment and selection of any person applying for any post at any level within LVJB. It includes temporary as well as permanent vacancies.
- 2.2 Anyone involved in the recruitment and selection of LVJB staff has a duty to act in line with this policy.

### **3. OBJECTIVES**

- 3.1 The objectives of this policy are to:
- put in place best practice procedures to make sure the best person is selected based on merit
  - meet the requirements of relevant employment and equalities legislation and associated codes of practice
  - make sure that potential employees are treated fairly and lawfully at all stages of the recruitment and selection process

### **4. MANDATORY REQUIREMENTS OF RECRUITMENT AND SELECTION**

- 4.1 The following list sets out the mandatory requirements for recruitment and selection to all LVJB vacancies:
- a) Before a vacancy can be advertised, there will be a post in the structure with a current job description and evaluated salary grade;
  - b) there will be at least two people on the interview panel. All panel members must have received the relevant training;
  - c) the panel will produce an employee specification listing essential and desirable criteria. This cannot be changed once the post has been advertised;

- d) all authorised vacancies will be advertised and an information pack will be available for potential applicants;
- e) the panel will shortlist candidates against the criteria in the employee specification;
- f) there will be a structured panel interview to assess the candidates' suitability against the competencies. Other relevant assessment methods may also be used;
- g) candidates with a disability who meet the minimum criteria will be guaranteed an interview. Reasonable adjustment will also be considered;
- h) the panel will record their final assessment of the candidates in relation to the selection criteria; and
- i) salary placing will be in line with LVJB guidelines.

### **Pre-Employment Checks**

4.2 No employee, casual worker or volunteer will start a new post before all relevant checks are completed satisfactorily. The policy applies to existing LVJB employees and external candidates. The following checks must be carried out before employment starts:

- verification of identity;
- verification of eligibility to work in the UK;
- criminal record check where allowed i.e. disclosure check;
- overseas criminal record check, where allowed;
- verification of membership/registration with a regulatory or other professional body, where required;
- proof of required qualification;
- verification of valid driving licence, where required for the post;
- two suitable and satisfactory written references addressed to LVJB, one of which should be from the current or most recent employer (one reference for internal candidates **only** where the post does not require a PVG/Disclosure check);
- health assessment (not required where internal candidates will be undertaking the same type of job tasks and there are no potential health impacts associated with the role).

### **Advertisement and Application**

4.3 LVJB will normally advertise vacancies on the internet using the national recruitment portal. Other forms of advertising will be used for hard to fill posts.

4.4 For posts where a criminal record check is needed, the level of check will be set out in job advertisements and packs.

4.5 A standard application form will be used for all vacancies. Extra information may be requested where posts have specific needs.

4.6 Applicants will be given the opportunity to apply online. Paper applications will also be accepted and other reasonable adjustments put in place.

## **Declaration of Criminal Convictions**

- 4.7 LVJB will make sure that ex-offenders are not unfairly discriminated against because of any previous offences. Where disclosure checks are needed, LVJB will ask all candidates invited for interview to complete a self-declaration. They will be asked to give details of their criminal record in line with legislation.
- 4.8 Where checks are not needed, LVJB will not ask candidates to declare their criminal convictions since this information is not relevant to the post being applied for and cannot be verified.

## **Inaccurate or Misleading Information**

- 4.9 Where a candidate gives inaccurate or misleading information or withholds relevant information, this will be considered grounds for withdrawing a job offer. Where the candidate has already been appointed, LVJB may take disciplinary action up to and including dismissal on grounds of gross misconduct.

## **Former Employees**

- 4.10 Where a candidate is a former employee who was dismissed from LVJB for gross misconduct, LVJB will be entitled to consider the circumstances of the dismissal to inform its decision whether to select for interview, and to recruit the individual. This will also apply where the candidate resigned before the outcome of a disciplinary hearing or investigation into an allegation of gross misconduct,

## **Agency Staff**

- 4.11 Where LVJB uses agency staff, the employing agency is required to carry out the pre-employment checks that apply to a LVJB employee doing the same work.

## **5. EXCEPTIONS**

- 5.1 Vacancies may be exempt from certain aspects of this policy where the following LVJB policies/procedures allow this:

- Redeployment Procedure

- 5.2 LVJB will undertake positive action, in line with equalities legislation, to increase employment of members of underrepresented groups.

## **6. TRAINING AND GUIDANCE FOR MANAGERS**

- 6.1 All individuals involved in the recruitment and selection of potential candidates on behalf of LVJB must receive training in equality issues and the application of this policy.
- 6.2 Managers are responsible for managing and conducting the recruitment and selection process. They must make sure that they are familiar with this policy and have up to date knowledge of relevant LVJB procedures and legislation.

- 6.3 This policy is supported by a Managers' Toolkit containing procedural and best practice guidelines. This will be updated as necessary to reflect changes to legislation and Council requirements. The toolkit will be available on LVJB intranet.

## **7. EQUALITY MONITORING**

- 7.1 LVJB will ask job applicants for Information on a voluntary basis for equality monitoring purposes. This information will not be made available to the interview panel. As required by legislation, statistical information on successful and unsuccessful applicants who share protected characteristics will be produced for each stage of the recruitment and selection process. This information will be reported in line with equalities legislative requirements and will be used to monitor and develop an equality action plan.

## **8 AUDIT AND INSPECTION**

- 8.1 LVJB will cooperate fully with external and internal audits and make sure that any recommendations are carried out when required under legislation. LVJB will also take account of recommendations about continuous improvement in recruitment and selection.

## **9 REVIEW OF POLICY**

- 9.1 This policy will be reviewed, as required, by LVJB in consultation with Unison the recognised Trade Union.

## **10 LOCAL AGREEMENT**

- 10.1 This document is a local collective agreement between LVJB and Unison the recognised Trade Union. Every effort will be made by both parties to make sure that this document is maintained as a local collective agreement and adjusted by agreement to meet changing future needs. If there is a failure to reach agreement, both parties reserve the right to end this local agreement by giving four months' notice in writing. In such circumstances the terms of the local agreement will cease to apply to existing and future employees.

**1 PURPOSE OF REPORT**

1.1 The purpose of this report is to ask the Board to approve the undernoted.

**Revised Records Management Policy**  
**Draft Records Management Retention & Disposal Policy**

**2 MAIN REPORT**

The Public Records (Scotland) Act 2011 ('the Act') came fully into force in January 2013 which required LVJB to prepare and implement a Records Management Plan by Oct 2015 setting out arrangements for the management of records within the Board. The Plan is currently being reviewed by the Keeper of the Records of Scotland.

To implement the Plan the Records Management Policy was reviewed and amended and a new Records Management Disposal and Retention Policy has been drafted.

**3 CONSULTATION**

Discussions have taken place with Unison who have agreed to the submission of the policies.

**4 FINANCIAL IMPLICATIONS**

4.1 There is no financial impact.

**5 ENVIRONMENTAL IMPACT**

5.1 There are no adverse environmental impacts arising from this report.

**6 RECOMMENDATIONS**

6.1 Lothian Valuation Joint Board is recommended to approve the:-

- a) Revised Records Management Policy
- b) Draft Records Management Retention & Disposal Policy

**Appendix 1** Records Management Policy

**Appendix 2** Records Management Retention & Disposal Policy

**Appendix 3** Records Management Plan

**Joan M Hewton**  
**ASSESSOR & ERO**



# RECORDS MANAGEMENT POLICY





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- 1 Policy Statement
- 2 Purpose & Scope
- 3 Records Management Overview
- 4 Importance of Records Management
- 5 Policy Statement and Commitment
- 6 Roles and Responsibilities
- 7 Legislative Framework
- 8 Relationship to other LVJB Policies
- 9 Training
- 10 Monitoring & Review

# RECORDS MANAGEMENT POLICY

## 1 POLICY STATEMENT

- 1.1 The Assessor, on behalf of Lothian Valuation Joint Board (LVJB), carries out the functions of valuation of non-domestic properties for the purposes of the Valuation Roll; the banding of dwellings for the purposes of the Council Tax List and the Electoral Registration function for the four constituent local authorities in Lothian.
- 1.2 This policy statement sets out an overview on how the Assessor intends to manage the records created and held in the course of carrying out these functions.
- 1.3 LVJB recognises that the effective management of its records, regardless of format, is essential in order to support its core functions, to comply with legal, statutory and regulatory obligations, and to demonstrate transparency and accountability to all its stakeholders. Records are a vital information asset and a valuable resource for the organisation's decision-making processes, policy creation and operations, and must be managed effectively from the point of their creation until their ultimate disposal.

## 2 PURPOSE AND SCOPE

- 2.1 The purpose of this policy is to demonstrate the importance of managing records effectively within LVJB, to outline key aims and objectives in relation to recordkeeping, and to act as a mandate for the support and delivery of the records management policy, procedures and initiatives across LVJB.
- 2.2 This policy relates to all divisions and sectors of LVJB and all records created by its employees. It relates to the management of records as an internal facilitating function of the organisation and covers the records created by the organisation about its activities. It does not relate to the management of any former records that may have been transferred to an archive or no longer held.
- 2.3 The policy relates to all staff and applies to all records regardless of format or medium, including paper, electronic, audio or visual.
- 2.4 The policy is to be read in conjunction with the Records Management Plan for LVJB, which details the aims, objectives and priorities for LVJB as well as the current recordkeeping practices in place within the organisation. Such aims include the improvement of business efficiency through less time spent searching for information, increased joined up working and improved communications across the organisation as a whole; the demonstration of compliance with statutory and regulatory recordkeeping obligations including the Public Records (Scotland) Act 2011, the Freedom of Information (Scotland) Act 2002, the UK Freedom of Information Act 2000 and the Data Protection Act 1998; and the promotion of openness, transparency, accountability and good corporate governance.
- 2.5 The Public Records (Scotland) Act 2011 places an obligation on named authorities in Scotland to produce a records management plan which sets out their arrangements for the effective management of all records. LVJB is a named authority as defined in the act. The creation of a records management policy statement is a mandatory element of the plan, and is necessary in order to identify the procedures to be followed in managing the organisation's public records.

### 3 RECORDS MANAGEMENT OVERVIEW

- 3.1 Records management can be defined as the process whereby an organisation manages its records, whether created internally or externally and in any format or media type, from their creation or receipt, through to their destruction or permanent preservation.
- 3.2 Records management is about placing controls around each stage of a record's lifecycle, at the point of creation (through version control and naming conventions), during maintenance and use (through the management of security and access classifications, facilities for access and tracking of records), at regular review intervals (through the application of retention and disposal criteria), and ultimate disposal (whether this be recycling, confidential destruction or transfer to an archive for permanent preservation). By placing such controls around the lifecycle of a record, we can ensure they demonstrate the key attributes of authenticity, reliability, integrity and accessibility, both now and in the future.
- 3.3 Through the effective management of the organisation's records, LVJB can provide a comprehensive and accurate account of its activities and transactions.
- 3.4 We retain records that provide evidence of our functions, activities and transactions, for:
- **Operational Use** – to serve the purpose for which they were originally created, to support our decision-making processes, to allow us to look back at decisions made previously and learn from previous successes and failure, and to protect the organisation's assets and rights.
  - **Internal & External Accountability** – to demonstrate transparency and accountability for all actions, to provide evidence of legislative, regulatory and statutory compliance and to demonstrate that all business is conducted in line with best practice.
  - **Historical and Cultural Value** – to protect and make available the corporate memory of the organisation to all stakeholders and for future generations.

### 4 IMPORTANCE OF RECORDS MANAGEMENT

- 4.1 Information and records are a valuable corporate asset without which we would be unable to carry out our functions, activities and transactions, meet the needs of our stakeholders, and ensure legislative compliance.
- 4.2 The benefits of implementing records management systems and processes include:
- Improved information sharing and the provision of quick and easy access to the right information at the right time;
  - The support and facilitation of more efficient service delivery;
  - Improved business efficiency through reduced time spent searching for information;
  - Demonstration of transparency and accountability for all actions;
  - The maintenance of the organisation memory;
  - The creation of better working environments and identification of opportunities for office rationalisation;

- Risk management in terms of ensuring and demonstrating compliance with all legal, regulatory and statutory obligations;
- The meeting of stakeholder expectations through the provision of good quality services.

## **5 POLICY STATEMENT AND COMMITMENT**

5.1 It is the policy of LVJB to maintain reliable and useable records, which are capable of supporting business functions and activities for as long as they are required. This will be achieved through the consolidation and establishment of effective records management policies and procedures, including:

- The development of a business classification scheme to reflect the functions, activities and transactions of LVJB.
- The review and consolidation of the retention and disposal schedule to provide clear guidance regarding the management of LVJB records.
- The review and consolidation of destruction arrangements to detail the correct procedures to follow when disposing of business information.
- The production of archive transfer arrangements in order to provide advice and guidance on how to securely transfer records to archive, if appropriate.
- The review and consolidation of information security policies and procedures in order to protect records and systems from unauthorised access, use, disclosure, disruption, modification, or destruction.
- The review and consolidation of data protection policies in order to demonstrate LVJB's commitment to compliance with the Act and the safeguarding and fair processing of all personal data held.
- The maintenance of a business continuity plan, encompassing strategies to ensure that vital records held by LVJB remain accessible over time and that there are processes in place to monitor the integrity and usability of records.
- The review of audit trail mechanisms, the potential of existing systems, review of current provision and best practice, in order to produce a clear strategy for the management of key events in a record's lifecycle (e.g. creation, access, editing, destruction or preservation).
- The identification of records management as a distinct stream within the organisation with requisite training provided to all staff.
- The completion of a self-assessment review, following the implementation of the records management plan in order to ensure that the records management practices remain fit for purpose.

5.2 It is the aim of Lothian Valuation Joint Board to achieve efficiency benefits through best practice applied to records management. This is intended to lead to improvements in the use of personnel and financial resources. Adherence to the records management policy will be robustly monitored to ensure compliance.

Best Practice in records management will ensure that all information:

- received or created is stored in the appropriate way and is easily retrievable
- Is retained, destroyed or preserved in accordance with the Board's Retention and Disposal Arrangements
- Meets our current needs and our requirements into the foreseeable future
- Is capable of enabling change when required
- Is easily accessible to users and
- The skills and technology are available to achieve this aim

The Public Records (Scotland) Act 2011 emphasises the importance placed on records management in local authorities. It is our aim to draft and implement an effective Records Management Plan in order to meet the requirements of the Act. The Plan will be reviewed at regular intervals to ensure its effectiveness.”

## **6 ROLES AND RESPONSILITIES**

- 6.1 The Assessor & ERO for LVJB has overall responsibility for LVJB's records management policy who is supported by the Records Management Group who have responsibility for ensuring compliance with this records management policy.
- 6.2 The Senior Management Group is responsible for approving a corporate approach to the management of records as defined within this policy, promoting a culture of excellent recordkeeping principles and practices in order to improve business efficiency, supporting records management through commitment and the provision of resources and recognising the importance of preserving LVJB's corporate memory.
- 6.3 The Chair of the Records Management Group is responsible for ensuring that records management practices and procedures are established in line with all legal obligations and professional standards, issuing advice and guidance to Heads of Service in order to meet the aims and objectives as outlined in the records management strategy.
- 6.4 The Depute Assessor and Heads of Service are responsible for offering advice and guidance regarding records management to all staff within their service, highlighting any records management issues or concerns to the Chair of the Records Management Group and transferring any records of historical value to an archive for permanent preservation.
- 6.5 All staff have a responsibility to manage records effectively, through the documentation of all decisions and actions made by LVJB; the effective maintenance of records throughout their lifecycle, including access, tracking and storage of records; the timely review of records and their ultimate disposal, whether this be transfer to an archive for permanent preservation, or confidential destruction or recycling.
- 6.6 All staff are responsible for suitably maintaining all records so that they can be easily retrieved, retaining all records in line with the retention and disposal schedule, ensuring that all actions and decisions are properly recorded and adhere to this policy.

## **7 LEGISLATIVE FRAMEWORK**

7.1 The management of LVJB's records is carried out in line with the following legislative, statutory and regulatory framework. Compliance with this policy will facilitate compliance with these acts, regulations and standards.

- Public Records (Scotland) Act 2011
- Equality Act 2010
- Local Electoral Administration and Registration Services (Scotland) Act 2006
- The Environmental Information (Scotland) Regulations 2004
- Freedom of Information (Scotland) Act 2002
- Management of Health and Safety at Work Regulations 1999
- Human Rights Act 1998
- Data Protection Act 1998

## **8 RELATIONSHIP TO OTHER LVJB POLICIES**

8.1 This policy forms part of LVJB's overall framework but specifically relates to the following legislation and policies/procedures of LVJB:

- Data Protection Act 1998
- Records Retention & Disposal Policy
- Information and Technology Management and Security Policy; incorporating;-
  - Security Operating procedures
  - Information Security Policy
    1. Acceptable Use Policy
    2. Email/Internet Policy
    3. Clean Desk Policy
    4. Password Policy
    5. Mobile Device Policy
    6. Information Handling Policy
    7. Incident Handling Policy
    8. User Management Policy
    9. Third Party Connection Policy
    10. Business Continuity Plan
    11. Access Control Policy
    12. Change Management Policy
    13. Vulnerability Management Policy
  - Network Topology
  - ER Information Asset Register
  - Data Protection Policy

## **9 TRAINING**

- 9.1 A training programme will be provided to all staff in order to highlight and increase awareness of their responsibilities in line with data protection, freedom of information and records management. Furthermore, core competencies and key knowledge and skills required by staff with operational responsibility for records management will be clearly defined to ensure that they understand their roles and responsibilities, can offer advice and guidance, and can remain proactive in their management of record keeping issues and procedures within LVJB.

## **10 MONITORING & REVIEW**

- 10.1 Compliance with this Policy and related standards and guidance will be monitored by the Chair of the Records Management Group in consultation with Heads of Service and the Depute Assessor. Regular reports will be submitted to the Records Management Group and Senior Management Group and updates will be disseminated to all staff when required.
- 10.2 This policy will be reviewed in one year after submission to the National Records of Scotland; at which time compliance with the Public Records (Scotland) Act 2011 will also be reviewed. Further reviews of the policy will then take place every two years in order to take account of any new or changed legislation, regulations or business practices.





# RECORDS RETENTION & DISPOSAL POLICY



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# DATA PROTECTION POLICY

## 1 INTRODUCTION

LVJB's records are its memory, supporting its core functions and providing evidence of actions and decisions. They are a vital LVJB asset, enabling effective management and compliance with legal and regulatory obligations.

All records created and received by LVJB in the course of its business are LVJB Information Assets and are owned by the LVJB and not by the individuals, teams, departments or services that create the records.

LVJB's Records Management Policy supports compliance with the Public Records (Scotland) Act 2011 and the Code of Practice on Records Management under Section 61 of the Freedom of Information (Scotland) Act 2002.

Effective records management requires the management of records through their lifecycle from creation to disposal. The Records Retention Policy and Disposal Authority sets out LVJB's approach to the retention and disposal of its records.

## 2 PURPOSE AND SCOPE

This Records Retention Policy and Disposal Authority is part of the Information Management Policy Framework and supports the Records Management Policy through setting out the roles and responsibilities of Information Asset Owners and supporting staff in making record retention and disposal decisions.

The Policy applies to any person with access to LVJB records or any LVJB Information Asset. This includes staff, contractors, agency staff, members and those working on behalf of LVJB.

## 3 RELATED POLICIES

This policy is complementary to and should be read in conjunction with the following

- Records Management Policy
- Data Protection Policy
- Information and Technology Management and Security Policy

## 4 POLICY STATEMENT

LVJB will ensure that records and information are not kept for longer than is necessary to carry out its statutory functions, service provision and community obligations whilst having due regard for legislative and evidential requirements.

### 4.1 Definition of a Record

The Records Management Policy sets out LVJB's agreed definition of a record:

“Information created, received and maintained as evidence and information by an organisation or person, in pursuance of legal obligations, or in the transaction of business”. (The international Records Management Standard ISO 15489-1:2001)

LVJB recognises this as its definition of a record and that information includes all formats, whether paper or electronic e.g. hand written notes, letters, word documents, spreadsheets, scanned images, photographs, audio, e-mails, etc

## **4.2 LVJB Retention Schedule**

The LVJB retention schedule is the mechanism to ensure LVJB is maintaining necessary records for the appropriate length of time. It determines the length of time records are required to be kept and provides an authority against which those records can be disposed of.

The LVJB Retention Schedule is an active management document designed to reflect the records for LVJB functions and is subject to regular monitoring and review. It promotes greater control over LVJB records, enabling Managers to dispose of records no longer needed, and ensuring the retention of appropriate records consistent with effective service delivery and LVJB’s legal and regulatory obligations.

The periods of retention for each type of record, the tools to manage the process of declaring a record and the disposal of it, together form an important part of LVJB’s Information Architecture.

The retention periods set out in the LVJB Retention Schedules must be followed by all LVJB employees.

## **4.3 Setting the LVJB Retention Schedule Retention Periods**

In setting the retention periods for the LVJB Retention Schedules, LVJB will consider the following factors.

### **4.3.1 Legislation/Regulations**

- Is there any legislation or regulation affecting retention of the records?
- Is the type of information likely to be required for conducting legal proceedings in the event of legal action being taken by, or against LVJB?
- Identify any particular regulatory agencies or statutes that may govern the business process generating the records.
- Identify any past/anticipated issues facing LVJB from a litigation, regulatory or compliance perspective.

### **4.3.2 Operational/Business Need**

- How long are the records likely to be needed to carry out LVJB’s functions?
- How long are the records required for evidential purposes in respect of business processes or decision making?
- How long do the records need to be kept for accountability/internal audit purposes?
- How serious would the consequences be if they were no longer available?

### **4.3.3 Archival Value**

- Do the records have long term historical value?
- Do the records document LVJB’s policies, structures and processes so that its activities may be understood by future generations?

#### **4.3.4 Risk Assessment/Data Protection & Freedom of Information Legislation**

What are the risks involved in keeping these records?

- Will they be liable for disclosure under the Data Protection or Freedom of Information (Scotland) Acts?
- If they contain personal data, have they served the purpose for which they were created?

##### **Relationship with other records**

- Are the records needed in order to understand or use other records? The retention periods of related records should be co-ordinated.

##### **Financial/Resource**

- Can the records be retained for a shorter period to achieve savings in storage and management costs, whilst still maintaining compliance with this policy and the Records Management Policy?

#### **4.4 Reviewing the LVJB Retention Schedule Retention Periods**

Where a Senior Manager identifies a business or legal reason for a retention period to be changed, this must be brought to the attention of the Records Management Group (RMG) and a review will be carried out in accordance with the process set out below:

- 1) The RMG will review the case for a change and seek further information on the justification for the change.
- 2) If there is a legal basis for a retention period then this will be referred to the Senior Management Group for advice.
- 3) If the retention period is based on best practice then this will be considered by the RMG and RMG will make a decision based on factors set out in 5.4 and the LVJB Retention Schedule will be updated with immediate effect.

#### **4.5 Retention and Disposal Decisions**

A delegated Senior Manager is responsible for a group of records and is accountable and responsible for authorising the disposal of records. The authority to approve disposal actions may be delegated to a nominated person who has day to day responsibility for the management of the information. In the event of the decision being delegated then the Senior Manager will remain accountable for that decision.

Retention and Disposal decisions must follow the retention periods as set out in the LVJB's Retention Schedules, unless the disposal authority process as set out below requires a period of further retention.

If the records under consideration for disposal are not clearly identified in the LVJB Retention Schedules then advice must be sought from the RMG. If there is a gap in the LVJB Retention Schedules then the review process set out below must be followed in order to create an addition entry. No disposal of records must take place unless there is an appropriate entry in the LVJB Retention Schedules.

It is also important to consider whether documents are a LVJB record or whether they are a copy. Copies of documents where the LVJB record is held by another part of the LVJB should be destroyed as soon as the business requirement for them has ended. As these documents are not considered to be a record then the retention of them is not governed by the LVJB Retention Schedules. The Senior Manager must confirm which department holds the definitive versions/originals to ensure an appropriate decision is taken.

The LVJB retention schedule sets out the action that must be taken once a retention period has expired.

Disposal actions can be:

- Archive
- Destroy
- Review

## **4.6 Disposal Authority Process**

Prior to any disposal of LVJB's records the following steps must be undertaken.

### **4.6.1 Review of outstanding Requests**

At the end of a record's retention period the Senior Manager or delegated representative must ensure that there are no outstanding requests for information involving that record. In particular the Senior Manager must consider whether any of the following requests have been received by LVJB.

- a. **FOI request**
- b. **Subject Access Request**
- c. **Legal Disclosure request**

### **4.6.2 Pending Legal Action Review**

In addition to the above the Senior Manager must assess if the documents are expected to be relevant to a pending legal case. In this case legal advice should be sought to ensure that the retention beyond the period set out in LVJB's Retention Schedules is appropriate. All documents that are required for legal proceedings should be kept until the threat of proceedings has passed.

### **4.6.3 Final Review**

The Senior Manager should consider if there is an overwhelming operational / business need to retain the records beyond the retention period identified in the LVJB's Retention Schedules. In this event, advice must be sought from the RMG and records may only be retained with the approval of the RMG.

### **4.6.4 Disposal**

Where there are no such outstanding requests the record(s) can be disposed in accordance with the Retention schedule/policies.

## **4.7 Destruction Arrangements**

It is not always cost-effective or practical for an authority to securely destroy records in-house. Many authorities engage a contractor to destroy records and ensure the process is supervised and documented.

Destruction arrangements have been developed in line with LVJB's Records Management Policy. Unless there are any special instructions or unique circumstances, records generally will be destroyed at the end of their retention period. Retaining any record past the mandatory retention period should be on an exception-only basis, weighing a record's potential usefulness against cost and any space limitations.

In respect of confidential paper waste, PHS Data Shredding provides Lothian VJB with an off-site shredding facility. Confidential paper waste is deposited and retained in sealable refuse sacks pending disposal or pre-shredded in a commercial shredder and similarly stored pending uplift for disposal. A certificate of destruction is provided by PHS Data Shredding, additionally a commercial shredder for in house shredding of documents was purchased in 2015 that complies with European security standard (2x15mmm particles) from destroying paper.

All digital media and IT equipment is disposed of as following:-

In the case of USB drives; hard-disks; DVDs and CDs the media shall be physically destroyed. The frequency of destruction will be stipulated in the Document Retention and Disposal Arrangements Schedule. Whilst awaiting destruction storage of the equipment shall afford a level of security no less than that when the media was in operational use. If system hardware is to be re-used, then all data and software or machine-readable media will be erased and made unrecoverable prior to reuse. If the media is to be destroyed off LVJB premises then policy requires that suitable secure arrangements are in place in relation to transport and possible overnight storage.

## **5 RECORDS RETENTION AND DISPOSAL GOVERNANCE**

### **5.1 Senior Management Group (SMG)**

The SMG will oversee the management of LVJB's Information Management Strategy and the implementation and Identify a person at senior level who has overall strategic responsibility for records management.

Senior Management responsibility for records management within LVJB covered by the RMP lies with:

#### **Responsible Officer**

**Joan M Hewton** Assessor & Electoral Registration Officer for Lothian

To support the Assessor and Electoral Registration Officer the Senior Management Group will be responsible for approving a corporate approach to the management of records as defined within this policy, promoting a culture of excellent record keeping principles and practices in order to improve business efficiency, supporting records management through commitment and the provision of resources and recognising the importance of preserving LVJB's corporate memory. In addition the Heads of Service who are the key members of the Senior Management Group are responsible for offering advice and guidance regarding records management to all staff within their service, highlighting any records management issues or concerns to the Chair of the Records Management Group and transferring any records of historical value to an archive for permanent preservation.



## **Senior Management Group/Heads of Service**

<b>Graeme Strachan</b>	Depute Assessor & Electoral Registration Officer for Lothian
<b>Nick Chapman</b>	Head of Valuation Services
<b>Brian Brown</b>	Head of Administration
<b>Bernie Callaghan</b>	Head of Information Communication and Technology

## **6 ROLES AND RESPONSIBILITIES**

- 6.1 The SMG will identify a dedicated team within the organisation, answerable to senior management, to have operational responsibility for records management within the organisation.

The dedicated team answerable to senior management and who have operational responsibility for records management within LVJB covered by the RMP is the Records Management Group:

### **Records Management Group**

<b>Joan Hewton</b>	(Chairperson) Assessor and ERO
<b>Kier Murray</b>	ICT Development Manager
<b>Brian Brown</b>	Head of Administration
<b>Gary Elliott</b>	Divisional Assessor
<b>Bill Kerr</b>	Human Resources Manager
<b>Hellen Chinnery</b>	Technical Support Officer
<b>Derek Cowan</b>	Admin Manager and Audit Control

### **6.2 All Staff and Any Person Handling LVJB Information**

- Records Management is everybody's responsibility and is something that should be considered as part of normal everyday working practice. This includes staff, contractors, suppliers, members and any person who handles LVJB's Information Assets.
- Staff and those handling LVJB information should understand the information that they create, receive and use and be able to identify information that is or may become a record. Records management processes that are in place must be followed and records keeping systems should be used in accordance with provided instructions and guidance.
- Any person handling LVJB's Information must ensure that the records for which they are responsible are accurate and are created, maintained and disposed of in accordance with the this policy, the Records Management Policy and the LVJB Retention Schedule.
- Records must not be disposed of unless this has been approved by the Senior Manager and is in accordance with the retention period as set out in the current LVJB Retention Schedule.
- The inappropriate destruction or deletion of records could result in LVJB being unable to prove that it has or has not acted in a particular way. This could, for example, have financial repercussions or leave LVJB unable to prove its case in a court of law. The destruction of a record that is the subject of an on-going request for information is likely to result in the loss of trust in LVJB, and leave it open to criticism from members of the public and the media.

- Furthermore, under Section 65 of the Freedom of Information (Scotland) Act 2002, any member of staff who alters, erases or conceals records with the intention of preventing them from being disclosed, could be found guilty of a criminal offence which carries a maximum fine of £5000.

### **6.3 Managers and Supervisors**

- Managers are responsible for information held within their area (both paper and electronic).
- Managers and supervisors must ensure that all their staff have understood their obligations under this Policy and other information management policies. Managers should support their staff in this regard by highlighting relevant parts of policies that apply to the roles being performed by a member of staff.
- Managers and supervisors must ensure that Records are not disposed of unless this has been approved by the Senior Manager and is in accordance with the retention period as set out in the current LVJB Retention Schedules.

### **6.4 Senior Manager**

- A Senior Manager is a person who has been identified as being responsible for a LVJB Information Asset. They must ensure that the management of their Information Asset is consistent with this policy, the Records Management Policy and the other information management policies.
- A Senior Manager must ensure they follow this policy when making a decision on the disposal of LVJB's records.

## **7 STAFF COMMUNICATION & TRAINING**

This policy will be made available to staff through the Intranet and for others who are within the scope of the policy through the LVJB website.

As part of the core training, staff and any person handling LVJB information are provided with an online learning module that provides an introduction to the expectations LVJB places on those handling information. This includes the records management as well as the information security and data protection issues of which all staff should be aware.

All staff must complete the information management online learning module and managers must ensure that this has been completed by their staff.

Any other person handling LVJB information must also complete this training and the relevant Senior Managers within LVJB responsible for the contract must ensure this takes place.

Further online learning modules related to records management may be provided to staff and these must be completed where they are relevant to their role. Staff will be informed when they must complete these additional training modules.

## GUIDELINES FOR THE DISPOSAL OF RECORDS

### 1 INTRODUCTION

The retention of unnecessary paper and electronic records wastes staff time, space and equipment. It can also unnecessarily incur liability to answer information requests made under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002, and in some instances for LVJB to be in breach of such legislation. For example, the Data Protection Act requires records containing personal data to be kept for *no longer than necessary*; and the institution can be sued for retaining unnecessary information in the event that this causes damage to someone.

In this context **disposal of records** refers to their appropriate **destruction** or disposal mechanisms when they have reached the end of their specified retention period. The appropriate retention periods and associated disposal actions are defined in **LVJB's Records Retention Schedules**.

Essentially, there are two ways of disposing of records:

- Destruction of records which no longer have value
- Records with an enduring value to the appropriate authority

### 2 MAINTAINING A RECORD OF DESTRUCTION

The Section 61 Code of Practice on Records Management (issued under the Freedom of Information (Scotland) Act 2002) requires that LVJB log the destruction of its records. This does not expect that the disposal of each and every document be included, but rather, the disposal of **distinct groups** or **series** of records should be recorded. For example, a record of the disposal of ephemeral or transitory material (e.g. a draft document or an e-mail of short-term significance) or convenience copies (i.e., copies made and kept for ease of reference) is not required.

**Annex A** provides a Disposal Template to record the removal of records for which a record of disposal needs to be retained. This form will be used and retained for a period of 10 years as part of documentation of records management practices and procedures.

### 3 HOW TO DISPOSE OF RECORDS

#### 3.1 Destruction of Paper Records

To make the disposal of records a manageable process, sections should aim to have an office clear-out on a regular basis. It should be noted that Data Shred confidential bags are intended purely for day-to-day use and not for large volumes of paper. If an office clearance

is likely to generate a substantial amount of waste paper, the appropriate manager will make arrangements for secure destruction with the contractors.

### **3.2 Destruction of Electronic Records**

As part of everyday computer use electronic records are “destroyed” by “deleting” them. However, this type of deletion does not eradicate the data which remains on the disk in a hidden form, and, if held on servers or shared drives, a back-up will be kept for a specified period. Likewise, reformatting can leave hidden data on the disk meaning it is possible to retrieve information deleted in this way.

For portable media such as an usb drive or CD/DVD, the best way to destroy the information contained is to destroy the item concerned. CD/DVDs should be broken, or scored over with a suitably sharp instrument. Items can then be placed directly into a general waste container.

In the case of information held on servers or shared drives, the responsibility for retention lies with ICT section.

## **4 TRANSFER OF RECORDS TO LVJB’S ARCHIVE**

Records which have been identified as having long term or historical value or which require to be kept permanently, should, at present, be retained in the section which created them and advice sought from the Records Management Group.

**Note:** *While records should be disposed of in line with the guidance in the relevant retention schedule, it should be noted that records which are subject to a current Freedom of Information request should not be destroyed until at least 40 days after the request has been answered.*

**Template for Recording  
Disposal of Records**

<b>Disposal of Records</b>	
Section:	
Name:	
Title of Record:	
Format:	
Reason for disposal:	
Method of disposal:	
Date of disposal:	
Authority:	
Not subject to current information request: (tick once checked)	

## CIVICA DISPOSAL MODULE

### Civica Disposal Module

#### Product Overview

The Civica Digital Solutions Disposal Module was developed to meet both Data Protection and Records Management requirements for Document and Data Retention and Disposal and enables the deletion of document and process data across all applications within the Civica Digital solution.

The module caters for the removal of data by allowing for specific document types and/or processes within defined business areas to be deleted based on an exacting set of user definable parameters.

The Module has 3 main areas for deletion: Documents, Processes and Data.

Each of these areas can have a specific Retention profile against them by application area, document type and process and other additional criteria that indicate when Disposal should take place. Additionally the module caters for the previewing and testing of documents and processes which have met defined criteria and a safeguard period to ensure complete piece of mind.

#### Key Functionality

##### Document Disposal by Document Types

The local authority can specify which Document Types will be included in the Disposal routine and also specify the required criteria for deletion. This will typically include elapsed time periods such as time since the document itself was created or last viewed, as well as criteria that may relate to the process it is attached to. Logic can also be extended to dispose of documents based on data changes in the key object record they are indexed to. For example, if a document is indexed to a planning case, delete the document 2 years after the case status equals 'Closed'.

##### Process Disposal

Documents may be linked to a process either because they have initiated a process or have been attached to a process; therefore it is possible to specify whether the Disposal routine will also delete the record of the associated process if the document is disposed of, subject to the criteria specified by the local authority being met. This will need to take account of the criteria being met by the process itself and any other documents attached to that process. Flexibility also exists to only dispose of processes that the document is the initiating document for.

Further control over processes may also be required. The local authority can specify which Processes will be included in the Disposal routine and specify the necessary criteria for deletion. This will typically include elapsed time periods such as time since the process was initiated, completed or aborted, as well as criteria that may relate to the documents or key object records that are attached to it.

In addition to documents and processes being deleted, there could also be a need to remove any associated Case Data. This would have the effect of removing the entire case folder from the database. This is subject to the folder containing no documents or processes that don't also meet

the criteria. It is intended that the case functionality will include Civica Contacts and then developed to individual applications on request with the first being Revenues and Benefits.

### **Pre-requisite**

*There is a requirement for data and case information to be removed from the Back Office system before any Data Synchronisation takes place. Authorities are responsible for the removal of data and case information from the Back Office systems. Please speak to your Account Manager for further details.*

### **Complete Removal and Space Saving**

Unlike many disposal systems which simply remove an image handle used to retrieve a document, but leaving an encrypted image still in existence, Civica's solution removes the copies of the image and compresses the space previously occupied. This means that in addition to meeting Records Management requirements it also aids space saving and helps manage hardware capacity.

*Compression of Disk space can only be utilised by sites using Image Server 2.2. The Disposal Module can still be used for sites on Image Server 1.9 and 2.0 however only the link to the document is deleted. When the site moves from Image Server 2.1 to Image Server 2.2 the document image will then be deleted from the server.*

### **Preview and Testing**

To provide complete flexibility, the Disposal module allows the local authority to preview and test documents and processes which have satisfied the necessary criteria which would be deleted if the disposal were to run at that time. This ensures complete peace of mind as to what is being disposed of and deleted and allows for validation and an authorisation process. A reporting function is available allowing users to report on what has been disposed of.

### **Safeguard period**

Once a document has been disposed from the Image Server it cannot be restored. Therefore, a "Safeguard period" can be specified to provide peace of mind so that the document is only deleted from the image server after a definable amount of time once the scheduler has run. Where a document has been disposed of in error but has a "Safeguard period", the document may be retrieved from a database backup.

*NB: Committing the Civica Disposal routines will permanently remove access to images and/or process data, therefore customers must ensure that robust testing procedures are in place and have been followed. Civica will require formal sign-off of the testing processes before committing any deployment in the live environment and cannot accept responsibility for issues arising from testing omissions. The Civica Image Server will have a single image linked to more than one environment (Live, Test and Train) therefore suitable steps should be taken to isolate those images being used for testing to ensure no Live images are removed in error. We are currently looking into possible options to allow testing using one Image Server. However presently it is recommended that a separate Image Server linked to a test environment is provided for testing purposes to ensure images are not deleted from the Live environment in error.*

**Quick reference to functionality available in which version of EDM & Workflow**

There are many different elements that comprise the Disposal Module and currently not all the elements are available under one release. <b>Functionality</b>	<b>V15</b>	<b>V17</b>	<b>V18</b>
Document disposal by Document Type	☐☐	☐☐	☐☐
Process disposal linked to a Document Type	☐☐	☐☐	☐☐
Process Disposal	☐☐	☐☐	☐☐
Document Disposal linked to a Process	☐☐	☐☐	☐☐
Folder/Case Disposal*	☐☐	☐☐	☐☐
Space Saving and Compression**	☐☐	☐☐	☐☐
Preview and testing facility	☐☐	☐☐	☐☐
Safeguard Period	☐☐	☐☐	☐☐





# RECORDS MANAGEMENT PLAN

Setting out proper arrangements for the  
management of records under the  
Public Records (Scotland) Act 2011



## CONTENTS

- 1 Introduction
- 2 Data Protection Obligations
- 3 Records Management Systems
- 4 Records Management Plan
- 5 Elements of the Plan, 1 to 14
- 6 Contracts
- 7 Supporting Evidence

## RECORDS MANAGEMENT PLAN

### 1 INTRODUCTION

The Public Records (Scotland) Act 2011 ('the Act') came fully into force in January 2013. The Act requires Lothian Valuation Joint Board (LVJB) and other public authorities to prepare and implement a Records Management Plan (RMP). The RMP sets out proper arrangements for the management of records within the Board. The plan is to be agreed with the Keeper of the Records of Scotland ('the Keeper') and reviewed by LVJB after the first year and 2 yearly thereafter.

A copy of the Act can be viewed on the online at:  
[www.legislation.gov.uk/asp/2011/12/part/1/enacted](http://www.legislation.gov.uk/asp/2011/12/part/1/enacted).

More information about the Public Records (Scotland) Act 2011 can be found by visiting the National Records of Scotland website at:  
[www.nas.gov.uk/recordKeeping/publicRecordsActIntroduction.asp](http://www.nas.gov.uk/recordKeeping/publicRecordsActIntroduction.asp).

In line with the Act, all records created in the carrying out of the Board's functions (whether directly or by third parties) are public records. Part 1, section 3.1 of the Act states that:

*"public records", in relation to an authority, means—*

- (a) records created by or on behalf of the authority in carrying out its functions,*
- (b) records created by or on behalf of a contractor in carrying out the authority's functions,*
- (c) records created by any other person that have come into the possession of the authority or a contractor in carrying out the authority's functions."*

Establishing effective records management arrangements helps to deliver a number of business benefits. For example:

- efficient and systematic control of the creation, storage, retrieval, maintenance, use and disposal of records
- faster, more accurate and reliable access to records
- compliance with legislative and regulatory requirements

### 2 DATA PROTECTION

The Data Protection Act 1998 provides the overall framework within which users of personal data can operate. It requires that anybody who processes personal information (ie obtains, holds, amends, discloses or destroys data) must keep to eight data protection principles.

These principles are that personal data will:

- Be obtained and processed fairly and lawfully
- Be obtained for a specified and lawful purpose
- Be adequate, relevant and not excessive for these purposes
- Be accurate and kept up-to-date
- Not kept for longer than is necessary

- Be processed in accordance with the data subject's rights
- Be kept safe from unauthorised access, accidental loss or destruction
- Not be transferred to a country outside the EEA

LVJB is committed to adherence to the data protection principles.

More information is available on the website of the UK Information Commissioner; [www.ico.org.uk](http://www.ico.org.uk)

### **3 RECORDS MANAGEMENT SYSTEMS**

LVJB uses three main types of records management systems:

- Manual Filing Systems (where it is necessary to keep paper and other physical records).
- IT applications, SharePoint and databases that process records for specific functions (ie Valuation for the purposes of Non-Domestic Rating and Council Tax and associated systems and Electoral Registration).
- Storage of electronic documents on a shared drive.

All records management systems are subject to the records management policy, procedures, guidelines and elements of the RMP.

### **4 RECORDS MANAGEMENT PLAN**

LVJB's RMP relates to records throughout their lifecycle, from creation and acquisition to archive and destruction. It encompasses all records across all our service areas.

LVJB's RMP sets out the overarching framework based on the 14 elements of the Keeper's published Model RMP.

The 14 Elements are:

- 1. Senior Management responsibility**
- 2. Records Manager responsibility**
- 3. Records Management policy statement**
- 4. Business classification**
- 5. Retention schedules**
- 6. Destruction arrangements**
- 7. Archiving and transfer arrangements**
- 8. Information security**
- 9. Data Protection**
- 10. Business continuity and vital records**
- 11. Audit trail**
- 12. Competency framework for records management staff**
- 13. Assessment and review**

#### **14. Shared information**

LVJB intends to provide the Keeper with evidence of policies, procedures, guidance and operational activity on all elements of the RMP.

The RMP is effective from 1 April 2015 and will be reviewed and updated, if required, by 30 September 2016 every two years thereafter.

## 5 ELEMENTS OF THE PLAN

### Element 1: SENIOR MANAGEMENT RESPONSIBILITY

***Identify a person at senior level who has overall strategic responsibility for records management.***

Senior Management responsibility for records management within LVJB covered by the RMP lies with:

#### **Responsible Officer**

Assessor & Electoral Registration Officer for Lothian	<b>Joan M Hewton</b> Assessor & Electoral Registration Officer Lothian Valuation Joint Board 17A south Gyle Crescent EDINBURGH EH12 9FL
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To support the Assessor and Electoral Registration Officer the Senior Management Group will be responsible for approving a corporate approach to the management of records as defined within this policy, promoting a culture of excellent recordkeeping principles and practices in order to improve business efficiency, supporting records management through commitment and the provision of resources and recognising the importance of preserving LVJB's corporate memory.

In addition the Heads of Service who are the key members of the Senior Management Group are responsible for offering advice and guidance regarding records management to all staff within their service, highlighting any records management issues or concerns to the Chair of the Records Management Group and transferring any records of historical value to an archive for permanent preservation.

#### **Senior Management Group/Heads of Service**

Depute Assessor & Electoral Registration Officer for Lothian	<b>Graeme Strachan</b> Depute Assessor & Electoral Registration Officer
Head of Valuation Services	<b>Nick Chapman</b> Head of Valuation Services
Head of Administration	<b>Brian Brown</b> <b>Head of Administration Services</b>
Head of Information Communication and Technology	<b>Bernie Callaghan</b> Head of ICT Services

#### **Evidence:**

- Records Management Policy
- Records Retention and Disposal Policy
- Signed letter of Senior Management Responsibility

## Element 2: OPERATIONAL RECORDS MANAGEMENT RESPONSIBILITY

***Identify a dedicated team within the organisation, answerable to senior management, to have operational responsibility for records management within the organisation.***

The dedicated team answerable to senior management and who have operational responsibility for records management within LVJB covered by the RMP is the Records Management Group:

### Records Management Group

<b>Joan Hewton (Chairperson)</b>	<b>Assessor and ERO</b>
<b>Kier Murray</b>	<b>ICT Development Manager</b>
<b>Brian Brown</b>	<b>Head of Administration</b>
<b>Gary Elliott</b>	<b>Divisional Assessor</b>
<b>Hellen Chinnery</b>	<b>Technical Support Officer</b>
<b>Bill Kerr</b>	<b>Human Resource Manager</b>
<b>Derek Cowan</b>	<b>Administrative Manager : Audit Control</b>

### Evidence:

- Records Management Policy
- Signed letter of Senior Management Responsibility



### Element 3: RECORDS MANAGEMENT POLICY STATEMENT

***A records management policy statement underpins effective management of an authority's records and information. It demonstrates to employees and stakeholders that managing records is important to the authority and serves as a mandate for the activities of the records manager.***

The Records Management Policy has been rewritten to take into account the requirements of Public Records (Scotland) Act 2011. It is available on the Board's intranet and is publicly available on the Board's website.

LVJB's commitment to establishing and maintaining effective records management is set out in the Records Management Policy and includes the signed statement below from the Assessor and Electoral Registration Officer.

*"It is the aim of Lothian Valuation Joint Board to achieve efficiency benefits through best practice applied to records management. This is intended to lead to improvements in the use of personnel and financial resources. Adherence to the records management policy will be robustly monitored to ensure compliance.*

*Best Practice in records management will ensure that all information:*

- *Received or created is stored in the appropriate way and is easily retrievable*
- *Is retained, destroyed or preserved in accordance with the Board's Retention and Disposal Arrangements*
- *Meets our current needs and our requirements into the foreseeable future*
- *Is capable of enabling change when required*
- *Is easily accessible to users and that the skills and technology are available to achieve this aim*

*The Public Records (Scotland) Act 2011 emphasises the importance placed on records management in local authorities. It is our aim to draft and implement an effective Records Management Plan in order to meet the requirements of the Act. The Plan will be reviewed at regular intervals to ensure its effectiveness."*

LVJB also recognises the legal obligations to set out proper records management arrangements to ensure compliance with other legislation such as the Freedom of Information (Scotland) Act 2002, Data Protection Act 1998 and Local Government (Scotland) Act 1994.

The records of LVJB constitute an auditable account of the authority's activities, which provides evidence of the business, actions, decisions and resulting policies formed by the Board.

Records represent a vital asset, which support the daily functions of the Board and protect the interests and rights of staff, and members of the public, who have dealings with us.

An audit trail is created for electronic records and this can be readily accessed from screens within the relevant application. Records may also be interrogated by the Audit Manager using dedicated audit software, or by liaison with the Board's IT section.

#### **Evidence:**

- Records Management Policy

- Information and Technology Management and Security Policy with Associated Appendices & Sub-Policies

#### **Element 4: BUSINESS CLASSIFICATION**

***A full business classification scheme describes what business activities the authority undertakes– whether alone or in partnership.***

LVJB has maintained a Retention and Disposal Schedule in accordance with the Freedom of Information (Scotland) Act 2002. This details the function; activities and transactions and forms the basis of our Business Classification Scheme

The Retention & Disposal Schedule covers all functions of LVJB and has been arranged into functions, activities and transactions and includes reference to the business areas currently responsible for delivering these functions.

The Retention & Disposal Schedule includes the following information:

<b>Function</b>	Describes the business functions, activities and processes that records support
<b>Activity</b>	Further defines the business, activity or process that records support
<b>Transaction</b>	(type of record / information/ record description)
<b>Disposal Trigger</b>	Defines the event that triggers the start of the retention period
<b>Retention Period</b>	Specifies the length of time records must be kept following the retention disposal event
<b>Location</b>	Location of paper and electronic records
<b>Confidentiality</b>	Access rights
<b>Authority</b>	Identifies the legal, regulatory or business reasons that records need to be created, received and kept (even if requirements are not explicitly stated)

Heads of Service have provided their assurance that the Scheme will be implemented throughout their Service.

ICT will work with the records management group to produce a directory structure for all file servers across LVJB based on the Scheme. Work is ongoing in relation to the development of relevant file naming conventions.

Guidance on the Scheme for managing paper and electronic records will be produced and circulated prior to the Scheme being implemented corporately.

#### **Evidence:**

- Retention and Disposal Schedule

## Element 5: DOCUMENT RETENTION SCHEDULE

***A document retention schedule is a list of records for which pre-determined disposal dates have been established.***

The Records Management Policy outlines the need to detail the retention periods and subsequent disposition actions for all types of record through a retention schedule. The Retention Schedule is as an essential part of our overall Records Management Plan, ensuring that records are kept for no longer than is necessary and disposed of as appropriate.

A Retention and Disposal Schedule was developed in accordance with the Freedom of Information (Scotland) Act 2002 and forms a pre-existing structure for managing records within LVJB.

The purpose of a Retention & Disposal Schedule is to provide:-

- Consistent instructions on records retention and disposal for all staff who deal with records and will underpin our Records Management programme.
- Will assist in establishing the types of records we need to keep, how long records are required and what should be done with them at the end of that period.
- Is intended to cover all records, regardless of medium or format, which are created or received during the course of business.

The Schedule is continuously reviewed to ensure that the retention and disposal arrangements in respect of electronic records are clearly stated.

Installation of a Document & Data disposal for our Civica EDM system module is scheduled for later this year. This module will be configured in accordance with retention schedule requirements for data held in this area.

We are currently migrating shared network data and information into a controlled environment within SharePoint. SharePoint enables collaboration, version and access control with the ability to manage information securely.

A review of the disposal of documentation outwith SharePoint and Civica is currently being undertaken.

### **Evidence:**

- Civica Document & Data Disposal Module
- Retention and Disposal Schedule
- Records Retention and Disposal Policy

## Element 6: DESTRUCTION ARRANGEMENTS

***It is not always cost-effective or practical for an authority to securely destroy records in-house. Many authorities engage a contractor to destroy records and ensure the process is supervised and documented.***

Guidance has been produced on destruction arrangements for LVJB records which have reached the end of their retention period and have been identified as suitable for destruction in accordance with the Retention Schedule.

The destruction arrangements have been developed in line with LVJB's Records Management Policy. Unless there are any special instructions or unique circumstances, records generally will be destroyed at the end of their retention period. Retaining any record past the mandatory retention period should be on an exception-only basis, weighing a record's potential usefulness against cost and any space limitations.

In respect of confidential paper waste, PHS Data Shredding provides LVJB with an off-site shredding facility. Confidential paper waste is deposited and retained in sealable refuse sacks pending disposal or pre-shredded in a commercial shredder and similarly stored pending uplift for disposal. A certificate of destruction is provided by PHS Data Shredding

In addition LVJB have uses on site a paper shredder which ensures that paper records are destroyed to European security standards (2\*15mm particles)

All digital media and IT equipment is disposed of in accordance with the Retention Schedule and the Information and Technology Management and Security Policy.

All members of our Administration team have attended security awareness training and confirmed via email that they understand the requirements therein. It is envisaged that this programme of training will be rolled out to our Technical divisions and refresher sessions will commence in 2016.

Evidence:

- Information and Technology Management and Security Policy
- PHS Datashred Sample Certificate of Destruction
- Retention and Disposal Schedule

## Element 7: ARCHIVING AND TRANSFER ARRANGEMENTS

***This is the mechanism by which an authority transfers records of enduring value to an appropriate archive repository, specifying the timing of transfers and other terms and conditions.***

Limited types of documents are transferred to archive.

Architect plans for dwellings once scanned for electronic retention are uplifted by the Archivist for retention because of their historical merit and interest. The plans are not deemed sensitive or confidential and but for space requirements would normally be retained by the organisation for the life of the property plus 5 years.

Copies of the valuation roll and council tax list are provided on publication to the archivist because of historical merit and interest. The valuation roll and council tax list is also available on-line at [www.saa.gov.uk](http://www.saa.gov.uk). The rolls and lists are not deemed sensitive or confidential and are also retained indefinitely within the organisation for reference purposes and for public interest.

The electoral register is provided to specific organisations as determined by statute. Statute also determines the method and means of transfer of files. The electoral register is also maintained within the organisation and is open for public viewing during office hours.

### **Evidence:**

- Retention and Disposal Schedule

## Element 8: INFORMATION SECURITY

***Information security is the process by which an authority protects its records and ensures they remain available. It also maintains privacy where appropriate and provides for the integrity of the records.***

LVJB has produced an Information Technology Management and Security Policy which details the security framework in place for records which fulfils the security commitments outlined in the Records Management Policy.

Securing information assets, and in particular records, will help to fulfil legislative responsibilities, safeguard LVJB's reputation, ensure business continuity, optimise the management of risk and minimise the impact of security incidents.

As a key information asset, the security of all records will be managed in accordance with LVJB's existing approved Information Security Policy and Standards.

Every individual with access to records is responsible for ensuring their protection.

All Administration staff have received information security awareness training and will be reminded of the importance of security at annually. Additionally, all relevant staff have been vetted to a basic level by Disclosure Scotland.

Procedures and processes are in place to deal with threats, risks and breaches of security.

### **Evidence:**

- Data Protection Policy
- Information and Technology Management and Security Policy

## Element 9: DATA PROTECTION

***An authority that handles personal information on individuals has a number of legal obligations to protect that information under the Data Protection Act 1998.***

LVJB relies on the information that it collects and holds to fulfil its aims, objectives, and obligations with reference to “performing its public functions”. Information relating directly to individuals (personal data) is an essential asset which must be properly managed in order to deliver efficient and effective services, ensure legal compliance, and to protect the Board’s reputation and image as a responsible organisation.

The Data Protection Act 1998 places obligations on organisations that use personal information and gives individuals certain rights. The Act states that those who record and use personal information must be open about how the information is used.

LVJB fully endorses and adheres to the Principles of Data Protection as detailed in the Act and has an approved Data Protection Policy in place to ensure that all personal data processing, carried out on its behalf (either in-house, by contractors, by system suppliers or partner organisations) complies with data protection principles and key legislative requirements.

As a Data Controller, LVJB is registered as such with the Information Commissioner’s Office (ICO). The Board’s Registration can be viewed on the ICO website, [www.ico.gov.uk](http://www.ico.gov.uk). The Registration number for the Electoral Registration Service is: **Z5952581** and for the Valuation Services is: **Z5952686**

### **Evidence:**

- Data Protection Policy

## **Element 10: BUSINESS CONTINUITY AND VITAL RECORDS**

***A business continuity and vital records plan serves as the main resource for the preparation for, response to, and recovery from, an emergency that might affect any number of crucial functions in an authority.***

A Business Continuity Plan (BCP) is in place in the event of any disaster. Reference to records management arrangements, in particular vital records, is included in the plan. The internal Records Management Group shall help to identify vital records in the Retention Schedule which are essential to the continuation of the service should there be a disaster. Thereafter suitable arrangements will be put in place to ensure access to such records in an emergency.

To ensure the organisation can continue to operate in the event of a disaster a programme of digitising all records is underway.

An IT Disaster Recovery Plan (DRP) is currently in place for electronic records and the electoral registration service. Additionally there are ongoing arrangements to scan and retain essential property records digitally. New records are scanned for digital retention and scanning of existing records is in progress.

The senior management group reviews BCP and DRP twice yearly and keeps such matters under review.

### **Evidence:**

- Records Management Policy
- Business Continuity Plan
- Retention and Disposal Schedule



## **Element 11: AUDIT TRAIL**

***An audit trail is a sequence of steps documenting the movement and/or editing of a record resulting from activities by individuals, systems or other entities.***

An internal audit manager carries out random checking of all key activities within the organisation and reports to senior staff monthly at Senior Management Group meetings and Technical Management Group Meetings. Findings from the audits are put to the managers and recommended solutions put forward, discussed and mainly implemented.

At present, electronic systems within the authority are able to provide audit trails for electronic records. Audit trails for paper records may be less obvious. The organisation continues to capture as many records electronically thereby improving the audit trail of as many records as possible.

The ongoing scanning of Council Tax paper files has been in place for 5 years and is expected to take another 5 years to fully capture. Changes to Council Tax Banding are all carried out electronically and are therefore fully auditable.

The ongoing capture of information for non-domestic properties has been in progress for many years, although electronic information held increases steadily paper files continue to be in regular use. Changes to Non-Domestic Rateable Values are all carried out electronically and are therefore fully auditable.

The ongoing scanning and electronic capture of Electoral Registration forms and applications has been in place for many years and is now a fully integrated system with paper files held for very short periods of time. All electoral records are fully auditable.

We are currently migrating shared network data and information into a controlled environment within SharePoint. SharePoint enables collaboration, version and access control with the ability to manage information securely.

### **Evidence:**

- Records Management Disposal Policy

## **Element 12: COMPETENCY FRAMEWORK FOR RECORDS MANAGEMENT STAFF**

***A competency framework lists the core competencies and the key knowledge and skills required by a records manager. It can be used as a basis for developing job specifications, identifying training needs, and assessing performance.***

The Records Management Policy provides an overview of the importance of records management and details the roles and responsibilities to improve staff understanding and knowledge.

All staff within LVJB must complete online training in Security Awareness and Data Protection.

Currently there is no approved framework in place which details competencies required by staff with responsibility for the records management function. The Records Management Plan identifies the key groups of staff that have specific functions to effectively support the business, meet corporate goals, implement best practice, ensure the organisation is accountable and comply with legislation including requirements of the Public Records (Scotland) Act 2011.

### **Evidence:**

- Records Management Plan
- Records Management Policy

### Element 13: ASSESSMENT AND REVIEW

***Regular assessment and review of records management systems will give an authority a clear statement of the extent that its records management practices conform to the Records Management Plan as submitted and agreed by the Keeper.***

The Records Management Plan, Information Management Strategy and Records Management Policy will be subject to the Board's governance, monitoring and review process. The RMP will be reviewed on an ongoing basis.

Governance over the RMP is set out in the table below.

Group	Governance/Scrutiny Role
Records Management Group	Developing and implementing policies and procedures relating to the plan and monitoring/reporting progress.  Reviewing and implementing policies, procedures and standards. Monitoring projects relating to this plan.  Scrutinise and review the plan and supporting strategies, policies and progress.
Senior Management Group	Approval of the plan and associated strategies and policies.

At present regular records management meetings are convened to monitor, self-audit and report on performance on an ongoing basis. The continued development and improvement of records management practice will be implemented through the records management group meetings.

#### **Evidence:**

- Records Management Policy

## Element 14: SHARED INFORMATION

***Under certain conditions, information given in confidence may be shared. Most commonly this relates to personal information, but it can also happen with confidential corporate records.***

In limited circumstances LVJB information is shared with a third party. Alternatively LVJB will receive confidential information from partner organisations. In each case appropriate agreements are entered into to ensure confidentiality of the information

### Evidence:

- Information and Technology Management and Security Policy

## 6 CONTRACTS

Prospective tenderers should note that as a Scottish Public Authority, LVJB is bound by the provisions of the Public Contracts (Scotland) Regulations 2012.

In terms of the Public Records (Scotland) Act 2011 all public records managed by the Authority must be managed in accordance with the Records Management Plan (RMP), which are required to be approved by the Keeper of the Records of Scotland.

It should however be noted that the PRSA only applies to third parties when they are carrying out the work of an authority, normally for reasons of cost or expertise. It does not apply when an authority contracts out a service – such as IT provision – nor when LVJB supply information to a third party to allow them to carry out their functions.

## 7 LIST OF SUPPORTING EVIDENCE

### Specific to the 14 Elements of the Plan

Appendix A	<b>Records Management Policy</b>
Appendix B	<b>Retention and Disposal Schedule</b>
Appendix C	<b>Records Retention and Disposal Policy</b>
Appendix D	<b>Data Protection Policy</b>
Appendix E	<b>Information and Technology Management and Security Policy</b>
Appendix F	<b>PHS Certificate of Destruction</b>
Appendix G	<b>Signed letter of Senior Authority</b>
Appendix H	<b>Civica Document &amp; Data Disposal Module</b>
Appendix I	<b>Business Continuity Plan</b>