

## Notice of Meeting and Agenda

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**Monday 8 February 2016 at 10.00am**  
**in the City Chambers, High Street, Edinburgh**

**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 16 November 2015**  
(circulated) – submitted for approval as a correct record

**4 Solicitor to the Joint Board** – report by the Chief Executive and Clerk  
(circulated)

**5 Revenue Budget 2016/17** – report by the Treasurer (circulated)

**6 Budget Report 2016/17** – report by the Assessor and Electoral Registration Officer (circulated)

**7 Annual Audit Plan 2015/16** – report by Audit Scotland (circulated)

**8 Annual Investment Strategy** – report by the Treasurer (circulated)

**9 Operational Governance Framework Review 2016** – report by the Chief Executive and Clerk (circulated)

**10 Managing Retirement Policy** – report by the Assessor and Electoral Registration Officer (circulated)

- 11 Death Benefit Scheme** – report by the Assessor and Electoral Registration Officer (circulated)
- 12 Special Leave Policy** – report by the Assessor and Electoral Registration Officer (circulated)
- 13 Parental Leave Policy** – report by the Assessor and Electoral Registration Officer (circulated)
- 14 Future Meeting Arrangements** – report by the Chief Executive and Clerk (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 | Committee Services | Strategy and Insight | Chief Executive | 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.



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# Lothian Valuation Joint Board

Edinburgh, 16 November 2015

**Present:**

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

**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 7 September 2015 as a correct record.

## 2 Period 7 Financial Statement 2015-2016

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

At this stage, the projected outturn against the core budget of £6.118m indicated a forecast spend of £6.023m resulting in a net underspend of £0.095m.

**Decision**

To note the projected outturn position for 2015-2016.

(Reference – report by the Treasurer, submitted)

## 4 Revenue Budget 2016-2017

A draft budget for 2016-2017 had been prepared by the Treasurer in consultation with the Assessor. The draft budget was currently £6.482m which represented an increase of £0.364m to the approved budget for 2015/2016. This shortfall was due to the ongoing cost attributed to Individual Electoral Registration (IER).

Whilst further work would be undertaken on the budget between now and February 2016, Members recognised that the position was unlikely to change unless additional IER grant funding was provided by the Cabinet Office for 2016/17.

Lothian Valuation Joint Board  
16 November 2015

**Decision**

- 1) To note the projected shortfall of £0.364m against the draft budget 2016/17 at this stage of budget development.
- 2) To use the creditor balance to address the forecast budget shortfall for 2016/17, which had arisen as a result of Individual Electoral Registration (IER). If IER grant was subsequently received for 2016/17, to note it would be applied to reduce the level of drawdown required from the creditor balance.
- 3) To note that the Assessor and Treasurer would work together to establish a sustainable budget for 2017/18 with further reports being presented throughout 2016/17.

(Reference – report by the Treasurer, submitted)

**5 Mid Term Review – Treasury Management Activity**

The mid term review of the Board's treasury management activity for the first half of the 2015-2016 financial year was presented.

**Decision**

To note the investment activity undertaken on behalf of the Board.

(Reference – report by the Treasurer, submitted)

**6 Assessor's November 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.

Key issues for the service included the transition to Individual Electoral Registration (IER). Household enquiry forms had been issued in August as the first step in the annual canvass process and the revised register would be published on 1 December 2015 at the conclusion of the canvass.

Work was continuing with the Electoral Commission to raise awareness and encourage 16/17 year olds to register to vote.

**Decision**

To note the updates set out in the report.

(Reference – report by the Assessor and Electoral Registration Officer, submitted)

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

The Code of Conduct for Employees had been revised to include a section informing employees of their responsibility in reporting potential conflicts of interest.

### **Decision**

To approve the revised Code of Conduct for Employees.

(Reference – report by the Assessor and Electoral Registration Officer, submitted)

## **8 Discretions Policy Statement**

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

### **Decision**

To approve the discretions policy statement for presentation to Lothian Pension Fund.

(Reference – report by the Assessor and Electoral Registration Officer, submitted)

## **9 Managing Attendance Procedure**

The Managing Attendance Procedure had 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.

### **Decision**

To approve the revised Managing Attendance Procedure.

(Reference – report by the Assessor and Electoral Registration Officer, submitted)

## **10 Recruitment and Selection Policy**

The Recruitment and Selection Policy had been reviewed and amended to ensure compliance with current legislation.

### **Decision**

To approve the revised Recruitment and Selection Policy.

(Reference – report by the Assessor and Electoral Registration Officer, submitted)

## **11 Revised Records Management Policy**

The Public Records (Scotland) Act 2011 required the Board to prepare and implement a Records Management Plan by Oct 2015 setting out arrangements for its management of records. The Plan was currently being reviewed by the Keeper of the Records of Scotland.

The Records Management Policy had been reviewed and amended and a new Records Management Disposal and Retention Policy had been drafted.

### **Decision**

To approve the revised Records Management Policy and draft Records Management Retention and Disposal Policy.

(Reference – report by the Assessor and Electoral Registration Officer, submitted)

## Solicitor to the Joint Board

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8 February 2016

### Purpose of Report

- 1 To advise members of arrangements for the Solicitor to the Joint Board in light of changes within the senior management structure of the City of Edinburgh Council.

### Main report

- 2 The current Solicitor to the Board, Carol Campbell, has intimated her resignation from the Council to take up an appointment within another organisation. Nick Smith has now been appointed as Interim Head of Legal and Risk within the Council.
- 3 It is proposed that the Interim Head of Legal and Risk, Nick Smith should also assume the duties of Solicitor to the Joint Board.

### Recommendation

- 4 To appoint Nick Smith, Interim Head of Legal and Risk, City of Edinburgh Council as Solicitor to the Joint Board with immediate effect.

**Andrew Kerr**  
Chief Executive and Clerk

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**Appendices**                      None

**Contact/tel**                      Lesley Birrell, Office of the Chief Executive and Clerk  
☎ 0131 529 4240; ✉ [lesley.birrell@edinburgh.gov.uk](mailto:lesley.birrell@edinburgh.gov.uk)

**Background Papers**              None



## Revenue Budget 2016/17

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8<sup>th</sup> February 2016

### 1 Purpose of report

The purpose of this report is to present the revenue budget for 2016/17 for approval. The report has been prepared in consultation with the Assessor and Electoral Registration Officer.

### 2 Summary

- 2.1 The Board is requested to approve a budget for 2016/17 of £6.482m. This budget is to be funded through a flat-cash requisition of £6.118m and a maximum drawdown from the general reserve of £0.364m. The level of drawdown may reduce subject to confirmation of Individual Electoral Registration grant funding for 2016/17 from the Cabinet Office.
- 2.2 The requisition for the past four years has been held at £6.118m. The budget has increased from that approved for 2015/16 (£6.118m) due to increased expenditure arising from Individual Electoral Registration (IER). The ongoing financial pressure arising from IER has been subject to numerous reports to the Board, further details are provided in paragraph 5.1.

	£'000
Budget 2016/17	6,482
Drawdown from reserve	(364)
<b>Requisition 2016/17</b>	<b>6,118</b>

- 2.3 The Assessor and ERO and the Treasurer recognise the need to move towards a sustainable budget position for 2017/18; the above provides a managed position for 2016/17. Detail to support a managed position is provided in paragraph 3. Further work requires to be undertaken by the Assessor and ERO to identify options to move to a sustainable budget 2017/18.
- 2.4 Although the Cabinet Office has intimated to the Assessor and ERO that IER funding is likely to be provided for 2016/17 there has been no official confirmation at this stage. Therefore no IER grant has been built in to the 2016/17 budget. Any additional grant subsequently received after the Board has considered the 2016/17 budget could negate the need or reduce the level of drawdown from the general reserve.
- 2.5 The table below estimates a closing reserve position at 31<sup>st</sup> March 2017 of £0.240m based on the 2015/16 budget update presented to the Board in November 2015 and 2016/17 proposed budget.

General reserve	£'000
Balance March 2015	(596)
VERA (3) exit costs 2015/16 <sup>1</sup>	87
2015/16 requisition under spend <sup>2</sup>	(95)
Draft budget shortfall 2016/17	364
<b>Estimated closing balance 31.03.17</b>	<b>(240)</b>

<sup>1</sup> pension strain costs revised from November 2015 report.

<sup>2</sup> based on outturn position reported to the Board in November 2015.

### 3 Managed position 2016/17

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

- The Assessor and ERO will experience higher demand levels during 2016/17 as a result of the 2016 Scottish Parliament Elections and the 2017 Local Authority Elections. There is also the probability of an EU referendum during 2016/17;
- It will enable further clarity to be received during 2016/17 on the ongoing service/financial requirements of Individual Electoral Registration which is currently under review by the Cabinet Office. It is hoped that the cost pressure of £0.468m currently included in the 2016/17 budget will reduce (no increase is expected as a result of the ongoing IER review);
- The Assessor and ERO also requires to under-take a full revaluation of non-domestic properties during 2016/17;
- The impact of potential changes to the Council Tax system and service implications should also be better understood 2016/17.

Paragraph 5 provides further detail behind the service requirements / risk factors shown above.

3.2 The Assessor and ERO will require to commence work as soon as possible to assess options to pull the budget in to a sustainable position for 2017/18. Consideration should be given to preparing a report to the Board in autumn 2016 based on 2017/18 budget scenario planning / service impact. It should be noted that, on the assumption that there is no ongoing IER funding from either the Cabinet Office or Scottish Government for 2017/18, that a standstill requisition of £6.118m may be the best case scenario for 2017/18. The Assessor and ERO and the Board should also consider options / implications of reducing the 2017/18 requisition from the current standstill position given the reductions in funding being faced by local authorities 2016/17 and the possibility of further tightening on future year settlements. It would be inevitable that a reduction in budget provision will affect the delivery of statutory duties.

### 4 Local Government Finance Settlement – Constituent Councils / budget development

4.1 The Scottish Government draft Local Government Finance Settlement has been reduced by approximately 3.5% between 2015/16 and 2016/17. The Board are being requested to approve an effective standstill requisition for 2016/17. Longer-term funding assumptions remain subject to considerable uncertainty, however,

there remains a considerable risk that there will be further cash-reductions in funding provided through the Scottish Block grant for 2017/18 and beyond.

- 4.2 Whilst the development of the Board's budget for 2016/17 has been undertaken recognising the budget restraint being implemented across Scottish local authorities, the Assessor and ERO considers it a risk to service delivery to approve further reductions in staffing beyond those currently built in to the 2016/17 budget. Efficiencies of 4.7% have been built in to the 2016/17 budget, which includes a net reduction of seven posts (6% head count reduction).
- 4.3 As reported in paragraph 2.2, these efficiencies have been off-set by greater financial pressures arising from Individual Electoral Registration (7.6%) and other core budget pressures (3%). The table below provides a summary analysis of budget change from that approved for 2015/16. Detail is shown in Appendix 1.

Summary analysis of change	£'000	£'000	% Change
Efficiencies - core budget <sup>1</sup>		(285)	(4.7%)
Pressures - core budget <sup>2</sup>		181	3.0%
<b>Pressures - IER budget</b>			
Permanent canvasser/support assistants	231		
Other costs (mainly postages and printing)	<u>237</u>		
		468	7.6%
<b>Budget shortfall 2016/17</b>		<b>364</b>	<b>5.9%</b>

<sup>1</sup> mainly net reduction of seven posts.

<sup>2</sup> mainly additional pay award 15/16, increased hours, pay award & increments 16/17.

## 5 Budget pressures / service risk

### 5.1 Individual Electoral Registration (IER)

- 5.1.1 The Cabinet Office and the Scottish Government are aware of the ongoing financial pressure to Electoral Registration Officers (ERO's). However no additional funding was included in the draft Local Government Settlement published in December 15 and the Cabinet Office have not yet confirmed the level of grant the Board will receive for 2016/17. Any one-off IER grant from the Cabinet Office for 2016/17 is unlikely to be known until closer to March 16.
- 5.1.2 There are two main elements that contribute to the additional cost included in the 2016/17 budget specifically arising from the statutory requirements of IER; namely **staffing costs and printing/postages**. 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 individuals wished to exercise, for example, postal voting and opt out. Under IER, a returned HEF

indicating new electors requires each of those electors to be issued with an ITR for completion. Additional material also 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 which again increases printing costs.

- **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 set up to deal with increased registration matters arising from IER. The Assessor and ERO will review staffing requirements following any revisions to current IER procedure.

5.1.3 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 UK wide funding 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 as they arise, including service/financial implications as a result of changes to the current system.

## **5.2 Revaluation 2017**

5.2.1 The Scottish Government has requested that the majority of draft rateable values be available to their statisticians by Autumn-2016 at the latest with as many as possible ready by mid-2016. Valuation Notices shall be issued to proprietors, tenants and occupiers of all NDR properties by 31<sup>st</sup> March 2017 and from then work increases at 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, although it's anticipated that will not significantly impact on the 2016/17 budget.

5.2.2 The number of retained professional staff has been decreasing in recent years with two further Valuer and one Technician post removed as part of the 2016/17 budget. Considerable risk would be placed on the 2017 Revaluation and ongoing service delivery, should further staffing reductions take place.

## **5.3 The Future of Council Tax**

5.3.1 This represents an area of significant uncertainty. The Scottish Assessors Association (SAA) has contributed to the Scottish Government's Commission on Local Tax reform investigating Council Tax and possible alternatives. Proposals are expected to be brought forward early 2016 to reform the current system, drawing on the evidence considered by the Commission. The timetable for implementation may be very quick. If legislation is in place by the end of 2016 it is possible that a new system could be implemented during 2018.

5.3.2 In the event that Assessors are requested to become involved in the valuation for a new or altered local property tax, it can be expected that any additional funding required for implementation and maintenance would be provided by the Scottish Government. This position though also means that it represents a very high risk to consider further reductions in staffing levels for those experienced

professional staff who are currently employed to undertake property valuation. The reduction in knowledge and experience could not be recovered during a short implementation period.

#### **5.4 Other budget risks**

- 5.4.1 The possibility of a rent review of the Pentad building during 2016/17. No increase in rental payments has been budgeted.
- 5.4.2 Strategic and operational planning, along with risk management, are already being undertaken by the Assessor and ERO, however, the combination of the major activities referred to in section 5 and the uncertainty of legislation and timetabling results in risk to the Board.

### **6 Budget Flexibility**

- 6.1 The Board has the ability to retain a general reserve; this balance currently stands at £0.596m. As reported at paragraph 2.5, this reserve could drop to £0.240m by 31<sup>st</sup> March 2017 due to funding of one-off VERA business cases 2015/16 and the drawdown required to support the 2016/17 budget.

### **7 Proposed Requisition 2016/17 - £6.118m**

- 7.1 An analysis of budget change is shown in Appendix 1; the proposed budget for 2016/17 is shown in Appendix 2.

### **8 Requisition allocation basis between constituent councils**

- 8.1 The apportionment of the 2016/17 requisition is based on the constituent council's share of GAE lines in the Local Government Finance Circular No. 6/2014 published in July 2014. Revised GAE allocations will not be known until March 2016. Table 9.1 provides the split per council.

### **9 Recommendations**

- 9.1 The Board is recommended to approve the proposed budget for 2016/17 and the issue of requisition requests from the Treasurer to constituent councils as follows:

Constituent Council	Requisition 2016/17	%
Edinburgh	£3,743,604	61.19%
Midlothian	£560,409	9.16%
East Lothian	£669,309	10.94%
West Lothian	£1,144,678	18.71%
<b>Total</b>	<b>£6,118,000</b>	<b>100.00%</b>

- 9.2 The Board is recommended to approve a reserve drawdown of up to £0.364m to support the 2016/17 budget.
- 9.3 Note that the Assessor and ERO will report to the Board on options to balance the 2017/18 budget in autumn 2016.
- 9.4 Note that any additional IER grant received for 2016/17 will be reported at the earliest Board meeting after formal notification is received from the Cabinet Office.

- 9.5 Note that the Assessor and ERO will update the Board in due course of any changes to IER with service/financial implications.
- 9.6 Note the risks identified in section 5 of the report.

**Hugh Dunn,  
Treasurer**

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<b>Appendices:</b>	Appendix 1 - Analysis of Budget Change Appendix 2 – Revenue Budget 2016/17 – Subjective Analysis
<b>Contact/Tel:</b>	Mr. T.MacDonald: 0131 469 3078
<b>Background Papers</b>	Held at the Office of Treasurer

## Appendix 1 - Analysis of Budget Change

	£'000	£'000	£'000	% Change
<b>APPROVED BUDGET 2015/2016</b>			<b>6,118</b>	
<b>1. Core Budget Movement</b>				
<b>1.1 Efficiencies</b>				
<i>Emps</i> - Removal of 9 posts (6 x leavers and 3 x VERA), off-set by:		(295)		
<i>Emps</i> - 2 x new technical posts		44		
<i>Other</i> - Electricity budget reduced (meters decommissioned)		(17)		
<i>Other</i> - Other minor budget reductions		(17)		
		<u>(285)</u>		<b>(4.7%)</b>
<b>1.2 Pressures:</b>				
<i>Emps</i> - Pay Award (1%) - April 2016		35		
<i>Emps</i> - Salary increments		9		
<i>Emps</i> - Other employee budget adjustments (additional 0.5% pay award 15/16, increased hours, increased employers NI etc)		114		
<i>Other</i> - Telephony budget increased (mainly due to IER requirements)		18		
<i>Other</i> - Rates - estimated increase in poundage		5		
		<u>181</u>		<b>3.0%</b>
<b>2. IER Budget Pressures</b>				
- Additional cost of a permanent canvasser team (12)		112		
- Additional cost of permanent Customer Support Assistants (6)		119		
- Overtime and clothing		17		
- Staff travel costs		13		
- ICT costs		10		
- Additional printing and postage costs		197		
		<u>468</u>		<b>7.6%</b>
<b>3. Reserve drawdown</b>				
			<b>(364)</b>	<b>(5.9%)</b>
<b>PROPOSED BUDGET 2016/17</b>			<b>6,118</b>	<b>0.0%</b>
<b>Summary of subjective budget movements</b>				
		<b>£'000</b>		
Employee costs		(93)		
Other core budgets		(11)		
IER		468		
Reserve drawdown required		(364)		
<b>Total</b>		<b>0</b>		

## Appendix 2 – Revenue Budget 2016/17 – Subjective Analysis

<b>1. Core budget</b>	<b>Budget 15/16 £'000</b>	<b>Budget 16/17 £'000</b>	<b>Movement £'000</b>
<b>Employee Costs</b>			
Wages and Salaries	3,368	3,276	(92)
Allowances	4	3	(1)
National Insurance	263	270	7
Superannuation	678	665	(13)
Agency Staff	0	6	6
Canvass Staff	127	127	0
Early Retirement Pensions	122	122	0
Pension Deficit Contribution	3	3	0
	<b>4,565</b>	<b>4,472</b>	<b>(93)</b>
<b>Premises Costs</b>			
Rents	305	305	0
Rates	189	194	5
Energy Costs	46	29	(17)
Water Services	20	16	(4)
Cleaning & Domestic Supplies	35	37	2
Building Repairs, Alterations & Maintenance	15	15	0
Grounds Maintenance Costs	8	4	(4)
Premises Insurance	6	5	(1)
	<b>624</b>	<b>605</b>	<b>(19)</b>
<b>Transport Costs</b>			
Public Transport	28	24	(4)
Car Allowances	62	63	1
Contract Hire	4	4	0
Fuel	0	0	0
Transport Insurance	10	10	0
	<b>104</b>	<b>101</b>	<b>(3)</b>
<b>Supplies &amp; Services</b>			
Postages	262	262	0
Computer Equip	212	210	(2)
Printing, Stationery & Gen Office Exp	101	97	(4)
Legal Fees	34	34	0
Equipment, Furniture & Materials	18	21	3
Insurance	21	21	0
Training & Conferences	14	11	(3)
Telephony	22	40	18
Audit Fees	7	7	0
Miscellaneous Expenses	8	5	(3)
Subscriptions	2	2	0
Members Allowances	9	9	0
Clothes, Uniform & Laundry	1	1	0
	<b>711</b>	<b>720</b>	<b>9</b>
<b>Third Party Payments</b>			
Valuation Appeals Committee	60	60	0
Maintenance Contractors	34	34	0
Medical Fees	1	1	0
	<b>95</b>	<b>95</b>	<b>0</b>
<b>Support Services</b>			
Central Support Costs	65	67	2
	<b>65</b>	<b>67</b>	<b>2</b>
<b>Income</b>			
Customer & Client Receipts	(43)	(43)	0
Interest	(3)	(3)	0
	<b>(46)</b>	<b>(46)</b>	<b>0</b>
<b>Total core services</b>	<b>6,118</b>	<b>6,014</b>	<b>(104)</b>



## Appendix 2 – Revenue Budget 2016/17 – Subjective Analysis (cont'd)

<b>2. Individual Electoral Registration budget</b>	<b>Budget 15/16 £'000</b>	<b>Budget 16/17 £'000</b>	<b>Movement £'000</b>
<b>Employee Costs</b>			
Wages and Salaries	76	173	97
National Insurance	10	14	4
Superannuation	41	58	17
Indirect Employee Expenses	0	3	3
	<b>127</b>	<b>248</b>	<b>121</b>
<b>Transport Costs</b>			
Public Transport	5	13	8
	<b>5</b>	<b>13</b>	<b>8</b>
<b>Supplies &amp; Services</b>			
Printing and Postages	158	197	39
Computer Equip	15	10	(5)
Miscellaneous Expenses	16	0	(16)
Clothes, Uniform & Laundry	2	0	(2)
	<b>191</b>	<b>207</b>	<b>16</b>
<b>Income</b>			
Cabinet Office Grant	(323)	0	323
	<b>(323)</b>	<b>0</b>	<b>323</b>
<b>Total Individual Electoral Registration</b>	<b>0</b>	<b>468</b>	<b>468</b>
<b>3. Total budget 2016/17</b>	<b>6,118</b>	<b>6,482</b>	<b>364</b>

<b>Funded by</b>	<b>Budget 15/16 £'000</b>	<b>Budget 16/17 £'000</b>	<b>Movement £'000</b>
Requisition	(6,118)	(6,118)	0
Reserve drawdown	0	(364)	(364)
<b>Total</b>	<b>(6,118)</b>	<b>(6,482)</b>	<b>(364)</b>

# BUDGET REPORT

## 2016 - 2017



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### 1 INTRODUCTION

The proposed budget provision for the year 2016/17 has been agreed with the Treasurer and his report reflects expected costs, income and risk to the Board.

I will continue with the existing staffing policy where any vacancies that arise are fully considered by the senior management team and take into account the existing financial restrictions and expected workload.

I will endeavour to manage the services within the organisation to meet appropriate performance standards while making every effort to maximise efficiencies. In line with the proposed budget, anticipated staffing levels and expected workload I have prepared Corporate and Service plans and identified performance targets.

The intention for the years 2016/17 is to try to attain good performance within the valuation roll and council tax services, and closely monitor output with reduced staffing levels. Electoral registration continues to progress with individual registration and work will be closely monitored to ensure the electoral register remains as complete and accurate as possible. It is unknown what funding will be provided by the Cabinet Office for 2016/17 and it may be necessary, in line with the agreement reached at the November 2015 meeting, to utilise funds from reserves held by the Board. It should be noted that almost all processes and procedures are statutorily defined and it is therefore essential that I carry them out in line with legislative requirements. I again ask you to note that the processes involved under IER are estimated to cost an extra £468,000 per annum which, after mitigation by reducing other costs remains at £364,000, which is an extremely large amount unfunded at this present time.

The following is a brief overview of the main items within the budget with the Treasurer also providing information in his report

### 2 PROPOSED BUDGET 2016/17

In line with the Local Government Finance Settlement, the Valuation Joint Board has been asked to maintain revenue spending for 2016/17 at 2012/13 level of £6,118,000 for the fifth year. The Board has no capital budget.

## **2.1 Unavoidable Budget Increases**

There are several budget pressures as a result of unavoidable financial costs relating to pay awards, salary increments, rates payments, and telephony costs.

Additional costs required to provide IER service of approximately £468,000 are not largely included in the 2016/17 budget. As already stated if funding is not provided by the Cabinet Office the Board has agreed the use of reserve funds as a one year temporary measure.

### **2.1.1 April 2016 Pay Award**

Budget provision of 1% has been included for a pay award for the 2016/17 year. The pay award together with increments is estimated to cost £44,000 and is included in the proposed budget.

### **2.1.2 Rates Costs**

The proposed rates cost budget for 2015/16 shows an estimated overall increase of £5,000 which allows for expected and unavoidable increase in rates poundage. The increase is partly as a result of the standard rate poundage increasing by 0.8% but is largely due to the large business supplement increasing from 1.3p to 2.6p.

### **2.1.4 Supplies and Services Costs**

Telephony costs have risen substantially as a result of greater use of this means of communication particularly with the electorate. For 2016/17 telephony costs are estimated to increase by £18,000.

## **2.2 Unfunded Budget Increases**

### **2.2.1 Individual Electoral Registration**

Individual electoral registration is entering its second year of operation and, based on additional costs incurred in 2015/16, the anticipated additional costs for the electoral service is estimated at £468,000. This cost has been mitigated by reducing electoral staff numbers with 3 administration staff leaving during 2015/16 under voluntary early release. £364,000 remains as presently unfunded. Agreement was reached at the November Board meeting to use the creditor balance to address any budget shortfall for 2016/17 and if an IER grant is subsequently received the grant will be used to reduce the level of any drawdown required from the creditor balance.

## **3 POSSIBLE BUDGET RISKS**

### **3.1 Overview**

As the proposed budget reflects only known pressures on an estimated basis, and does not reflect any probable changes in legislation, the risk associated with meeting each line of the

proposed budget for 2016/17 is again high. I will endeavour to meet the proposed budget but will be required to exercise a degree of flexibility in the virement of monies between various headings.

### **3.2 Electoral Registration**

There will almost certainly be a referendum on membership of the European Union. If the experience is similar to that of the Scottish Independence Referendum there was a huge increase in workload with associated costs involved in postage, printing and overtime. Unlike the Returning Officer, the ERO is not specifically funded for duties at elections and referendums.

### **3.3 Revaluation 2017**

The completeness and accuracy of the 2017 Revaluation is largely dependent on good quality information being ingathered with the process of ingathering information having commenced in April 2015, the tone date for the revaluation. A large number of questionnaires and reminders have continued to be issued to a vast array of properties throughout Lothian during 2016/17. It is important to maximise the return of completed forms to minimise the cost of printing and postage and maximise efficiency. Public sector and government bodies in particular should be encouraged to submit responses timeously to minimise expense.

### **3.4 Local Tax Commission Report**

The Local Tax Commission reported on the need to replace Council Tax and put forward three options for consideration. The possibility of a reviewed local property taxation base has now increased significantly. It is hoped that the Scottish Assessors' Association will be included in any consultations and analysis of options that relate to the valuation of land and property. Close involvement throughout the scoping of the project will ensure that potential costs involved for assessors to carry out duties required for any new tax will be estimated with good knowledge and appropriate funding allocated.

### **3.5 Ongoing Consultations and probable Legislative Changes**

The consultation on the Non-Domestic Rating Valuation Appeals System has concluded and a report is expected to be published in the near future. Proposed changes would probably take effect for the 2017 Revaluation but will probably require financial expenditure during 2016/17.

The Land Reform (Scotland) Bill is progressing through Parliament and is expected to re-introduce shootings and deer forests in to the revaluation roll after exemption of more than 20 years. This should not have a significant effect on Lothian although there will probably be some related expenditure during 2016/17. Amendments to the Bill continue to be discussed, some of which could have a significant affect on Lothian.

I have been advised that the Scottish Government intend publishing a consultation on a review of business rates. As the contents are unknown at this stage it is not possible to consider any possible effect.

#### 4 CORPORATE AND SERVICE PLANS

Lothian Valuation Joint Board compiles and maintains the Valuation Roll, Council Tax List and a Register of Electors for each of the constituent Councils which are represented on the Board. Almost all the duties and responsibilities relating to the above are defined in statutory terms and require to be undertaken within strict statutory timetables.

I attach the 2016-2017 Corporate and Service Plans which will be used to ensure that management and monitoring systems are in place to make certain that all functions are carried out efficiently and effectively.

#### 5 KEY PERFORMANCE INDICATORS FOR THE WORK OF ASSESSORS

Key Performance Indicators for the work of Assessors are in place for Valuation Roll and Council Tax performance.

##### 5.1 Valuation Roll

The principal indicator in this area relates to the length of time taken to amend the Valuation Roll to reflect changes which have taken place. The number of amendments is shown and also the change in the total annual value of the Valuation Roll in each year.

In general terms, stakeholders prefer the Valuation Roll to be amended as quickly as possible after a change has taken place in order to facilitate stable financial planning and improve the cash flow to the rating pool.

Valuation Roll	No of changes	Rateable Value 1/4	Rateable Value 31/3	0 – 3 months %		3 – 6 months %		> 6 months %	
				Target	Actual	Target	Actual	Target	Actual
2009/10	3,792	1,056,910,140	1,068,384,758	80	78.1	15	11.1	5	10.8
2010/11	3,476	1,259,913,732	1,274,347,293	82	78.02	14	13.55	4	8.43
2011/12	3,114	1,274,347,293	1,277,889,313	80	71.77	15	15.35	5	12.88
2012/13	3,188	1,277,889,313	1,275,905,939	75	74.09	13	12.30	12	13.61
2013/14	3,275	1,275,905,939	1,269,386,086	75	74.32	15	13.07	10	12.61
2014/15	3,489	1,269,386,086	1,277,094,790	78	75.78	12	13.44	10	10.78
2015/16		1,277,094,790		75		13		12	
2016/17				50		25		25	

Unfortunately I did not manage to meet the ambitious target performance figures for 2014/15 and hence reflected targets to a more attainable level from 2015/16. 2016/17 will be an extremely busy year preparing for the 2017 Revaluation with the draft revaluation figures to be completed by end September 2016 for Scottish Government financial planning. This shorter period to complete the revaluation has required all professional staff resources to be allocated to the revaluation project. In light of staff reductions and the requirement to revalue all lands and heritages in Lothian I have significantly reduced the performance targets for 2016/17.

## 5.2 Council Tax

The criteria used in establishing Council Tax indicators are derived in a similar way to those for the Valuation Roll.

Council Tax payers require notification of their banded valuation, and hence their financial liability, as soon as possible after they have taken occupation of the new property. Cash flow to the authority, arising from insertions of new entries is also affected by how quickly entries are made on the Valuation List.

Valuation List	No of Dwellings added	0 – 3 months %		3 – 6 months %		Over 6 months %	
		Target	Actual	Target	Actual	Target	Actual
2009/10	3,984	92	95.3	6	2.5	2	2.2
2010/11	3,768	94	94.98	4	4.06	2	0.96
2011/12	3,410	94	96.72	4	2.35	2	0.94
2012/13	3,171	95	95.52	3	3.09	2	1.39
2013/14	4,315	96	94.9	3	3.01	1	2.09
2014/15	4,049	96	95.73	3	2.77	1	1.50
2015/16		95		3		2	
2016/17		95		3		2	

Staff almost managed to meet the ambitious target performance. The performance level remains within the middle of achievements across Scotland. I have maintained the target for 2016/17 at the same level as 2015/16.

## 6 PERFORMANCE STANDARDS FOR THE WORK OF ELECTORAL REGISTRATION OFFICERS

Performance standards for the work of EROs are monitored by the Electoral Commission. Because of the transition to Individual Electoral Registration the Electoral Commission have altered their methods of measuring performance to an ongoing audit. I am pleased to say that to date we have attained accepted levels of performance.

## 7 **BEST VALUE**

In anticipation of difficulties surrounding local government finance over the coming years and in the continuing pursuance of Best Value I will review current work practices focusing on creating efficiencies through any available improvements.

## 8 **CONCLUSION**

The Joint Board is a small organisation and provides a range of services that are statutorily defined. I am of the opinion that the proposed budget can be met for 2016/17 provided that unallocated funds are forthcoming for IER additional duties but the number of risks to adherence to the budget are many. I will endeavour to monitor expenditure, ensure efficient working and provide the services within the allocated budget. It is important to note that as the risks to provision of the service are great it may be necessary to concentrate on statutory duties as opposed to non-statutory service delivery.

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

## SERVICE MISSION & VISION

Lothian Valuation Joint Board's **mission** is to ensure best value and provide equitable, customer focussed, quality, professional valuation and electoral registration services for all its stakeholders.

Our **vision** is to provide valuation and electoral registration services in accordance with statute at levels of excellence which meet expectations.

### AIMS & OBJECTIVES

**In order that we fulfil our Mission and achieve our Vision we will:-**

- Ensure that our services are delivered in accordance with all statutory requirements.
- Plan service development and delivery in accordance with the principles of Best Value.
- Take individual and collective responsibility for the services provided by LVJB.
- Monitor and report performance levels to stakeholders.
- Integrate Equalities issues into all aspects of our service provision.
- Ensure good governance in all aspects of our service provision.
- Build on our achievements to date.



## Key goals of the service

1. To ensure timeous publication and maintenance of the **Valuation Roll**.
2. To ensure timeous publication and maintenance of the **Council Tax List**.
3. To ensure timeous publication and maintenance of the **Electoral Register** and registration services at elections.
4. To develop, prepare and publish reports to improve customer knowledge and ensure attainment of good **Community Focus**.
5. To set standards and undertake corporate improvement in **Service Delivery Arrangements** and review the performance management and planning framework to ensure continuous improvement.
6. To review roles, responsibilities, **Structures and Processes** to ensure effective balance of responsibility and authority.
7. To review, monitor and maintain organisational **Risk Management and Internal Controls** to ensure efficient and effective delivery of service.
8. To develop, adopt and review formal documentation and systems to ensure **Standards of Conduct** are adhered to.
9. To plan and deliver an **organisational development strategy** considering corporate initiatives to ensure efficiency and quality of service delivery.
10. To engage in **key partnership working** to ensure the integrated delivery of efficient government.

## EXECUTIVE RESPONSIBILITIES

No	Task/Project	Responsibility	Performance Measures
1	To ensure statutory duties are carried out for maintenance of the <b>Valuation Roll</b> and ensure timeous publication of the 2017 Revaluation Roll.	Executive	<ol style="list-style-type: none"> <li>1. Maintain Valuation Roll in line with statutory requirements.</li> <li>2. Dispose of appeals within statutory time frame including LTS &amp; LVAC appeals.</li> <li>3. Continue preparation of the 2017 Revaluation Roll</li> <li>4. Audit processes, procedures and values.</li> <li>5. Further develop IT systems, applications and communications.</li> <li>6. Maintain performance.</li> </ol>
2	To ensure statutory maintenance of the <b>Council Tax List</b> .	Executive	<ol style="list-style-type: none"> <li>1. Maintain CT List in line with statutory requirements.</li> <li>2. Dispose of proposals &amp; appeals.</li> <li>3. Audit processes, procedures and Bands.</li> <li>4. Further develop IT systems, applications and communications.</li> <li>5. Maintain performance.</li> </ol>
3	To ensure timeous publication and maintenance of the <b>Electoral Register</b> and registration services at elections.	Executive	<ol style="list-style-type: none"> <li>1. Prepare and publish ER by 1<sup>st</sup> December 2016 and annually thereafter.</li> <li>2. Maintain ER for update statutory date each month.</li> <li>3. Dispose of any registration appeals.</li> <li>4. Prepare and ensure refresh of AV personal identifiers in January 2017.</li> <li>5. Prepare for and ensure effective management of registration duties for SP Election 5 May 2016 and any other elections or referendums as required.</li> <li>6. Audit processes, procedures and accuracy to ensure quality registration delivery.</li> <li>7. Further develop IT systems, applications and communications.</li> <li>8. Maintain performance.</li> </ol>
4	To develop, prepare and publish reports to improve customer knowledge and ensure attainment of good <b>Community Focus</b> .	Executive	<ol style="list-style-type: none"> <li>1. Prepare and publish statutory reports.</li> <li>2. Prepare and present reports to LVJB.</li> <li>3. Maintain customer targeted policies.</li> <li>4. Maintain appropriate public participation schemes.</li> <li>5. Maintain, update and improve website.</li> </ol>

5	To set standards and undertake corporate improvement in <b>Service Delivery Arrangements</b> and review the performance management and planning framework to ensure continuous improvement.	Executive	<ol style="list-style-type: none"> <li>1. Maintain VR key and internal performance indicators.</li> <li>2. Maintain CT key and internal performance indicators.</li> <li>3. Meet new Electoral performance indicators set by the Electoral Commission.</li> <li>4. Preparation, monitoring and review of Service Planning.</li> </ol>
6	To review roles, responsibilities, <b>Structures and Processes</b> to ensure effective balance of responsibility and authority.	Executive	<ol style="list-style-type: none"> <li>1. Review Standing Orders, Scheme of Delegation and Financial Regulations; 5 yearly.</li> <li>2. Adhere to Standing Orders, Scheme of Delegation and Financial Regulations; 5 yearly.</li> <li>3. Consider structure and responsibilities with staff changes and new tasks regularly.</li> </ol>
7	To review, monitor and maintain organisational <b>Risk Management and Internal Controls</b> to ensure efficient and effective delivery of service.	Executive	<ol style="list-style-type: none"> <li>1. Identify risks.</li> <li>2. Mitigate risks.</li> <li>3. Monitor and review risks.</li> <li>4. Maintain task specific, strategic and rolling risk registers.</li> <li>5. Report risks to LVJB and review risk strategy framework as required.</li> </ol>
8	To develop, adopt and review formal documentation and put in place appropriate systems to ensure <b>Standards of Conduct</b> are adhered to.	Executive	<ol style="list-style-type: none"> <li>1. Maintain a PRD process to monitor compliance to legislation and LVJB policies and procedures.</li> <li>2. Monitor and review compliance to Records management, FOI, Data Protection and Equalities.</li> <li>3. Report on Whistle Blowing.</li> <li>4. Provide management, guidance and support timeously.</li> </ol>
9	To plan and deliver an <b>organisational development strategy</b> considering corporate initiatives to ensure efficiency and quality of service delivery.	Executive	<ol style="list-style-type: none"> <li>1. Maintain annual service plan for each sector of the organisation.</li> <li>2. Deliver corporate improvement.</li> <li>3. Comply with corporate goal, LVJB mission, vision, aims &amp; objectives.</li> </ol>
10	To engage in <b>key partnership working</b> to ensure the integrated delivery of efficient government.	Executive	<ol style="list-style-type: none"> <li>1. Encourage partnership working with constituent authorities.</li> <li>2. Encourage partnership working with public and civil servants e.g. VOA, SAA, Scottish Government, Electoral Commission, Cabinet Office, EMB etc.</li> <li>3. Maintain partnership working with external professional bodies e.g. RICS, IRRV, AEA etc.</li> </ol>

## Strategic Aims & Operational Objectives 1

To ensure statutory duties are carried out for maintenance of the **Valuation Roll** and ensure timeous publication of the 2017 Revaluation Roll.

No	Performance Measures	Strategic Aims / Operational Objectives	Key Task Owner(s)
1.1	Maintain Valuation Roll in line with statutory requirements.	Maintain and update survey records in line with relevant guidance and practice.	Head of Valuation
		Consider planning and building warrants and take appropriate action to maintain records	Head of Valuation
		Prepare valuations in line with practice notes and 'tone' evidence.	Head of Valuation
		Update VR daily, issue Valuation Notices daily; provide update to constituent authorities Finance weekly.	Head of Valuation
		Continue to update rental, cost and turnover analysis to ensure accuracy of the Roll	Head of Valuation
1.2	Dispose of appeals within statutory time frame including LTS & LVAC appeals.	Correspond with appellants in line with legal requirements and LVJB standards.	Head of Valuation
		Ensure appeals are allocated to appropriate number of court dates.	Head of Valuation
		Monitor loss on appeal and reasons for loss.	Head of Valuation
		Monitor and ensure amendments are processed timeously.	Head of Valuation
		Ensure compliance with LTS and quality preparation of cases	Head of Valuation
1.3	Continue preparation of the 2017 Revaluation Roll.	Ingather and analyse rents, costs, turnover and other relevant information.	Head of Valuation
		Review methods & commence preparation of practice notes and guidance.	Head of Valuation
		Review and further develop IT applications and property information systems.	Head of Valuation/Head of ICT
1.5	Audit processes, procedures and values.	Audit valuation processes procedures and issued values.	Audit Manager
		Audit appeal processes, procedures and outcomes.	Audit Manager
		Consider presented audit reports.	Executive

1.6	Further develop IT systems, applications and communications	Review and further develop valuation applications.	Head of Valuation/Head of ICT
		Develop new classes of information for summary valuation purposes.	Head of Valuation/Head of ICT
1.7	Maintain performance.	Maintain efficiency in survey procedures.	Head of Valuation
		Maintain quality of valuations by reference to appeal loss.	Head of Valuation
		Maintain performance in terms of KPIs and internal indicators.	Head of Valuation

## Strategic Aims & Operational Objectives 2

To ensure statutory maintenance of the **Council Tax List**.

No	Performance Measures	Strategic Aims / Operational Objectives	Key Task Owner(s)
2.1	Maintain CT List in line with statutory requirements	Ingather and analyse sales evidence.	Head of Valuation
		Maintain and update survey records.	Head of Valuation
		Prepare reviewed bandings and amend for sold houses.	Head of Valuation
		Ensure accuracy of all amended and new bands.	Head of Valuation
		Update CT daily, issue band change notices daily and notify councils weekly.	Head of Valuation
2.2	Dispose of proposals & appeals	Correspond with appellants in line with legal requirements and LVJB standards.	Head of Valuation
		Ensure appeals are allocated to appropriate number of court dates.	Head of Valuation
		Monitor band reductions.	Head of Valuation
		Ensure amendments are processed timeously.	Head of Valuation
2.4	Audit processes, procedures and Bands	Audit banding processes, procedures and issued bands	Audit Manager
		Audit appeal processes, procedures and outcomes.	Audit Manager
		Consider presented audit reports.	Executive
2.5	Further develop IT systems, applications and communications	Consider workflow and work improvements	Head of Valuation
		Ensure all new and altered records are saved in electronic format	Head of Valuation
2.6	Maintain performance	Maintain efficiency in survey procedures.	Head of Valuation
		Maintain quality of bandings by reference to band reductions on appeal.	Head of Valuation
		Maintain performance in terms of KPIs and internal indicators.	Head of Valuation

### Strategic Aims & Operational Objectives 3

To ensure timeous publication and maintenance of the **Electoral Register** through full Individual Electoral Registration.

No	Performance Measures	Strategic Aims / Operational Objectives	Key Task Owner(s)
3.1	Prepare and publish ER by 1 <sup>st</sup> December 2016 and annually thereafter	Publish Electoral Register in paper format and electronic format by 1 <sup>st</sup> December 2016 and each year thereafter.	Assessor
		Carry out postal and door to door canvass in line with legislation and to maximise registration.	Head of Administration
		Ensure appropriate advertising/publicity initiatives are in place in conjunction with EC public engagement strategy.	Head of Administration
		Action all postal vote applications received during and outside the canvass period.	Head of Administration
		Distribute register in requested format to persons as defined by statute	Head of Administration
		Actively encourage recipients to accept the register in electronic format to reduce costs	Head of Administration
		Liaise with external contractors and manage/mitigate risks	Head of Administration
3.2	Maintain ER for statutory updates each month.	Update ER monthly updates per legislative requirements	Head of Administration
		Issue Notices in line with statutory requirement	Head of Administration
		Improve contact with hard to reach groups through partnership working initiatives.	Head of Administration
		Identify and improve appropriate advertising/publicity channels re registration.	Head of Administration
		Refresh AVPIs as required in January 2016.	Head of Administration
3.3	Dispose of any registration appeals	Correspond with appellants in line with statutory requirements.	Head of Administration
		Ensure hearings are set up and conducted timeously.	Assessor/Head of Administration
3.4	Prepare for refresh of AV personal identifiers in January 2016	Identify quantities and additional required expenditure.	Head of Administration
		Establish required processes, timetable for collection and processing.	Head of Administration
		Provide reports as required to Executive and Board.	Head of Administration

3.5	Prepare for and ensure effective management of registration duties for SP Election 5 May 2016 and any other elections or referendums as required.	Ensure all applications for registration are processed accurately and timeously.	Head of Administration
		Ensure all AVPI applications for registration are processed accurately and timeously.	Head of Administration
		Prepare and maintain all necessary timetables including the identification of all key risks associated with election preparation requirements	Head of Administration
		Ensure staff are trained and available to answer all telephone and email enquiries.	Head of Administration
		Ensure staffing resource in place at all peak periods and as required during polling hours.	Head of Administration
3.6	Audit processes, procedures and accuracy to ensure quality registration delivery.	Develop and monitor audit reports for ER updates.	Audit Manager
		Audit personal identifiers with canvass signatures.	Audit Manager
		Audit name changes to ensure accuracy.	Audit Manager
		Consider all audit reports for appropriate actions.	Executive
3.7	Further develop IT systems, applications and communications.	Improve address data management to maximise data matching, IER confirmation and IER verification.	Depute Assessor/Head of ICT
		Deliver electorate statistics to NRoS. (RPF 29)	Head of Administration
3.8	Maintain performance	Improve efficiency in the delivery of the canvass processes and procedures.	Head of Administration
		Review performance reports and consider targets new electoral tasks.	Head of Administration
		Deliver performance standards self-assessment and data returns to Electoral Commission.	Head of Administration



### Strategic Aims & Operational Objectives 4

To systematically develop, prepare and publish reports to improve customer knowledge & ensure attainment of improved **Community Focus**

No	Performance Measures	Strategic Aims / Operational Objectives	Key Task Owner(s)
4.1	Prepare and publish statutory reports	Annual assessor's report to LVJB and staff re service planning, performance & target setting.	Assessor
		Annual treasurer's un-audited accounts.	Treasurer
		Annual Audit reports to LVJB.	Treasurer
		Report on equalities April 2015 and two yearly thereafter.	Depute Assessor
		Annual proposed Revenue Report to LVJB.	Treasurer
4.2	Prepare and present reports to LVJB	Quarterly progress report to LVJB.	Assessor
		Reports as required.	Executive
4.3	Develop and improve customer targeted policies	Oversee development of performance statistical analysis and monitoring.	Executive
		Monitor adherence to equality principles.	Senior Management Team
		Quarterly progress report to LVJB.	Assessor
		Liaise with the Electoral commission to ensure a robust public engagement strategy is in place for the introduction of IER	Assessor
4.4	Maintain appropriate public participation schemes	Liaise with universities, further education establishments and schools to maximise student registration	Head of Administration
		Liaise with care homes to maximise registration for residents	Head of Administration
		Identify improvements to LVJB internet site and review contents.	Senior Management Team
		Maintain and update the internet site to ensure current and accurate especially at key electoral events during 2015.	Executive/Senior Management Team
		Identify improvements to LVJB intranet site and review contents.	Senior Management Team
4.5	Maintain, update and improve websites	Maintain and update the intranet site to ensure current and accurate	Senior Management Team
		Maintain and update the internet site to ensure current and accurate	Senior Management Team
		Integrate Sharepoint to improve records management	Senior Management Team

### Strategic Aims & Operational Objectives 5

To set standards and undertake corporate improvement in **Service Delivery Arrangements** and review the performance management and planning framework to ensure continuous improvement

No	Performance Measures	Strategic Aims / Operational Objectives	Key Task Owner(s)
5.1	Maintain VR key and internal performance indicators	Agree and set KPIs for VR.	Assessor/ Head of Valuation
		Agree and set a suite of internal indicators for VR performance.	Assessor/ Head of Valuation
		Monitor, analyse and report on VR performance quarterly.	Assessor/ Head of Valuation
5.2	Maintain CT key and internal performance indicators	Agree and set KPIs for CT.	Assessor/ Head of Valuation
		Agree and set a suite of internal indicators for CT performance.	Assessor/ Head of Valuation
		Monitor, analyse and report on CT performance quarterly.	Assessor/ Head of Valuation
5.3	Meet new ER key and internal performance indicators	Agree and set Internal PIs for ER.	Executive/Head of Admin
		Produce and submit targets for ER performance to Electoral Commission.	Executive/Head of Admin
		Produce and submit statistical monitoring & indicators for ER performance to Electoral commission.	Executive/Head of Admin
		Monitor, analyse and report on ER performance monthly.	Executive/Head of Admin
5.4	Prepare, monitor and review service plan	Monitor Corporate and Service Plans.	Assessor/Senior Management Team
		Ensure adherence to Service Plan and Performance Indicators.	Assessor/Senior Management Team
		Review Performance & Development Review procedure to meet staff comments and meet organisational requirements.	Assessor/Senior Management Team

### Strategic Aims & Operational Objectives 6

To review roles, responsibilities, **Structures and Processes** to ensure effective balance of responsibility and authority.

No	Performance Measures	Strategic Aims / Operational Objectives	Key Task Owner(s)
6.1	Review Standing Orders, Scheme of Delegation and Financial Regulations 5 yearly	Review contents of Standing Orders 5 yearly; Reviewed Feb 2016.	Assessor/LVJB
		Review contents of Scheme of Delegation 5 yearly; Reviewed Feb 2016.	Assessor/LVJB
		Review contents of Financial Regs 5 yearly; Reviewed Feb 2016.	Assessor/Treasurer/LVJB
6.2	Adhere to Standing Orders, Scheme of Delegation and Financial Regulations	Report to LVJB re review of contents of Standing Orders 5 yearly.	Assessor
		Report to LVJB re review of contents of Scheme of Delegation 5 yearly.	Assessor
		Report to LVJB re review of contents of Financial Regs 5 yearly.	Assessor/Treasurer
6.3	Consider structure and responsibilities with staff changes and new tasks	Review PRD to ensure compliance with Standing Orders, Scheme of Delegation and Financial Regs for executive and managers.	Executive
		Annually monitor through PRD, compliance with Standing Orders, Scheme of Delegation and Financial Regs for executive and managers.	Executive
		Review staffing and post requirements when staff leave, reduce hours or alter posts.	Executive

## Strategic Aims & Operational Objectives 7

To review, monitor and maintain organisational **Risk Management and Internal Controls** to ensure efficient and effective delivery of service.

No	Performance Measures	Strategic Aims / Operational Objectives	Key Task Owner(s)
7.1	Identify risks	Consider new risks for addition to risk registers at all management meetings.	Executive
		Consider new risks to be added to the strategic business risk register on a 6 monthly basis at senior management meetings.	Executive
		Consider risks within each service delivery planning timetable on an ongoing basis.	Executive
		Consider risks as legislative changes are considered.	Executive
7.2	Mitigate risks	Ensure mitigation strategy is considered timeously.	Executive
		Implement mitigation decisions effectively.	Executive
7.3	Monitor & review risks	Monitor budget spend and variances quarterly at senior management meetings.	Depute Assessor
		Monitor budget spend and variances and include in quarterly progress report.	Executive
		Monitor actions resulting from audit reports at all management meetings.	Executive
		Liaise with the treasurer to the Board to ensure appropriate monitoring and accounting.	Executive
		Review strategic risk register at senior management meetings	Executive
7.4	Maintain task specific and strategic risk registers.	Maintain work timetables with corresponding risk management monitoring regularly at all relevant meetings.	Senior Management Team
		Consider new risks to be added to timetables/risk registers on an ongoing basis	Executive
		Mitigate all risks on timetables/risk registers on an ongoing basis	Executive

7.5	Report risks to LVJB and review risk strategy framework as required	Report to Board on identified key risks on quarterly basis as part of progress report.	Assessor
		Report to Board on budget variances, past and proposed, on quarterly basis as part of progress report.	Assessor/Treasurer
		Submit external & internal auditors' reports and actions carried out resulting from recommendations to the Board.	Assessor

### Strategic Aims & Operational Objectives 8

To develop, adopt and review formal documentation and put in place appropriate systems to ensure **Standards of Conduct** are adhered to.

No	Performance Measures	Strategic Aims / Operational Objectives	Key Task Owner(s)
8.1	Maintain a PRD process to monitor compliance to legislation and LVJB policies and procedures.	Review PRD scheme to monitor compliance with LVJB standards.	Executive
		Ensure compliance with LVJB employment legal requirements on a day to day basis and assess at annual PRD.	Managers
		Ensure compliance with LVJB policies on a day to day basis and assess at annual PRD.	Managers
8.2	Monitor and review compliance to FOI, Data Protection and, Equalities.	Ensure compliance with legal requirements e.g. Records management, FOI, Data Protection, Equal Opportunities etc. on a day to day basis and assess at monthly management meetings.	Management Teams
		Ensure Complaints policy and procedure meet required standards	Executive
		Ensure Records management policy and procedures meet required standards	Executive
8.3	Report on Whistle Blowing	Ensure the policy and procedures are reviewed as appropriate to ensure staff concerns are addressed.	Assessor
		Report on items raised as appropriate.	Assessor
8.4	Provide management, guidance and support timeously	Ensure that policies are reviewed regularly, advised to the Board and staff briefed	Assessor
		Monitor adherence to Policy review timetable and encourage Unison input and agreement	Executive
		Ensure that appropriate guidance is developed and training given for new tasks introduced	Executive and Heads of Service
		Ensure that policies are available, preferably on the LVJB intranet	Executive
		Ensure an appropriate support structure is in place for all employees	Assessor

### Strategic Aims & Operational Objectives 9

To plan and deliver an **organisational development strategy** considering corporate initiatives to ensure efficiency and quality of service delivery

No	Performance Measures	Strategic Aims / Operational Objectives	Key Task Owner(s)
9.1	Maintain annual service plan	Prepare annual service plan and present to LVJB.	Assessor
		Ensure staff awareness, guidance, monitoring and assessment of compliance procedures.	Executive & Heads of Service
		Monitor compliance with the service plan on a day to day basis and assess at senior management meeting.	Executive & Heads of Service
9.2	Deliver corporate improvement.	Develop & review a suite of internal performance indicators and update KPIs to ensure improvement.	Executive & Heads of Service
		Monitor performance improvement and report at management meetings & LVJB.	Executive & Heads of Service
		Monitor and report absence levels to measure improvement.	Depute Assessor
		Discuss & develop corporate improvement strategies at executive meetings.	Executive & Heads of Service
9.3	Comply with corporate goal, LVJB Mission, vision, aims & objectives	Review corporate goals at senior management meeting.	Executive & Heads of Service
		Ensure that corporate goal is communicated to all staff and included in PRD process.	Executive & Heads of Service
		Communicate and monitor adherence to Mission, vision, aims & objectives.	Executive & Heads of Service

*Strategic Aims & Operational Objectives 10*

To engage in **key partnership working** to ensure the delivery of efficient government.

No	Performance Measures	Strategic Aims / Operational Objectives	Key Task Owner(s)
10.1	Encourage partnership working with constituent authorities	Continue partnership working with Finance departments of the 4 authorities.	Executive & Heads of Service
		Continue partnership working with the Returning Officer staff of the 4 authorities.	Executive & Heads of Service
		Continue partnership working with the Treasurer to LVJB.	Executive
		Improve partnership working with Planning and Building departments of the 4 authorities.	Executive & Heads of Service
10.2	Encourage partnership working with public and civil servants e.g. VOA, SAA, Scottish Executive, Electoral Commission etc.	Continue partnership working with the SAA.	Executive
		Continue partnership working with the VOA.	Executive
		Continue partnership working with the National Register of Scotland.	Executive
10.3	Maintain partnership working with external professional bodies e.g. RICS, IRRV, AEA, etc.	Continue partnership working with the RICS, IRRV & AEA professional bodies.	Executive



Item 7



# Lothian Valuation Joint Board

Annual Audit Plan  
2015/16

Prepared for Members of the Lothian Valuation Joint  
Board

January 2016



# Key contacts

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The Accounts Commission is a statutory body which appoints external auditors to Scottish local government bodies ([www.audit-scotland.gov.uk/about/ac/](http://www.audit-scotland.gov.uk/about/ac/)). Audit Scotland is a statutory body which provides audit services to the Accounts Commission and the Auditor General ([www.audit-scotland.gov.uk/about/](http://www.audit-scotland.gov.uk/about/)).

The Accounts Commission has appointed Stephen O'Hagan as the external auditor of the Lothian Valuation Joint Board for the period 2011/12 to 2015/16.

This report has been prepared for the use of Lothian Valuation Joint Board and no responsibility to any member or officer in their individual capacity or any third party is accepted.

The information in this report may be used for the Accounts Commission's annual overview report on local authority audits published on its website and presented to the Local Government and Regeneration Committee of the Scottish Parliament.

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# Summary

## Introduction

1. Our audit is focused on the identification and assessment of the risks of material misstatement in the Lothian Valuation Joint Board's (the Board) financial statements.
  2. This report summarises the key challenges and risks facing the Board and sets out the audit work that we propose to undertake in 2015/16. Our plan reflects:
    - the risks and priorities facing the Board
    - current national risks that are relevant to local circumstances
    - the impact of changing international auditing and accounting standards
    - our responsibilities under the Code of Audit Practice as approved by the Auditor General for Scotland
    - issues brought forward from previous audit reports.
- they give a true and fair view of the state of affairs of the Lothian Valuation Joint Board as at 31 March 2016 and its income and expenditure for the year then ended
  - the accounts have been properly prepared in accordance with the Local Government (Scotland) Act 1973 and the 2015/16 Code of Practice on Local Authority Accounting in the United Kingdom (the Code)
  - a review and assessment of the Board's governance and performance arrangements in a number of key areas including: internal controls and the adequacy of internal audit and the governance statement

## Summary of planned audit activity

3. Our planned work in 2015/16 includes:
  - an audit of the financial statements and provision of an opinion on whether:

# Responsibilities

4. The audit of the financial statements does not relieve management or the Board, as the body charged with governance, of their responsibilities.

## Responsibility of the appointed auditor

5. Our responsibilities, as independent auditor, are established by the Local Government (Scotland) Act 1973 and the Code of Audit Practice, and guided by the auditing profession's ethical guidance.
6. Auditors in the public sector give an independent opinion on the financial statements. We also review and report on the arrangements set in place by the audited body to ensure the proper conduct of its financial affairs and to manage its performance and use of resources. In doing this, we aim to support improvement and accountability.

## Responsibility of the Treasurer

7. It is the responsibility of the Treasurer, as the appointed "proper officer", to prepare the financial statements in accordance with relevant legislation and the Code of Practice on Local Authority Accounting in the United Kingdom (the Code). This means:
  - maintaining proper accounting records

- preparing financial statements which give a true and fair view of the state of affairs of the Board as at 31 March 2016 and its expenditure and income for the year then ended.

## Format of the accounts

8. The financial statements should be prepared in accordance with the Code, which constitutes proper accounting practice.

# Audit approach

## Our approach

9. Our audit approach is based on an understanding of the characteristics, responsibilities, principal activities, risks and governance arrangements of the Board. We also consider the key audit risks and challenges in the local government sector generally. This approach includes:
- understanding the business of the Board and the risk exposure which could impact on the financial statements
  - assessing the key systems of internal control, and considering how risks in these systems could impact on the financial statements
  - identifying major transaction streams, balances and areas of estimation and understanding how the Board will include these in the financial statements
  - assessing and addressing the risk of material misstatement in the financial statements
  - determining the nature, timing and extent of the audit procedures necessary to provide us with sufficient audit evidence as to whether the financial statements give a true and fair view.
10. We have also considered and documented the sources of assurance which will make best use of our resources and allow us to focus audit testing on higher risk areas during the audit of the financial statements. The main areas of assurance for the audit come from planned management action and reliance on systems of internal control. Planned management action being relied on for 2015/16 includes:
- comprehensive closedown procedures for the Board accompanied by a timetable issued to all relevant staff
  - clear responsibilities for preparation of financial statements and the provision of supporting working papers
  - delivery of unaudited financial statements to agreed timescales with a comprehensive working papers package
  - completion of the internal audit programme for 2015/16.
11. Auditing standards require internal and external auditors to work closely together to make best use of available audit resources. Internal audit services are provided by the Internal Audit section of City of Edinburgh Council. We seek to rely on the work of internal audit wherever possible and as part of our planning process we carry out an early assessment of the internal audit function to determine whether it has sound documentation standards and reporting procedures in place and complies with the main requirements of the Public Sector Internal Audit Standards (PSIAS).
12. We plan to place formal reliance on aspects of the work of internal audit in the following areas, to support our audit opinion on the financial statements:
- City of Edinburgh Council systems operated on behalf of the Board, specifically accounts payable

- Audit work carried out in support of the Governance Statement for inclusion within the Annual Accounts.

## Materiality

13. Materiality can be defined as the maximum amount by which auditors believe the financial statements could be misstated and still not be expected to affect the decisions of users of financial statements. A misstatement or omission, which would not normally be regarded as material by amount, may be important for other reasons (for example, the failure to achieve a statutory requirement or, an item contrary to law). In the event of such an item arising, its materiality has to be viewed in a narrower context; such matters would normally fall to be covered in an explanatory paragraph in the independent auditor's report.
14. We consider materiality and its relationship with audit risk when planning the nature, timing and extent of our audit and conducting our audit programme. Specifically with regard to the financial statements, we assess the materiality of uncorrected misstatements both individually and collectively.
15. Based on our knowledge and understanding of the Board we have set our planning materiality at £69,000 (1% of gross expenditure).
16. We set a lower level, known as performance materiality, when defining our audit procedures. This is to ensure that uncorrected and undetected audit differences do not exceed our planning materiality. This level depends on professional judgement and is informed by a number of factors including:

- extent of estimation and judgement within the financial statements
  - nature and extent of prior year misstatements
  - extent of audit testing coverage.
17. For 2015/16 performance materiality has been set at £41,000. We will report, to those charged with governance, all misstatements identified which are greater than £1,000.

## Reporting arrangements

- The Local Authority Accounts (Scotland) Regulations 2014 require that the unaudited annual accounts are submitted to the appointed external auditor no later than 30 June each year. The Board is required to consider the unaudited annual accounts at a meeting by 31 August.
18. The Board must publish the unaudited accounts on their website and give public notice of the inspection period.
  19. The 2014 regulations require the Board to meet by 30 September to consider whether to approve the audited annual accounts for signature. Immediately after approval, the annual accounts require to be signed and dated by specified members and officers and then provided to the auditor. The Controller of Audit requires audit completion and issue of an independent auditor's report (opinion) by 30 September each year.
  20. The Board is required to publish on its website its signed audited annual accounts, and the audit certificate, by 31 October. The

annual audit report is required to be published on the website by 31 December.

21. A proposed timetable for the audit of the 2015/16 financial statements is included at Exhibit 1 below. Discussions are still ongoing on the timing of Board dates to ensure compliance with the 2014 regulations.

### Exhibit 1: Financial statements audit timetable

Key stage	Date
Consideration of unaudited financial statements by those charged with governance	20 June 2016
Latest submission date of unaudited council financial statements with complete working papers package	By 30 June 2016
Progress meetings with lead officers on emerging issues	As required during audit
Latest date for final clearance meeting with the Treasurer	By 31 August 2016
Agreement of audited unsigned financial statements, and issue of Annual Audit Report which includes the ISA 260 report to those charged with governance	By 31 August 2016
Board meeting date	TBC
Independent auditor's report signed	By 30 September 2016

22. Matters arising from our audit will be reported on a timely basis and will include agreed action plans. Draft management reports will be issued to the Depute Assessor and relevant officers to confirm factual accuracy. Responses to draft reports are expected within three weeks of submission. A copy of all final agreed reports will be sent to the Depute Assessor, the Treasurer, Internal Audit, and Audit Scotland's Performance Audit and Best Value Group.
23. We will provide an independent auditor's report to the Board and the Accounts Commission that the audit of the financial statements has been completed in accordance with applicable statutory requirements. The combined ISA 260 and Annual Audit Report will be issued by 30 September.
24. All annual audit reports produced are published on Audit Scotland's website: [www.audit-scotland.gov.uk](http://www.audit-scotland.gov.uk).
25. Planned outputs for 2015/16 are summarised at [Appendix 1](#).

### Quality control

26. International Standard on Quality Control (UK and Ireland) 1 (ISQC1) requires that a system of quality control is established as part of financial audit procedures. This is to provide reasonable assurance that those professional standards and regulatory and legal requirements are being complied with and that the independent auditor's report or opinion is appropriate in the circumstances. The foundation of our quality framework is our Audit Guide, which incorporates the application of professional auditing, quality and ethical standards and the Code of Audit Practice issued

by Audit Scotland and approved by the Accounts Commission. To ensure that we achieve the required quality standards, Audit Scotland conducts peer reviews and internal quality reviews and has been subject to a programme of external reviews by the Institute of Chartered Accountants of Scotland (ICAS).

27. As part of our commitment to quality and continuous improvement, Audit Scotland will periodically seek your views on the quality of our service provision. We do, however, welcome feedback at any time and this may be directed to the engagement lead, Stephen O'Hagan.

### Independence and objectivity

28. Auditors appointed by the Accounts Commission must comply with the Code of Audit Practice. When auditing the financial statements, auditors must also comply with professional standards issued by the Auditing Practices Board (APB) and those of the professional

accountancy bodies. These standards impose stringent rules to ensure the independence and objectivity of auditors. Audit Scotland has in place robust arrangements to ensure compliance with these standards including an annual "fit and proper" declaration for all members of staff. The arrangements are overseen by the Assistant Auditor General, who serves as Audit Scotland's Ethics Partner.

29. Auditing and ethical standards require the appointed auditor to communicate any relationships that may affect the independence and objectivity of audit staff. In significant cases we would change the audit team, however where there are potential issues that are not fundamental to the delivery of the audit, we advise the senior finance officer of the circumstances and of the steps we have taken to manage this. We are not aware of any other such relationships pertaining to the audit of the Board.



# Audit issues and risks

## Audit issues and risks

30. Based on our discussions with staff, attendance at Board meetings and a review of supporting information we have identified the following main risk areas for the Board. We have categorised these risks into financial risks and wider dimension risks. The financial statements issues and risks, which require specific audit testing, are summarised below and detail contained in [Appendix 2](#).

## Financial statement issues and risks

31. **Risk 1 – Management Override of controls:** ISA 240 highlights the unique position of management to influence the financial statements by overriding controls that otherwise operate effectively. The ability to override these controls exists in all entities and therefore represents a significant financial statements risk due to fraud.
32. We will undertake focused substantive testing of journal entries, accounting estimates and significant transactions outside the course of normal business.
33. **Risk 2 – Creation of a General Reserve:** The Board has reported an increase in its costs as a result of the implementation of Individual Electoral Registration (IER). To date, the additional costs

have been met through IER grant funding from the Cabinet Office however no IER grant has been awarded to date for 2016/17. Should additional IER grant not be received, the Board has discussed addressing the expected budget shortfall for 2016/17 by drawing down from the unspent requisitions creditor balance currently held to finance staffing exit costs. The Board is also considering transferring the existing creditor balance into a general reserve which can be drawn upon as required from 2016/17 onwards.

34. Should the Board decide to establish a general reserve during the 2015/16 financial year, it will need to ensure that this accounting change is properly presented and disclosed in the financial statements. We will review the presentation and disclosure of any changes made in the 2015/16 financial statements.

## Wider dimension issues and risks

35. **Risk 3 – Cost Pressures:** The Board continues to manage the provision of services under a 2011/2012 level flat cash budget. IER funding is expected to cease at the end of 2015/16 and the Board will need to fund ongoing IER activity from existing resources. The Board has an established track record of managing expenditure pressures within its budgetary provision and is currently forecasting a projected net underspend of £95,000 for the 2015/16 financial year. However the budgetary pressures the Board faces from 2016/17 onwards are significant and present an unprecedented challenge to the Board to develop a sustainable budget position.

36. We will continue to monitor the Board's financial position, and review its progress towards developing a sustainable budget position going forward, through the course of our audit.
37. **Risk 4 – Review of Policies:** The Board reviewed and updated a number of its key policies in 2013, however this review did not include the existing Financial Regulations, Standing Orders and Scheme of Delegation. We understand that these documents are currently under review, with the outcome due to be reported to the Board in February 2016.
38. Whilst we recognise that the Board does carry out periodic reviews of its key policies, it is good practice to establish an agreed review cycle in order to ensure that policies are reviewed sufficiently regularly and remain fit for purpose.

### National performance audit studies

39. Audit Scotland's Performance Audit and Best Value Group undertake a programme of studies on behalf of the Auditor General and Accounts Commission. In line with Audit Scotland's strategy to support improvement through the audit process, we will carry out work to collect relevant financial and performance information to inform Audit Scotland's national reports.

# Fees and resources

## Audit fee

40. Over the past four years, Audit Scotland has reduced audit fees by 24% in real terms, exceeding our 20% target. Due to further refinement of our audit approach we have been able to maintain audit fees for 2015/16 at the same level as last year. This represents an additional real term fee reduction of 1.6%.
41. In determining the audit fee we have taken account of the risk exposure of the Board, the planned management assurances in place, and the level of reliance we plan to take from the work of internal audit. We have assumed receipt of a complete set of unaudited financial statements and comprehensive working papers package by 30 June 2016.
42. The proposed audit fee for the 2015/16 audit of Lothian Valuation Joint Board is £7,090. Our fee covers:
  - the costs of planning, delivering and reporting the annual audit including auditor's attendance at Board meetings
  - your organisation's allocation of the cost of national performance studies and statutory reports by the Auditor General for Scotland
  - a contribution towards functions that support the local audit process (e.g. technical support and coordination of the National

Fraud Initiative), support costs and auditors' travel and subsistence expenses.

43. Where our audit cannot proceed as planned through, for example, late receipt of unaudited financial statements or being unable to take planned reliance from the work of internal audit, a supplementary fee may be levied. An additional fee may also be required in relation to any work or other significant exercises outwith our planned audit activity.

## Audit team

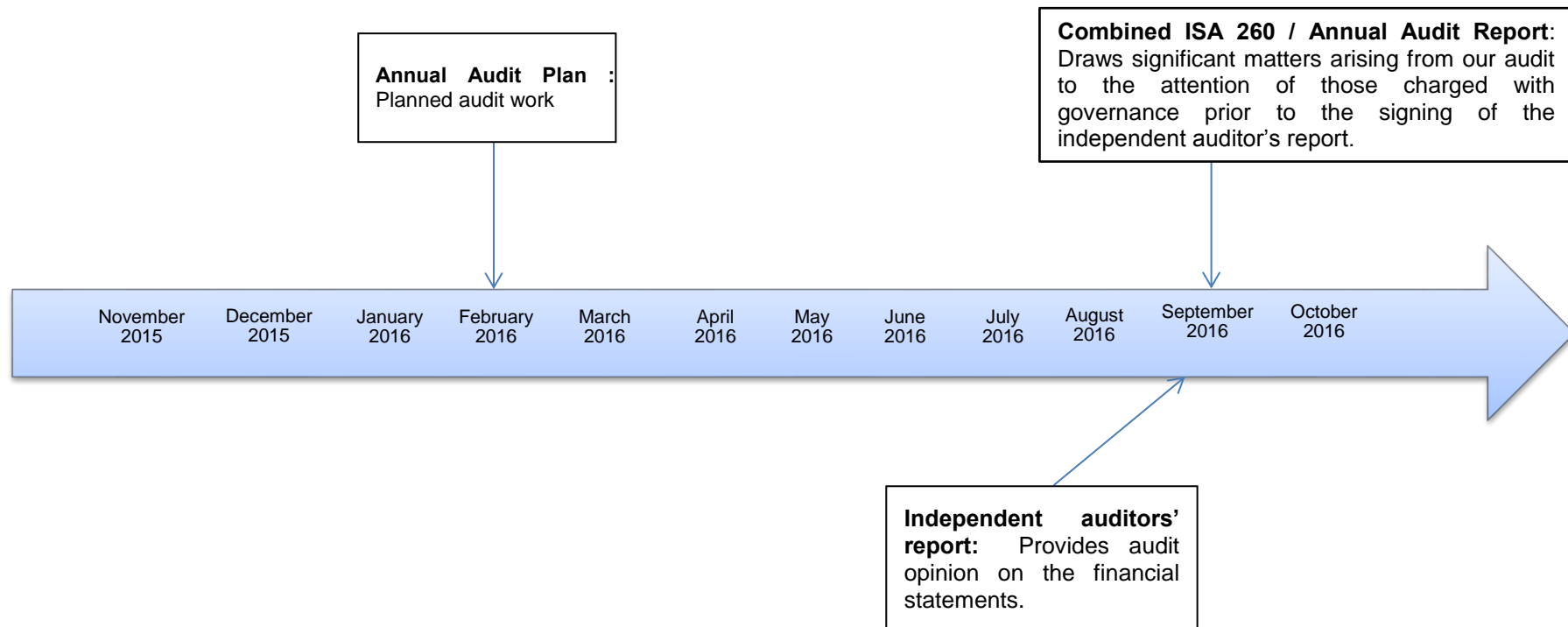
44. Stephen O'Hagan, Senior Audit Manager, Audit Services is your appointed auditor. The local audit team will be led by Carol Foster who will be responsible for day to day management of the audit and who will be your primary contact. Details of the experience and skills of our team are provided in Exhibit 2. The core team will call on other specialist and support staff as necessary.

**Exhibit 2: Audit team**

Name	Experience
Stephen O’Hagan, CPFA Senior Audit Manager	Stephen has over 19 years experience of public sector audit with Audit Scotland, covering local government, central government, health and the education sector. Prior to joining Audit Scotland Stephen worked in local government finance for 5 years.
Carol Foster, ACA, Senior Auditor	Carol has over 10 years experience of public sector audit with Audit Scotland, covering local and central government. Previously, Carol worked in internal audit in a Scottish Local Authority and in the private sector on a range of public and private sector audits.
Joan Dalglish Auditor	Joan has worked in public sector audit with Audit Scotland for over 15 years, covering local government, central government and health.

# Appendix 1: Planned audit outputs

The diagram below shows the key outputs planned for Lothian Valuation Joint Board in 2015/16.



## Appendix 2: Significant audit risks

The table below sets out the key audit risks, the related sources of assurance received and the audit work we propose to undertake to address the risks during our audit work.

#	Audit Risk	Source of assurance	Audit assurance procedure
<b>Financial statement issues and risks</b>			
1	<p><b>Management Override of controls</b></p> <p>As stated in ISA 240, management is in a unique position to perpetrate fraud because of management's ability to manipulate accounting records and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively.</p>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Detailed testing of journal entries</li> <li>Review of accounting estimates for bias</li> <li>Evaluating significant transactions that are outside the normal course of business.</li> </ul>
2	<p><b>Creation of a General Reserve</b></p> <p>The Board is considering transferring its unspent requisitions creditor balance into a general reserve which can be drawn upon as required from 2016/17 onwards. There is a risk that the presentation and disclosure of this change is not in accordance with the accounting framework requirements.</p>	<ul style="list-style-type: none"> <li>The Board's Treasurer will identify the proposed accounting treatment for presentation and disclosure of this transaction in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom and review this with Audit Scotland prior to inclusion in the annual accounts.</li> </ul>	<ul style="list-style-type: none"> <li>Detailed review of presentation and disclosure of the Board's accounts as part of the 2015/16 financial statements audit.</li> </ul>

#	Audit Risk	Source of assurance	Audit assurance procedure
<b>Wider dimension issues and risks</b>			
3	<p><b>Cost Pressures</b></p> <p>Additional budget pressures are expected to arise from 2016/17 onwards as IER grant funding comes to an end whilst the Board continues to manage the provision of services under a flat cash budget. There is a risk that these financial pressures impact on the Board's service delivery and performance.</p>	<p>Increased workload is known to be required for both the electoral and valuation service during 2016/17 and beyond. It is recognised that the current high performance standards for delivery of statutory services will not be maintained in the forthcoming years. The following management actions will be undertaken:</p> <ul style="list-style-type: none"> <li>• During 2016/17 all avenues for securing additional funding will be explored</li> <li>• Strategies for containing budget requirement to current levels will be considered</li> <li>• Progress will be reported to the Board</li> </ul>	<ul style="list-style-type: none"> <li>• Review 2015/16 budget outturn information</li> <li>• Review 2016/17 budget</li> <li>• Consideration of the Board's progress towards developing a sustainable budget position from 2016/17</li> </ul>
4	<p><b>Review of Policies</b></p> <p>Whilst the Board carries out periodic reviews of its key policies, it is good practice to establish an agreed review cycle in order to ensure that policies are reviewed sufficiently regularly and remain fit for purpose.</p>	<ul style="list-style-type: none"> <li>• A timetable and action plan is currently being refined to ensure all Board policies are subject to regular review</li> <li>• The action plan highlights the currency, review date, and status of each policy.</li> <li>• The Financial Regulations, Standing Orders, Contract Standing Orders and Scheme of Delegation are at final review stage and are expected to go to the Board for approval on 8th February</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor progress towards establishing a review cycle for key policies</li> </ul>



## Annual Investment Strategy

---

8 February 2016

### 1. Introduction

- 1.1 The purpose of this report is to propose an Investment Strategy for 2016/17.

### 2. Annual Investment Strategy

- 2.1 The Board currently maintains 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). These arrangements were put in place given administration arrangements with the City of Edinburgh Council and the relatively small investment balances which the Board has. Although the investment return will be small, the Board will gain security from its counterparty exposure being to the City of Edinburgh Council.

### 3. Recommendations

- 3.1 It is recommended that the Board approves the Annual Investment Strategy in Appendix 1.

**Hugh Dunn**  
Treasurer

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#### Appendix

Appendix 1 – Annual Investment Strategy

#### Contact/tel

Innes Edwards, Tel: 0131 469 6291  
(innes.edwards@edinburgh.gov.uk)



# APPENDIX 1

## Annual Investment Strategy

### (a) Treasury Management Policy Statement

1. The Board defines its Treasury Management activities as:

*The management of the Board's investments, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.*

2. The Board regards the successful identification monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the organisation.

3. The Board acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving value for money in treasury management, and to employing suitable comprehensive measurement techniques, within the context of effective risk management.

Treasury Management is carried out on behalf of the Board by the City of Edinburgh Council. The Board therefore adopts the Treasury Management Practices of the City of Edinburgh Council. The Board's approach to investment is a low risk one, and its investment arrangements reflect this.

### (b) Permitted Investments

The Board will maintain its banking arrangement with the City of Edinburgh Council's group of bank accounts. The Board has no Investment Properties and makes no loans to third parties. As such the Board's only investment / counterparty exposure is to the City of Edinburgh Council.

### (c) Prudential Indicators

The Board has no Capital Programme and therefore also has no long term borrowing. The indicators relating to debt are therefore not relevant for the Board. By virtue of the investment arrangements permitted in (b) above, all of the Board's investments are variable rate, and subject to movement in interest rates during the period of the investment.

# Operational Governance Framework Review 2016

---

8 February 2016

## 1 Introduction

- 1.1 This report sets out the review of the key documents that supports the internal controls, accountability and transparent operation of the Lothian Valuation Joint Board (the Board) and recommends appropriate changes.
- 1.2 The review ensures that the key operational governance documents of the Board are comprehensive, relevant, up-to date and support good governance.

## 2 Background

- 2.1 The documents that make up the operational governance framework for the Board were previously reviewed and approved by the Board on 7 December 2009 to reflect developments in areas such as the prudential Code, risk management, asset management and e-procurement.

## 3 Main Report

- 3.1 The following key documents have been reviewed and revised versions are submitted for approval:
  - 3.1.1 Lothian Valuation Joint Board Standing Orders;
  - 3.1.2 Lothian Valuation Joint Board Financial Regulations;
  - 3.1.3 Lothian Valuation Joint Board Scheme of Delegation to Officers;
  - 3.1.4 Lothian Valuation Joint Board Contract Standing Orders
- 3.2 The documents listed above are attached in appendices 1 to 4.

### Procedural Standing Orders

- 3.3 The review of the Procedural Standing Orders have been undertaken to strengthen the processes and practices of effective governance, ensuring that the decisions made by the Board have been reached in a clear and transparent manner.

- 3.4 The Standing Orders have been re-drafted in a manner consistent with the City of Edinburgh Council's Standing Orders. The changes are relatively minor and aim to either clarify terms or reflect current practice.

### **Financial Regulations**

- 3.5 Section 95 of the Local Government (Scotland) Act 1973 states that every local authority shall make arrangements for the proper administration of its financial affairs and shall secure that the proper officer of the authority (termed the Section 95 Officer) has responsibility for the administration of those affairs. Lothian Valuation Joint Board has designated the Treasurer the Section 95 Officer for this purpose.
- 3.6 The Local Authority Accounts (Scotland) Regulations 2014 specify that the system of accounting and control and form of the accounts and supporting records are to be determined by the Section 95 Officer. In this regard, s/he should ensure that accounting controls are observed and the accounts and supporting records are kept up-to-date.
- 3.7 The Financial Regulations therefore set out the key aspects of the framework of responsibilities, controls and reporting in place to provide assurance of the propriety and consistency of actions undertaken on the Board's behalf. The Regulations also serve as a public demonstration of the Board's commitment to promoting openness, transparency and integrity in its financial affairs. The document's contents are supplemented by a more detailed set of operational Finance Rules.
- 3.8 The broad structure and content of the Financial Regulations has been retained. The opportunity has been taken, however, to update the Regulations to reflect current legislation.

### **Scheme of Delegation to Officers**

- 3.9 The Scheme of Delegation is the mechanism for the Board to delegate authority to perform certain functions to officers. The purpose of the Scheme is to allow efficient and effective service delivery by delegating appropriate operational and management functions to officers. In doing so it is important to ensure that officers to whom authority is delegated consult appropriately with the Board and retain full accountability for the decisions they take.
- 3.10 The current Scheme is out of date. The Scheme has been re-drafted in a manner consistent with the City of Edinburgh Council's Scheme, whereby the named officers are given delegated authority to carry out the functions with their service area within certain limitations, namely the principles of delegation. The Scheme has been updated to ensure that it is logical, coherent and consistent throughout.
- 3.11 The draft Scheme contains a list of principles of delegated authority ("principles of delegation") that apply throughout the Scheme, and must be considered each time a delegated power is exercised by an officer. These set out the parameters within which officers must exercise their delegated functions.

3.12 For information purposes, the Scheme also sets out the statutory powers and functions exercised by the Assessor and the Electoral Registration Officer in the Constituent Authorities.

### **Contract Standing Orders**

3.13 The Contract Standing Orders (CSOs) provide the powers to control and regulate purchasing, and place requirements on officers to effectively plan and contract manage the resulting contracts. The CSOs have been re-drafted in a manner consistent with the City of Edinburgh Council's CSOs, to improve purchasing controls to ensure that best value is delivered and to ensure a consistent framework of governance documentation..

3.14 It is anticipated that the Contract Standing Orders will required to be reviewed within the next 12 months to take account of changes in the EU procurement regime and further legislative changes in Scotland.

## **4. Recommendations**

It is recommended that the Board:

4.1 Repeals the existing Lothian Valuation Joint Board's Standing Orders, Financial Regulations, Scheme of Delegation to Officers and Contract Standing Orders and approve in their place the documents set out in appendices 1 to 4, such repeal and approval to take effect from 9 February 2016.

4.2 Delegates authority to the Chief Executive and Clerk to take such actions and make such minor adjustments to the documents set out in appendices 1 to 4 as may be necessary to implement the decision of the Board in relation to this report.

4.3 Notes that the Operational Governance Framework documents would be submitted for review at a minimum every five years.

4.4 Notes that the Contract Standing Orders may require to be reviewed within 12 months to take account of changes in the EU procurement regime and further legislative changes in Scotland.

**Andrew Kerr,  
Chief Executive & Clerk.**

**Appendices:** Appendix 1 - Lothian Valuation Joint Board Standing Orders

Appendix 2 - Lothian Valuation Joint Board Financial Regulations

Appendix 3 - Lothian Valuation Joint Board Scheme of Delegation to Officers

Appendix 4 - Lothian Valuation Joint Board Contract Standing Orders

**Contact/Tel:** Mr. G.King 0131 529 4239 / Mr. S.McLean: 0131 529 4106

**Background Papers:**

[Review of Standing Orders, Financial Regulations and Scheme of Delegation 2009](#)

[The Valuation Joint Boards \(Scotland\) Order 1995](#)

**STANDING ORDERS**

**OF THE**

**LOTHIAN VALUATION JOINT BOARD**

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## **Standing Orders**

These standing orders (“**Standing Orders**”) apply from 9 February 2016 and regulate the conduct of business at meetings of the Lothian Valuation Joint Board (“the Board”) and sub-committees of the Board.

A glossary of terms can be found in the appendix.

### **1 First meeting of the Board after an election**

- 1.1 In a Local Government election year, the Board will hold a meeting as soon as practicable after each Constituent Authority has appointed its members and substitute members.
- 1.2 At this meeting or at any adjournment of it, the Board will:
  - (a) appoint the Convener;
  - (b) appoint the Vice Convener;
  - (c) approve/consider/amend the Standing Orders; and
  - (d) deal with any urgent competent business

### **2 Convener and Vice Convener - Term of Office**

- 2.1 The Board may at any time agree to remove the Convener and Vice Convener from office, with immediate effect, provided that not less than three quarters of the members of the Board present and voting so decide.

### **3 Meetings**

- 3.1 The dates, times and places for ordinary meetings of the Board will be decided by the Board. The Board will normally meet in Edinburgh and will normally meet not less than four times a year.

### **4. Notice of Meetings**

- 4.1 At least 3 clear days before a meeting of the Board:
  - (a) the Clerk will publish a notice of the time and place of the intended meeting. If the meeting is called by members of the Board, the signed request specifying the business to be transacted and signed by at least one quarter of the members of the Board will accompany the notice; and
  - (b) a summons to attend the meeting containing the agenda of business will be sent to every Board member by email or to an alternative address nominated by them. The validity of a meeting is not affected by a summons not being sent to a member of the Board.

- 4.2 The Clerk will call a special meeting to be held within eight days of receiving a written request specifying the business to be transacted and signed by at least one quarter of the members of the Board.
- 4.3 Any summons issued under Standing Order 4.1 must give a note of the agenda of business and the proposed order for dealing with business at the meeting.
- 4.4 No business other than that set out in the notice of meeting may be dealt with unless it is brought before the Board as a matter of urgency. The Convener must rule that it is a matter of urgency and give the reasons for the ruling to be noted in the minutes. The item must be made known at the start of the meeting when the order of business is decided. If the Convener rules that the matter is not urgent, it will be included as an item for the next ordinary meeting of the Board, unless dealt with earlier.

## **5 Quorum**

- 5.1 Subject to law the quorum of the Board will be one third of the number of voting members. Therefore, the quorum of the Board is five, provided that the members shall not be members appointed by the same constituent authority.
- 5.2 No business may be transacted at any meeting unless a quorum is present. If less than a quorum is present after the appointed time for the start of the meeting, the meeting will be adjourned until such date and time as the Convener decides.
- 5.3 After a meeting has started, if the number of members present falls below the quorum, the meeting will be adjourned immediately until such date and time as the Convener decides.
- 5.4 A member who has declared an interest in an item of business and has left the meeting may not be counted in the quorum for that item of business. Therefore, should the membership fall below the quorum due to a member withdrawing from the meeting due to a related declaration of interest that item(s) cannot be dealt with at the meeting.

## **6 Convener**

- 6.1 The Convener will chair any meeting of the Board when he or she is present.
- 6.2 When the Convener is absent from a Board meeting the Vice-Convener, if appointed, will chair the meeting. When the Convener and Vice-Convener are absent, another member chosen by the members present will chair the meeting.

## **7 Convener Duties**

- 7.1 The duties of the Convener of the meeting, in accordance with these Standing Orders, will include:
- (a) Deciding on all matters of protocol, decorum, order, competency and relevancy;
  - (b) Determining all matters of procedure for which no provision is made within these Standing Orders. In reaching this determination he/she may be advised by the Clerk;
  - (c) Deciding priority between two or more members wishing to speak;
  - (d) Ensuring that a fair opportunity is given to all members to express their views on any item of business;
  - (e) Preserving order within the meeting;
  - (f) Ordering the exclusion of any member of the public, in order to prevent or suppress disorderly conduct or any other behaviour which impedes or is, in the Convener's opinion, impeding the business of the meeting;
  - (g) In the event of disorder arising, adjourning the meeting to a time and date the Convener will fix then or later. In leaving the meeting, the Convener in such circumstances, will without further procedure have formally adjourned the meeting; and
  - (h) Signing the minutes of the previous meeting;
- 7.2 The decision of the Convener in relation to all questions regarding Standing Orders is final, but in reaching these decisions advice may be sought from the Clerk.

## **8 Responsibility of the Solicitor**

- 8.1 The Solicitor shall have the power to affix the Common Seal to deeds or other documents where such deeds or other documents give effect to decisions of the Board.

## **9 Appointing members to office**

- 9.1 When nominating or appointing a member to any office where the number of candidates is more than the number of vacancies, the person to be selected will be decided by ballot. In each case, members can vote for as many candidates as there are vacancies. But in any ballot, they may only vote once for any one candidate.

- 9.2 If only one vacancy has to be filled and one candidate has an absolute majority of the votes cast, that candidate shall be declared elected, selected or appointed as the case may be. If this is not the case, the name of the candidate with the fewest votes will be taken off the list of candidates. This process of elimination will continue until the number of remaining candidates equals the number of vacancies (or one candidate has a majority and there is only one vacancy). That candidate or those candidates will be declared nominated or appointed as the case may be.
- 9.3 If there is a ballot of more than two candidates and there is an equal number of votes for the candidates with fewest votes, there will be an extra vote by ballot of those candidates. The name of the candidate with fewest votes will be taken off the list. If there is an equal number of votes in one of these extra votes by ballot or in any vote between two candidates, which candidate will be taken off the list will be decided by lot.

## **10 Order of Business**

- 10.1 The business of the Lothian Valuation Joint Board will take place in the following order:
- (a) Order of Business
  - (b) Declaration of Interests
  - (c) Deputations
  - (d) Minutes
  - (e) Decisions
  - (h) Motions

## **11 Power to vary order of business**

- 11.1 The Board may at any meeting vary the order of business to give precedence to any item on the agenda:
- (a) at the discretion of the Convener; or
  - (b) on a motion duly moved and seconded and voted on by a show of hands.

## **12 Urgent Matters**

- 12.1 If a decision which would normally be made by the Board requires to be made urgently between meetings, the Assessor, in consultation with the Convener or Vice-Convener, may take action, subject to the matter being reported to the next meeting of the Board.

## **13 Matters decided in Private**

- 13.1 The Board, under Section 50A(4) of the Local Government (Scotland) Act

1973, may exclude the public from the meeting for items of business on the grounds that it involves the disclosure of exempt information as defined in [Part 1 of Schedule 7A of the Act](#).

#### **14 Declaration of Interests**

- 14.1 Where a Board member declares an interest in accordance with the Councillors' Code of Conduct and leaves the meeting, the fact will be recorded in the minutes of the meeting.

#### **15 Deputations**

- 15.1 The Board can hear deputations on any matter that is included in its power, duties or delegation.
- 15.2 Every application for a deputation must be from an office bearer of an organisation or group. It must be submitted by email or in writing, setting out the subject of the deputation and be delivered to the Clerk no later than 5pm on the day before the meeting concerned. The Convener has the discretion to waive these requirements.
- 15.3 The Clerk will submit the application to the Board.
- 15.4 When the Board considers whether to hear a deputation, it must not discuss the merits of the case itself. If necessary a vote will be taken without discussion on whether to hear the deputation.
- 15.5 Each deputation will not usually exceed four persons and will have ten minutes to present its case. If the meeting decides to hear more than one deputation on the same subject, they will be heard together. The Convener will decide how much time to allow.
- 15.6 Unless the Convener decides otherwise, the total maximum time allowed for deputations to present their cases at a meeting, excluding questions, will be limited to 60 minutes.
- 15.7 Any member can put a question to the deputation that is relevant to the subject.
- 15.8 The total time allowed for such questions will not be more than ten minutes for each deputation. The merits of the case must not be discussed by members until the deputation has withdrawn.

#### **16 Minutes**

- 16.1 The Clerk will minute all Board meetings. The minutes will record the names of the members who attended the meeting. They will be circulated among members of the Board at least three clear working days before its next meeting for approval. If they are approved as a correct record of proceedings of the meeting, the Convener of the meeting will sign them.

## **17. Notices of Motion**

- 17.1 Every formal notice of motion will be in writing and signed by the member giving the notice. The notice must be delivered to the Clerk by noon on the seventh working day before the meeting. Those not received within this timescale, will not be included in the summons calling the meeting.
- 17.2 Late formal notices of motion must be submitted to the Board at the appropriate time in the meeting, if they:
- (a) Have been delivered to the Clerk before the start of the meeting;
  - (b) Are considered by the Convener to be competent, relevant and urgent; and
  - (c) Have been circulated to members before the meeting commences or read by the Clerk to the meeting at the appropriate time in the meeting.
- 17.3 Late motions which are not accepted as urgent by the Convener, will be considered at the next ordinary meeting.
- 17.4 Every formal motion submitted, in terms of Standing Orders 17.1 and 17.2 will require to be moved and seconded formally. If such a motion is not moved and seconded formally it will fall and this will be recorded in the minutes.

## **18 Order of Debates**

- 18.1 A member who wishes to speak, when called on, will address the Convener. The member will speak directly on the motion or amendment that is being proposed, seconded or discussed, or on a question of order. No member can speak more than once on any subject that is being discussed, except for a point of order or, with the permission of the Convener, to give an explanation. The person proposing the motion has a right of reply.

## **19 Length of Speeches**

- 19.1 Except with the Convener's permission the proposer and seconder of a motion or an amendment must not speak for more than five minutes and all other speakers for not more than three minutes. The proposer of the original motion may speak for up to five minutes in reply, and the reply must not introduce any new matter into the debate. After that, the discussion will finish and the Convener will direct that a vote be taken.

## **20 Motion for Adjournment**

- 20.1 A motion to adjourn the meeting may be put at any time, except if a member is speaking, and will have precedence over all other motions. It

must be moved and seconded without discussion and must at once be put by the Convener in the form of 'adjourn' or 'not adjourn.'

- 20.2 A second or subsequent motion to adjourn may not be made within half an hour unless it is moved by the Convener when it will be dealt with as in Standing Order 20.1.

## **21 Debate**

- 21.1 A member wishing to speak will address the Convener. He/she will speak only on the matter under consideration or on a question of order.
- 21.2 A member proposing to submit a motion or amendment on any subject under discussion will before addressing the meeting state the terms of the motion or amendment. If he/she fails to do so the Convener will ask him/her to state the terms. Every motion or amendment must be moved and seconded and will, when required by the Convener, be put in writing and handed to the Clerk.
- 21.3 The mover and seconder of any motion or amendment may speak in support of the motion or amendment for not more than five minutes. No other speaker may speak for more than three minutes or more than once in the same discussion except to call attention to a point of order.
- 21.4 The mover of the original motion will have the right to speak for a further five minutes in reply to the debate after which the discussion will be closed. The mover of the motion must, in his/her reply, strictly confine himself/herself to answering previous speakers and not introducing any new matter. The motion and amendment(s) will then be voted on by members.
- 21.5 The limits of time specified in Standing Orders 21.3 and 21.4 may be exceeded with the consent of the majority of members present and the Convener may determine, without taking a vote, whether such consent has been obtained.
- 21.6 When a motion and two or more amendments are before the meeting, the Convener will decide the order and manner for putting the motion and amendments to the meeting. The Convener (or nominee) will have the right to move a minute or report, as the original motion, with all alternative proposals considered as amendments.
- 21.7 The mover of the motion or amendment may agree to add all or part of an amendment moved and seconded by other members, provided that:
- (a) His/her seconder consents;
  - (b) The mover and seconder of the other amendment consents; and
  - (c) The agreement takes place before the mover of the motion has

replied.

- 21.8 The mover of an amendment which is not seconded may have his/her dissent to the decision of the Board minuted.

## **22 Closure of Debate**

- 22.1 Any member who has not spoken on the question before the meeting may propose 'that the matter now be decided'. If this is seconded and the Convener thinks the question has been discussed enough, he or she will order that a vote on the motion be taken without discussion. If the motion that the matter now be decided is carried, the proposer of the original motion will have a right to reply, and the question itself will then be put to the meeting. If the motion that the matter be now decided is not carried, a similar motion may be made after every two further members have spoken.

## **23 Voting**

- 23.1 A vote may be taken by either calling the roll or by a show of hands. When it is proposed to taken by a show of hands any member may object and if two members of the Board object, the vote must be taken by calling the roll. All votes on procedure, however, will be taken by a show of hands.
- 23.2 When a motion and amendment are before the Board the proposal receiving the support of a majority of members present and voting will be declared to be a decision of the Board.
- 23.3 When a motion and two or more amendments are before the Board and the adoption of one or more of the proposals would result in either the continuation of a decision or no action, a vote will firstly be taken on the proposal(s) involving continuation or no action as soon as the discussion is completed. This vote will be taken 'for or against' either continuation or no action. Any vote necessary on the remaining proposals will be taken in terms of Standing Order 23.1.
- 23.4 When a motion and two or more amendments, none of which involves continuation or no action, are before the Board, the vote will be taken on all proposals, each member having one vote.
- 23.5 If a proposal receives the support of a majority of members voting it will be declared to be the decision of the Board. If none of the proposals receives the support of a majority of those voting, the one which has received the fewest votes will be dropped and a fresh vote taken on the remaining proposals. If there are an equal number of votes between the proposals with the fewest votes the Convener will have a casting vote to determine which proposal should be dropped. If the Convener does not exercise



his/her casting vote, the decision will be by lot. This process of elimination will continue until one proposal has received majority support from those voting which will be declared the decision by the Board.

- 23.6 If there are equal numbers of votes, the Convener will have a casting vote except where the vote relates to appointing a member of the Board. In this case, the decision will be by lot.
- 23.7 If a vote has been taken and a member immediately challenges the accuracy of the count, the Convener will decide whether to have a recount. If there is a recount, the Convener will decide how this should be taken.

## **24 Point of Order**

- 24.1 Any member may raise a point of order at any time during a meeting. Any member who is addressing the meeting when a question of order is raised will resume his/her seat until the question has been decided by the Convener. The member raising the point of order will advise which Standing Order he/she considers is being infringed and thereafter, without debate, await the Convener's decision. No other member may speak to the point of order unless with the permission of the Convener. The decision of the Convener will be final and cannot be discussed.

## **25 Suspension of Standing Orders**

- 25.1 The Board may on a motion duly moved and seconded, and with the consent of two thirds of members voting, suspend any Standing Order specified in the motion. Any such motion may be submitted, without previous notice, and will be voted on by a show of hands without discussion.
- 25.2 Standing Orders (2, 7, 24, 25, 27 and 32) will not be capable of suspension.

## **26 Validating the Proceedings**

- 26.1 The proceedings will be validated by confirming the minutes of the meeting at the next meeting.

## **27. Obstructive or offensive conduct by members**

- 27.1 If any member at any meeting disregards the authority of the Convener, or behaves obstructively or offensively, a motion may then be proposed and seconded to suspend the member for the rest or any part of the meeting. The motion will be put without discussion. If it is carried, the Clerk will act on any orders received from the Convener to carry out the decision.

## **28 Failing to Attend Meetings**

- 28.1 Subject to the terms of Section 35 of the Act of 1973, (read as if “the Board” is substituted for “a local authority” or “the authority”), if a member does not attend any meetings for 6 months of the Board or any Sub-Committee, the Clerk must tell the Board (unless the member has been granted leave of absence by the Board).
- 28.2 The Board will consider whether the absence was caused by some reason approved by them. If they are not satisfied about the cause of the failure, the member will cease to be a member of the Board.

## **29. Changing a Board decision**

- 29.1 Subject to law, a decision of the Board cannot be changed by the Board within six months unless notice has been given of the proposed item in the summons for the meeting and:
- (a) the Convener rules there has been a material change of circumstances; or
  - (b) the Board agrees the decision was based on erroneous, incorrect or incomplete information.

## **30 Admission of media and members of the public**

- 30.1 Subject to law and in particular to the provisions of the Local Government (Access to Information) Act 1985, meetings will be open to the public and representatives of the media, subject to powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at the meeting.
- 30.2 Any video or sound recordings or broadcasting of meetings or the taking of any photographs will be at the Convener’s discretion.

## **31 Variation and Revocation of Standing Orders**

- 31.1 Any motion to vary or revoke these Standing Orders will, when voted on, be approved by a majority of members of the Board present and voting. Any such motion must be by formal notice as provided in Standing Order 17.

## **32 Review of Standing Orders**

- 32.1 These Standing Orders will be reviewed every 5 years, at the request of the Board or if the Chief Executive and Clerk determines so and reports to the Board.

## **33 Delegating to Sub-committees and Officers**

- 33.1 (a) The Board may appoint a Sub-Committee(s) it considers necessary.

- (b) The Board will appoint the convener of any sub-committee. If the Convener is absent, the members present will appoint someone from amongst themselves to chair the meeting.
- (c) The officers of the Board are authorised to use the delegated powers set out in the Scheme of Delegation attached to these Standing Orders.

#### **34 Quorum – Sub-committee**

- 34.1 One third of the membership of a Sub-Committee with a minimum of 2 being present will be a quorum.

#### **35 Attendance of Board Members at Sub-committees**

- 35.1 When a motion is referred to a Sub-committee, the proposer of the motion may not contribute to the consideration of the motion nor any other items that directly relate to the motion.
- 35.2 A Board member cannot be present at a meeting of a Sub-Committee which he or she is not a member of when
  - (a) The meeting is considering a matter where the decision may affect the interests of any person as an individual; and
  - (b) the decision is made after a hearing by the Sub-Committee where the person has a right to be heard (in person or through a representative).

#### **36 Minutes of Sub-committee Meetings**

- 36.1 The minutes of a meeting of a Sub-Committee will be:
  - (a) Submitted for approval as a correct record and signed by the person chairing the next meeting of the Sub-Committee.
  - (b) Circulated to the next meeting of the Board for approval of any recommendations.

#### **37 Right of a Minority to Have Decisions Referred to the Board**

- 37.1 As soon as a decision is taken by a Sub-Committee not less than a quarter of the members present may ask for it to be passed to the Board as a recommendation (if it is a decision that would not normally go to the Board). This paragraph depends on the terms of any law and paragraph (37.2) below.
- 37.2 Under this Standing Order the following decisions cannot be sent to the Board:
  - (a) by a Sub-Committee acting with delegated powers on a matter where the decision may affect the interests or rights of any person as an

individual; and

- (b) which is reached after a hearing by the Sub-Committee where the person has a right to be heard either in person or through a representative. However, this sub-paragraph does not apply to a deputation under Standing Order 15.

## **Appendix**

### **Definitions**

In these Standing Orders the following words and expressions have the following meanings:

“Act of 1973” means the Local Government (Scotland) Act 1973 as amended;

"Act of 1985" means the Local Government (Access to Information) Act 1985;

"Order" means The Valuation Joint Boards (Scotland) Order 1995, made under Section 27(7) to (9) of the Local Government Etc (Scotland) Act 1994. A copy of the Order is attached to these Standing Orders.

“Board” means the Lothian Valuation Joint Board established under the Order;

“Constituent Authority” means any of the Councils of East Lothian, The City of Edinburgh, Midlothian and West Lothian;

"Sub-Committee" means the appointment of Sub-Committees in terms of Paragraph 6 of Schedule 2 of the Order;

“Convener” means the Convener of the Board appointed under Paragraph 3 of Schedule 2 of the Order;

“Electoral Registration Officer” is an official who has the statutory duty to compile and maintain the electoral roll. The four constituent councils of Lothian VJB who jointly appointed the ERO have a duty to meet any expenses incurred by the ERO in the performance of his/her functions.

“Vice-Convener” means the Vice-Convener of the Board appointed under Paragraph 3 of Schedule 2 of the Order;

“Member” means a person appointed by any of the Constituent Authorities from their own number to be a member of the Board in terms of Paragraph 1 of Schedule 2 of the Order and, except where the context otherwise requires, includes a Substitute Member as defined below;

“Substitute Member” means a person appointed by any of the Constituent Authorities from their own number to be a substitute member of the Board in terms of Paragraph 1 of Schedule 2 of the Order;

"Local Member" means a member elected to serve as a Councillor for an electoral ward of a Constituent Authority;

“Convener” means a person appointed by the Board to chair a Sub-Committee, or the person chairing a meeting of the Board in the absence of the Convener and Vice-Convener;

“Chief Executive” means the Chief Executive and Clerk of the Board appointed in terms of Paragraph 4 of Schedule 2 of the Order;

“Clerk” means the Chief Executive and Clerk of the Board appointed in terms of Paragraph 4 of Schedule 2 of the Order;

"Assessor" means the official appointed in terms of Section 27(2) of the Local Government Etc (Scotland) Act 1994;

“Solicitor” means a person appointed by the Board to be Solicitor to the Board in terms of Paragraph 4 of Schedule 2 of the Order;

“Treasurer” means a person appointed by the Board to be Treasurer to the Board in terms of Paragraph 4 of Schedule 2 of the Order;

**LOTHIAN VALUATION JOINT  
BOARD**

**FINANCIAL REGULATIONS**

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## Financial Regulations

These financial regulations of the Lothian Valuation Joint Board (“**Board**”) apply from 8 February 2016 and set out the arrangements for the proper administration of the financial affairs of the Board.

### 1. Status and Statutory Responsibility

- 1.1 These regulations are made under section 95 of the Local Government (Scotland) Act 1973 (the “1973 Act”) as applied to the Board by Section 106 of the 1973 Act.
- 1.2 Section 95 of the 1973 Act states that every local authority shall make arrangements for the proper administration of its financial affairs and shall secure that the proper officer of the authority (termed the Section 95 Officer) has responsibility for the administration of those affairs.
- 1.3 The Local Authority Accounts (Scotland) Regulations 2014 (the “Regulations”) specify that the system of accounting and control and the form of the accounts and supporting records are to be determined by the Section 95 Officer and that s/he is to ensure that accounting controls are observed and the accounts and supporting records are kept up to date. S/he is also responsible for publishing the Annual Accounts of the Board and for making the arrangements for the statutory audit required by section 96 of the 1973 Act.
- 1.4 The Board has designated the Treasurer as the Section 95 Officer and therefore as the officer responsible for the administration of the Board’s financial affairs in terms of section 95 of the 1973 Act.
- 1.5 The Treasurer serves as the Section 95 Officer for all of the Board’s accounting arrangements.
- 1.6 A more detailed set of Finance Rules, which prescribe the procedures to be followed, has also been prepared. While these Rules and other relevant procedures and policies are not contained within these Financial Regulations, they are issued under their authority and have the same status as if they were included in the body of these regulations.
- 1.7 The Treasurer will establish a programme of review for all relevant documents. Chief Officers of the Board may also seek the issue, amendment, clarification or supplementing of the regulations, finance rules or associated procedures and policies for any areas of responsibility not previously addressed.
- 1.8 Any breach or non-compliance with these regulations or the associated finance rules, procedures or policies issued under their authority must be reported immediately to the Treasurer, who may consult others as s/he sees fit to determine the proper action.

## **2. Application**

- 2.1 The Board is responsible for ensuring that its business is conducted in accordance with the law and appropriate standards and that public money is safeguarded, properly accounted for and used economically, efficiently, effectively, equitably and ethically. The Board's activities are furthermore guided by a set of underlying principles and responsibilities fostering openness, integrity and accountability.
- 2.2 In discharging these responsibilities, Board members and officers are responsible for implementing effective arrangements for governing the Board's affairs and facilitating the effective exercising of its functions including arrangements for managing risk.
- 2.3 As a consequence of these responsibilities, the Board must regulate the actions taken on its behalf that carry financial implications to provide assurance of their propriety and consistency. It is furthermore a requirement of these regulations that all financial transactions are within the legal powers of the Board. These Financial Regulations thus form a key element of the maintenance of a robust, clear and accountable governance framework for the Board.

## **3. Responsibilities and Observance**

### **3.1 Treasurer**

3.1.1 The Board's Scheme of Delegation to Officers sets out the powers delegated to officers pursuant to the 1973 Act . As noted in paragraph 1.4, the Treasurer has been designated the Board's Section 95 Officer responsible for the administration of the Board's financial affairs.

3.1.2 The Treasurer, as proper officer, under section 95 of the Act, is responsible for advising the Board on all financial matters and for monitoring and reporting on its financial performance and position.

### **3.2 Assessor**

3.2.1 The Assessor has a duty to discharge all statutory functions and obligations of the organisation and is responsible for establishing sound arrangements for planning, appraising, authorising and controlling the service in order to achieve continuous improvement, economy, efficiency and effectiveness and associated financial targets, in so doing having due regard to sustainability and equalities considerations.

3.2.2 The Assessor is fully accountable for the financial performance of the service against the budget allocated. The Assessor may incur revenue

expenditure in furtherance of agreed Board policies only to the extent that budgetary provision has been made.

3.2.3 As part of ensuring the overall sustainability of the Board's financial planning and management arrangements, the Assessor also has a responsibility to review the budget on an on-going basis. This includes the active monitoring and management of service pressures, delivery of approved savings and application of approved service investment, particularly in cases where this investment is targeted towards delivery of longer-term savings. The Treasurer may request that the Assessor report to the Board during the year on measures being taken to ensure expenditure is contained within approved levels.

3.2.4 The Assessor is charged with the implementation of the risk management strategy for the Board and for ensuring its effectiveness and review.

3.2.5 Paragraph 3.4 of the Scheme of Delegation provides that:

In the event that the Chief Executive and Clerk or Assessor and Electoral Registration Officer is unavailable, his/her depute will have delegated authority to take urgent decisions in the absence of the Chief Executive and Clerk or Assessor and Electoral Registration Officer as appropriate.

3.2.6 With the exception of urgent decisions, which must be taken in accordance with the Scheme of Delegation, authority to discharge financially-related responsibilities must be delegated formally in writing. This requirement applies to delegations of authority for financial matters by all levels of management.

### **3.3 Internal Audit and Risk Management**

3.3.1 The Treasurer will arrange for the provision of a continuous internal audit function, overseen by a suitably-qualified and experienced individual, to review the accounting, financial and other operations of the Board. The Treasurer will also oversee the development and implementation of an appropriate risk management strategy.

3.3.2 It is the Treasurer's responsibility to put in place appropriate arrangements to provide the Board with an annual assurance statement on compliance with Financial Regulations and the Local Code of Corporate Governance.

3.3.3 The Assessor and officers of the Board shall make available for inspection by internal auditors such cash, vouchers, documents, correspondence or other items as shall be deemed necessary by the Treasurer. The Treasurer will ensure that arrangements for the carrying out of the Statutory Audit, in terms of Section 96 of the 1973 Act, are in order.

### **3.4 Board Members**

- 3.4.1 Board members' responsibilities with regard to financial matters reflect a number of facets, including:
- (a) Setting the Board's financial strategy, including budget-setting;
  - (b) Setting the Board's strategic direction and overseeing arrangements for the securing (and demonstration) of best value;
  - (c) Ensuring proper control is exercised over the Board's expenditure through scrutiny of periodic financial reports comparing expenditure with the level of budgetary provision;
  - (d) Holding senior officers to account with regard to discharging all relevant financial responsibilities within their control; and
  - (e) Encouraging the development of service targets/performance measurements of a financial/non-financial nature to monitor service achievements.

### **3.5 External Audit**

- 3.5.1 The external audit of the Board seeks to assess the extent to which the stewardship of its financial affairs is subject to a regime of accountability where monies are properly accounted for, safeguarded and used economically, efficiently and effectively.
- 3.5.2 The scope of this audit is wider than that of the private sector equivalent, encompassing coverage of the annual accounts, regularity, propriety and best value, including the securing of value for money.

## **4. Principles and Key Areas of the Control Framework**

### **4.1 Financial Management**

- 4.1.1 The Treasurer will provide the Board with regular monitoring reports, including reports on the final outturn, together with any recommendations.

### **4.2 Financial Control**

- 4.2.1 As noted at 1.3, the Regulations require that the system of accounting and control, and the form of the accounts and supporting records, should be defined by the Treasurer, who will ensure that the system is adhered to and that the accounts and supporting records are kept up to date.
- 4.2.2 The Regulations also require the Treasurer to submit the Annual

Accounts to the Board by the prescribed dates. The Treasurer is responsible for ensuring that the accounts are produced in compliance with existing legal and accounting requirements.

- 4.2.3 The Assessor is required to provide all relevant information to the Treasurer in accordance with the instructions issued annually.
- 4.2.4 As the officer who is statutorily responsible for all financial matters the Treasurer will implement procedural controls to ensure that:
  - (a) All expenditure is a valid charge;
  - (b) Income owed is collected;
  - (c) Assets are protected;
  - (d) Liabilities are accounted for;
  - (e) Financial reports are prepared.

### **4.3 Accounting Arrangements**

- 4.3.1 The following will be carried out according to procedures and instructions issued by the Treasurer:
  - (a) Preparation of the Annual Accounts;
  - (b) Production of financial information concerning the Board's strategic plans, including estimated revenue and capital expenditure.
- 4.3.2 All financial records, systems and any changes thereto are subject to the written approval of the Treasurer.
- 4.3.3 The following principles must be observed in the allocation of accounting duties:
  - (a) The duties of providing information regarding sums owed to or by the Board, and calculating, checking and recording these sums must be separated as completely as possible from the duty of collecting or disbursing them;
  - (b) Officers responsible for examining and directing accounts of cash transactions cannot be engaged in any of these transactions;
  - (c) All checking and authorisation undertaken by officers must be evidenced by initials or signature, whichever is appropriate;
  - (d) All claims, returns or written submissions relating to grants and financial data must be submitted to the Treasurer for approval prior to entering into any contracts under delegated authority;

- (e) Financial records, including contract documents for work done, services and supplies, may only be disposed of in accordance with arrangements approved by the Treasurer.

#### **4.4 Revenue Budgets**

- 4.4.1 The Assessor is required to prepare revenue estimates in accordance with guidance issued by the Treasurer. Such estimates will be supported by equality and rights impact assessment, where relevant. The Treasurer will assist the Board prepare financial information for inclusion in the revenue estimates. An equality and diversity specialist will assist, as necessary, to prepare equality and rights impact assessments. When the revenue estimates have been approved by Board, they become the “Revenue Budget”.
- 4.4.2 After considering the revenue estimates report and any recommendations, the Board shall approve the allocation of resources for the following financial year at a meeting before 11th March each year.
- 4.4.3 The Treasurer will determine what constitutes revenue expenditure and the relevant accounts in which transactions should be recorded.

#### **4.5 Capital Budgets**

- 4.5.1 The Assessor is required to prepare capital estimates in accordance with guidance issued by the Treasurer. When the capital estimates have been approved by the Board, they become the “Capital Investment Programme”.
- 4.5.2 The Treasurer will determine what constitutes capital expenditure and the relevant accounts in which transactions must be recorded.

#### **4.6 Reporting Requirements**

- 4.6.1 All Board reports are required to include a statement of the financial consequences of the proposals for current and future years. The range of relevant considerations will vary from report to report.
- 4.6.2 In the event that reports do not meet the above requirement, or insufficient time is allowed for them to be properly considered, the Treasurer may request that the report is withdrawn from the Board agenda.
- 4.6.3 The Treasurer in conjunction with the Assessor is required to submit detailed monitoring reports at quarterly intervals normally at months 3, 6 and 9 and an outturn report at month 12 to the Board. These reports will compare actual expenditure to date with the budget position, project the expenditure outturn for revenue and capital expenditure, and report key service issues including – where relevant

– the equality and rights impact of any changes. The Treasurer will specify the format of such monitoring reports.

4.6.4 The Treasurer may give such recommendations to the Assessor as to measures to be taken in relation to the revenue budget or the capital investment programme during the remainder of the financial year as may be necessary or advisable in the circumstances prevailing.

4.6.5 The Treasurer may make recommendations to the Board as may be necessary or advisable in the circumstances prevailing.

#### **4.7. Spending, Supplementary Estimates and Transferring Funds**

4.7.1 The Board is not permitted to allow spending, whether revenue or capital, to exceed budget.

4.7.2 The Assessor, in consultation with the Treasurer, may submit a request for expenditure of an emergency nature. In such circumstances, the expenditure concerned may be incurred on the authorisation of the Treasurer, in consultation with the Convener of the Board. The Assessor shall arrange for the matter to be reported to the Board.

4.7.3 Neither the Board nor any official may incur any expenditure unless:

(a) It is a revenue expense which has been approved as part of the revenue budget under 4.4.2 of these Financial Regulations; or

(b) It is a capital expense which has been approved as part of the Capital Investment Programme under 4.4.3 of these Financial Regulations.

(c) The expense has been authorised under paragraph 4.7.4 to 4.7.9 of the Financial Regulations.

4.7.4 The Assessor may transfer money within the revenue budget to either existing or new services, but:

(a) If this will change approved Board policy, a report must be submitted to the Board for approval before the transfer can be actioned;

(b) If the transfer will affect future years' revenue budgets, a report detailing the effect on future budgets must be submitted to the Board for approval before the transfer can be actioned.

4.7.5 The Assessor may transfer money within the Capital Investment Programme to either new or existing projects as may be necessary or advisable in the circumstances prevailing, but:

- (a) If this will change approved Board policy, a report must be submitted to the Board for approval before the transfer can be actioned;
- (b) If the transfer will affect future years' capital or revenue budgets, a report detailing the effect on future budgets must be submitted to the Board for approval before the transfer can be actioned;
- (c) Where capital grant is provided for a specific project, no transfer to alternative projects is permitted without the consent of the Scottish Government or other external grant provider.

In the case of revenue and capital transfers, any equality and rights impacts of the proposed changes must also be considered.

- 4.7.6 The Treasurer may, from time to time, issue detailed instructions on the transfer of monies within and / or between revenue budgets.
- 4.7.7 If the Assessor:
  - (a) Proposes to incur revenue or capital spending that is not included in the revenue budget or capital investment programme approved by the Board or to reduce income provided in that way; and
  - (b) Does not propose to pay for the spending by reallocating existing funding, the Board must seek a supplementary estimate.
- 4.7.8 The Assessor must report to the Treasurer with an assessment of the financial spending consequences for the current and future years and, where relevant, the equality and rights impact of the changes. In the case of revenue expenditure, this appraisal should include identification of the budget head(s) to be reduced in future years. If the Treasurer agrees, he/she will submit a recommendation to the Board.
- 4.7.9 The Treasurer must agree before a proposal for transfer or supplementary estimate is reported to the Board.
- 4.7.10 The Assessor, in consultation with the Convener of the Board, may submit a request for expenditure of an emergency nature. In such circumstances, the expenditure concerned may be incurred on the authorisation of the Treasurer. The Assessor shall arrange for the matter to be reported to the next meeting of the Board.
- 4.7.11 Other than contractual liabilities, the Assessor is not permitted to incur revenue expenditure until the relevant financial year has commenced.

## **4.8 Final Accounts**



4.8.1 The Assessor is required to provide all relevant information to the Treasurer in accordance with the instructions issued annually by the Treasurer.

4.8.2 The Treasurer will report the Board's final expenditure outturn.

#### **4.9 Internal Audit**

4.9.1 The Treasurer will make appropriate arrangements to review, appraise and report on:

(a) The adequacy of internal control as an indication of probity and contribution to the economic, efficient and effective use of resources;

(b) Compliance with approved policies, plans and procedures, including those with a significant impact on or strong relevance to equality and rights;

(c) The extent to which assets are accounted for and safeguarded from losses arising from theft, fraud, waste, inefficient administration and poor value for money;

(d) The suitability and reliability of management data;

(e) Officers effectiveness in achieving value for money.

4.9.2 With the exception of data held pertaining to the statutory functions of Local Taxation and Electoral Registration, the Treasurer has authority, subject to necessary, prior consultations, to:

(a) enter Board premises or land at any reasonable time and have access to all records, documents and correspondence relating to financial or other matters. This access extends to Officers referenced in the Board's Scheme of Delegation and any officers to whom delegated powers have been sub-delegated in terms of the Board's Scheme of Delegation;

(b) require and receive such explanations as are necessary concerning any matter under examination;

(c) require Board employees to produce cash, stores or other Board property under their control.

4.9.3 If Board members or officers discover any fraud or irregularity that affects the Board, they must immediately inform the Treasurer who will arrange for an investigation to be conducted if appropriate.

#### **4.10 Risk Management**

4.10.1 The Treasurer is responsible for preparing the financial risk management strategy.

4.10.2 The Treasurer is responsible for establishing effective internal controls to mitigate risk and documenting these controls and their application formally. In accordance with the risk management strategy, all officers have a role in the identification of financial risks as they affect the Board.

#### **4.11 Internal Control**

4.11.1 Proposals of material change to internal control must be discussed with and formally authorised in writing by the Treasurer.

#### **4.12 Income**

4.12.1 The Treasurer must be notified promptly of all money due and of contracts, leases, agreements or other arrangements, that involve payments to the Board.

4.12.2 The Treasurer will ensure the prompt rendering of accounts in connection with work done, goods supplied or services rendered and will furnish the Assessor with the information required to identify income due. The Treasurer will approve the manner in which accounts for income receivable must be prepared.

#### **4.13 Receipt of Income**

4.13.1 All money received must be paid without delay to the Board's bank.

4.13.2 Where invoices have not been issued for sums owed to the Board, alternative arrangements for collection are subject to the Treasurer's written approval.

4.13.3 The Treasurer will specify in writing procedures for recording income, lodging income with the bank, resolving banking discrepancies, security and insurance, cash transfers, personal cheques and the supply of receipts and tickets for use by service areas.

4.13.4 The Treasurer will have the authority having exhausted recognised means of debt collection, to authorise the writing off of bad debts up to a maximum of £1,000, in any case and for any sum where the debtor:

(a) is a company in liquidation (subject to an appropriate claim against the liquidator having been lodged); or

(b) is untraceable.

(c) Subject in the case of (a) above to an appropriate claim against the liquidator having been lodged. The Treasurer will report all other irrecoverable debts to the Board for the authority to write-off.

#### **4.14 Salaries and Wages**

- 4.14.1 Employees may be appointed only in accordance with the procedures approved by the Board, the establishment, grades and rates of pay. Appropriate equality monitoring and internal audit arrangements will be put in place to ensure compliance.
- 4.14.2 Salaries and wages must be processed in accordance with procedures and instructions issued by the Treasurer from time to time.
- 4.14.3 The payment of salaries, wages, compensations and other emoluments to employees or pension entitlements to former employees will be made by the Treasurer, who is also responsible for transmitting pension contributions to the Lothian Pension Fund and the Scottish Public Pensions Agency and tax and National Insurance contributions to HM Revenue and Customs.
- 4.14.4 The Assessor must provide the Treasurer with the information required to complete Board and statutory returns.

#### **4.15 Allowances and Loan Schemes**

- 4.15.1 The Treasurer is responsible for paying allowances, reimbursing expenses and administering loan schemes in accordance with procedures specified by the Treasurer and the relevant statutory provisions.
- 4.15.2 The Assessor may award ex gratia payments in circumstances agreed with the Treasurer.
- 4.15.3 The Assessor is required to ensure that:
  - (a) Claims and applications are submitted in accordance with conditions of service, Board policies and statutory provisions, together with relevant supporting information such as receipts;
  - (b) Claims and applications are submitted on the appropriate form and certified by an authorised officer;
  - (c) Officers authorised to sign claims and application forms on their behalf are notified to the Treasurer;
  - (d) Information required to complete Board and statutory returns is provided to the Treasurer.
- 4.15.4 The Treasurer is responsible for administering the Scheme of Members' Allowances in accordance with relevant statutory provisions

and the payment of expenses.

#### **4.16 Insurance**

4.16.1 The Treasurer will:

- (a) Prepare and maintain an insurance strategy to provide cost-effective cover;
- (b) Negotiate claims with insurers, in consultation with relevant officers;

4.16.2 The Assessor must notify the Treasurer promptly of all new risks, properties, vehicles, plant, equipment, etc. that require to be insured, in addition to any alterations and changes in activities and procedures that may affect existing insurance arrangements.

4.16.3 The Assessor must notify the Treasurer of all major capital and revenue projects at an early stage if insurance cover or specialised insurance advice is required.

4.16.4 The Assessor must notify the Treasurer in writing of any loss, liability, damage or other event likely to lead to a claim immediately they become aware of it and should inform the police where appropriate.

4.16.5 The Board should not:

- (a) Make any admission of liability;
- (b) Take any action which may be construed as an admission of liability;
- (c) Waive any rights of recovery.

4.16.6 The Assessor must consult the Treasurer regarding the terms of any indemnity which the Board is requested to provide.

4.16.7 The Board must take due account of recommendations made by the Board's insurers.

#### **4.18 Imprest Accounts**

4.18.1 Where appropriate, the Treasurer will provide cash advances to officers to defray petty cash and other expenses. Such advances will be accounted for using the imprest system. The Assessor, in consultation with the Treasurer will determine the conditions relating to such advances.

#### **4.19 Custody and Security of Assets**

- 4.19.1 The Assessor is responsible for maintaining appropriate security at all times for buildings, stores, furniture, equipment and cash.
- 4.19.2 Board property may not be removed, other than for Board purposes, unless specific instructions have been issued by the Assessor.
- 4.19.3 The Assessor is responsible for the care, custody and stocktaking of all stocks under their control and must act in accordance with guidelines issued by the Treasurer.
- 4.19.4 The Assessor must agree maximum limits for cash holdings with the Treasurer for insurance purposes. These may not be exceeded without the permission of the Treasurer.

#### **4.20 Gifts, Hospitality and Conduct**

- 4.20.1 A register of items gifted or bequeathed to the Board will be maintained by the Assessor.
- 4.20.2 Elected members and officials must comply with the Local Government (Scotland) Act 1973 Section 68 and all relevant codes of conduct for local government personnel.

#### **4.21 Banking Arrangements**

- 4.21.1 The Treasurer will make arrangements for opening and operating bank accounts and using banking services. The Treasurer is responsible for negotiating banking terms. No new bank accounts should be opened without the authorisation of the Treasurer. Personal bank accounts must never be used in respect of Board transactions or funding.
- 4.21.2 All cheque forms, excluding those required for authorised imprest accounts may be printed only with the authority of the Treasurer, who will make arrangements for their safe custody.
- 4.21.3 Cheques drawn on the main bank accounts must bear the facsimile signature of the Treasurer (or other nominated officer) or be signed by the Treasurer or other officer who holds an authorised post designated by him/her.
- 4.21.4 The Treasurer will make appropriate arrangements, including determination of agreed authorisation limits, for the signature of other financial documents on behalf of the Board.

#### **4.22 Treasury Management**

- 4.22.1 The Board has adopted CIPFA's "Code for Treasury Management in the Public Services" and "Prudential Code for Capital Finance in Local Authorities". The Treasurer is responsible for preparing and maintaining the Treasury Policy Statement. Treasury Management

activities must be carried out in accordance with the Statement. Amendments must be considered and approved by the Board.

- 4.22.2 An annual Treasury Strategy must be prepared. The Treasurer will prepare reports to propose the following year's Treasury Strategy and report on the previous year's management performance. These documents will be subject to approval by the Board. The performance report will be submitted as soon as possible after the end of the financial year.
- 4.22.3 All treasury-related decisions are delegated to the Treasurer, who must act in accordance with the Code and Policy Statement.
- 4.22.4 All money in the Board's custody will be aggregated for treasury management purposes and controlled by the Treasurer.
- 4.22.5 Where the acquisition or creation of an asset by leasing is proposed, the financial implications of the leasing agreement must be approved by the Treasurer.

#### **4.23 Investments**

- 4.23.1 The Treasurer may undertake any action that may reasonably be deemed permissible investment business but must seek appropriate advice where necessary.
- 4.23.2 The Treasurer is responsible for the safe custody of share certificates or other documents relating to the investment of the Board.
- 4.23.3 The Treasurer is designated in terms of the 1973 Act as "proper officer" for the purposes of Section 193 (authentication of documents) and 194 (execution of Deeds and use of Seal) as regards signing and sealing (where necessary) of:
  - a) mortgages, bonds and other financial instruments; or
  - b) instruments effecting the transfer of any of them; or
  - c) instruments giving effect to the powers of investment or borrowing delegated to the Treasurer by Financial Regulations 14 and 15.
  - d) certificates and petitions to the Sheriff Court for summary warrant applications.

#### **4.24 Property and Contracts**

- 4.24.1 The financial aspects of property administration and contracts will be undertaken by procedures approved by the Treasurer.

The Assessor will be responsible for the daily administration of suitable

arrangements, systems and procedures for property and contracts insofar as such procedures do not exist in Standing Orders.

#### **4.25 Property Register**

- 4.25.1 The Assessor will maintain an up-to-date register (Property Terrier) of all land and heritable property owned by or leased by the Board whether in its own right or in trust and will ensure that all such property is readily identifiable at any time.

#### **4.26 Payment of Accounts**

- 4.26.1 Arrangements for processing payments must comply with procedures established by the Treasurer, a summary of which is included in the Finance Rules.

#### **4.27 Procurement/Purchasing**

- 4.27.1 Arrangements for procurement/purchasing, including the use of purchasing cards, must comply with procedures established by the Treasurer.
- 4.27.2 The Assessor is responsible for ensuring that purchasing activity carried out on the Board's behalf is undertaken in accordance with the guidance and associated equality requirements.

#### **4.28 Value Added Tax**

- 4.28.1 The Treasurer is responsible for identifying and accounting for input and output tax. Queries and specific problems should be referred to the Treasurer, who is responsible for issuing guidance on the application of VAT rules.

#### **4.29 Other Significant Documents**

- 4.29.1 Financial Regulations should be read in conjunction with the constitutional documents of the Board including without limitation:
- (a) Procedural Standing Orders;
  - (b) Scheme of Delegation to Officers;
  - (c) Finance Rules;
  - (d) Contracts Standing Orders.

**LOTHIAN VALUATION JOINT  
BOARD (LVJB)  
SCHEME OF DELEGATION TO  
OFFICERS**



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**LOTHIAN VALUTION JOINT BOARD**  
**SCHEME OF DELEGATION TO OFFICERS**

**1. GENERAL**

**Scheme**

- 1.1 This Scheme of Delegation ("**Scheme**") applies from 8 February 2016 and sets out the powers delegated by the Lothian Valuation Joint Board ("**LVJB**") to officers. The Scheme is intended to facilitate the efficient conduct of LVJB business by clearly setting out the nature and extent of the powers delegated to officers by LVJB.
- 1.2 The Scheme further sets out, for information purposes in Appendix 2, the statutory powers and functions exercised directly by the Assessor and Electoral Registration Officer in those local authority areas set out in The Valuation Joint Boards (Scotland) Order 1995 (the "**Constituent Authorities**"). The principles set out in this Scheme do not otherwise apply to the exercise of statutory powers and functions by the Assessor and Electoral Registration Officer.
- 1.3 The powers delegated to officers in terms of this Scheme are subject to change by LVJB in accordance with its Standing Orders.
- 1.4 In this Scheme:
- (a) a reference to a statute or statutory provision:
    - (i) is a reference to it as amended, extended or re-enacted from time to time; and
    - (ii) shall include all subordinate legislation made from time to time under that statute or statutory provision;
  - (b) any reference to this Scheme shall include the appendices to the Scheme ("**Appendices**" and each an "**Appendix**");
  - (c) a reference to "**LVJB Policies**" shall include all and any policies approved by LVJB from time to time (and "**LVJB Policy**" shall be interpreted accordingly);
  - (d) references to paragraphs are to paragraphs of this Scheme; and
  - (e) headings are for convenience, do not form part of this Scheme and shall not be used in its interpretation.

**Principles of delegation**

1.5 Officers to whom power is delegated in terms of this Scheme must exercise their powers in accordance with the following principles:

- (a) the decision or action must not be a matter ("**Reserved Matter**"):
  - (i) reserved by law to LVJB or a sub-committee of LVJB ("**Sub-Committee**"); or
  - (ii) that LVJB or a Sub-Committee has expressly determined should be discharged otherwise than by an officer;
- (b) the decision or action must not alter or be contrary to law or to policy set by the LVJB and/or its Sub-Committees;
- (c) the decision or action must be taken in accordance with LVJB's Standing Orders as amended from time to time;
- (d) the decision or action must be taken in accordance with LVJB's Financial Regulations as amended from time to time and comply with the financial limits set out in that document;
- (e) the financial consequences of the decision or action must be contained within the budget approved by LVJB for the financial year in question;
- (f) the decision or action must not give rise to a conflict of interest; and
- (g) elected members must be appropriately consulted and, in particular, officers must comply with the provisions of paragraph 2 of this Scheme.

1.6 If there is a question or dispute on whether a decision taken or proposed to be taken by an officer contravenes the provisions of this Scheme, it will be decided by the Chief Executive and Clerk in consultation with the Convener of the LVJB (or the Vice-Convener if the Convener is absent).

## 2. **CONSULTATION WITH ELECTED MEMBERS**

### **Politically controversial matters and material decisions**

2.1 Where a decision or action proposed to be taken under delegated powers is likely to be regarded as politically controversial or is a decision ("**Material Decision**") that will have or is likely to have:

- (a) a significant effect on financial, reputational or operational risk; and/or

(b) a significant impact on service delivery or performance;

the Convener or Vice-Convener will be consulted before any decision or action is taken.

### **Local Members**

2.2 Where a decision or action taken in terms of this Scheme relates to a particular Constituent Authority (and not to the whole area of the LVJB) those members shall be consulted before any decision or action is taken (save in the case of matters of a routine or confidential nature).

### **Reports**

2.3 The LVJB or any Sub-Committee may require the Chief Executive and Clerk, the Assessor and Electoral Registration Officer or other relevant officers to submit reports on the decisions taken and action authorised by them under delegated authority.

### 3. **DELEGATION**

#### **Delegated authority**

- 3.1 LVJB delegates authority for certain powers or functions to the Assessor and Electoral Registration Officer, the Chief Executive and Clerk, the Treasurer and the Solicitor as detailed in this Scheme.
- 3.2 The Assessor and Electoral Registration Officer has certain statutory powers and functions and may exercise those powers and functions by law without the requirement for that power or function to be delegated by LVJB. Those powers and functions are set out in Appendix 2 of this Scheme.
- 3.3 In the event that LVJB appoints separate individuals to the roles of Assessor and Electoral Registration Officer respectively, all references to "Assessor and Electoral Registration Officer" in this Scheme shall be construed as applying to the separate officers acting in those separate offices.
- 3.4 In the event that the Chief Executive and Clerk or Assessor and Electoral Registration Officer is unavailable, his/her depute will have delegated authority to take urgent decisions in the absence of the Chief Executive and Clerk or Assessor and Electoral Registration Officer as appropriate.
- 3.7 The Chief Executive and Clerk and/or Assessor and Electoral Registration Officer will remain accountable to the LVJB for decisions taken by his/her depute.
- 3.8 The Assessor and Electoral Registration Officer may sub-delegate their delegated powers to such other officer(s) of LVJB as they consider appropriate. This will be in each case the officer of an appropriate level of seniority who is most closely involved with the matter in question. The Assessor and Electoral Registration Officer will remain accountable for decisions taken by their sub-delegate(s).
- 3.9 The Chief Executive and Clerk, Treasurer and Solicitor may sub-delegate their delegated powers to such other officer(s) who are employees of the Constituent Authority by which the Chief Executive and Clerk, Treasurer and/or Solicitor respectively are employed as they may consider appropriate. This will be in each case the officer of an appropriate level of seniority who is most closely involved with the matter in question. The Chief Executive and Clerk, Treasurer and Solicitor will remain accountable for decisions taken by their sub-delegates.

- 3.10 Sub-delegation of functions by any officer to another officer in accordance with this Scheme will not prevent the officer from whom the authority is being delegated from also discharging those functions.
- 3.11 Where authority has been sub-delegated by one officer to another in accordance with this Scheme, such authority can be revoked at any time without prejudice to any previous decisions made under that authority.
- 3.12 Legislation requires that certain functions be exercised by a "**proper officer**". This Scheme sets out LVJB officers who are designated as proper officers in relation to particular functions. An officer who is designated as a proper officer by this Scheme may also designate in writing other officer(s) in his or her service area to exercise those functions as proper officer. Such designation can be revoked at any time by the designating officer without prejudice to any previous actions taken under that designation. Designated proper officers are set out in Appendix 5.
- 3.13 Appropriate records must be kept of any sub-delegations of powers made under the Scheme.

#### **Contract Standing Orders**

- 3.13 Any officer to whom relevant authority is delegated in terms of this Scheme must comply with the terms of the standing orders which apply to all contracts made by or on behalf of LVJB for the procurement of the execution of works, the supply of goods and materials to LVJB and/or for the provision of services ("**Contract Standing Orders**").

#### **4. ASSESSOR AND ELECTORAL REGISTRATION OFFICER**

- 4.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Assessor and Electoral Registration Officer shall have delegated authority to manage all human, financial and other resources within LVJB, including those functions set out in Appendix 1.
- 4.2 The Assessor and Electoral Registration Officer has statutory authority to exercise the powers and discharge the functions of Assessor and Electoral Registration Officer, including those statutory powers and functions set out in Appendix 2.

#### **5. DELEGATION TO CHIEF EXECUTIVE AND CLERK**

5.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Executive and Clerk shall have delegated authority to exercise the functions set out in Appendix 3.

6. **DELEGATION TO TREASURER**

6.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Treasurer shall have delegated authority to exercise the finance functions of the LVJB, including those set out in Appendix 4.

7. **REVIEW**

8.1 This Scheme of Delegation will be reviewed as and when required at a meeting of LVJB, and in any event on no less than a five yearly basis.

## **APPENDIX 1**

### **GENERAL DELEGATION TO ASSESSOR AND ELECTORAL REGISTRATION OFFICER**

These are the functions referred to in paragraph 4.1 of the Scheme:

#### **Funds, contracts and property**

1. spending money and managing their budget in accordance with LVJB approved resource allocations and with LVJB's Financial Regulations;
2. subject to any policies and/or directions issued by the Treasurer:
  - (a) transferring funds between headings within their approved revenue budget;
  - (b) transferring funds between capital projects included in LVJB's capital budget;

provided that (1) the Assessor and Electoral Registration Officer informs the Treasurer of the transfer and (2) the transfer does not affect revenue or LVJB's capital budget for future years;

3. entering into, terminating, varying, suspending or extending contracts subject to compliance with Contract Standing Orders;
4. declaring property or land surplus to requirements, in consultation with the Chief Executive and Clerk;
5. negotiating, processing and instructing appropriate legal assistance to conclude any rent review of LVJB premises;

#### **Proper officer**

6. acting as proper officer in terms of any provisions of the Local Government (Scotland) Act 1973, the Requirements of Writing (Scotland) Act 1995 and generally any local government legislation and signing all deeds and other documents which are binding on LVJB;

#### **Legal**

7. settling legal actions and claims, where appropriate in consultation with the Solicitor;



8. to initiate, enter, defend or withdraw from judicial or quasi-judicial proceedings in connection with the functions of Assessor and/or Electoral Registration Officer, where appropriate in consultation with the Chief Executive and Clerk, Treasurer and/or Solicitor;
9. initiating, entering into, defending and withdrawing from legal proceedings in consultation with the Solicitor;
10. engaging private legal firms and other agents when he or she may consider this to be necessary in consultation with the Solicitor;
11. engaging counsel for Court of Session or other business as and when he or she may consider the engagement of counsel to be necessary in consultation with the Solicitor;

### **Staff**

12. appointing employees within agreed staffing levels up to but excluding Depute Assessor and Depute Electoral Registration Officer;
13. appointing an acting Depute Assessor or Depute Electoral Registration Officer from the staff of LVJB when a Depute Assessor or Depute Electoral Registration Officer is absent or the post is vacant;
14. changing staffing structures, numbers and gradings in accordance with approved job evaluation arrangements, with the exception of major staffing reviews, where appropriate in consultation with the Treasurer;
15. conducting, in consultation with the Chief Executive and Clerk where necessary, disciplinary and grievance proceedings for employees in accordance with LVJB's approved policy and procedures, other than disciplinary or grievance proceedings in relation to the Assessor and Electoral Registration Officer which shall be conducted by the Chief Executive and Clerk or their nominee;
16. authorising staff attendance at meetings, training courses, conferences, seminars and other developmental activities;
17. remedying inconsistencies in pay or conditions of service in consultation, where appropriate, with the Chief Executive and Clerk and Treasurer;

18. deciding the following personnel matters in accordance with approved LVJB Policy, schemes and/or guidance:

- (a) approval of paid or unpaid leave for special circumstances, secondment, or leave to work or visit abroad;
- (b) to absent himself/herself or permit any member of staff to leave of absence occasionally and temporarily during business hours to attend to duties or services of a civic, honorary or charitable nature provided that these do not interfere with efficient discharge of duties in accordance with LVJB policies;
- (c) entering into settlement agreements with staff in relation to their employment with the LVJB in consultation with the Solicitor, and subject also to consultation with the Convener;
- (d) save in the case of the Assessor and Electoral Registration Officer, where the decision shall be reserved to LVJB, making decisions in relation to Local Government Pension Scheme membership (including, for example, early payment of pensions, late transfers, late applications to pay optional pensions contributions, augmented membership, additional pensions, and fraud/forfeiture cases);
- (e) extension of sickness allowance;
- (f) recovery of maternity pay;
- (g) closure of buildings in emergency or exceptional circumstances and early closure during the festive season;
- (h) approval of application for car loans via the scheme administered by the City of Edinburgh Council;
- (i) to operate a car leasing scheme approved by LVJB;
- (j) approval of transfer of annual leave;
- (k) approval of overtime;
- (l) approval of applications for secondary employment;

- (m) authorisation of payments for lectures, speeches etc. to external organisations;
- (n) determination of claims of up to £250 for damage to or loss of the personal property of employees;
- (o) payment of removal expenses and allowances;
- (p) payment of car users' allowances;
- (q) authorisation of telephone allowances;
- (r) placement of employees on appointment on a point within a grade or grades applicable to the posts;
- (s) authorisation of leave of absence for members of staff to undertake courses of further education in accordance with LVJB Policies;
- (t) establishment and filling of fixed term posts in accordance with the relevant LVJB Policy;
- (u) in relation to staffing matters, instructing the immediate implementation of any circular from any officially recognised body which allows no discretion to LVJB and reporting the terms of such circulars to LVJB for information;

### **Health and Safety**

- 19. implementing LVJB's Health and Safety Policy and arrangements;

### **Health and Wellbeing**

- 20. implementing LVJB's Health and Wellbeing arrangements;

### **Use of land and buildings**

- 21. approving the temporary closure of property owned, occupied or managed by LVJB to:
  - (a) ensure the safety of LVJB staff or members of the public; or
  - (b) undertake essential planned maintenance;

subject to consultation with the Convener or Vice-Convener, and the Leader of each of the constituent local authorities and insertion of a public notice in the press informing the public of the closure when relevant;

22. regulating access to, and conduct of persons on property owned, occupied or managed by LVJB, including ejection and expulsion from property;

### **Hospitality**

23. approving reasonable expenditure on hospitality in accordance with LVJB Policy;
24. approving reasonable expenditure on overseas visits by officers in accordance with LVJB Policy;
25. to promote, market and present events in accordance with LVJB Policy;

### **Write off**

26. writing off or disposing of any stores, plant, furniture, equipment, or any other tangible asset in accordance with the Financial Regulations provided that:
  - (a) the stores, plant, furniture, equipment or such asset has become unfit for use and unsaleable; and
  - (b) the decision is made in consultation with the Treasurer;

### **Access to information**

27. responding to requests for information made to the LVJB under the Freedom of Information (Scotland) Act 2002; Environmental Information (Scotland) Regulations 2004; INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998;
28. monitoring the management of LVJB records in line with the provisions of the Public Records (Scotland) Act 2011;

### **Consultations**

29. responding to consultations from external bodies seeking the input of LVJB to the extent necessary to provide any technical, scientific, or other factual information, or professional opinion or analysis of an operational nature; and

**Fees and charges**

30. setting at a reasonable level the fees and charges payable by persons requesting copies of the valuation roll and/or the council tax list, including certified information, and altering the said fees and charges from time to time.

## **APPENDIX 2**

### **STATUTORY POWERS AND FUNCTIONS OF THE ASSESSOR AND ELECTORAL REGISTRATION OFFICER**

These are the statutory powers and functions referred to in paragraph 4.2 of the Scheme:

#### **1. Assessor**

1.1 The Assessor and Electoral Registration Officer acts as Assessor for the Constituent Authorities in terms of section 27(4) of the Local Government (Scotland) Act 1994, and in so acting exercises the statutory powers and functions set out in:

- (a) the Lands Valuation (Scotland) Act 1854;
- (b) the Valuation and Rating (Scotland) Act 1956;
- (c) the Local Government (Scotland) Act 1975;
- (d) the Abolition of Domestic Rates Act 1987;
- (e) the Local Government Finance Act 1992;
- (f) the Local Government etc. (Scotland) Act 1994;
- (g) the Local Government and Rating Act 1997;
- (h) the Local Government in Scotland Act 2003; and
- (i) all other relevant primary and secondary legislation relating to the statutory powers and functions of the role of Assessor.

#### **2. Electoral Registration Officer**

2.1 the Assessor and Electoral Registration Officer acts as Electoral Registration Officer for the Constituent Authorities and in so acting exercises the statutory powers and functions set out in:

- (a) the Representation of the People Act 1983;
- (b) the Representation of the People (Scotland) Regulations 2001;

- (c) the European Parliamentary Elections Regulations 2004;
- (d) any Order governing local government elections in Scotland;
- (e) any Order governing Scottish Parliamentary elections in Scotland;
- (f) any legislation, including but not limited to the Political Parties, Elections and Referendums Act 2000, regarding the conduct of referendums in Scotland and/or the wider United Kingdom; and
- (g) all other relevant primary and secondary legislation relating to the statutory powers and functions of the role of Electoral Registration Officer.

**APPENDIX 3 – DELEGATION TO CHIEF EXECUTIVE AND CLERK**

These are the powers and functions referred to in paragraph 5.2 of the Scheme:

1. acting as advisor to LVJB on procedural and administrative matters and in this capacity to ensure the provision of adequate administrative and other support to LVJB and its Sub-committees;
2. arranging meetings and proceedings of LVJB as set out in section 43 and Schedule 7 of the Local Government (Scotland) Act 1973;
3. acting as proper officer in terms of any provisions of the Local Government (Scotland) Act 1973, the Requirements of Writing (Scotland) Act 1995 and generally any local government legislation and signing all deeds and other documents which require to be sealed with the Common Seal of the LVJB or are binding on the LVJB;
4. conducting disciplinary or grievance proceedings in relation to the Assessor and Electoral Registration Officer, or delegating the conduct of those proceedings, in writing, to an officer of Head of Service grade or above within the Constituent Authority which employs the Chief Executive and Clerk; and
5. appointing an acting Assessor from the staff of the Assessor's Office when the Assessor is absent for a long time or the post is vacant.



## **APPENDIX 4**

### **DELEGATION TO TREASURER**

These are the powers and functions referred to in paragraph 6 of the Scheme:

1. establishing and maintaining a financial framework which provides for the effective management control and review of LVJB, including monitoring and reporting procedures;
2. determining the accounting and financial records and procedures of LVJB;
3. establishing and maintaining effective arrangements in respect of LVJB's treasury management, pensions and the safeguarding of LVJB assets including risk management and insurance;
4. creating, closing and operating bank accounts on behalf of LVJB;
5. approving and making payments due to Her Majesty's Revenue and Customs;
6. carrying out LVJB's treasury management and management of relevant funds in accordance with the relevant LVJB Policy;
7. the pooling and treasury management of all surplus funds in the LVJB's budget and all executive treasury management decisions in accordance with LVJB Policy, the Chartered Institute of Public Finance's "Code for Treasury Management in Local Authorities" and any other relevant professional guidance;
8. exercising all borrowing and lending by LVJB in accordance with LVJB Policy;
9. determining suitable banking and advisory services for LVJB;
10. effecting suitable insurance cover and negotiating with LVJB's insurers for all claims in consultation with other officers where necessary;
11. reviewing annually all insurances in consultation with the Assessor and Electoral Registration Officer where necessary and reporting annually to the Convener or Vice Convener;

12. on taking appropriate advice where necessary, determining specific purchases and sales of stocks, shares and/or any other permissible investments in accordance with LVJB Policy;
13. reviewing and amending as appropriate the financial limits given in the Financial Regulations every year, in line with the relevant inflation indices; and
14. collecting and where necessary recovering debt, and where appropriate authorising the write-off of debt, in accordance with LVJB Policies.



**APPENDIX 5**  
**PROPER OFFICER FUNCTIONS**

<u>Proper Officer Function</u>	<u>Legislation</u>	<u>Officer</u>
Circulating reports and agendas, supplying papers to the press and, where necessary, providing summaries of minutes	sections 50B(2), 50B(7) and 50C(2) of the Local Government (Scotland) Act 1973	Chief Executive and Clerk
Compilation of background papers for inspection	section 50D of the Local Government (Scotland) Act 1973	Assessor and Electoral Registration Officer, Chief Executive and Clerk, Treasurer and Solicitor
Members' rights of access to documents which enclose "exempt information"	section 50F(2) of the Local Government (Scotland) Act 1973	Chief Executive and Clerk
Financial administration	Section 95 of the Local Government (Scotland) Act 1973	Treasurer
Service of legal proceedings etc.	section 190 of the Local Government (Scotland) Act 1973	Solicitor
Claims in sequestrations and liquidations	section 191 of the Local Government (Scotland) Act 1973	Treasurer
Authentication of documents and execution of deeds	sections 193 and 194 of the Local Government (Scotland) Act 1973 and the Requirements of Writing (Scotland) Act 1995	Solicitor
Inspection and deposit of documents	section 197 of the Local Government (Scotland) Act 1973	Solicitor

## Appendix 5 – Proper Officer Functions

Notice of Meeting	Schedule 7 of the Local Government (Scotland) Act 1973	Chief Executive and Clerk
Politically restricted posts	section 2 of the Local Government and Housing Act 1989	Chief Executive and Clerk

**LOTHIAN VALUATION JOINT BOARD**

**CONTRACT STANDING ORDERS**

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## **CONTRACT STANDING ORDERS**

These Contract Standing Orders (the “Standing Orders”) of the Lothian Valuation Joint Board (“**LVJB**”) apply from 8 February 2016 and apply (with certain exceptions) to all contracts made by or on behalf of LVJB for the procurement of the execution of works, the supply of goods and materials to LVJB, and/or for the provision of services.

### **1 Preliminary**

#### **1.1 Extent and interpretation**

- 1.1.1 These Standing Orders must be interpreted in accordance with the key principles of transparency, equal treatment, non-discrimination and proportionality.
- 1.1.2 These Standing Orders apply from 8 February 2016 and apply, subject to the provisions of Standing Order 1.1.4, to all contracts made by or on behalf of LVJB for the procurement of the execution of works, the supply of goods and materials to LVJB, and/or for the provision of services (including consultancy services).
- 1.1.3 The Standing Orders are subject to the over-riding provisions of European Union, United Kingdom, or Scottish legislation. They are also subject to any EU Commission, UK government or Scottish Government guidance on public procurement that may be issued from time to time.
- 1.1.4 The Standing Orders do not apply to any of the following:
  - 1.1.4.1 contracts of employment;
  - 1.1.4.2 contracts solely relating to the lease or disposal of heritable property;
  - 1.1.4.3 circumstances in which a waiver of the Standing Orders has been granted in accordance with Standing Order 9.
- 1.1.5 The Standing Orders must be read in conjunction with, and all LVJB staff must comply with, the Scheme of Delegation to Officers, and the Financial Regulations. Where there is any discrepancy, the Standing Orders shall take precedence.
- 1.1.6 Failure to comply with these Standing Orders when making purchases or seeking offers may result in disciplinary action.
- 1.1.7 Any query regarding the application or interpretation of these Standing Orders should be made in the first instance to the Assessor.

#### **1.2 Definitions and interpretation**



- 1.2.1 “Act” means the Procurement Reform (Scotland) Act 2014;
- 1.2.2 “Assessor” means the Assessor and Electoral Registration Officer, the individual responsible for the day to day management of LVJB, LVJB being the procuring service in terms of these Standing Orders;
- 1.2.3 “Best Value” means the legal duty to secure continuous improvement in the performance of a local authority’s functions as set out in section 1 of the Local Government in Scotland Act 2003 as follows:-

**“1 Local authorities' duty to secure best value**

- (1) It is the duty of a local authority to make arrangements which secure best value.
- (2) Best value is continuous improvement in the performance of the authority's functions.
- (3) In securing best value, the local authority shall maintain an appropriate balance among—
- (a) the quality of its performance of its functions;
  - (b) the cost to the authority of that performance; and
  - (c) the cost to persons of any service provided by it for them on a wholly or partly rechargeable basis.
- (4) In maintaining that balance, the local authority shall have regard to—
- (a) efficiency;
  - (b) effectiveness;
  - (c) economy; and
  - (d) the need to meet the equal opportunity requirements.
- (5) The local authority shall discharge its duties under this section in a way which contributes to the achievement of sustainable development.
- (6) In measuring the improvement of the performance of a local authority's functions for the purposes of this section, regard shall be had to the extent to which the outcomes of that performance have improved.
- (7) In this section, “*equal opportunity requirements*” has the same meaning as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998 (c.46);

- 1.2.4 “Constituent Authorities” means the authorities which have delegated their valuation and electoral registration functions to LVJB, namely the City of Edinburgh Council, East Lothian Council, Midlothian Council and West Lothian Council, and the phrase “Constituent Authority” shall be interpreted accordingly;
- 1.2.5 “Contract Owner” means the nominated contract owner for a specific contract;
- 1.2.6 “Convener” means the Convener of LVJB, a committee or sub-committee of LVJB;
- 1.2.7 “EU Thresholds” means the prescribed threshold values set by the EU Commission for supply, services or works contracts as they may be amended from time to time;
- 1.2.8 “Procurement Requirement” means a document setting out as a minimum:-

- 1.2.8.1 what is LVJB's requirement for the goods, works or services and why do we need it?
- 1.2.8.2 what are all the available options, including internal provision, which is the best and why?
- 1.2.8.3 can and should LVJB afford it?
- 1.2.8.4 what are the proposed supplier management arrangements and who is the nominated Contract Owner as required by Contract Standing Orders?
- 1.2.8.5 how do we track, measure and account for the benefits?
- 1.2.9 "Regulations" means the Public Contracts (Scotland) Regulations 2012 or successor legislation (as amended from time to time);
- 1.2.10 "Solicitor" means the solicitor to LVJB as appointed by LVJB;
- 1.2.11 "Schedule" means the schedule to these Standing Orders; and
- 1.2.12 "Standing Orders" means these standing orders including the Schedule and "Standing Order" shall be interpreted accordingly; and
- 1.2.13 "Treasurer" means the treasurer of LVJB appointed by LVJB in terms of paragraph 4 of Schedule 2 to the Valuation Joint Boards (Scotland) Order 1995.

### **1.3 General Principles**

- 1.3.1 The relevant officer with responsibility for procuring shall, prior to commencing any procurement process, ensure that an appropriate Procurement Requirement that meets the strategic and service objectives of LVJB is completed in order to ensure that Best Value is achieved and that the Procurement Requirement complies with relevant sustainable development and equality requirements. Where the approximate value of any proposed procurement is likely to exceed £50,000 the relevant Procurement Requirement or options appraisal shall require the approval of the Treasurer prior to proceeding to procurement.
- 1.3.2 Throughout the life of a contract the contract should be monitored by the Contract Owner in respect of performance; compliance with the specification and other terms of the contract; cost and benefits;

Best Value requirements; equality requirements, delivery and risk management.

1.3.3 All procedures for initiating procurement, developing procurement plans, inviting and receiving tenders, approval of contracts, and all contractual arrangements entered into shall comply with LVJB's equality and sustainability requirements and policies and, where appropriate, contractual or procurement arrangements shall include the use of community benefit clauses.

1.3.4 All expenditure must comply with LVJB's Financial Regulations.

## **2 Procedures**

2.1 In addition to the obligations in Standing Order 1.3.3, before commencing a tendering procedure or making a purchase where no contract exists the Assessor shall consult with the Treasurer where appropriate to establish whether:

2.1.1 any existing contracts or framework contracts accessible to LVJB may fulfil their requirements; or

2.1.2 there is any existing provision within one of the Constituent Authorities or other resources which could be used.

2.2 Unless there is no suitable existing contract or framework contract in relation to a particular Procurement Requirement of LVJB, LVJB shall in relation to all relevant Procurement Requirements seek to use existing contracts, framework contracts or existing provision within one of the Constituent Authorities.

2.3 The procedure for the award of any contract shall depend upon the estimated aggregated value of that contract. The EU rules on aggregation of contracts shall apply and the artificial splitting of purchase orders or requirements to avoid the application of these Standing Orders is not permitted.

2.4 Subject to Standing Order 9, or where otherwise legally permitted in respect of proposed contracts which exceed the EU Thresholds, the minimum associated tendering procedures that must be applied are detailed in the Schedule.

2.5 The general EU principles of equal treatment, non discrimination, transparency and proportionality require a degree of advertising to enable open competition apply to all public contracts.

2.6 LVJB may reserve the right to participate in a tendering procedure to providers operating supported businesses, supported employment programmes or supported factories where more than 50% of the workers are

disabled persons. Where this right is exercised by LVJB the contract award procedures provided by the Regulations and Act shall be followed.

- 2.7 Where legally permissible LVJB shall seek to ensure that for purchases or contracts of an estimated value of £50,000 or less that at least one Small or Medium Enterprise (SME) from the Constituent Authorities or an SME who is a significant employer within the Constituent Authorities is invited to tender in any process. For future repeat procurements for similar goods, services or works LVJB shall seek to ensure that at least one new SME from the Constituent Authorities or a new significant employer within the Constituent Authorities is invited to tender in any process.
- 2.8 Direct purchasing below £3,000 without competitive tendering is permissible subject to the duty to secure Best Value.
- 2.9 The Treasurer shall be consulted as appropriate in respect of tendering arrangements for any proposed contracts with an estimated value of between £3,000 and £50,000.
- 2.10 The Treasurer shall advise on, and, as appropriate, make, tendering arrangements for any proposed contracts with an estimated value in excess of £50,000.
- 2.11 Direct purchasing above £3,000 without competitive tendering is permissible only in those circumstances that would be permitted by the Regulations or in accordance with Standing Order 9.
- 2.12 If an unsuccessful tenderer brings a written or formal challenge against LVJB in relation to a tender exercise or questions the integrity of the tender process, the recipient of the notice of challenge or shall inform the Treasurer and the Solicitor.

### **3 Role and Responsibilities**

- 3.1 The Assessor retains responsibility for selecting and appointing contractors, providers or suppliers for LVJB, but shall seek guidance as appropriate from the Treasurer . The Treasurer shall be consulted at the earliest opportunity to ensure that all purchasing arrangements are made in compliance with these Standing Orders.
- 3.2 The Assessor has responsibility for all contracts tendered and let by LVJB and is accountable to LVJB for the performance of their duties in relation to contract letting and management, which are:
  - 3.2.1 to ensure compliance with these Standing Orders;
  - 3.2.2 to ensure no contract is entered into by LVJB without seeking advice where appropriate from the Treasurer and the Solicitor and having proper regard to such advice;

- 3.2.3 to ensure that appropriate contract security (for example guarantees or performance bonds) is obtained where required or considered prudent;
- 3.2.4 to prepare and approve where required by these Standing Orders an appropriate Procurement Requirement for each proposed purchase or contract;
- 3.2.5 to prepare, in consultation with the Solicitor and Treasurer , appropriate contract and tender documents which clearly specify the scope, quality and quantity of the works, goods or services;
- 3.2.6 to check whether there is any existing LVJB framework, Constituent Authority framework or other collaborative framework that can appropriately be used to achieve Best Value for LVJB before undergoing a further competitive tender process;
- 3.2.7 to keep all bids confidential subject to any legal requirements;
- 3.2.8 to ensure no supplier is requested by LVJB to provide goods, services or works without first having a valid purchase order in place;
- 3.2.9 to enter all purchase order information onto the relevant LVJB financial system prior to the service or goods being delivered;
- 3.2.10 to ensure that all necessary contract information for contracts of a value of £3,000 or more for goods and services and £10,000 or more for works is provided to the Treasurer for the purposes of maintaining an up-to-date contract register within one month of entering into a contract;
- 3.2.11 to ensure all relevant staff are familiar with these Standing Orders or other guidance issued in respect of these Standing Orders;
- 3.2.12 to ensure contracts and any appropriate contract security documents are signed before work, services or supply provision commences;
- 3.2.13 to put in place arrangements for efficient supplier management including the identification of a Contract Owner and monitoring of benefits and performance, for the entire duration of the contract;
- 3.2.14 to retain a copy of the contract and keep proper records of all contracts and tenders, including minutes of tender evaluation panels and other meetings;
- 3.2.15 to take immediate action in the event of a breach of these Standing Orders;

3.2.16 to consult with Elected Members on matters reasonably considered politically, reputationally or financially sensitive in relation to proposed procurement activity; and

3.2.17 to make appropriate arrangements for the opening of tenders and their secure retention so as to protect the integrity of the procurement process and where tenders are received in paper form to ensure they are opened in the presence of an officer nominated by the Assessor together with a witness.

3.2.17.1 For particularly significant or complex projects or contracts, the Assessor shall ensure that tenders are opened in the presence of an officer nominated by the Treasurer together with a witness.

#### **4 Tender Documents**

4.1 The tender documents shall clearly set out the proposed method of evaluation as well as the scope, timing, quality and quantity of the works, services and supplies required by LVJB.

4.2 The Solicitor will be consulted:

4.2.1 on conditions of contract for particularly significant or complex projects or contracts; and/or

4.2.2 where LVJB is participating in a collaborative procurement arrangement with local, Scottish or UK governments, associated professional organisations or other public sector bodies.

#### **5 Evaluation of Tenders and Quotes**

5.1 Tenders and quotes shall be evaluated on the basis of either of the following:

- a) lowest cost; or
- b) most economically advantageous.

Lowest cost should generally only be the basis of evaluation for simple procurements of short-term, low-level services or goods of a standard specification.

5.2 Tenders and quotes received after the closing date and time stipulated for return of tenders, or tenders which are incomplete or in an incorrect format will not be opened or considered unless the Assessor, acting proportionately, decides that there are circumstances which allow it to exercise discretion in allowing consideration of the tender. The Treasurer must be consulted if tenders are submitted late, incomplete or in an incorrect format.

- 5.3 Tenders shall be evaluated by a tender evaluation panel which should comprise officers having sufficient knowledge and technical ability to enable them to evaluate detailed tenders appropriately. The evaluation process shall follow any guidance issued by the Treasurer and be fully and appropriately documented.

## **6 Acceptance and Award of Contracts**

- 6.1 Following the conclusion of the procedure for awarding contracts set out in these Standing Orders and, where applicable, the expiry of the mandatory standstill period, the resulting contract between LVJB and the successful tenderer shall be entered into following the approval process detailed in the Schedule. The signing of the contract document or letter of acceptance shall be in accordance with the Scheme of Delegation.

## **7 Eligibility to tender and termination, variation or suspension of a contract**

- 7.1 The Assessor , having due regard to legal advice from the Solicitor, may treat a potential tenderer as ineligible to tender where there are reasonable grounds to conclude that the contractor or potential tenderer:

7.1.1 has committed an act of grave misconduct in the course of their business or profession; or

7.1.2 falls within one or more of the other grounds set out in Regulation 23 of the Regulations or

7.1.3 has compiled, used, sold or supplied a prohibited list which: (i) contained details of persons who are or have been members of trade unions or persons who are taking part or have taken part in the activities of trade unions, and (ii) was compiled with a view to being used by employers or employment agencies for the purposes of discrimination in relation to recruitment or in relation to the treatment of workers, within the meaning of the Employment Relations Act of 1999 (Blacklists) Regulations 2010.

- 7.2 The Assessor may, in consultation with the Treasurer and/or the Solicitor where required, terminate, suspend or vary a contract, in accordance with the express or implied terms of the contract and may also take such further action with regard to any contract as LVJB is legally entitled to take.

- 7.3 The Assessor, will where appropriate, report any actions taken in accordance with Standing Order 7.1 to 7.3 to the next LVJB meeting.

## **8 Electronic Procurement**

- 8.1 Requests for quotations and invitations to tender should where practicable be issued and/or received by electronic means.

## 9 Waiver of Contract Standing Orders

9.1 The requirement to comply with any provision of these Standing Orders may be waived in accordance with the table in 9.2 below if on considering a written report by an appropriate officer it is considered that the waiver is justified because:-

9.1.1 the circumstances of the proposed contract are covered by legislative exemptions including the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is demonstrated to be such that a departure from the requirement of Standing Orders is justifiable in accordance with EU law and principles (for example when for artistic or technical reasons, or for reasons connected with the protection of exclusive rights, the contract may only be awarded to a particular provider) or the contract is for works, goods or services that are required in circumstances of extreme urgency that could not have been foreseen; or

9.1.2 it is in LVJB's best interests.

9.2 Table setting out the relevant values and waiver approval requirements:

<b>Value</b>	<b>Reason</b>	<b>Approval Procedure</b>
0-£50,000	9.1.1 EU exemptions 9.1.2 best interests	The Assessor in consultation with the Treasurer where appropriate
£50,000-£250,000	9.1.1 EU exemptions 9.1.2 best interests	The Assessor in consultation with the Treasurer and the Chief Executive and Clerk
Above £250,000 for services or goods contracts and above £250,000 for works contracts.	9.1.1 EU exemptions	LVJB
Above £250,000 (above £25,000 in the case of consultancy spend)	9.1.2 best interests	LVJB

9.3 A record of the decision approving a waiver must be kept by the Assessor and a copy of such signed waiver provided to the Treasurer who shall where appropriate make an entry in the appropriate register.



## **10 Contract extensions or variations**

- 10.1 Subject to 10.2, the Assessor may authorise in consultation with the Treasurer an extension to a contract, or any other variation including a consequent change in price, provided such extension or variation is not contrary to the Regulations or LVJB's EU obligations and that any consequent change in price does not exceed £10,000 without first obtaining the approval of LVJB.
- 10.2 The Assessor shall not extend or vary a contract if such extension or variation is not expressly permitted by the contract without seeking advice from the Solicitor.
- 10.3 The EU rules on aggregation of contracts shall apply.

## **11 Review of Contract Standing Orders**

- 11.1 These Contract Standing Orders will be reviewed as deemed appropriate by LVJB, and in any event on at least a five-yearly basis.

## SCHEDULE

### RELEVANT VALUES AND ASSOCIATED TENDERING PROCEDURE

Total value for duration of contract or purchase (aggregation rules apply)	Procedure	Approval of contractual obligation	LVJB Approval
Up to £3,000	<p><b>Appropriate choice of provider</b> documenting reasoning and quote  <i>or</i>                      use existing local, national, LVJB or Constituent Authority framework or call-off contracts  <i>or</i>                      Public Contracts Quick Quote facility.</p> <p>Best Value must be delivered and this will usually be demonstrated by more than one quote.</p>	<b>Assessor</b>	Not required
£3,000 to £50,000 *	<p><b>3 written/formal quotations</b>) –written description of requirements followed by written / electronic submission of quotes  <b>( only for contracts worth up to £25,000)</b>  <i>or</i>                      use existing local, national, LVJB or Constituent Authority framework or call-off contracts  <i>or</i>                      Public Contracts Quick Quote facility.</p>	<b>Assessor, in consultation with Treasurer as appropriate</b>	Not required
£50,000 to EU Thresholds for services and supplies *	<p><b>Invitation to tender following public advertisement</b> - Public Contracts Scotland portal and/or equivalent should be used  <i>or</i>                      use existing local, national, LVJB or Constituent Authority framework or call-off contracts</p>	<b>Assessor, in consultation with Treasurer and Solicitor as appropriate</b>	Not required
£50,000 to EU Thresholds for works	<p><b>Invitation to tender following public advertisement</b> - Public Contracts Scotland portal and/or equivalent should be used  <i>or</i>                      use existing local, national, LVJB or</p>	<b>Assessor, in consultation with Treasurer and Solicitor as appropriate up to £250,000</b>	Approval to award sought from LVJB where value exceeds £250,000

	<p>Constituent Authority framework or call-off contracts or Public Contracts Quick Quote facility up to a value of £50,000.</p>		
<p><b>Above EU Threshold for services and supplies *</b></p>	<p><b>Invitation to tender following advertisement in OJEU</b> - Public Contracts Scotland portal and/or equivalent should be used <i>or</i> use existing local, national, LVJB or Constituent Authority framework or call- off contracts</p>	<p>Assessor, in consultation with the Chief Executive and Clerk, Treasurer and Solicitor as appropriate up to £250,000</p>	<p>Approval to award sought from LVJB where value exceeds £250,000 or £25,000 in the case of services of a consultant.</p>
<p><b>Above EU Threshold for works</b></p>	<p><b>Invitation to tender following advertisement in OJEU</b> - Public Contracts Scotland portal and/or equivalent should be used <i>or</i> use existing local, national, LVJB or Constituent Authority framework or call- off contracts</p>		<p>Approval to award sought from LVJB</p>

**1. PURPOSE OF REPORT**

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

- Managing Retirement Policy

**2. MAIN REPORT**

2.1 The aims of this policy are to:-

- list the options for retirement that are available to staff; and
- set out what staff can do when they want to retire

2.2 The policy enables staff to consider what options they have as undernoted:-

- Normal retirement
- Flexible Retirement
- Early Retirement

**3. CONSULTATION**

3.1 Unison have been consulted and have given their approval to the policy as a Local Collective Agreement.

**4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications.

**5. ENVIRONMENTAL IMPACT**

5.1 There are no adverse environmental impacts arising from this report

**6. EQUALITIES IMPACT**

6.1 There are no adverse equality issues arising from this report which will impact on employee groups with protected characteristics as defined by the Equality Act 2010.

**7. RECOMMENDATIONS**

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

a) Managing Retirement Policy

**Appendix: Managing Retirement Policy**

**Joan M Hewton**  
**ASSESSOR AND ERO**



Assessor & Electoral Registration Office

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# **MANAGING RETIREMENT POLICY**



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# MANAGING RETIREMENT POLICY

## 1. POLICY STATEMENT

- 1.1 LVJB values a diverse workforce and recognises the skills, knowledge and experience older employees bring to our organisation. LVJB believes that all employees should be allowed to work for as long as they wish, provided they meet the performance standards required of their job. Therefore, LVJB does not operate a fixed retirement age.
- 1.2 The aims of this policy are to:
  - a) list the options for retirement that are available to staff; and
  - b) set out what staff should do when they want to retire.
- 1.3 Retirement is a stage in life where an individual member of staff decides to stop working. For many people, the decision to retire is influenced by issues around their pension.
- 1.4 LVJB employees are automatically enrolled into the [Lothian Pension Fund](http://www.lpf.org.uk) and employees should contact them with any pensions enquiries or go on-line at [www.lpf.org.uk](http://www.lpf.org.uk)
- 1.5 The key stakeholders and their responsibilities are set out in **Appendix A**.

## 2. CORE PRINCIPLES

- 2.1 Discussions with all employees on their future career plans and development needs will normally take place at the performance, review and development (PRD) meetings.
- 2.2 Where appropriate, this can include discussions about retirement plans, though managers should not assume that employees are considering retirement just because they consider the employee to be of retirement age. However, a manager may prompt an employee to consider retirement as an option at times where this might be appropriate, e.g. during reviews where posts may be surplus.
- 2.3 Any discussions between an employee and their manager about retirement will not result in any assumptions being made about an employee's commitment to LVJB.
- 2.4 Retirement is normally voluntary and we would usually expect the process to be led by the employee. This also applies to requests for flexible or early retirement.
- 2.5 Staff are encouraged to give their Head of Service and the HR Manager as much notice as possible of their wish or intention to retire. This is to allow time for the necessary decisions and operational arrangements to support requests to be made and will also help to make sure that the pension fund has plenty of time to process requests to start having pension's paid.
- 2.6 Staff who decide to retire will be expected to co-operate with handover arrangements and in the transfer of their knowledge and skills before they leave.
- 2.7 Pensions paid early under Early Retirement or Flexible Retirement may be reduced **unless the rule of 85 applies** (see **Appendix B**).

- 2.8 LVJB may withdraw its consent for flexible retirement or the early payment of pension where an employee becomes the subject of disciplinary action, is dismissed for reasons of misconduct or the employment otherwise ends before the termination date.
- 2.9 There is **no** right of appeal if a request for early or flexible retirement is refused.

### **3 NORMAL RETIREMENT**

- 3.1 An employee can retire voluntarily from age 60 onwards and does not require LVJB's permission – The employee should inform the HR Manager in writing of their intention to retire. When an employee decides they want to retire, they should try to give as much notice as possible: at least the period of notice in their contract of employment. In the letter, the employee should state that it is their intention to retire and give the date they anticipate to be their last day of work.
- 3.2 If the employee is in Lothian's Pension Scheme, they may have to give the HR Manager more notice of the decision to retire than the notice period in their contract. This is because the Local Government Pension Scheme needs at least 20 working days' notice to process the retirement to enable the employee to access all the benefits when they leave.
- 3.3 Once written notice of the employee's retirement is given they will be expected to retire on the date specified. In exceptional circumstances, an employee may be able to change the date after they have handed in their notice but only with the Assessor or designates agreement. Some examples of exceptional circumstances would be the death of a partner or some other serious occurrence that has a significant impact on the employee's future plans.
- 3.4 The Human Resource Manager will set up a meeting with you, after receipt of the notice of retirement, in order to conduct/arrange an exit interview. This is a good opportunity to discuss issues like handover, succession plans, outstanding holidays and final payments. It is also an opportunity for the employee to decide how they want to communicate their departure. It is also a chance for the employee to raise any issues they may have.

### **4 WHAT IS FLEXIBLE RETIREMENT?**

- 4.1 Flexible retirement allows members of the Local Government Pension Scheme, who are aged 55 or over, access to their pension while continuing to work on reduced hours and/or at a lower grade. It also allows LVJB to benefit from retaining the skills, knowledge and experience of older staff. Flexible Retirement can also be considered in cases where a reduction in hours would be beneficial to an employee with medical issues and medical retirement is not an option.
- 4.2 If an employee is not a member of the Local Government Pension Scheme but would like to reduce their hours, they can make an application to do so by using the Flexible Work Options Policy.
- 4.2 The flexible retirement period must last for at least **4 months** before the employee retires. Reducing hours, reducing grade and getting pension early are all **permanent changes to your contract of employment. These changes cannot be reversed.** An employee cannot increase their hours or move to a post at a higher grade at any point in the future, if the employee has elected to take flexible retirement. An employee can choose to reduce their hours again and if they want to do this you should discuss this with their Head of Service who will make a decision based on the needs of the service.
- 4.3 The flexible retirement will have to result in reduction in the cost of an employee's annual basic salary of **at least 20%**.

4.4 In order to consider an employee's request and whether it can be supported a range of issues may require consideration and discussion. Some of these are noted below;

- will it provide a business benefit to LVJB;
- will it support workforce and/or succession planning;
- the operational impact on the service;
- the impact on the work of rest of the team;
- how the employee will manage their reduced duties;
- how the duties the employee will no longer be doing will be distributed; and
- the final retirement date.

The continued operation of the flexible retirement arrangement will depend on the need of the service as well as the employee needs.

4.5 An employee cannot combine a request for flexible retirement with a request for early retirement, voluntary early release or voluntary redundancy. Any requests to do so will **not** be considered or approved. There is **no** right of appeal if a request is refused.

4.6 When an employee takes flexible retirement Lothian Pension Fund rules mean they must take the entire pension you have accrued up to April 2009. However, an employee can choose to take only a percentage of the pension they have accrued after 2009. More details about this are available from [Lothian Pension Fund](#).

## 5. WHO CAN APPLY FOR FLEXIBLE RETIREMENT?

5.1 Employees can apply for flexible retirement if they:

- a) are members of the LGPS;
- b) are 55 or over and have at least 2 years' LGPS membership (including membership transferred in from another scheme);and
- c) have approval from their Head of Service and the HR Manager

## 6. HOW DOES FLEXIBLE RETIREMENT WORK?

6.1 The purpose of flexible retirement is to deliver a business benefit to LVJB by improving efficiency, supporting workforce planning, or providing a saving to LVJB. This can be actioned by:

- a) reducing their contractual working hours; or
- b) reducing the grade of their current job; or
- c) reducing their hours **and** their grade; or
- d) including a flexible retirement request as part of an application for a LVJB vacancy at a lower grade. The request for flexible retirement will be considered as part of the application.

6.2 There will also be a financial assessment made before any decision to support an employee's request is made – see section 11.

6.3 If a request for flexible retirement is supported on the grounds that it will deliver savings to LVJB any reduction in hours and/or level of responsibility must provide a **minimum saving of 20%** of your basic annual salary.



#### 6.4 **Reducing your hours of work**

There has to be a reduction in hours by a minimum of 20%. An employee may have to agree to reduce by more than this so that, where savings are required, the Assessor can show that the costs to LVJB can be paid within 1 year.

#### 6.5 **Reducing the grade of current job**

An employee can stay in their current job but work at a lower grade with less responsibility. This would require that the higher graded work in your job to be re-allocated to other staff. The Head of Service may be able to support this. This could be done by moving to a lower grade post in the team or losing some of the current duties. In the latter case, the new duties would need to be evaluated, so that the new job could be graded.

#### 6.6 **Reducing your hours and your grade**

A combination of a reduction in hours and grade may be necessary to achieve a 20% reduction in your salary costs.

#### 6.7 **Applying for a vacancy at a lower grade**

An employee can also reduce grade by applying for a vacancy at a lower grade through LVJB's normal recruitment and selection process. In such cases the application for flexible retirement shall be considered in conjunction with the application for the vacant post.

### 7. **FLEXIBLE RETIREMENT AND YOUR PENSION**

7.1 When an employee starts flexible retirement, they can still remain a member of the LGPS and continue to make contributions to their pension. An employee can also choose to leave the pension scheme, if they want to.

7.2 An employee does not have to end their employment to get their pension if they opt for flexible retirement.

7.3 The decision to take flexible retirement and reduce either salary or grade is voluntary. This means that the reduction in salary will not be eligible to be covered by a pension protection certificate as these are only issued when salary is reduced involuntarily e.g. as the result of an organisational review or redeployment.

### 8 **WHAT IS EARLY RETIREMENT?**

8.1 Early retirement allows staff who are members of the Local Government Pension Scheme (LGPS) and aged 55 or over to request early payment of pension i.e. before they are old enough to get pension automatically.

8.2 If an employee is over 55 and **under 60** and they can decide to leave employment before their pension would normally be paid but would require LVJB's permission to do so as there shall be costs to LVJB. If they are **60 or over**, they do not require LVJB's permission to retire.

8.3 When making a decision on whether permission to retire early can be given LVJB will consider if:

- it is in LVJB's interests and achieves business efficiencies;
- the costs are affordable and can be met within 1 year; and
- the request is fully supported by a business case that shows the benefit to LVJB.

8.4 If pension is paid early under this policy, the amount of pension benefits shall be reduced. This is called an actuarial reduction. **LVJB will not take any action to waive this actuarial reduction.** Lothian Pension Fund will provide all the information required about how taking early payment will affect pension benefits. An employee should discuss this with them before they make their application (see Appendix B).

## 9. WHO CAN APPLY FOR EARLY RETIREMENT?

9.1 Employees can apply for early retirement if they meet the following conditions:

- a) They must be aged 55 or over and have 2 years' LGPS membership (or have transferred at least 2 years' membership of another pension scheme to LGPS); and
- b) if they are under 60 LVJB must approve the early payment of their pension.

9.2 An employee cannot combine a request for early retirement with a request for, flexible retirement, voluntary early release or voluntary redundancy. Any requests to do so will **not** be considered or approved. There is **no** right of appeal if a request is refused.

## 10. HOW DOES EARLY RETIREMENT WORK?

10.1 An employee must submit a written request for early payment of pension to their Head of Service and Human Resource Manager in the first instance. The request will be kept confidential.

10.2 Where the appropriate Head of Service considers that operationally the service may be able to support the request, the Human Resource Manager shall obtain an estimate of pension benefits for the employee and an estimate of the costs to LVJB from the Lothian Pension Fund.

10.3 If all parties, on the basis of the estimates provided are in agreement the application will be submitted to the Depute Assessor for support in principle.

10.4 Requests for early payment of pension are approved at LVJB's discretion. When considering requests, LVJB will consider the personal circumstances of the applicant, the business case, the impact on the service and the affordability of any costs.

10.5 If an employee is under 60 they should wait until their request for early retirement has received final approval before they resign and give notice in writing. The length of notice you have to give is set out in the contract of employment.

10.6 If an employee has received early payment of pension they will not be eligible to be re-employed by LVJB within the 1 year cost savings period (see 11.1 below). Thereafter, an ex-employee can be re-employed if they apply for a post and are recruited through LVJB's normal recruitment procedures.

## 11. FINANCIAL ASSESSMENT

- 11.1 Initial approval of a request for flexible or early retirement is at the discretion of the Depute Assessor who will consider the business benefit to and/or impact on the service, the savings to LVJB and whether there are any costs to LVJB. These could be pension strain costs, the cost of replacing you or the cost of re-grading the post and reallocating the work. Any costs must be met by savings in the budget within 1 year of your leaving.
- 11.2 Each request for flexible/early retirement needs to have a financial assessment undertaken and final approval by the Assessor and Treasurer to the Board. The assessment will show:
- a) the business benefit to the service resulting from the flexible or early retirement;
  - b) any reduction in salary costs that will result from the retirement. In the case of flexible retirement requests the reduction must be a minimum of 20% of basic annual salary;
  - c) how much the change will cost LVJB (e.g. pension strain costs, replacement cost); and
  - d) whether the costs are affordable and can be paid back in 1 year or less.

If the assessment does not meet all of these criteria, **the request will not be approved.**

- 11.3 Final approval of the request by LVJB must be obtained before any decision can be confirmed to the employee. Final approval involves:
- a) where your full-time equivalent salary and/or the costs to LVJB are each £50,000 or less, the case must be approved by the Assessor and the Treasurer to the Board;
  - b) where the full-time equivalent salary and/or the costs to the LVJB each exceed £50,000, the case must be approved by Assessor, Treasurer and Convener of the Board.
  - c) a request involving the Assessor or Depute Assessor must be submitted for consideration and approval by the Board.
- 11.4 Where a case is approved, the Human Resource Manager will notify the employee in writing of the decision who will also initiate the retirement arrangements.
- 11.5 Where a case is refused, the Human Resource Manager will notify the employee of the decision and the reasons in writing. There is no right of appeal against this decision.

## 12. RAISING A CONCERN

- 12.1 There is **no** right of appeal where a request is refused.
- 12.2 An employee who is concerned about the way the policy has been applied or the process followed should talk it over informally with the Human Resource Manager as early as possible. If the matter cannot be resolved informally, the employee can raise the concern formally through LVJB's Procedure for Hearing Employee Grievances.

### **13. LOCAL AGREEMENT**

- 13.1 This 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 policy is reviewed regularly and amended by agreement, if required, to meet future needs. In the event of 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 no longer apply to existing and future employees.



## KEY STAKEHOLDER RESPONSIBILITIES

**Employees** who are retiring should advise their manager as soon as possible. Employees who are seeking flexible or early retirement should be aware of the process involved and discuss this with their Head of Service and HR Manager as soon as possible. They should give serious consideration to the estimate of benefits that is provided by the Lothian Pension Fund and seek independent advice on the implications of leaving employment early before making a final decision. They must then follow the process set out in this policy.

The Depute Assessor, appropriate Head of Service, and Human Resource Manager will consider a case in the first instance to decide if support in principle can be given. They are also responsible for managing any operational or financial impact arising from the application of any of the options it covers. They are also responsible for making decisions about applications for early or flexible retirement and for completing the process for normal retirement. When an employee indicates that they want to retire or applies for any retirement option under this policy early action must be taken.

**The Assessor is** responsible for making sure this policy is implemented and will consider whether a case can be supported on the basis that it is in LVJB's interests, business efficiencies will be achieved, the financial assessment provides a satisfactory outcome and the necessary approval has been obtained.

The Depute Assessor/Heads of Service/Human Resource Manager will consider and approve the financial assessment in support of a case.

The Assessor, Treasurer to the Board and the Convener of the Board (where appropriate) will consider supported cases, as required under LVJB's approval arrangements to decide if consent can be given.

The Human Resource Manager will liaise with all parties involved and facilitate the process.

**Lothian Pension Fund** will provide an estimate of pension benefits to the member of staff considering/requesting early payment of pension, liaise with staff, the HR Manager as required and facilitate the process.

## REDUCTION IN PENSION BENEFITS (based on extract from the LGPS Guide)

### Will an employee's pension and lump sum be reduced if they voluntarily retire early?

1. Pension benefits will be reduced to take account of being paid for longer if an employee retires before the expected date of retirement. How much benefits are reduced by depends on how early an employee draw's them. Benefits will be reduced if:
  - An employee has reached the age of 60 and decides they want to retire before they are 65; or
  - LVJB agrees to the application for early payment of benefits before age 60.
2. If an employee was a member of the LGPS on 30 November 2006, some or all of the benefits paid early could be protected from the reduction if the employee is a protected member. More about this can be obtained from the Lothian Pension Fund scheme guide.
3. The reduction applied to pension benefits is calculated in accordance with guidance issued by the Pension Scheme Actuary. The reduction is based on how early an employee decides to retire i.e. the period between the date they retire and start receiving their pension and age 65\*. The length of time is calculated in years and days. The earlier an employee retires, the greater the reduction.

(\*If an employee is a protected member, the period is calculated to the date you could have received unreduced benefits).
4. Information on how much the pension will be reduced if it is taken early can be found on [Lothian Pension Fund's website](#).
5. An employee can reduce or avoid the reductions by not taking immediate payment of their benefits on retirement i.e. by delaying payment until a later date. If they decide not to draw immediate benefits, the benefits would normally become payable at age 65 but an employee can defer payment beyond that age, although benefits must be paid by age 75. If benefits are deferred beyond age 65 they will be increased accordingly to reflect late payment.

Note: [LGPS scheme guide](#) is available from the [Lothian Pension Fund](#) website.

**1 PURPOSE OF REPORT**

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

- Death Benefit Scheme

**2 MAIN REPORT**

2.1 The Death Benefit Scheme will provide a grant to be paid to the dependents of staff who die in service. The benefit is to help cover the costs associated with a bereavement.

2.2 The benefit takes the form of a lump sum of £4,000, which will be paid to either the deceased employee's next of kin or to the executor of their estate.

2.3 The Scheme applies to all staff who had a contract of employment with LVJB at the time of their death.

**3. CONSULTATION**

3.1 Unison have been consulted and have given their approval to the policy as a Local Collective Agreement.

**4 FINANCIAL IMPLICATIONS**

4.1 There may be a limited financial impact.

**5 ENVIRONMENTAL IMPACT**

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

**6. EQUALITIES IMPACT**

6.1 There are no adverse equality issues arising from this report which will impact on employee groups with protected characteristics as defined by the Equality Act 2010.

**7 RECOMMENDATIONS**

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

- a) Death Benefit Scheme

**Appendix:**                    1. Death Benefit Scheme

**Joan M Hewton**  
**ASSESSOR AND ERO**



Assessor & Electoral Registration Office

**DEATH  
BENEFIT  
SCHEME**



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1	Policy Statement
2	Scope of Scheme
3	Scheme Benefit
4	Administration of Scheme
5	Review
6	Local Agreement

# DEATH BENEFIT SCHEME

## (covering all employees)

### 1 INTRODUCTION

- 1.1 LVJB and Unison have agreed to operate a Death Benefit Scheme to be paid to the dependents of staff who die in service. The benefit is to help cover the costs associated with a bereavement.

### 2 SCOPE OF SCHEME

- 2.1 The Scheme applies to all staff who had a contract of employment with LVJB at the time of their death. The Scheme applies to full-time and part-time staff equally.
- 2.2 The Scheme also applies to fixed-term staff who die during active periods of employment.
- 2.3 The Scheme does **not** apply to those engaged under a contract for services e.g. self-employed contractors, consultants or agency staff.

### 3 SCHEME BENEFIT

- 3.1 The benefit takes the form of a lump sum of £4,000, which will be paid to either the deceased employee's next of kin or to the executor of their estate.
- 3.2 Staff can choose to nominate someone else to get the benefit by giving the name and address of their nominated person to the Human Resource Manager in writing.

### 4 ADMINISTRATION OF SCHEME

- 4.1 The Human Resource Manager shall take the lead role in maintaining contact with the employee's next of kin (or the executor or nominated individual) and making sure that the benefit is paid. The cost of the lump sum will be met from the Board's budget.
- 4.2 In order to pay the benefit, the Human Resource Manager needs to obtain the following from the deceased employee's next of kin (or executor or the nominated individual):
- (a) **For payments to next of kin or a nominated individual:** a photocopy of the death certificate, which should be passed to the Human Resource Manager who will then arrange for the payment to be made;
  - (b) **For payments to the executor of the deceased employee's estate:** a photocopy of the death certificate plus a photocopy of the "Confirmation of Estate". Again, these should be passed to the Human Resource Manager who will process the payment.
- 4.3 Payment should be made directly to the next of kin or the nominated individual. If the payment is being made to an executor, they will advise how the payment should be made.
- 4.4 LVJB reserves the right to pay the benefit to the estate of the deceased employee where settlement difficulties arise.



## **5 REVIEW**

- 5.1 The Assessor will monitor the effectiveness of the Scheme and will review it as necessary.

## **6 LOCAL COLLECTIVE AGREEMENT**

- 6.1 This document is a local collective agreement between LVJB and Unison the recognised Trade Union. Every effort will be made by both parties to ensure that this document is 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 staff.

**1 PURPOSE OF REPORT**

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

- Special Leave Policy

**2 MAIN REPORT**

2.1 The revised policy replaces the Family Care Policy and ensures the Board complies with its statutory duties and that its employees benefit from modern and flexible working practices which underpin diversity and equality of opportunity.

**3 CONSULTATION**

3.1 Unison have been consulted and have given their approval to the policy as a Local Collective Agreement.

**4 FINANCIAL IMPLICATIONS**

4.1 There may be a limited financial impact.

**5 ENVIRONMENTAL IMPACT**

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

**6. EQUALITIES IMPACT**

6.1 There are no adverse equality issues arising from this report which will impact on employee groups with protected characteristics as defined by the Equality Act 2010.

**7 RECOMMENDATIONS**

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

- a) Special Leave Policy

**Appendix 1. Special Leave Policy**

**Joan M Hewton**  
**ASSESSOR AND ERO**



Assessor & Electoral Registration Office

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**SPECIAL  
LEAVE  
POLICY**



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# SPECIAL LEAVE POLICY

## 1 POLICY STATEMENT

- 1.1 This Special Leave Policy sets out LVJB's provisions for special leave, covering statutory entitlements and other forms of leave granted so that staff can deal with particular situations.
- 1.2 Staff have a statutory right to take a reasonable amount of time-off during working hours to deal with a number of situations including dependant-related **emergencies**.
- 1.3 The Policy also incorporates improvements to the statutory entitlements which have been agreed with Unison and reflects any terms contained in the various National Schemes of Pay and Conditions of Service which apply.
- 1.4 Therefore, this Policy also covers situations where staff may request time off and indicates, where granted, whether the leave is paid.

## 2 SCOPE

- 2.1 This Policy applies to all LVJB employees.

## 3 APPLICATION

- 3.1 The terms of the Policy will apply to employees on an individual basis unless otherwise stated. Part-time employees will have the leave entitlements applied pro-rata.
- 3.2 It is an overriding principle that, in considering applications for leave under this Policy, the needs of the LVJB services are properly considered. Employees should give as much notice of an application for leave as possible and be prepared to change appointment dates and times to help meet the needs of the service.
- 3.3 Employees can use annual leave and flexi leave, with their line manager's agreement, in place of any unpaid leave granted under the Policy. Managers are expected to be supportive of applications for annual leave or flexi leave, which are requested at short notice for urgent family-care reasons.

## 4 DEFINITIONS

- 4.1 Definitions covering all policy provisions can be found at [Appendix 1](#).

## STATUTORY LEAVE

### 5 UNPAID PARENTAL LEAVE

#### Statutory Entitlement

- 5.1 If you are a mother, a father, a guardian or an adoptive parent, you have a statutory right to take unpaid parental leave to care for a child in your care. The conditions for this are as follows:

- (i) you have 1 year's continuous service with the LVJB;
- (ii) you are named on the child's birth certificate **or** you have or expect to have formal parental responsibilities for a child **and** can you provide evidence of that if you are asked for it;
- (iii) your child must be under 5 or, in the case of adoptions, under 18 or have been placed with you less than 5 years ago, whichever is sooner;
- (iv) your child qualifies for Disability Living Allowance and the leave is taken before their 18<sup>th</sup> birthday.

5.2 If you meet these conditions, you are entitled to a maximum of 18 weeks' unpaid leave for each child. The leave must be taken in blocks of whole weeks. The shortest amount of leave is one week, which can start on any day of the week i.e. if you start your parental leave on a Wednesday, you'll return to work the following Wednesday. The maximum leave you can take in any year is 4 weeks. You cannot take more than 13 blocks of leave in total.

5.3 If your child is entitled to Disability Living Allowance, you can take the leave in days rather than weeks. You can take up to 4 weeks in any year. There is no limit to the number of blocks of unpaid parental leave that you can take.

5.4 If you want to take unpaid parental leave, you will need to give your line manager a minimum of 21 days' notice before the day you want your leave to start. If you do not give 21 days' notice, your manager may not be able to agree that you can take your leave at that time, and it is at their discretion whether they allow the leave at that time or whether they postpone it.

5.5 Your manager **cannot postpone** unpaid parental leave if you are taking it immediately after maternity leave, adoption leave, maternity or adoption support leave, shared parental leave or at the time of an adoption.

5.6 If your leave will have too much of an impact on the workplace at the time you have requested it, your manager can postpone it. They can only do that once **and** only for up to six months.

5.7 If your leave is postponed, your line manager must do the following within 7 days from the date you gave them notice that you wanted to take your leave:

- (a) meet with you to discuss the postponement and confirm when the leave can be taken. This must be no later than 6 months after the original date you wanted the leave to start;
- (b) confirm in writing:
  - (i) the reason for the postponement; and
  - (ii) the new start and end dates of the equivalent period of unpaid parental leave that you and your line manager have agreed.

5.8 If you take unpaid parental leave, you generally have the right to return to the same job you were doing before you went on leave. This means on the same contract of employment and on terms no less favourable. "Job" also covers the nature of work you are employed to do and the capacity and place you are employed.

5.9 You cannot be dismissed or suffer any other detriment for asking or for taking unpaid parental leave.

5.10 Unpaid Parental Leave is separate and in addition to Shared Parental Leave.

## 6 LEAVE FOR THE CARE OF DEPENDANTS

### Statutory Entitlement

6.1 If you have dependants, you have a statutory right to take **reasonable unpaid leave** from work to deal with the following:

- (i) some **unexpected emergencies** affecting the care of a dependant; or
- (ii) to make arrangements for the care of a dependant (see [definitions](#) - [Appendix 1](#)).

### LVJB Enhancement

6.2 The LVJB has enhanced the statutory entitlement and may grant **paid leave** to employees who need to care for dependants in the following circumstances:

- (a) you are providing short-term, emergency assistance to a dependant who is ill or injured and is unable to look after themselves and no healthcare professional or other adult is available to provide that care;
- (b) you need to make arrangements for the provision of care for a dependant who is ill or injured; or
- (c) the care arrangements you have in place for a dependant are unexpectedly disrupted or brought to an end.

6.3 If your dependant is in hospital, you will not be entitled to paid leave to care for them because they are in the care of the hospital and there is no need for you to provide care.

6.4 Some children and adults have special care needs due to a medical condition or disability. Your line manager has discretion to approve paid or unpaid leave up to the maximum allowed, when they consider requests for leave to accompany a dependant for hospital treatment or appointments.

6.5 If you want to apply for paid leave for the care of a dependant, you must call your line manager as early as possible on the first day of absence and explain the reason for your absence, the relationship that you have with the dependant and how long you expect to be absent from work. If the absence lasts longer than one day, you must call your manager again on the second day and say how long you expect to be off and agree how often you will be in touch with work while the absence continues. Your manager will say whether they feel the circumstances meet the test for paid leave or whether it should be unpaid.

6.6 If your circumstances meet the criteria in 5.12 to 5.15 above, then you may be granted:

- (a) up to 5 working days' paid leave (pro rata for part-time employees) in any rolling 12-month period in the first instance;
- and
- (b) reasonable unpaid leave.



6.7 All special leave for the care of dependents is granted at managers' discretion.

6.8 See also [extended unpaid leave for the care of dependents](#), below.

## 7 **BREAKDOWN OF CARE FOR DEPENDENTS (INCLUDING INCIDENTS INVOLVING A CHILD AT SCHOOL)**

### **Statutory Entitlement**

7.1 There is a statutory entitlement to reasonable unpaid leave to deal with incidents involving children when they are at school and also when care arrangements for other dependents are unexpectedly disrupted or ended.

### **LVJB Enhancement**

7.2 If the care arrangements for your children or for any other dependant break down, you can have up to 1 working day's **paid** leave in any 12-month period, to give you time to make new arrangements. You may also get reasonable **unpaid** leave.

7.3 These provisions also apply if you have to respond to an unexpected incident involving a child during school hours e.g. an unexpected school closure or where a child has an accident at school.

7.4 All special leave relating to the care of dependents is granted at managers' discretion.

## 8 **BEREAVEMENT LEAVE**

### **Statutory Entitlement**

8.1 There is a statutory entitlement to reasonable unpaid leave to cover normal working hours as a consequence of the death of a dependent.

### **LVJB Enhancement**

8.2 If a family member dies (see definitions at **Appendix 1**), your line manager has the discretion to grant **up to 5** working days' **paid** leave. Your line manager will consider the following:

- (a) whether the circumstances justify paid or unpaid leave to attend the funeral;
- (b) whether you need to make funeral arrangements and/or deal with financial or legal issues which occur immediately around the time of the death; and/or
- (c) the distance you will need to travel for the funeral (if you need to travel outside the UK, the absence may be part paid and part unpaid).

8.3 If a close friend dies, your line manager also has the discretion to grant **up to 5** working days' paid leave. In considering requests, line managers will take into account the points noted at 5.24 (a)-(c) above.

8.4 If there are special circumstances, additional **unpaid** leave may be granted for longer than 5 working days. Your line manager will consider these on a case-by-case basis, judging each on its own merits.

8.5 Bereavement leave is granted at managers' discretion.

## 9 JURY SERVICE

### Statutory Entitlement

9.1 If employees are called for jury service, they have a statutory right to unpaid leave to cover the time they have been summoned to attend.

### LVJB Enhancement

9.2 If you are called for jury service you will get **paid** leave to cover the time you are in court.

9.3 While on jury service, you will get an attendance allowance. We will continue to pay you but your pay will be offset against the attendance allowance. This makes sure that you do not suffer a loss of earnings and that we recover our costs. Details on the process to follow in order to be paid can be found [on the Intranet](#).

9.4 Granting leave for jury service is **not** at managers' discretion.

## 10 LEAVE FOR PUBLIC DUTIES

10.1 The LVJB acknowledges the positive contribution that employees can make towards the functioning of public bodies and recognises that they may require time off work in order to perform these duties.

10.2 Examples of positions we consider to be public duties are:

- a justice of the peace;
- a councillor/member of a local authority other than LVJB;
- a member of any statutory tribunal (e.g. Employment Tribunal, Children's Panel etc);
- a member of a health board;

### Statutory Entitlement

10.3 Employees who are required to carry out public duties as noted above are entitled to reasonable unpaid leave to cover the time they need to perform those duties, subject to service requirements.

### LVJB Enhancement

10.4 LVJB employees are entitled to up to 208 hours of **paid** leave per year to carry out public duties. This will be pro rata for part-time staff. Any earnings, successful claims for loss of earnings or expenses claimed from the statutory body will be offset against your salary.

10.5 If employees have used their allowance of paid leave for public duties, there is an entitlement to reasonable **unpaid** time off.

10.6 If you are thinking about undertaking public duties, you should speak to your manager about this. If you are appointed, you should confirm this to your manager together with an indication of amount of time off you are likely to ask for. You will also need to provide evidence that you

have been appointed by providing your appointment letter. All requests for time off should be made with as much advance notice as possible.

## **NON-STATUTORY LEAVE**

### **11 EXTENDED UNPAID LEAVE FOR THE CARE OF DEPENDANTS**

#### **LVJB Agreed Enhancement**

11.1 The LVJB have agreed that employees who have exhausted their entitlement to leave for the care of dependants may take up to a year's unpaid leave. Employees may also agree temporarily revised working arrangements for up to one year. Both options are at managers' discretion.

#### **Extended Unpaid Leave**

11.2 If a dependant (see definitions - **Appendix 1**) is seriously ill, and you have already exhausted your entitlement to leave for the care of dependants, you can take up to a year's unpaid leave, if agreed with your manager. You can take up to 2 periods of extended unpaid leave under this provision provided there is at least 3 years' service between the first and second period of leave. Normally, you will only get 2 periods of leave under this provision, even if each period of leave is less than a year.

11.3 If you apply for an extended period of unpaid leave under this provision, you will need to include a statement from your dependant's doctor saying how long you will need to look after your dependant. If you have to pay for the doctor's report, then you will have to meet that cost yourself.

11.4 If you are granted unpaid leave under this provision, you will have to agree to contact your manager on at least a monthly basis. Your line manager will keep you informed of any changes in your workplace during your absence.

11.5 If there is a change in your circumstances, then you might want to return to work earlier than you had agreed. If you do, then you will have to give your manager at least 21 days' notice. Your manager may allow you to return without that length of notice but that is a matter for them to decide.

11.6 When you return to work, you have the right to return to the same job you were doing before you went on leave. This means on the same contract of employment and on terms no less favourable. "Job" also covers the nature of work you are employed to do and the capacity of which you are employed.

#### **Temporary Change to Working Hours**

11.7 If you do not want to take a long period of unpaid leave to care for your dependant, you can ask to temporarily reduce or re—arrange your hours. Changes agreed under this provision cannot go on for longer than 1 year. All requests will be considered sympathetically but decisions will be made on the needs of the service. If your hours are reduced, your salary will be adjusted accordingly.

### **12 PLANNED HEALTHCARE FOR A CHILD UNDER 5**

- 12.1 If you are a parent (see definitions - **Appendix 1**), you may be required to accompany your child to childcare clinics or to doctors' appointments for developmental check-ups and inoculations in the first 5 years of the child's life.

## **LVJB Agreed Enhancement**

- (a) up to 5 working days' **paid** leave before your child's 5<sup>th</sup> birthday; and
- (b) up to 5 working days' **unpaid** leave before your child's 5<sup>th</sup> birthday.

- 12.2 You should only ask to take this leave if no-one else is able to take the child to the appointment for you. Leave will only be granted if it does not impact negatively on the needs of the service. You will also have to provide evidence that the appointments are taking place.
- 12.3 This leave is granted at managers' discretion.

## **13 FOSTER CARER LEAVE**

### **Prospective Foster Carer – LVJB Agreed Enhancement**

- 13.1 Up to a **maximum** of 3 working days' **paid** leave to cover the preparation and assessment process to be registered as foster carers.
- 13.2 You must give reasonable notice when you want to take the leave and provide your manager with evidence that the meetings and appointments are taking place.

### **Accepted Foster Carer – LVJB Agreed Enhancement**

- 13.3 Up to 1 working day's **paid leave** and up to 4 working days' **unpaid leave** in any 12-month period.
- 13.4 This time is to be used to attend urgent meetings about the placement of a child. Your line manager can agree to more unpaid leave to care for a placed child, at their discretion.
- 13.5 All foster carer leave is granted at managers' discretion.

## **14 LEAVE FOR RESERVISTS**

- 14.1 Leave for reservists covers leave for members of the Royal Naval Reserve, the Royal Marines Reserve, the Territorial Army or the Royal Auxiliary Air Force and, for ex-regular service personnel, the Royal Fleet Reserve, the Army Reserve or the Air Force Reserve. Collectively, this group is known as reservists.
- 14.2 If you are a Reservist, you may get special leave to cover the compulsory annual training you are obliged to do. Leave requests are subject to your line manager's discretion and the needs of the service.

### **Compulsory Training**

- 14.3 Reservists are obliged to attend either:
- (i) an annual training camp; or
  - (ii) refresher training (if you are a member of the High Readiness Reserves).

### **LVJB Enhancement**

- 14.4 Employees required to attend compulsory training events may be granted **paid** leave to cover the time they attend the event. This will either be one week or two weeks.

14.5 As training is paid by the Reserve Forces, we will deduct the amount you receive from your LVJB salary.

14.6 If you want time off to attend compulsory training in addition to that mentioned at 14.3 above, you should cover that with annual leave or flexi leave, in the first instance. Alternatively, line managers can grant **unpaid** leave, if the needs of the service allow.

#### **Call-Out for Service**

14.7 If you get a call-out notice for service, you will normally be granted **unpaid** leave for the duration of the call-out. This includes call-out notices for service in the High Readiness Reserve.

#### **Voluntary Training or Voluntary Duties**

14.8 Reservists may also be asked to volunteer for either:

(i) additional training; and/or

(ii) additional duties as a Reservist on a full-time or a part-time basis.

14.9 Where the duties or training are voluntary, only **unpaid** leave can be granted and only where the needs of service allow the time off to be approved.

### **15 ATTENDING COURT AS A WITNESS**

#### **Criminal Cases**

15.1 If you have been called as a witness by the LVJB, then your time away from work will be treated as part of your normal duties.

#### **LVJB Enhancement**

15.2 If you have been called as a witness by anyone other than the LVJB, whether for the defence or the prosecution, then you will be granted **paid** leave to attend court.

15.3 As a witness in a criminal trial, you may be able to claim back expenses from the Court. Any payment for loss of earnings will be offset against your salary.

#### **Civil Cases**

15.4 If you are called as a witness in a civil case, you will have to cover the time you need with either annual leave, flexi-leave or unpaid leave. If you receive any sort of allowance, there will be no offset against your salary, as you will be appearing in court in your own time.

### **16 LEAVE FOR VOLUNTARY WORK**

16.1 The LVJB acknowledges the positive contribution that employees can make towards the functioning of public and voluntary bodies and recognises that they may require time off work in order to perform these duties.

16.2 Examples of voluntary activities are:

- retained fire-fighter (NB payment received for call-outs);
- special constable;
- a member of a consumer council (eg public utilities);
- a member of a community council;
- a member of a body recognised by the LVJB for the purposes of community consultation.

16.3 Voluntary activities should normally be done in the employee's own time. Where an employee asks for leave for voluntary duties, the request will be considered against the needs of the service at the time and any leave agreed will be **unpaid**.

## 17 LEAVE TO TAKE PART IN SPORTING EVENTS

### LVJB Enhancement

17.1 Employees are entitled to reasonable **paid** time off to participate in amateur sporting events if:

- a) they are competing in an event; **or**
- b) they are officiating at an event; **and**
- c) the event is at national or international level.

17.2 Leave to take part in sporting events is granted at managers' discretion. Any request will be considered against the needs of the service. The manager should also consider:

- a) the amount of special leave requested;
- b) whether the leave is for a single period or for separate blocks of time;
- c) how much special leave the employee has already had for this purpose;
- d) how much annual leave the employee has left and their willingness to use annual leave to cover these sort of events; and
- e) the amount of time off the employee has had for other purposes.

17.3 When the employee makes a request for leave, they must provide written confirmation from the sporting body that they will be participating or officiating at the event.

17.4 Managers can agree to meet the request by allowing a mixture of annual leave, flexi-leave, paid leave and unpaid leave to cover the time.

## 18 LOCAL AGREEMENT

18.1 This document is a local collective agreement between the 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 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.

## DEFINITIONS

TERM	MEANING
<b>Continuous Service</b>	Means continuous service with the Lothian Valuation Joint Board (or its predecessors) or any local authority or employer to which the <i>Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 (as amended)</i> applies.
<b>Dependant</b>	<p>A dependant can be: your spouse; your partner; a child of yours who is under 18 <b>and</b> lives with you; a parent; some other person who lives with you as part of your family (excluding tenants, lodgers, flat-mates or boarders); or some other person who depends on you:</p> <p>(a) for short-term assistance in the event of illness or injury; or</p> <p>(b) to make arrangements for the provision of care in the event of illness or injury.</p>
<b>Family Member</b>	To be determined by the manager in consultation with the Human Resource Manager having regard to the nature of the relationship which the person has with the employee and the circumstances prevailing in each case. It is recognised that close friends may be covered by this definition, including former work colleagues of LVJB (or its predecessors).
<b>Nominated Carer</b>	A person nominated by the mother or adopter to assist in the care of the child and to provide support to the mother or adopter at or around the time of the birth or adoption placement.
<b>Parent</b>	Is a child's mother, father, guardian, foster carer or some other person who has parental responsibility.
<b>Partner</b>	Is a person (whether of a different sex or the same sex) who lives with the mother or adopter and the child in an enduring family relationship but is not a relative (e.g. parent, sister/brother, aunt/uncle etc).
<b>Serious Illness of a Dependant</b>	Is defined as an illness or injury of a dependant which requires an employee to be absent from work for an extended period exceeding 10 working days in any 12-month period in order to provide care which is not available from either a health professional or another adult.
<b>A week's pay</b>	<p>If your pay does not change with the amount of work done over the period, a week's pay is the amount the LVJB pays the employee under their contract of employment for working their normal hours in a week.</p> <p>Where there are no normal working hours, a week's pay is the average pay over the 12 weeks before the date on which the last complete week ended, excluding any week where the employee did not get any pay.</p>



## SUMMARY OF LEAVE PROVISIONS

### STATUTORY LEAVE

#### 1 UNPAID PARENTAL LEAVE

Statutory Entitlement: Maternity & Parental Leave etc. Regulations 1990 (Part III, sections 13-16)	Qualifying Conditions	At manager's discretion?	LVJB Enhancement	Total Paid Entitlement		Total Unpaid Entitlement
<p>Births:</p> <ul style="list-style-type: none"> <li>• 18 weeks to be taken before the child's fifth birthday;</li> <li>• maximum of 4 weeks in any one year;</li> <li>• minimum block of leave is 1 week;</li> <li>• maximum of 13 blocks in total.</li> </ul> <p>Adoptions:</p> <ul style="list-style-type: none"> <li>• 18 weeks to be taken before the child's 18 birthday or before the 5<sup>th</sup> anniversary of their adoption, whichever is soonest;</li> <li>• maximum of 4 weeks in any one year;</li> <li>• minimum block of 1 week;</li> <li>• maximum of 13 blocks in total.</li> </ul> <p>Child Qualifying for Disability Living Allowance:</p> <ul style="list-style-type: none"> <li>• weeks to be taken before the child's 18 birthday;</li> <li>• leave can be taken in single days;</li> <li>• maximum of 4 weeks in any one year;</li> <li>• no maximum total blocks of leave.</li> </ul>	1 year's continuous service with CEC	No	N/A	N/A		As statutory entitlement

#### 2 LEAVE FOR THE CARE OF DEPENDANTS

Type of Leave	Statutory entitlement: Employment Rights Act 1996 (57A)	LVJB Enhancement		Qualifying Conditions	At manager's discretion
		Paid	Unpaid		
Leave to care for a dependant (see definitions)	Reasonable unpaid leave.	Up to <b>5</b> working days paid leave in any 12 month period. This can be taken in hours.	Reasonable unpaid leave	Employee must contact their line manager on 1 <sup>st</sup> and 2 <sup>nd</sup> days of absence to confirm length of absence and agree frequency of contact during absence.	Yes.

### 3 BREAKDOWN OF CARE ARRANGEMENTS AND INCIDENTS INVOLVING A CHILD AT SCHOOL

Type of Leave	Statutory entitlement: Employment Rights Act 1996 (57A)	LVJB Enhancement		Qualifying Conditions	At manager's discretion
		Paid	Unpaid		
Leave to arrange alternative care where normal care arrangements break down or to respond to incidents involving a child at school	Reasonable unpaid leave.	Up to 1 working day's paid leave in any 12 month period. This can be taken in hours.	Reasonable unpaid leave	Employee must be parent or main carer of the child.	Yes

### 4 BEREAVEMENT LEAVE

Type of Leave	Statutory entitlement: Employment Rights Act 1996 (57A)	LVJB Enhancement		Qualifying Conditions	At manager's discretion
		Paid	Unpaid		
Leave where a family member of close friend dies (see definitions).	Reasonable unpaid leave.	Up to 5 working days paid leave	Reasonable unpaid leave	None.	Yes

### 5 JURY SERVICE

Type of Leave	Statutory entitlement: Employment Rights Act 1996 (50)	LVJB Enhancement		Qualifying Conditions	At manager's discretion
		Paid	Unpaid		
Leave to attend court as a jury member to cover the duration of the case being heard.	Unpaid leave to cover the time needed to attend court.	Leave to cover the time needed to hear the case. Attendance allowance offset against salary.	None.	Must produce the jury citation form.	No.

### 6 LEAVE FOR PUBLIC DUTIES

Type of Leave	Statutory entitlement: Employment Rights Act 1996 (50)	LVJB Enhancement		Qualifying Conditions	At manager's discretion
		Paid	Unpaid		
Leave to cover work that is considered to be a public duty.	Reasonable unpaid leave.	Up to 225 hours paid leave per year to cover work considered to be public duties.  Pro rata for Part Time Employees.	Reasonable unpaid leave if paid leave is exhausted.	Must produce proof of appointment/election/membership of public body.	Yes.

## NON-STATUTORY LEAVE

### 1 EXTENDED UNPAID LEAVE FOR THE CARE OF DEPENDANTS

Type of Leave	Statutory entitlement	LVJB Enhancement		Qualifying Conditions	At manager's discretion	
		Paid	Unpaid			
An extended period of unpaid leave to care for a dependant	None.	None.		Up to 1 year's unpaid leave on up to 2 occasions with three years' continuous service between each period of leave.	Must have exhausted entitlement to leave for care of a dependant.	Yes
Reduced or changing working hours temporarily to care for dependant	None.	None.		This is a temporary period and must not exceed 1 year.	Employee must provide statement from dependant's medical practitioner indicating that the employee is needed to provide care to their dependant.	Yes

### 2 PLANNED HEALTHCARE OF A CHILD UNDER 5

Type of Leave	Statutory entitlement	LVJB Enhancement		Qualifying Conditions	At manager's discretion	
		Paid	Unpaid			
Leave to take a child to post-natal clinics for routine developmental check-ups and inoculations etc.	None.	Up to 5 working days paid leave during first 5 years of child's life. If both parents work for the LVJB, they can share the 5 days. This can be taken in hours.		Up to 5 working days unpaid leave	The employee is a care provider for the child and no other adult is available to accompany the child.	Yes

### 3 FOSTER CARER LEAVE

Type of Leave	Statutory entitlement	LVJB Enhancement		Qualifying Conditions	At manager's discretion	
		Paid	Unpaid			
(i) Leave for prospective foster carers to cover preparation and assessment process to become registered.	None.	Up to 3 working days paid leave. This can be taken in hours.		No unpaid element.	Reasonable notice where practicable. Evidence of meeting also to be provided.	Yes
(ii) Leave for foster carers to attend urgent placement meetings	None.	Up to 1 working day's paid leave in any 12month period. This can be taken in hours.		Up to 4 working days unpaid leave.	Reasonable notice where practicable. Evidence of meeting also to be provided.	Yes

**4 LEAVE FOR RESERVISTS**

Type of Leave	Statutory entitlement	LVJB Enhancement		Qualifying Conditions	At manager's discretion
		Paid	Unpaid		
Leave for reservists to attend compulsory training and/or voluntary duties.	None.	Up to 2 weeks' leave to attend annual compulsory training; attendance allowance offset against salary;	Leave to take part in voluntary duties or call-out for service.	Employee must prove membership of a reservist force and provide written confirmation of the dates that they have to attend.	Yes

**5 ATTENDING COURT AS A WITNESS – CRIMINAL CASES**

Type of Leave	Statutory entitlement	LVJB Enhancement		Qualifying Conditions	At manager's discretion
		Paid	Unpaid		
Leave to attend court as witness in a criminal case.	None.	Enough leave to cover the time needed to appear as a witness.	None.	Must produce the citation form.	No.

**6 ATTENDING COURT AS A WITNESS – CIVIL CASES**

Type of Leave	Statutory entitlement	LVJB enhancement		Qualifying Conditions	At manager's discretion
		Paid	Unpaid		
Leave to attend court as witness in a civil case.	None.	None	Enough leave to cover the time needed to appear as a witness.	Must produce the citation form.	Yes.

**7 LEAVE FOR VOLUNTARY WORK**

Type of Leave	Statutory entitlement	LVJB Enhancement		Qualifying Conditions	At manager's discretion
		Paid	Unpaid		
Leave to cover time spent on voluntary work	None.	None.	It is expected that employees will do voluntary work in their own time. However, if an employee requests unpaid time off to do voluntary work, this should be treated sympathetically, in line with business needs.	Must provide written proof that they are required to do voluntary work during their normal working hours.	Yes.

**8 LEAVE TO TAKE PART IN SPORTING EVENTS**

Type of Leave	Statutory entitlement	LVJB Enhancement		Qualifying Conditions	At manager's discretion
		Paid	Unpaid		
Leave to participate in or officiate at national or international sporting events.	None.	Reasonable paid leave, covering the time needed to participate with some consideration given to time needed for travel, with consideration given to the needs of the services.	Reasonable unpaid leave with consideration given to the needs of the service	Must provide written proof that they are required to participate or officiate.	Yes.

## **1 PURPOSE OF REPORT**

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

- Parental Leave Policy on the Birth or Adoption of a Child

## **2 MAIN REPORT**

2.1 A new statutory right to Shared Parental Leave (SPL) which came into effect from 5 April 2015 allows the mothers of children born, and the main adopters of children placed for adoption, on or after 5 April 2015 to end their maternity or adoption leave early and share the remainder of their maternity or adoption leave entitlement with their partners.

LVJB's provisions for leave relating to Maternity and Adoption have been reviewed and updated to include this new right. The Policy now sets out how LVJB will manage Shared Paternity Leave.

2.2 The Parental Leave Policy on the Birth or Adoption of a Child covers the following types of leave:

- (a) Maternity Leave;
- (b) Adoption Leave;
- (c) Maternity and Adoption Support Leave; and
- (d) Shared Parental Leave (new).

## **3 CONSULTATION**

3.1 Unison have been consulted and have given their approval to the policy as a Local Collective Agreement.

## **4 FINANCIAL IMPLICATIONS**

4.1 Where employees take Shared Parental Leave, the costs and the period of absence from work will be no greater than under normal maternity leave arrangements. Any such absences will have to be covered in the same way as a normal maternity leave absence would be covered e.g. by reallocation of work or by recruiting on a temporary basis which may incur additional costs.

## **5 ENVIRONMENTAL IMPACT**

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

## **6. EQUALITIES IMPACT**

6.1 There are no adverse equality issues arising from this report which will impact on employee groups with protected characteristics as defined by the Equality Act 2010.

## **7 RECOMMENDATIONS**

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

### **Appendix 1. Parental Leave Policy on the Birth or Adoption of a Child**

**Joan M Hewton**  
**ASSESSOR AND ERO**



**PARENTAL LEAVE POLICY  
ON THE BIRTH OR  
ADOPTION OF A CHILD**





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# PARENTAL LEAVE POLICY ON THE BIRTH OR ADOPTION OF A CHILD

## 1 INTRODUCTION

- 1.1 Lothian Valuation Joint Board and the Trade Unions recognise that family-care responsibilities can impact on the working lives of employees. The aim of this Policy is to help employees combine their family-care responsibilities with employment without adversely affecting their continuity of employment or employment responsibilities.
- 1.2 This Policy takes account of individual statutory entitlements and any employee who exercises his/her statutory right to take leave for family-reasons will be protected against dismissal or detriment. The Policy also incorporates relevant terms contained in the various National Schemes of Pay and Conditions of Service where appropriate. Some of the provisions are more generous than the National Schemes of Conditions of Service. However, with the exception of such improvements the national provisions should continue to be regarded as the definitive statement of employees' entitlement.

## 2 SCOPE & APPLICATION OF THE POLICY

- 2.1 The Policy Parental Leave Policy on The Birth or Adoption of a Child applies to all Joint Board employees.
- 2.2 The terms of the Policy will apply to employees on an individual basis unless otherwise stated. Part-time employees will have the same leave entitlements applied on a pro-rata.
- 2.3 Entitlement to Statutory Maternity, Adoption or Paternity payments will be dependent on an employee having average earnings above the Lower Earnings Limit for National Insurance Contributions.
- 2.4 It is an overriding principle that, in considering applications for leave under this Policy, the needs of the Joint Board's services are given due priority. Accordingly, employees should give as much notice of an application for leave as is reasonably practicable and wherever possible be prepared to change appointment dates/times to assist in meeting the requirements of the service.

## 3. MATERNITY LEAVE AND PAY

- 3.1 The provisions in this section apply to all employees of LVJB.

### **Antenatal Care**

- 3.2 If you are pregnant, you have the right to reasonable, paid time off to attend ante-natal care. Your manager will ask you to produce evidence of appointments before they approve the time off.

### **Summary of Arrangements**

- 3.3 The conditions relating to maternity leave and pay are set out in [Appendix 2](#)
- 3.4 If you have **less than 26 weeks' continuous service** at the beginning of the 15<sup>th</sup> week before the EWC, you have no entitlement to maternity pay. However, you might be entitled to Maternity Allowance through the Department of Work and Pensions.

- 3.5 Maternity pay is given on the understanding that you will return to work with Lothian Valuation Joint Board for a minimum of 3 months after your maternity leave has ended.
- (i) If you do not intend to return to work after maternity leave, your maternity pay will be restricted to 8 weeks normal pay plus any entitlement to SMP.
  - (ii) If you are not sure if you are going to return to work, you can choose to receive 8 weeks normal pay and defer payment of any remaining entitlement until a later date.
  - (iii) If you intend to return to work and then change your mind and do not return to work for at least the 3-month period, you will have to pay back the equivalent of 6 weeks' maternity pay, issued at normal pay less any SMP paid. Any period of sickness absence during this time does not count towards the three-month total.

### **Notification and Certification Requirements**

- 3.7 You should let your Head of Service/HR Manager know as soon as possible of your EWC and your plans for taking time off.
- 3.8 To qualify for maternity leave and pay you must do the following **at least 15\* weeks before the EWC** (or as soon as is reasonably practicable):
- (a) tell your line manager in writing that you are pregnant, noting:
    - (i) the EWC; and
    - (ii) the date you want to start your maternity leave
  - (b) produce a certificate from your doctor or midwife, stating EWC.
- 3.9 Once you have given your line manager your notice, the Human Resource Manager will reply to you in writing within 28 days of receipt. Their letter will confirm the latest date that you must return to work by, if you take your full entitlement.
- 3.10 If you change your mind about the date you want to start your leave, you will need to give your line manager 28 days' notice of your new start date, in writing, where this is reasonably practicable.

### **Start of Maternity Leave**

- 3.11 Maternity leave can start on any day of the week but no earlier than 11 weeks before the EWC or from the date of childbirth.
- 3.12 If you are absent from work with a pregnancy-related illness during the 4 weeks before the EWC, your maternity leave will start automatically.

### **Compulsory Maternity Leave**

- 3.13 You must take maternity leave for a minimum of two weeks, starting on the date your child is born.

### **Transfer or Suspension on Health and Safety Grounds**

- 3.14 If you are pregnant or have recently given birth, or are breastfeeding and you cannot carry out your normal duties because a health and safety risk has been identified, you must be offered suitable alternative work and transferred to that post, if it is suitable to do so. If no suitable alternative work is available, then you will not be required to work but will continue to be paid

your normal pay ie you will be suspended on health and safety grounds. Your suspension will last until either alternative work is found or your maternity leave starts.

### **Return to Work at end of Maternity Leave**

- 3.15 The provisions relating to returning from maternity and adoption leave and pay are set out in Appendix 4.
- 3.16 When you return to work, you have the right to return to the post you were doing before you went on maternity leave. This means on the same contract of employment and on terms that are no less favourable
- 3.17 If you cannot return to your previous job because your post has been made redundant or because there has been an organisational review that has changed your original job, then you are entitled to be offered a suitable alternative post, where a vacancy exists.

### **Return to Work when Employee Left at Start of Maternity Leave**

- 3.18 If you decide not to return to work after your maternity leave ended but your child dies, then you are entitled to return to work provided:
- (i) we have a suitable vacancy (not necessarily the same post at the same grade and salary);
  - (ii) you provide a doctor's statement saying that you are medically fit to return to work and
  - (iii) you give us notice as set out in Appendix 4.
- 3.19 In these circumstances, we would expect that you would return to work no later than the date on which your maternity leave entitlement would have ended had the baby lived.

### **Maintaining Contact during Maternity Leave**

- 3.20 You and your line manager should maintain reasonable contact during your maternity leave. This gives the opportunity to discuss your return to work plans, any job vacancies, development opportunities or significant workplace developments and helps keep you updated during your absence.
- 3.21 You and your manager should discuss and agree mutually suitable contact arrangements before you start your maternity leave. This should cover the frequency of contact and how you will maintain contact with each other (eg office visits, home visits, by telephone, letter, e-mail etc.). You can amend these if your circumstances change.
- 3.22 This sort of contact during maternity leave is not considered to be work and does not count towards your 10 Keeping in Touch (KIT) Days.

### **Breastfeeding Mothers Returning to Work**

- 3.23 If you are breastfeeding your child, you may want to continue to do so once you return to work. If you do, you are entitled to the following up to your child's first birthday:
- (a) paid time off and access to a private room or area (this cannot be a toilet) so that you can express breast milk;
  - (b) a refrigerator to store your expressed milk; and/or
  - (c) unpaid time off during normal working hours to breastfeed your baby, if it is being cared for somewhere within close proximity to your normal place of work.

- 3.24 A Maternity Information Pack is available from the Human Resource Manager or you can download from LVJB's Intranet.

#### **4. ADOPTION LEAVE AND PAY**

- 4.1 If you adopt a child, you may be entitled to Adoption Leave. If you are part of a couple who are adopting a child together, one of you may be entitled to Adoption Leave and the other may be entitled to **Adoption Support Leave**. You will have to decide which of you takes which type of leave.
- 4.2 The selection process for becoming adoptive parents involves a number of assessment visits at home, which prospective parents must attend. We will grant reasonable paid leave to prospective adoptive parents to attend such meetings, provided you give us reasonable notice and are able to produce evidence that these meetings are taking place, such as appointment letters or letters from the adoption agency.

##### **Summary of Arrangements**

- 4.3 The conditions relating to adoption leave and pay are set out in Appendix 2
- 4.4 Adoption pay is made on the understanding that you will return to work for at least 3 months when your adoption leave ends. If you do not return to work for the 3-month period, you will have to pay back the equivalent of **6 weeks' adoption pay**, issued at normal pay less any Statutory Adoption Pay paid.
- 4.5 If you are adopting more than one child at the same time as part of the same adoption eg siblings, you will only get one period of adoption leave.
- 4.6 You will **not** get adoption leave if the child is already living with you, for instance, if you are adopting your partner's child or children.
- 4.7 If the child's placement ends for any reason while you are on adoption leave, then you can continue your adoption leave for up to 8 weeks after the placement ends.

##### **Notification and Certification**

- 4.8 To qualify for adoption leave and pay, you need to do the following within 7 days of being notified by the adoption agency that you are being matched with a child:
- (a) notify the Joint Board, in writing, of the date you expect the placement to begin and the date you intend to start your adoption leave;
  - (b) provide the adoption certificate you get from your adoption agency to the Human Resource Manager – you may not get this immediately but you will need to provide it as soon as you get it.
- 4.9 When you have let the Board know the date your adoption leave is likely to start, the Human Resource Manager will write to you within 28 days of getting your notification. In this letter, you will receive confirmation of the latest date when you can return to work if you take your full entitlement to adoption leave.
- 4.10 If you need to change the date you want to start your adoption leave, you will need to give the Board 28 days' notice in writing, where that is reasonably practicable.

## **Return to Work at End of Adoption Leave**

- 4.11 The provisions relating to returning from adoption leave are set out in Appendix 4.
- 4.12 If you want to return to work before the end of your full entitlement, then you must let the Board know when you want to return at least 28 days before the date you want to return. If you do not give the right amount of notice, then the Board can postpone your return to work for up to 21 days, though no later than the end of your full adoption leave period.

## **Maintaining Contact during Adoption Leave**

- 4.13 You and your manager should maintain reasonable contact during your adoption leave. This gives the opportunity to discuss your return to work plans, any job vacancies, development opportunities or significant workplace developments and helps keep you updated during your absence.
- 4.14 You and your manager should discuss and agree mutually suitable contact arrangements before you start your adoption leave. This should cover the frequency of contact, how you will contact each other (eg office visits, home visits, by telephone, letter, e-mail etc.). You can amend these if your circumstances change.
- 4.15 Reasonable contact during the Adoption Leave period does not constitute work and would not count towards the 10 Keeping in Touch Days (see below).

## **5. MATERNITY AND ADOPTION SUPPORT LEAVE AND PAY**

### **Before birth**

- 5.1 If you are the child's father or the partner or nominated carer of the expectant mother (see Definitions - Appendix 1), you are entitled to paid time off to accompany the pregnant woman to up to three ante-natal appointments. Leave is subject to reasonable notice being given and the production of evidence that the appointments are taking place, as well as being subject to the needs of the service.

### **Before adoption**

- 5.2 If you are adopting a child, you are entitled to a maximum of 3 working days' paid leave to allow you to attend the meetings required as part of the adoption process. Leave is subject to reasonable notice being given and the production of evidence of meetings that both prospective parents must attend, as well as being subject to the needs of the service.

## **Maternity and Adoption Support Leave Arrangements**

- 5.3 Maternity and Adoption Support Leave is granted at the time of birth or adoption to an employee who meets the definitions at 6.1. It allows you to:
- (a) care for the child; and/or
  - (b) support the mother or the adopter.
- 5.4 You can only get one period of leave, whether more than one child is placed for adoption at the same time or there is a multiple birth.
- 5.5 If you take Maternity and Adoption Support Leave, you must take either one whole week or a single two-week block. You cannot take two separate weeks. You have to take the leave within 56 days (8 weeks) of the baby's birth or placement. If the baby is born or placed early, you have to take the leave within 56 days of the start of the EWC.

- 5.6 The conditions relating to maternity and adoption leave and pay are set out in Appendix 2. You will not get maternity/adoption support leave or pay if you are already getting maternity leave and pay or adoption leave and pay or shared parental leave and pay.
- 5.7 To qualify for the leave, you have to inform your line manager of the following, in writing, by the 15<sup>th</sup> week before the child is expected, or as soon as is reasonably practicable:
- (a) the week the child is expected to be born or placed;
  - (b) whether you are going to take 1 week or 2 weeks' leave;
  - (c) the date you are going to start your leave;
  - (d) that you will be supporting the mother or adopter;
  - (e) that the child is under 18, in the case of adoptions.
- 5.9 If you need to change the date that you had intended to start your leave, you will need to give the Board 28 days' notice, in writing, where this is reasonably practicable. You will also need to confirm whether you are taking one week or two weeks.

## 6. SHARED PARENTAL LEAVE

- 6.1 Shared Parental Leave (SPL) is available to all eligible parents of children due to be born or expected to be placed for adoption on or after 5 April 2015. If eligible, the mother would end her maternity leave (or the main adopter would end their adoption leave) early and opt instead to share parental leave with the child's father or with her partner. It is up to them how they want to divide their SPL and any entitlement to Shared Parental Pay (ShPP).
- 6.2 Shared Parental Leave is an option and is not compulsory. If you do not want to opt for SPL, you can still take your normal maternity and adoption leave entitlement.
- 6.3 You can take shared parental leave (SPL) if:
- (i) you are the mother or adopter of a child; or
  - (ii) you are either:
    - the father of the child (in the case of birth); or
    - the spouse, civil partner or partner of the child's mother or the child's adopter.

### Eligibility

- 6.4 To be eligible for SPL **both** parents must meet the following criteria:
- They must both have been continuously employed for at least 26 weeks by the end of the 15th week before the EWC;
  - They must still be employed until the week before any period of SPL starts;
  - They will have the main responsibility for caring for the child;
  - The mother is entitled to statutory maternity leave;
  - The mother has stopped her entitlement to maternity leave or has returned to work;



- They have provided their employers with notice of entitlement and intention to take SPL;
- They have provided evidence of the birth or adoption within 14 days of being asked;
- They have given LVJB the correct period of leave notice.

6.5 If you are considering taking SPL, you should speak to your line manager as soon as you can to talk about your plans for leave, in case there are any difficulties in trying to accommodate them.

6.6 When you give your line manager notification of your entitlement to take SPL, they will arrange an informal discussion with you at that point, to talk about your intentions, especially if you have not talked to them about your plans before.

6.7 Even though any such meeting is informal and there is no statutory right to be accompanied you may be accompanied by a workplace colleague or trade union representative if you choose,

**Note:** This right is applicable where one or both partners sharing the leave is employed by LVJB. This means that partners of women who are not LVJB employees may make a request for SPL. See sections 6.17 to 6.23 for further information.

6.8 SPL will also be available to fathers if the mother works but does not qualify for statutory maternity leave. This may be the case if she is self-employed.

### **Shared Parental Leave Arrangements**

6.9 The conditions relating to Shared Parental Leave (SPL) and Pay are set out in Appendix 5 (all staff).

6.10 The mother must take the first two weeks after a birth as compulsory maternity leave. Periods of SPL can overlap so parents can take SPL at the same time or separately and the father can take SPL at any time, including during the first two weeks after the child's birth.

### **Shared Parental Pay (ShPP)**

6.11 The number of weeks that you can receive ShPP will depend on how many weeks the mother takes as maternity leave. It can be paid for a maximum of 37 weeks if:

- you have an average weekly wage for the eight weeks up to and including the 15<sup>th</sup> week before the EWC/matching date that is not less than the lower earnings limit for national insurance contributions;
- you must continue to be employed by us until at least the first week of ShPP;
- you need to give proper notice in line with this policy.

### **Continuous SPL**

6.12 Continuous SPL is where you plan to take only one period of SPL. We cannot refuse a request for continuous SPL, provided you meet the eligibility criteria stated above.

6.13 The total number of weeks you can take as continuous SPL is the total number of weeks still available, once the mother has returned to work or has confirmed the date on which she will return to work. The total will be noted in your notice of entitlement.

## Discontinuous SPL

- 6.14 Discontinuous SPL is where you take up to three separate periods of SPL but return to work for a short time after each period of leave. There is no statutory obligation to agree requests for discontinuous SPL and agreement is at your manager's discretion.
- 6.15 Where you submit notice for discontinuous SPL leave, your manager will do one of the following within two weeks of getting your notice:
- agree your request and confirm that in writing to you; or
  - meet with you to propose alternative dates; or
  - refuse the leave without proposing alternative dates.
- 6.16 If you meet and cannot agree on alternative dates then you can either withdraw the request for SPL entirely **or** take the total amount of leave requested as one continuous period of leave. If you choose the latter, your SPL will start on the date you asked the discontinuous leave to start, provided you have given at least eight weeks' notice to your line manager.

## Requesting SPL and Notice Periods

- 6.17 If you want to take SPL, three things need to happen:
- (i) the mother needs to bring her maternity or adoption leave to an end;
  - (ii) you need to let your line manager know that you are entitled to SPL, confirming your entitlement and how much you intend to take;
  - (iii) you and your line manager need to agree your SPL dates.
- 6.18 To satisfy para 6.17 as above you require to complete an **SPL form**, which is available from the Human Resource Manager or online. In it, you will:
- (i) give notice that you have ended or will end your maternity or adoption leave (or that the mother has done so or will do so);
  - (ii) tell us what your entitlement is;
  - (iii) tell us the dates that you would like to take SPL.

You should send this form to the Human Resource Manager as soon as possible and **at least 8 weeks before the date you want to start SPL**.

- 6.19 The form asks you for the following information:
- the names and national insurance numbers of both parents;
  - the start and end dates of the mother's statutory maternity leave and pay (either contractual, SMP or MA);
  - how much SMP or MA the mother will have received before SPL starts (if she's entitled to any);
  - the EWC or the child's date of birth, if you are giving notice after the birth;
  - the total amount of SPL and ShPP available;

- confirmation that the leave is being shared with someone who has joint childcare responsibilities with the person applying;
- confirmation that, if they are not the mother/adopter, they're either the father of the child or the spouse, civil partner or partner of the mother/adopter,
- an indication of how much SPL and ShPP each partner intends to take with the proposed start and end dates;
- confirmation that:
  - both parents satisfy the eligibility criteria;
  - that the information given is accurate;
  - that you will notify your manager if either you or your partner stops meeting the eligibility criteria for SPL and ShPP.

6.20 If you give notice before the birth, you can change that any time **before the end of the sixth week after the date of birth**. This allows you to change your plans if there are any complications or changes in your circumstances after the birth of the child. If you are giving notice before your child is born or placed, then you can ask for a start date any number of days after the child is born.

6.21 You can vary or cancel an agreed and booked period of SPL, provided you give your line manager at least eight weeks' notice before you want the change to start. **Up to 8 weeks or more before the date you intend to start SPL** there is no limit on the number of times you can vary your SPL arrangements. However, once you are **within 8 weeks of starting SPL, you can only request a maximum of three variations** and these must be given at least 8 weeks before start date of the requested change.

6.22 A variation will not count towards the total of three if:

- (i) the child is born early; or
- (ii) LVJB asks you to change your dates and you agree for your variations are agreed, the Human Resource Manager will confirm that to you in writing within 14 days of receipt.

### **Contact during SPL**

6.23 Your line manager will discuss arrangements for keeping in touch with you before you start your SPL. LVJB reserves the right in any event to maintain reasonable contact with all employees from time to time SPL. This may be to discuss plans to return to work, to ensure employees are aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### **Return to Work Arrangements**

6.24 The conditions relating to returning from Shared Parental Leave are set out in [Appendix 6](#).

6.25 You will be expected to return to work on the next working day after the end date you agreed with your line manager, unless you notify us otherwise. If you are sick on that day, you must report this in line with LVJB's sickness absence reporting procedure. If you do not return on the agreed date without prior authorisation, your absence will be treated as unauthorised absence.

6.26 If you want to return to work earlier than agreed, you will need to give us at least eight weeks' notice of your proposed return date. This will count as one of your three notifications. If you have already used your three notifications to book or vary leave, then we do not have to accept your notice to return early. However, if your line manager feels that it is reasonably practicable to do so, they can agree.

## **7. KEEPING IN TOUCH (KIT) & SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAYS**

7.1 You can work up to 10 KIT days if you decide to take maternity or adoption leave.

7.2 If you opt to take Shared Parental Leave (SPL), you are entitled to take up to 20 SPLIT days during your period of SPL. This means that if you are the mother of the child, or the main adopter, and you take shared parental leave, you are entitled to up to 10 KIT days plus 20 SPLIT days. Note that you have to take any KIT days during your period of maternity leave ie before you take any SPL.

7.3 Taking KIT or SPLIT days does not bring maternity, adoption or shared parental leave to an end and nor does it extend it. You can use the days in a single block of 10 days (or 20 for SPL) or use them separately for any work-related activity that helps keep you informed and involved with the workplace. This could be coming in to do your normal job, working on a project, shadowing a colleague, attending team meetings or taking parting training or development.

7.4 You do not have to take any KIT or SPLIT days. Your line manager cannot insist you do any work during maternity, adoption or shared parental leave and you cannot insist on being given work to do. You and your line manager should discuss and agree whether you are going to take any KIT or SPLIT days, what you will do on those days and agree the dates before you start your maternity, adoption or shared parental leave.

7.5 You will be paid at your normal rate for any KIT or SPLIT days you work, pro-rata for any part days worked. Pay for KIT and SPLIT days is inclusive of any Statutory Maternity Pay or Statutory Adoption Pay.

7.6 If your manager agrees, you can use SPLIT days to work part of a week during SPL. You can also use SPLIT days as a phased return to work towards the end of a period of SPL or to trial a possible flexible working pattern.

## **8 CONTRACTUAL ISSUES**

### **Maternity Leave**

8.1 Maternity Leave is not treated as sick leave and will not be counted towards sickness absence.

8.2 Your time on maternity leave counts towards continuous service with LVJB.

8.3 Your contractual terms and conditions of service are preserved, with the exception of pay ie you are paid whatever you are entitled to under LVJB's Maternity Pay scheme rather than your normal salary.

8.4 You will continue to accrue contractual annual leave and public holidays during your maternity leave. You must agree with your manager how you want to use the leave you have accrued. If you are going on an employment break after your maternity leave, you will have to use all your accrued leave before you start your employment break.

## **Adoption Leave**

- 8.5 The above advice will similarly apply to employees who take adoption leave.

## **Shared Parental Leave**

- 8.6 The above advice also applies to employees who take sharing parental leave.

## **9 PENSION ISSUES**

- 9.1 If you are a member of the Local Government Pension Scheme (LVJB's scheme is Lothian Pension Fund) and you qualify for occupational maternity/adoption pay or Statutory Maternity Pay, you will continue making pension contributions from whatever pay you get. If you then go to a period of unpaid the maternity/adoption/shared parental leave, then you will have to decide if you want to continue to pay pension contributions. When you return to work, you have 30 days from the date of your return to decide if you want pay the extra contributions.
- 9.2 If you tell us that you are not returning to work, you also have 30 days from the date that you let us know to decide if you want to make the extra payments.
- 9.3 If you do not pay pension contributions for the unpaid period of your maternity leave, then that period will not count as membership of the Local Government Pension Scheme.
- 9.4 If your unpaid period of leave is for 30 days or less, both you and LVJB have to pay the normal pension contributions due. This happens automatically and it means that a period of leave of that length will count as a period of Pension Scheme membership.

## **10 LOCAL AGREEMENT**

- 10.1 This document is a local collective agreement between the Joint Board and Unison the recognised Trade Union. 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 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.

## DEFINITIONS

TERM	MEANING
<b>Adoption</b>	Formal adoption of a child newly matched for adoption by an employee who is named on the approved adoption agency's matching certificate.
<b>Childbirth</b>	Means the birth of a living child or, after 24 weeks of pregnancy, the birth of a child whether living or dead.
<b>Continuous Service</b>	Means continuous service with the Lothian Valuation Joint Board (or its predecessors) or any local authority or employer to which the <i>Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 (as amended)</i> applies.  <b>Note:</b> Certain exceptions apply for "Red Book" employees returning to local government service following a break for maternity reasons provided the break does not exceed 8 years and that no paid employment has intervened.
<b>Expected week of childbirth (EWC)</b>	"Week" in this context means the period of 7 days, beginning at 0000 hours on Sunday, in which the birth is expected to take place.
<b>Maternity Allowance (MA)</b>	A benefit paid to pregnant women who usually work but do not qualify for SMP.
<b>Nominated Carer</b>	A person nominated by the mother or adopter to assist in the care of the child and to provide support to the mother or adopter at or around the time of the birth or adoption placement.
<b>Parent</b>	Is a child's mother, father, guardian, foster carer or some other person with parental responsibility.
<b>Qualifying week</b>	The 15 <sup>th</sup> week before the week in which the maternity certificate indicates that the baby is due.
<b>Shared Parental Leave (SPL)</b>	Leave which entitles eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. It can be taken once the mother or main adopter has given notice that they are bringing their maternity or adoption leave to an end.
<b>Shared Parental Pay (ShPP)</b>	A legal entitlement to an amount of pay set annually by the Government that is made to parents who take shared parental leave. It is available for a maximum of 39 weeks, offset against the number of weeks of maternity or adoption leave taken.
<b>Statutory Adoption Pay (SAP)</b>	A legal entitlement to an amount of pay set annually by the Government that is made to employees or former employees who adopt a child.
<b>Statutory Maternity Pay (SMP)</b>	A legal entitlement to an amount of pay set annually by the Government that is made to female employees or former employees who have had or are about to have a baby.
<b>Statutory Paternity Pay (SPP)</b>	A legal entitlement to an amount of pay set annually by the Government that is made to male employees or former employees who are absent on paternity leave.
<b>Week's pay</b>	If your pay does not change with the amount of work done over the period, a week's pay is the amount the LVJB pays the employee under their contract of employment for working their normal hours in a week.  Where there are no normal working hours, a week's pay is the average pay over the 12 weeks before the date on which the last complete week ended, excluding any week where the employee did not get any pay.

## MATERNITY AND ADOPTION BENEFITS

	Statutory Entitlement	Eligibility Requirement	LVJB Enhancement	Eligibility Requirement
<b>Maternity Leave</b>	Up to <b>52 weeks</b> – can start 11 weeks before EWC.	No minimum service but must be in employment.	Up to <b>63 weeks</b> – can start 11 weeks before EWC.	Employed for 26 weeks continuously up to 15 weeks before EWC.
<b>Maternity Pay</b>	<b>6 weeks</b> @ 90% of normal pay plus up to 33 weeks pay at SMP rate or 90% of normal salary whichever is lowest.  <b>Total 39 weeks' pay.</b>	Employed for 26 weeks continuously up to 15 weeks before EWC.	<b>14 weeks*</b> @ normal pay plus up to 25 weeks @ SMP rate or 90% of normal salary whichever is lowest.  <b>Total 39 weeks' pay</b>  *reduced to 8 weeks if you do not return to work for at least 3 months after end of maternity leave period.	Employed for 26 weeks continuously up to 15 weeks before EWC.
<b>Adoption Leave</b>	Up to 52 weeks – can start 11 weeks before EWC.	No minimum but must be in employment.	No enhancement to statutory entitlement.	N/A
<b>Adoption Pay</b>	39 weeks pay at SMP rate or 90% of normal salary whichever is lowest.	Employed for 26 weeks continuously up to date notified of match.	<b>14 weeks*</b> @ normal pay plus up to 25 weeks @ SMP rate or 90% of normal salary whichever is lowest.  <b>Total 39 weeks' pay</b>  *reduced to 8 weeks if you do not return to work for at least 3 months after end of maternity leave period.	Employed for 26 weeks continuously up to 15 weeks before EWC.
<b>Maternity/Adoption Support Leave and Pay</b>	1 or 2 weeks @ SMP rate or 90% of normal salary whichever is lowest.	<ol style="list-style-type: none"> <li>1. Employed for 26 weeks continuously up to 15 weeks before EWC; <b>or</b> date notified of match.</li> <li>2. You must be the father, the husband or partner of the mother or adopter or the child's adopter.</li> </ol>	1 week @ normal pay plus 1 week @ SMP rate	<ol style="list-style-type: none"> <li>1. Employed for 26 weeks continuously up to 15 weeks before EWC; <b>or</b> date notified of match.</li> <li>2. You are child's father or the mother's partner; <b>and</b></li> <li>3. You have or expect to have responsibility for the upbringing of the child.</li> </ol>
			1 week @ normal pay plus up to 1 week unpaid leave.	Employed for less than 26 weeks.

## RETURNING FROM MATERNITY AND ADOPTION LEAVE

	Statutory Entitlement	Eligibility	LVJB Enhancement	Eligibility
<b>Return from Maternity Leave</b>	<p><b>NOTICE</b></p> <ol style="list-style-type: none"> <li>1. If you return after taking your full entitlement to maternity leave, you do not need to give notice of your return.</li> <li>2. If you want to return to work before the end of your full entitlement, you need to give your manager 28 days' notice. If you do not, your return may be postponed by your manager as follows: <ul style="list-style-type: none"> <li>- By up to 7 days If you were entitled to 52 weeks leave</li> <li>- By up to 21 days, if you were entitled to 63 weeks leave.</li> </ul> </li> <li>3. If you take up to 26 weeks' leave you can return to the same job;</li> <li>4. If you take more than 26 weeks' leave, you have the right to return to the same or a similar job.</li> </ol>	Employed for 26 weeks continuously up to 15 weeks before EWC	<ol style="list-style-type: none"> <li>1. You have the right to return to the same job you were doing before you went on maternity leave.</li> <li>2. If your job has changed /does not exist on your return, you are entitled to be offered a suitable alternative post if one exists.</li> </ol>	As for statutory entitlement –see column 2.
<b>Return from Adoption Leave</b>	<ol style="list-style-type: none"> <li>1. If you return after taking your full entitlement to maternity leave, you do not need to give notice.</li> <li>2. If you want to return to work before the end of your full entitlement, you need to give your manager 28 days' notice.</li> <li>3. If you do not, your return may be postponed by you by up to 21 days.</li> <li>4. If you take up to 26 weeks' leave you can return to the same job.</li> <li>5. If you take more than 26 weeks' leave, you have the right to return to the same or a similar job</li> </ol>	Employed for 26 weeks continuously up to 15 weeks before EWC	<ol style="list-style-type: none"> <li>1. You have the right to return to the same job you were doing before you went on maternity leave.</li> <li>2. If your job has changed/does not exist on your return, you are entitled to be offered a suitable alternative post if one exists.</li> </ol>	



## SHARED PARENTAL LEAVE AND PAY BENEFITS

	Statutory Entitlement	Eligibility
<b>Shared Parental Leave</b>	<ol style="list-style-type: none"> <li>1. Up to 50 weeks to be taken before the child's first birthday <b>OR</b> before the first anniversary of the child's placement;</li> <li>2. Minimum period is one week;</li> <li>3. Can be taken in one single block or up to three separate blocks;</li> <li>4. Can start on any day of the week.</li> </ol>	<ol style="list-style-type: none"> <li>1. Both parents to have been continuously employed for at least 26 weeks by the end of the 15<sup>th</sup> week before EWC;</li> <li>2. Mother must be entitled to statutory maternity leave <b>OR</b> the main adopter must be entitled to statutory adoption leave;</li> <li>3. Mother must have stopped her maternity leave or agreed to end it <b>OR</b> the main adopter must have stopped their adoption leave or agreed to end it;</li> <li>4. Employee must have given at least 8 weeks' notice that they want to take SPL.</li> </ol>
<b>Shared Parental Pay</b>	<ol style="list-style-type: none"> <li>1. Up to 37 weeks at the statutory Shared Parental Pay (ShPP) rate.</li> </ol>	<p>As above plus:</p> <ol style="list-style-type: none"> <li>1. The mother must be entitled to statutory maternity pay <b>OR</b> the main adopter is entitled to statutory adoption pay;</li> <li>2. The mother must have agreed to end her entitlement to maternity pay early <b>OR</b> the main adopter must have agreed to end their entitlement to adoption pay early;</li> <li>3. You must be looking after the child during the weeks you're getting ShPP;</li> <li>4. You must continue to be employed by the LVJB until at least the first week you get ShPP.</li> </ol>

## RETURNING FROM SHARED PARENTAL LEAVE

	Statutory Entitlement	Eligibility	LVJB Enhancement	Eligibility
<b>Return From Shared Parental Leave</b>	<ol style="list-style-type: none"> <li>1. If you take 26 weeks or less leave (including maternity/ adoption/ paternity and SPL) you have the right to return to the same job.</li> <li>2. If you take more than 26 weeks leave (including maternity/ adoption/ paternity and SPL) you have the right to return to the same job unless it is not reasonably practicable to do so.</li> </ol>	<ol style="list-style-type: none"> <li>1. Both parents to have been continuously employed for at least 26 weeks by the end of the 15<sup>th</sup> week before EWC;</li> <li>2. Mother must be entitled to statutory maternity leave <b>OR</b> the main adopter must be entitled to statutory adoption leave;</li> <li>3. Mother must have stopped her maternity leave or agreed to end it <b>OR</b> the main adopter must have stopped their adoption leave or agreed to end it;</li> <li>4. Employee must have given at least 8 weeks' notice that they want to take SPL.</li> </ol>	<ol style="list-style-type: none"> <li>1. You have the right to return to the same job you were doing before you went on SPL regardless of the length of leave, unless it is not reasonably practicable to do so.</li> <li>2. If you cannot return to your previous post, then you are entitled to be offered a suitable alternative post, where a vacancy exists.</li> </ol>	As for statutory entitlement – see column 2.



## Future Meeting Arrangements June 2016 to June 2017

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8 February 2016

### Purpose of Report

- 1 To advise members of the proposed schedule of meetings for the Lothian Valuation Joint Board for the period to June 2017 and arrangements for meetings of the Joint Consultative Group.

### Main report

- 2 The meetings of the Lothian Valuation Joint Board have been arranged on an approximate twelve-week cycle adjusted, as far as possible, to take into account the meeting schedules of the constituent authorities represented on the Board.
- 3 It has been normal practice to schedule meetings of the Joint Consultative Group (JCG) approximately two weeks in advance of the Board. However, as these meetings have been infrequent, agreement has been reached with the trade union (UNISON) that meetings will be arranged on an "on request" basis.
- 4 Proposed dates for meetings of the Joint Board for the period to June 2017 are shown below. Specific meetings are included to consider the Joint Board's Revenue Budget for 2017/18 as well as the Unaudited Accounts for 2015/16 and 2016/17.

<b>Proposed Date</b>	<b>Time</b>
Monday 20 June 2016 (Unaudited Accounts)	10:00am
Monday 5 September 2016	10:00am
Monday 14 November 2016	10:00am
Monday 6 February 2017 (Revenue Budget)	10:00am
Monday 10 April 2017	10:00am
Monday 26 June 2017 (Unaudited Accounts)	10:00am

## Recommendation

- 5 To approve the schedule of meetings as detailed for the period June 2016 to June 2017.

**Andrew Kerr**  
Chief Executive and Clerk

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**Appendices** None

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**Background Papers** None