

Policy and Sustainability Committee

10am, Tuesday, 23 February 2021

Policies Update – Strategy and Communications

Executive/routine Wards Council Commitments	Routine
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1. Recommendations

- 1.1 To approve the appended policies.
- 1.2 To note that the appended Information Governance Policy replaces the existing suite of Information Governance policies as indicated at 4.2.

Andrew Kerr

Chief Executive

Contact: Ross Murray, Governance Officer

E-mail ross.murray@edinburgh.gov.uk | Tel: 0131 469 3870

Policies Update – Strategy and Communications

2. Executive Summary

- 2.1 To ensure that Council policies reflect current legislative requirements, best practice and remain fit for purpose, all Council directorates and policy owners are required to review their policies on an annual basis.
- 2.2 Updated policies for the Strategy and Communications Division are submitted for approval.

3. Background

- 3.1 Council policies are key governance tools. Developing, implementing and following these policies helps to achieve the Council's vision, values, pledges and outcomes. They are critical to the Council's operations and compliance with the policies ensures that statutory and regulatory obligations are met in an efficient and accountable manner.
- 3.2 To strengthen governance arrangements in this area, a policy framework has been developed to ensure that all Council policies are easily accessible and are created and renewed in a consistent manner and to an appropriate standard. This includes the development of a comprehensive register of Council policies and the introduction of a policy template to provide the Council with a standardised format in terms of content and style.
- 3.3 The Corporate Policy and Strategy Committee agreed the approach detailed above on 3 September 2013.

4. Main report

- 4.1 A critical element of the policy framework is to ensure that all Council policies remain fit for purpose. This requires each directorate and policy owner to review, on an annual basis, all policies relevant to their services and to provide the necessary level of assurance that these policies are current and relevant or make the required changes to the policies.
- 4.2 Strategy and Communications are responsible for the following Council policies:

- 4.2.1 Advertising and Sponsorship Policy
- 4.2.2 Archives Policy
- 4.2.3 Civic Hospitality Policy
- 4.2.4 Corporate Complaints Policy
- 4.2.5 Data Quality (replaced by Information Governance Policy)
- 4.2.6 Fair Trade Policy Statement
- 4.2.7 Information Governance Policy
- 4.2.8 Information Rights Policy (replaced by Information Governance Policy)
- 4.2.9 Information Security Policy (replaced by Information Governance Policy)
- 4.2.10 Managing customer contact in a fair and positive way
- 4.2.11 Managing Personal Data Policy (replaced by Information Governance Policy)
- 4.2.12 Records Management Policy (replaced by Information Governance Policy)
- 4.2.13 Resource Use Policy
- 4.2.14 Re-use of Public Sector Information (replaced by Information Governance Policy)

4.3 The following policies are submitted for approval:

Policy	Status
Advertising and Sponsorship Policy	<p>The Covid pandemic has had a significant impact on the advertising and sponsorship industry as the initial lockdown and subsequent restrictions has resulted in a significant reduction in advertising being placed, especially, for example, as events, live music, hospitality, retail, travel and tourism industries have been affected. While some advertisers are returning to the market, the uncertainty over further/more variable restrictions being implement by governments means that businesses are being cautious.</p> <p>In addition, the UK and Scottish Government’s proposals to make changes to legislation that might impact this policy have also not progressed due to the pandemic.</p> <p>When Committee approved the policy in August 2019, it specifically noted that the policy “did not address risk of impact on the Council and city</p>

	<p>when policy and advertising was not on Council property but had a direct association with the Council” and agreed “to request that the Executive Director of Resources explore with contracted external organisations and ALEOs, how best to address this and to report back to Committee as part of the annual review”. Engagement with external organisations and ALEOs was taken forward but then impacted by the pandemic, and in respect of ALEOs the focus of officers has been on supporting them at this time.</p> <p>The policy remains unchanged at this time.</p>
Civic Hospitality Policy	<p>An updated Civic Hospitality Policy was submitted to the Finance and Resources Committee on 21 January 2021.</p> <p>This update widened established criteria to allow for requests for civic hospitality to include the Depute Lord Provost as a co-consultee and a substitute in the absence of the Lord Provost.</p> <p>A further adjustment in terms of key anniversaries was approved. Beyond 100 years anniversaries can now be marked every 25 years rather than to the previous 50-year cycle.</p>
Corporate Complaints Policy	<p>This policy has been subject to a minor change to reflect the revised model complaint handling procedure issued by the Scottish Public Services Ombudsman in 2019.</p>
Fair Trade Policy Statement	<p>No material changes in last 12 months, however minor updates to the policy aim to incorporate the Council’s signing of the Fair Trade Charter and an addition to the key objectives to work with the Edinburgh Fairtrade City Steering Group and other stakeholders to promote and increase the share of fair and fairly traded goods purchased and consumed in the city. The policy statement remains fit for purpose.</p>
Information Governance Unit Policy	<p>The Council’s suite of information governance policies has been reduced to one over-arching information governance policy. The policy sets out a series of principles which underpin the Council’s</p>

	continued commitment to good information governance and compliance with information legislation. The policy is supported by a series of standards, procedures and training to make it more accessible and relevant for Council staff and citizens.
Managing Customer Contact in a Fair and Positive Way Policy	This policy has been reviewed and remains fit for purpose.

- 4.4 All Council policies are available through an interactive directory on the Council's website.

5. Next Steps

- 5.1 These policies will continue to be reviewed on an ongoing basis to ensure that they remain fit for purpose.

6. Financial impact

- 6.1 There are no direct financial impacts as a result of this report.

7. Stakeholder/Community Impact

- 7.1 Consultation will be undertaken, where appropriate, with recognised trades unions as part of the Council's Working Together Protocol and local collective consultation arrangements.
- 7.2 All Strategy and Communications Policies are on, or will be moved on to, the required template. This requires an integrated impact assessment to be conducted where necessary to ensure that relevant equalities and sustainability considerations have been taken into account.

8. Background reading/external references

- 8.1 [Civic Hospitality Policy and Budget Adjustments – Finance and Resources Committee – 21 January 2021](#)
- 8.2 [Policy Assurance – Strategy and Communications Division – Policy and Sustainability - 6 August 2019](#)

9. Appendices

Appendix 1 – Current Status of Policies

Appendix 2 – Advertising and Sponsorship Policy

Appendix 3 – Civic Hospitality Policy

Appendix 4 – Corporate Complaints Policy

Appendix 5 – Fair Trade Policy Statement

Appendix 6 – Information Governance Policy

Appendix 7 – Managing Customer Contact in Fair and Positive Way Policy

Appendix 1 – Current Status of Policies

Title:	Advertising and Sponsorship Policy
Approval date:	6 August 2019
Approval body:	Policy and Sustainability Committee

Title:	Archives Policy
Approval date:	6 August 2019
Approval body:	Policy and Sustainability Committee

Title:	Corporate Complaints Policy
Approval date:	6 August 2019
Approval body:	Policy and Sustainability Committee

Title:	Civic Hospitality Policy
Approval date:	21 January 2021
Approval body:	Finance and Resources Committee

Title:	Data Quality
Approval date:	25 May 2019
Approval body:	Policy and Sustainability Committee

Title:	Fair Trade – Policy Statement
Approval date:	24 January 2017
Approval body:	Policy and Sustainability Committee

Title:	Information Governance Policy
Approval date:	6 August 2019
Approval body:	Policy and Sustainability Committee

Title:	Information Rights Policy
Approval date:	6 August 2019
Approval body:	Policy and Sustainability Committee

Title:	Information Security Policy
Approval date:	6 August 2019
Approval body:	Policy and Sustainability Committee

Title:	Managing Personal Data Policy
Approval date:	6 August 2019
Approval body:	Policy and Sustainability Committee

Title:	Managing Customer Contact in a Fair and Positive Way
Approval date:	6 August 2019
Approval body:	Policy and Sustainability Committee

Title:	Records Management Policy
Approval date:	6 August 2019
Approval body:	Policy and Sustainability Committee

Title:	Re-use of Public Sector Information
Approval date:	6 August 2019
Approval body:	Policy and Sustainability Committee

Advertising and sponsorship policy

1. Objectives

- 1.1 To provide policy on proposals for (i) advertising by third parties which would be installed on assets directly owned by the Council, and (ii) third party sponsorship of Council events or initiatives.
- 1.2 To set out existing recognised industry codes, legislation, regulations and Council policies and guidance which influence and impact upon advertising and sponsorship activities.
- 1.3 This policy aims to:
 - 1.3.1 establish a corporate approach and standards to guide the consideration of proposals for advertising and sponsorship as set out in this policy;
 - 1.3.2 establish governance arrangements that ensure that future advertising and sponsorship proposals are considered by appropriate Council directorates/divisions prior to approval;
 - 1.3.3 ensure the Council complies with its legislative obligations, and Council policies, and is also guided by relevant nationally recognised industry codes;
 - 1.3.4 support the Council's strategic objectives;
 - 1.3.5 support the Council securing Best Value and maximisation of income;
 - 1.3.6 support the Council's development of suitable commercial partnerships;
 - 1.3.7 uphold the Council's reputation and brand;
 - 1.3.8 support the safeguarding of citizens' interests and their well-being, and the image and environment of those elements of the local authority area which are within the control of the Council, and not the subject of separate regulation or control; and
 - 1.3.9 support the alignment of the Council's involvement in advertising and sponsorship to the Council's corporate social responsibility.

2. Advertising and sponsorship: descriptions

- 2.1 Advertising and sponsorship can encompass goods, services, ideas, causes, opportunities, prizes and gifts.

Advertising

- 2.2 Advertising is a form of communication used to raise awareness, encourage or persuade an audience - viewers, readers or listeners or a specific group of people - to do or believe something. Advertising is usually paid for by an organisation.
- 2.3 Advertising messages can take a variety of forms and can be viewed through a wide range of media and platforms including, but not limited to, newspapers, magazines, television commercials, radio advertising, out of home advertising, direct mail, online and digital such as paid social media, blogs and other electronic platforms. Advertising mediums change rapidly in the digital and electronic age. This policy aims to be sufficiently flexible to encompass platforms which are yet to be developed.
- 2.4 The Council seeks to generate and maximise income from Council-owned assets. This policy is intended to cover third party advertising which would be installed on assets directly owned by the Council, but not advertising in public realm areas, park and greenspace and Council-owned development/brownfield sites which are subject to separate contractual agreements.
- 2.5 The Council uses advertising for a range of activities which promote the Council's commitments and strategic objectives, and ultimately enhance and maintain the Council's reputation. When undertaking such advertising, be it on assets owned by the Council or by third parties, the Council already adheres to existing relevant nationally recognised industry codes, legislation, regulations and Council policies. This practice would continue.

Sponsorship

- 2.6 To sponsor something is to support an event, activity, person or organisation financially or by providing products or services. The relationship should be mutually beneficial. Sponsorship should not be confused with other types of funding which the Council provides such as grants, and which are not subject to this policy.
- 2.7 Sponsorship is a business relationship between the provider of funds, resources or services and an individual, event or organisation which offers in return rights and association that may have commercial advantage in return for the investment.
- 2.8 There can be cross over between how advertising and sponsorship works in practice. For example, advertising on Council-owned roundabouts may be referred to as sponsorship because the advertising income supports the cost of maintaining those sites. This policy is intended to cover third party sponsorship of Council events or initiatives.

Extent of policy application

- 2.9 Subject to the terms of this policy, this policy is not intended to cover (i) pre-existing contractual arrangements the Council has entered into, (ii) any current or future grant funding arrangements entered into by the Council, (iii) any matters which are the subject of separate regulation, for instance matters regulated by separate planning or licensing regimes, (iv) the activities or operations of the Lothian Pension Fund, or (v) the activities of school parent councils.

3. Industry codes

- 3.1 The advertising industry operates within a heavily legislated and regulated landscape with strict industry codes. The Council will always adhere to the terms of any current legislation and relevant nationally recognised industry codes.
- 3.2 The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising across all online and offline media. The UK advertising codes lay down rules for advertisers, agencies and media owners to follow. The ASA proactively monitors advertising for compliance as well as responding to complaints, and issues rules on its investigations.
- 3.3 The ASA codes of practice are the 'rule books' which cover two areas:
- 3.3.1 non-broadcast advertising and direct and promotional marketing ([CAP code](#)): the central principle of this code for all marketing communications is that they should be legal, decent, honest and truthful. All marketing communications should be prepared with a sense of responsibility to consumers and society and should reflect the spirit, not merely the letter, of the code; and
- 3.3.2 broadcast media ([BCAP code](#)): the overarching principles of this code are that advertisements should not mislead or cause serious or widespread offence or harm, especially to children or the vulnerable.
- 3.4 The ASA codes cover a wide range of guidance including:
- misleading advertising;
 - harm and offence;
 - political advertisements;
 - environmental claims;
 - medicines, medical devices, health-related products and beauty products;
 - weight control and slimming;
 - financial products;
 - gambling;
 - lotteries;
 - alcohol;
 - tobacco, rolling papers and filters;
 - electronic cigarettes; and

- specific guidance when featuring or addressing children.

3.5 The ASA provisions on food, food supplements and associated health or nutrition claims highlights that the ASA rules must be read in conjunction with the relevant legislation which applies to all marketing communications for food products, including the Food Safety Act 1990, the Food Information Regulations 2014 and Regulation (EC) No 1924/2006 on nutrition and health claims made on foods (the EU Regulation).

3.6 The ASA code also highlights that:

“Public health policy increasingly emphasises good dietary behaviour and an active lifestyle as a means of promoting health. Commercial product advertising cannot reasonably be expected to perform the same role as education and public information in promoting a varied and balanced diet but should not undermine progress towards national dietary improvement by misleading or confusing consumers.”

3.7 The ASA codes include specific rules on "HFSS products" ie those food or soft drink products that are assessed as high in fat, salt or sugar in accordance with the Department of Health nutrient profiling model. It also includes guidance on HFSS advertising in proximity to schools.

4. Legislation and regulations

4.1 Legislation and regulations which have impact on advertising and sponsorship currently include:

4.1.1 Local Government Act 1986;

4.1.2 the Town and Country Planning (Scotland) Acts which include regulations which control the display of advertising, such as on billboards.

4.1.3 the Communications Act 2003 also specifies strict rules to which media service providers must adhere;

4.1.4 Supply of Goods and Services Act 1982;

4.1.5 Consumer Protection from Unfair Trading Regulations 2008; and

4.1.6 Business Protection from Misleading Marketing Regulations 2008.

5. Advertising and sponsorship principles

5.1 This policy applies to proposals for (i) advertising by third parties which would be installed on assets directly owned by the Council, and (ii) third party sponsorship of Council events or initiatives.

- 5.2 Whether advertising and/or sponsorship proposals within the scope of this policy should be approved by the Council will be decided on a case-by-case basis on the merits of each opportunity or request, as assessed taking into account this policy. Council directorates/divisions assessing such proposals must consult with the appropriate Council specialists set out in section 6.
- 5.3 The Council welcomes opportunities to collaborate with third parties on sponsorship/advertising proposals. The Council does, however, reserve the right to refuse an advertising or sponsorship proposal where such a proposal, including an association with the party in question, may cause reputational damage to the Council or the city.
- 5.4 Advertising or sponsorship should not put the Council or the third party in question in a position where it could be said that the proposal may be perceived:
- 5.4.1 as seeking to unduly influence the Council; and/or
 - 5.4.2 as aligning the Council with any organisation which conducts itself in a way which directly conflicts with Council strategic priorities and values.
- 5.5 An advertisement or sponsorship proposal will not be approved if, in the opinion of the Council, it does any of the following, or might reasonably be perceived as doing so:
- 5.5.1 does not adhere to relevant nationally recognised industry codes, legislation or Council policies;
 - 5.5.2 may result in the Council being subject to legal proceedings;
 - 5.5.3 appears to promote racial or sexual discrimination, or discrimination based on disability, faith, gender or age, or would result in the Council being in breach of its legal obligations;
 - 5.5.4 is disparaging any person or class of persons;
 - 5.5.5 promotes or incites illegal, violent or socially undesirable acts;
 - 5.5.6 promotes tobacco or tobacco related products (such as vaping), weapons, gambling or illegal drugs;
 - 5.5.7 is deemed inappropriate for children or young people, eg violent or pornographic imagery;
 - 5.5.8 infringes any intellectual property rights, eg trademark, copyright or patent rights, of a third party;
 - 5.5.9 includes claims or representations in violation of advertising or consumer protection laws; and/or
 - 5.5.10 associates the Council to or lends support to any particular political party or a cause identified with any particular political party.

- 5.6 This advertising and sponsorship policy should be applied alongside existing Council policies and guidance, where relevant, including the following:
- 5.6.1 [Policy and procedures on sponsorship of events targeted at school pupils](#);
 - 5.6.2 Approved Edinburgh Planning Guidance on [Advertisements, Sponsorship and City Dressing](#) policy which gives guidance on proposals for advertisements, sponsorship, city dressing, and the location of flagpoles, flags and banners – set out by Planning and the [approval process](#) for city dressing led by Culture Services;
 - 5.6.3 [Edinburgh Design Guidance](#) led by Planning;
 - 5.6.4 the [approved policy for advertising](#) on on-street structures led by Planning;
 - 5.6.5 proposed revised Edinburgh Planning Guidance on Outdoor Advertising and Sponsorship;
 - 5.6.6 the Council's Contract Standing Orders.
- 5.7 The Council must ensure a return on investment when it is receiving sponsorship.
- 5.8 As regards sponsorship, (i) the proposed sponsorship must support or further the Council's strategic objectives, (ii) reasonable steps must be taken to ensure the party the proposed sponsorship relates to discloses any current regulatory applications/consents relating to them/related organisations/close associates in respect of the Council area, or if they are involved in any current dispute with the Council or if there are outstanding debts owed to the Council, (iii) a suitable risk assessment must be conducted in respect of the event or activity in question, and (iv) the Executive Director of Communities and Families must be consulted should any proposed sponsorship event or activity be focused on children or young people. There must be no risk of misperception that the party the sponsorship arrangement is with will be looked upon sympathetically for other purposes such as access to elected members outside the sponsored event or activity, and the sponsorship proposal must secure Best Value with any benefits conferred by it being proportionate.
- 5.9 All sponsorship or advertising proposals shall be the subject of a suitable agreement between the Council and the third party in question.
- 5.10 The use of Council branding and logos, and any other intellectual property of the Council, by any third party is not permitted except with the prior written agreement of the Council and must adhere to the Council's brand guidelines.
- 5.11 The size and positioning of third party logos on any Council promotional material, goods or signage must be considered by the appropriate lead officer in consultation with the Council's communications team.

6. Responsibility for approving and monitoring

- 6.1 The lead officer in the Council service responsible for approving an advertising or sponsorship proposal must make sure that any proposed arrangement does not constitute unlawful financial aid or is not permitted under relevant legislation, regulations, nationally recognised industry codes and existing Council policy and guidance, including in terms of this policy.
- 6.2 An officer may only offer or accept advertising or sponsorship proposals on the Council's behalf with authorisation from the relevant Head of Service and Executive Director, subject to the Council's Scheme of Delegation, and after having consulted with the following specialist Council teams:
- Commercial and Procurement Services;
 - Communications;
 - Legal Services; and
 - Property and Facilities Management.
- 6.3 Certain advertising or sponsorship proposals may require specific committee approval, in terms of the Council's Scheme of Delegation and related governance framework.

Civic Hospitality Policy

Policy statement

- 1.1 This policy sets out how expenditure on civic hospitality should be managed and agreed.

Scope

- 2.1 This policy applies to all civic hospitality provided by the Council, whether on its own initiative or in response to an application. It does not apply to general hospitality which for example would include tea and coffee for meetings or training events.

Definitions

- 3.1 Civic Hospitality can be provided for a variety of reasons and is provided on behalf of the Council, a particular Council committee or the Lord Provost. Civic Hospitality should not be provided for political purposes. When deciding whether to approve civic hospitality, consideration should be given as to whether it is in line with the Council's strategic priorities. Additionally, civic hospitality should only take place for one or more of the following reasons:
- 3.1.1 To welcome distinguished visitors to the City;
 - 3.1.2 To mark special achievements and/or present awards;
 - 3.1.3 To celebrate the major anniversaries of organisations which have contributed to the general wellbeing of the City;
 - 3.1.4 Hospitality in connection with the civic services at St Giles Cathedral;
 - 3.1.5 Hospitality associated with Edinburgh's festivals;
 - 3.1.6 Hospitality in connection with prestigious conferences, events or festivals taking place within the City; or
 - 3.1.7 To promote the Council's strategic priorities or a committee's objectives or policies.

Policy content

- 4.1 Civic hospitality should, wherever practical, be held on Council premises. If accommodation on Council premises is not available or is insufficient then alternative locations may be agreed by the Chief Executive.
- 4.2 The Lord Provost, Deputy Convener or nominated Baillie will host the majority of civic receptions. The appropriate committee convener or his/her nominee will host civic receptions when the hospitality is being provided on behalf of a particular committee.
- 4.3 Where an applicant specifically requests use of a venue outwith Council premises for the convenience of their event, a civic hospitality grant may be awarded. The grant should be limited to the equivalent cost of holding the reception in Council premises.
- 4.4 Funding for civic hospitality will be met by the Lord Provost's civic hospitality budget unless it is for receptions on behalf of a particular committee which will be met by the relevant service area.
- 4.5 The Council will provide the venue for receptions associated with externally hosted conferences if appropriate and will negotiate with the applicant a suitable financial arrangement to meet the cost of food and drink provided.
- 4.6 The celebration of major anniversaries should normally be restricted to multiples of 25 years. It is also hoped that increasingly more lasting confirmation, such as scholarships, can be proposed which will replace receptions in some cases.
- 4.7 General hospitality providing for example tea and coffee for meetings and training events are not covered by this policy.

Implementation

- 5.1 If approved this policy will be published on the Council's website and made available to the appropriate officers to ensure any reporting is undertaken appropriately.

Roles and responsibilities

- 6.1 The Chief Executive has delegated authority to approve expenditure on civic hospitality up to £10,000, in consultation with the Lord Provost and/or the Deputy Lord Provost or the appropriate convener if the hospitality is provided on behalf of a Council committee. Approval should be sought from the Finance and Resources

Committee on individual items of expenditure which costs £10,000 and above. This approval should be brought in the form of a report to the Finance and Resources Committee.

- 6.2 Any amount spent on hospitality that is outwith the relevant allocated budget requires approval by the appropriate committee, which is the Finance and Resources Committee for the civic hospitality budget within the Lord Provost's area.
- 6.3 The Office of the Lord Provost will co-ordinate the organisation and administrative arrangements for all civic hospitality unless it is mutually agreed that another service area will do so.
- 6.4 Executive Directors and the Chief Executive are responsible for ensuring expenditure on civic hospitality is contained in their respective budgets.

Related documents

- 7.1 Scheme of Delegation to Officers.

Equalities impact

- 8.1 There are no equalities issues arising from this policy.

Sustainability impact

- 9.1 There are no sustainability issues arising from this policy.

Risk assessment

- 10.1 This policy was refreshed in October 2015 and was amended with job title changes in August 2019.

Review

- 11.1 In line with the Council's policy framework, this policy will be reviewed annually or more frequently if appropriate and submitted to the relevant Council committee.

Corporate Complaints Policy

Policy statement

- 1.1 The City of Edinburgh Council (the Council) will always endeavour to provide the best service at all times to all its citizens; however, we acknowledge that sometimes things do go wrong. When this happens, the Council is committed to make things right through appropriate complaint management, apology, and service improvement.
- 1.2 Complaints provide valuable feedback in our continuing bid to develop high quality services. Effective complaint management helps to give service users confidence that they will be given a fair hearing within set timescales.
- 1.3 This policy sets out and formalises the Council's approach to complaint management to ensure that all complaints are consistently and properly processed.

Scope

- 2.1 This policy applies to:
 - 2.1.1 All permanent and temporary Council employees, volunteers, people on work placements and elected members when acting as officers of the Council.
 - 2.1.2 All third parties and contractors performing a statutory Council function, or service.

Definitions

- 3.1 **Complaint** - A complaint is an expression of dissatisfaction by one or more members of the public about the local authority's action or lack of action, or about the standard of service provided by or on behalf of the local authority. This includes complaints about all levels of seniority and contracted services.
- 3.2 **Complaints Handling Procedure (CHP)** – The CHP sets out the Council's approach and procedure for handling complaints. It is based on a model CHP introduced by the SPSO in 2013 and sets out a three-stage approach to handling complaints: frontline resolution, investigation, and independent review. The SPSO issued a new model CHP in 2019 and the Council's CHP has been revised to align with the new SPSO CHP. It applies to all services provided by

the Council, and services provided by the Edinburgh Health and Social Care Partnership.

- 3.3 **Frontline Resolution (Stage One)** – first stage in the Complaints Procedure. Straightforward customer complaints which require little or no investigation and can be responded to by any member of staff within 5 working days.
- 3.4 **Investigation (Stage Two)** – second stage in the Complaints Procedure. Complaints that have not been resolved to the customer's satisfaction at stage one are escalated to stage two, or for complaints that are complex and require an investigation (these complaints are logged directly to stage two). Stage 2 complaints are responded to within 20 working days and requires Senior Management sign off.
- 3.5 **Scottish Public Services Ombudsman (SPSO)** – is the final stage for complaints about all public services in Scotland.
- 3.6 **Complex complaint** – can refer to cross service/directorate issues; or complicated, high risk or serious issues.
- 3.7 **Request for Service/ Service Request** – A request for service is different from a complaint. If a customer contacts the Council to report an issue or fault for the first time, or request a service for the first time e.g. reporting a pothole, streetlight not working or graffiti, this is recorded as a service request. The request or issue may escalate into a complaint if we fail to act on the request, or remedy the issue, within the set service standards, or if the service provided is not deemed to be adequate for whatever reason.
- 3.8 **Service Standards** - are important for customers, employees and management. Service standards should be realistic, clear, measurable and publicised to help define what a customer can expect and to remind management and employees of the challenge and obligations that they face. A failure to meet our service standards can result in a complaint being raised by a customer.

Policy content

Complaint Handling Principles (What will we do)

- 4.1 The Council will have a complaint handling procedure which will:
 - 4.1.1 Work in an open-minded and impartial way
 - 4.1.2 Be simple/accessible for everyone to use and understand
 - 4.1.3 Be led and supported by senior management
 - 4.1.4 Ensure service standards are maintained, and issues learnt from
 - 4.1.5 Comply with the relevant legislation and council policy
 - 4.1.6 Focus on fair, proportionate resolution at the earliest state

- 4.2 When things have gone wrong, we will apologise in line with best practice and recognising the importance this has in terms of good customer service.
- 4.3 The Council will not withhold services, or treat anyone less favourably in accessing services, because they have made a complaint.

How we will deal with a Complaint

- 4.4 All complaints, including anonymous complaints, will be recorded in accordance with the Council's complaint handling procedure.
- 4.5 All complaints will be managed timeously and to the agreed standard set out in the complaints handling procedure.
- 4.6 Reasonable assistance will be provided to customers who want to make a complaint to ensure that they are able to do so, as set out in the complaints handling procedure.
- 4.7 Complaints will be responded to within the agreed timescales advising the customer of the outcome to their complaint along with any actions arising as a result (i.e. service improvements)
- 4.8 The Complaints Handling Procedure will be reviewed annually to ensure it is fit for purpose and reflects best practice.

Proportionality

- 4.9 The Council will deal with all complaints in a fair and positive manner, as outlined within the complaints procedure and will always aim to reach a satisfactory resolution with the customer. Customers will be informed of their right to refer their complaint to the SPSO. This process is designed to balance the Council's duty to respond to customers whilst recognising it is not proportionate to examine the same issue raised with us multiple times where no alternative outcome is possible.

Ex-gratia payments

- 4.10 The Council does not issue ex-gratia (goodwill) payments as part of the complaints procedure.

Complex Complaints

- 4.11 All complex complaints should be recorded directly at stage 2 of the complaints process and assigned to the relevant investigating officer. If the investigating officer considers the complaint to be of high risk, serious or sufficiently complicated then the complaint must be highlighted to the relevant senior manager and head of service.

Quality Assurance

- 4.12 The Council will have a quality assurance process to ensure a consistent approach to complaint handling across services. Issues identified through the quality assurance process will be reported to senior management and the relevant service.

Training

- 4.13 The Council will conduct appropriate training around complaints consistent with employee roles and responsibilities.

Internal Complaint Handlers Network

- 4.14 The Council will support an internal complaint handlers' network led by the Information Governance Unit. This will consist of complaint practitioners from across all Council services and will provide an opportunity to share good practice and learn from complaints in other service areas.

Record-keeping

- 4.15 All complaints will be recorded in a systematic way so that we can use the data for analysis and management reporting.

Performance Monitoring and Reporting

- 4.16 Complaints will be included as part of the Council's performance framework and reported accordingly to senior management. We will publish our performance in dealing with complaints online for both staff and customers. Reports will include volume, type, outcomes and trends. We will use case studies and anonymised examples to demonstrate how complaints have improved services.

Learning from complaints

- 4.17 We will:
- 4.17.1 Use data to identify the root cause of complaints
 - 4.17.2 Take action to reduce the risk of recurrence
 - 4.17.3 Record the details of corrective action
 - 4.17.4 Systematically review performance reports to improve service delivery and achieve greater consistency in complaint management.
- 4.18 Where we have identified the need for service improvement:
- 4.18.1 The action needed to improve services must be authorised
 - 4.18.2 An officer, or team, must be designated the "owner" of the issue, with responsibility for ensuring the action is taken
 - 4.18.3 A target date must be set for the action taken
 - 4.18.4 The designated officer, or team, must follow up to ensure the action is taken within the agreed timescale
 - 4.18.5 Where appropriate, performance in the service should be monitored to ensure that the issue has been resolved.

Implementation

- 5.1 This policy will be implemented as part of the Council's Corporate Complaint Improvement Plan and will be subject to annual review, in accordance with the Council's Policy Framework.
- 5.2 Adherence to the policy will be monitored through CCMG and CLT and reported to Committee as appropriate.

Roles and responsibilities

Employees

- 6.1. All employees must familiarise themselves with the Council's complaint handling procedure and must do the following:
 - 6.1.1 Be aware of service standards relating to their area of work in order to determine whether issues are dealt with as a complaint, or via an alternative route.
 - 6.1.2 Recognise a complaint.
 - 6.1.3 Record complaints in accordance with service systems and procedures.
 - 6.1.4 Complete relevant training.
 - 6.1.5 Resolve frontline complaints to the best of their ability, or assign to a member of staff who can.
 - 6.1.6 Assist investigating officers and/or Managers to deal with investigations.
 - 6.1.7 Provide support and progress updates to Elected Members where a complaint has been made by them on behalf of a constituent.
 - 6.1.8 Feedback learning points to colleagues and managers when appropriate to avoid reoccurring issues.

Managers (including Head Teachers)

- 6.2 All managers must familiarise themselves with the Council's complaint handling procedure and must do the following:
 - 6.2.1 Ensure complaints are identified and managed in their area in accordance with the CHP and service standard procedures.
 - 6.2.2 Support all employees in handling complaints.
 - 6.2.3 Ensure complaints are discussed on a regular basis to facilitate learning and service improvement.

- 6.2.4 Ensure employees have undertaken appropriate training to respond to complaints that they handle.
- 6.2.5 Identify complex complaints and escalate to head of service accordingly.
- 6.2.6 Support the work of the Internal Complaint Handlers Network through attendance or nomination as appropriate
- 6.2.7 Ensure complaint information is accurate, timely, and retained in accordance with the Council's retention rules and can be retrieved upon request.
- 6.2.8 Provide appropriate performance information when required, to inform senior management reports.
- 6.2.9 Ensure responses are in line with best practice and Customer Service standards
- 6.2.10 Support and facilitate the quality assurance process.

Heads of Service

- 6.3 All Heads of Service must familiarise themselves with the Council's complaint handling procedure and must do the following:
 - 6.3.1 Responsible for stage 2 investigation sign-off – this can be delegated to the relevant senior manager but the overall responsibility remains with the head of service.
 - 6.3.2 Support the resolution of complex complaint situations
 - 6.3.3 Ensure the timely implementation of recommendations required to improve service delivery, including those identified from internal quality assurance and SPSO recommendations.
 - 6.3.4 Ensure complaints are discussed on a regular basis to facilitate learning and service improvement.
 - 6.3.5 Ensure contractors within their service have a robust complaints handling procedure and is set out in their contracts.

Executive Directors

- 6.4 All Executive Directors must familiarise themselves with the Council's complaint handling procedure and must do the following:
 - 6.4.1 Responsible for managing complaints and the way we learn from them.
 - 6.4.2 Oversee the implementation of actions required as a result of a complaint.
 - 6.4.3 Directors may delegate some elements of complaint handling to other senior management, however Directors retain ownership and accountability for the management of complaints.

Chief Executive and Council Leadership Team (CLT)

- 6.5 Ensures there is an effective complaints handling procedure with a robust investigation process, which demonstrates how we learn from complaints.
- 6.6 Regular management reports will assure CLT of the quality of complaints performance.

Elected Members

- 6.7 Elected Members must be aware of the Council's Complaint Handling Procedure to ensure that the rights of constituents can be upheld when appropriate.

Contractors

- 6.8 Contractors providing services on behalf of the Council must provide a robust complaints process which complies with the Council's complaint handling procedure, and this obligation must be set out in their contract. This applies to all contracted services.

Corporate Complaints Management Group (CCMG)

- 6.9 The CCMG has been established to ensure that there is clear strategic direction for complaints across the Council. It will:
 - 6.9.1 Ensure an accountable and consistent approach, visible ownership, and management support across services.
 - 6.9.2 Be responsible for supporting training and opportunities to make service improvements through learning from complaints.
- 6.10 Further details of the role of the CCMG can be found in their Terms of Reference.

Information Governance Unit (IGU)

- 6.11 The role of IGU is to:
 - 6.11.1 Undertake independent investigations into complaints escalated to the SPSO to ensure that appropriate systems are in place for complaints handling and customer care.
 - 6.11.2 Ensure the Monitoring Officer, appropriate senior managers and heads of service are made aware of all SPSO complaints and their outcomes.
 - 6.11.3 Provide the SPSO with a single point of contact for all complaints.
 - 6.11.4 Provide information relating to complaints in an orderly, structured way, within requested timescales, providing comments on factual accuracy on the Council's behalf in response to SPSO reports.
 - 6.11.5 Confirm and verify that SPSO recommendations have been implemented.

- 6.11.6 Promote best practice and sound customer care by using investigation findings and feedback from complaints as a focus for training and service improvement.
- 6.11.7 Promote best practice by identifying trends and learning opportunities from complaints to inform future practice.
- 6.11.8 Provide a focal point for advice on queries from internal and external stakeholders, in line with Council policy, procedures and statutory obligations.
- 6.11.9 Provide regular performance reports for senior management and highlight complaints data and trends.
- 6.11.10 Provide guidance and training to Council services to ensure appropriate levels of awareness around complaint handling and customer care.
- 6.11.11 Attend the Local Authority Complaints Handlers Network to share good practice and discuss complaint related issues nationwide.

Complaint Investigator

- 6.12 Suitably qualified and trained member of staff who will:
 - 6.12.1 Investigate complaints at Stage 2 on behalf of senior management
 - 6.12.2 Produce a written report or record, in accordance with Council procedure
 - 6.12.3 Draft a response for senior management sign off.
 - 6.12.4 Ensure record-keeping is up to date and accurate.
 - 6.12.5 Escalate any issues relating to the resolution of a complaint to the relevant Head of Service.

Related documents

- 7.1 Council's Corporate Complaints Procedure
- 7.2 Managing Customer Contact in a Fair and Positive Way Policy
- 7.3 Best Practice Guide for Managing Repeated Customer Contact and Handling Difficult Situations
- 7.4 SPSO Guidance on Model Complaints Handling Procedure
- 7.5 SPSO Statement of Complaints Handling Principles
- 7.6 SPSO How to Make a Good Apology
- 7.7 SPSO Performance Indicators for the Local Authority Model Complaints Handling Procedure

7.8 SPSO Unacceptable Actions Policy

Equalities impact

- 8.1 There is no adverse impact on any group in terms of race, religion, disability, ethnic origin, sexuality or age in relation to this policy.

Sustainability impact

- 9.1 There are no sustainability issues arising from this policy.

Risk assessment

- 10.1 Failure to manage complaints appropriately could lead to:
- 10.1.1 Potential distress and damage to individuals
 - 10.1.2 Significant reputational damage.
 - 10.1.3 Increased referrals to the complaints regulator, Scottish Public Services Ombudsman (SPSO) which can lead to reports being laid before Parliament.
 - 10.1.4 Potential legal action, and financial damage.
 - 10.1.5 Failure to learn from complaints could lead to service inefficiencies and associated costs.

Review

- 11.1 This policy will be reviewed annually in line with Council policy framework.

FAIR TRADE POLICY FOR THE CITY OF EDINBURGH COUNCIL

POLICY STATEMENT 2021

The City of Edinburgh Council supports the Edinburgh Fairtrade City initiative and will promote the use of fair, fairly traded, and ethical products in Council directorates (including schools) and raise awareness of fair, fairly traded and ethical products amongst Council staff.

The Policy Aims are:-

- to support and promote the International Fair Trade Charter;
- to promote the use of fair, fairly traded and ethical products across the Council and to serve fair, fairly traded and ethical coffee, tea, sugar, and snacks (where served) at Council meetings, in offices and canteens;
- to promote and raise awareness of fair and ethical trade amongst Council employees and the wider city;
- to offer fair, fairly traded and ethical products as an option on the Council food contract and other appropriate Council contracts where catering may be provided by an external provider.

Key Objectives are:-

- to maximise the range of fair, fairly traded and ethical products available on Council contracts and to publicise them across the Council (including in schools);
- to increase the range of fair, fairly traded and ethical food and beverages available in dispensers as part of Council contracts;
- to continue to work with Scotland Excel in promoting fairly traded goods and ethical trading practices through the collaborative frameworks that Scotland Excel deliver and the Council purchases from;
- to provide support to schools holding fair trade status and those working towards it;
- to continue to promote Edinburgh's status as a Fairtrade city through communications and other media;
- to promote through the Council's website and Communication Service annual Fairtrade Fortnight and World Fair Trade Day events and other activities and initiatives organised or supported by the Edinburgh Fairtrade City Steering Group. This includes online engagement and virtual events following the coronavirus outbreak;
- to work with the Edinburgh Fairtrade City Steering Group and other stakeholders to promote and increase the share of fair and fairly traded goods purchased and consumed in the city;

- to monitor the implementation of the policy and report on progress.

Implementation

The policy will be implemented jointly by Strategy and Insight and Communications in the Chief Executive's Directorate, Commercial and Procurement Services in Finance, Catering Services in Property Facilities Management, and Communities and Families.

Appendix 6

Information Governance Policy

Implementation date [date policy comes into force as this may differ from approval date]

Control schedule

Approved by	Name of Committee
Approval date	Date of Committee Meeting
Senior Responsible Officer	Andrew Kerr, Chief Executive
Author	Kevin Wilbraham, Information Governance Manager
Scheduled for review	Should be annual – please insert month and year only [as actual date will depend on committee schedule]

Version control

Version	Date	Author	Comment
1.1	09.09.2014	Kevin Wilbraham	Policy issued
1.2	09.09.2016	Kevin Wilbraham	Minor revision to reflect organisational change
1.3	06.07.2019	Kevin Wilbraham	Minor change to reflect legislative change
2.0	21.01.2021	Kevin Wilbraham	Revisions made to incorporate additional policy statements

Date	Committee	Link to report	Link to minute
03.09.2014	Corporate Policy & Strategy		
04.10.2016	Corporate Policy & Strategy		
06.08.2019	Policy & Sustainability		

Information Governance Policy

Policy statement

- 1.1 The Council obtains, creates and manages a large amount of information relating to its services, customers and partners. This policy sets out the Council's approach and commitment to the effective and lawful management of Council information through good information governance. It also sets out the roles and responsibilities of all stakeholders involved in handling and managing Council information.

Scope

- 2.1 This policy applies to:
 - 2.1.1 All information held, maintained and used by the Council in all locations and in all media (hardcopy and electronic);
 - 2.1.2 Elected Members, Council staff, including temporary staff, contractors, consultants and volunteers that access and use Council information; and
 - 2.1.3 All third parties that manage and process information on the Council's behalf when carrying out a statutory Council function or service.

Definitions

- 3.1 The definitions below concern specific terms and descriptions used in this policy. A wider glossary of IG terms is available on the Council's intranet.

Archives: records which are retained permanently because of their continuing business, evidential or informational value to the Council or communities it serves.

Assurance: those processes and functions within the Council that monitor and report on business activity to ensure they are compliant with policy, regulatory and legislative requirements.

Business Classification Scheme: an outline of Council business based on function and activity rather than organisational hierarchy – focusing more on what is done than who does it. It is used to classify Council records and data so that information governance controls can be consistently applied, independent of organisational change.

Controls (organisational): are measures that instruct and define responsibilities and expected behaviours and practices (e.g. policies, procedures, guidance);

Controls (technical): are measures that limit and define access and action via network and system configuration (e.g. account and permissions management, encryption, firewalls and retention and disposal functionality)

Council Records (also Public Records): are those documents created, collected, processed, and used by Council employees, Elected Members when undertaking Council business, predecessor bodies (e.g. Lothian Region Council, Edinburgh District Council, Edinburgh Corporation) or third parties performing a statutory Council function or service, which are then kept as evidence of that business. They can be in any format (including paper, microform, electronic and audio-visual formats).

Data Breach: is a failure in compliance with data protection principles. A breach can occur when an organisation does not manage the confidentiality, integrity, and availability of personal data in compliance with data protection legislation.

Data Controller: a legal person or organisation who determines the purposes for which, and manner in which, personal information is to be processed. This may be an individual or an organisation. Data Controllers can process personal data jointly with other data controllers for specified purposes. The City of Edinburgh Council is a data controller. Elected members are data controllers for the purposes of their constituency work.

Data Protection Impact Assessment: a risk management tool that reduces the risks of harm to individuals through the misuse of their personal information and can help with the design of processes for handling personal data. It is used when projects, or changed service activities, or new ICT impact on the privacy of individuals.

Data Quality: data is the raw input from which information of value is derived. Data quality is a recognition that the accuracy, coverage, timeliness and completeness of data can significantly impact on the value of its use.

Information Asset: a body of information defined and managed as a single unit or aggregate so it can be understood, shared, protected and exploited effectively.

Information Asset Owners: senior officers involved in managing a business area(s) with responsibility for the information assets within their respective business area(s).

Information Asset Register: a governance tool that lists the Council's key information assets.

Information Security: is the organisational function that ensures Council information is not compromised by unauthorised access, modification, disclosure or loss.

Open Data: data that is accessible (usually via the internet), in a machine-readable form, free of restriction on use. It supports transparency and accountability, effective services and economic growth.

Personal Data: is information about a living individual who can be identified from that information or from additional information held, or obtained, by the Council. Examples of personal data are contained in paper files, electronic records and visual and audio recordings.

Records Management: is the organisational processes and practices that ensure Council records are systematically controlled and maintained, covering the creation, storage, management, access, and disposal of records, in compliance with best practice, legal obligations and policy requirements.

Records Management Plan: a requirement of the Public Records (Scotland) Act, 2011, it is a document created by a Scottish public sector organisation, which outlines its records management arrangements and commitments to improvement, that has been approved by the Keeper of the Records of Scotland.

Policy content

Information is both a major asset and responsibility of the Council

- 4.1. Information is central to the Council's business processes, decision making, service delivery, and provides evidence and accountability concerning Council actions and performance.
- 4.2 It is crucial that the information Council staff obtain, create and manage concerning our services, customers and partners is managed effectively to maximise its value and to stop it becoming a liability and a risk.
- 4.3 This places significant demands on the Council as a Scottish Local Authority. There is a wide-ranging and complex legal landscape in which it has to operate in, which is monitored through various external regulators, including the Scottish Information Commissioner and the UK Information Commissioner.
- 4.4 The policy's appendix sets out the many acts, regulations, codes of practice and technical standards that are relevant to how the Council manages its information.

Information governance provides the Council with the tools to manage its information effectively and appropriately

- 4.5 To operate lawfully and effectively within this landscape, the Council needs robust and effective controls and assurances around the management of its information.

- 4.6 As an organisational function, information governance provides a coherent approach and structure to these controls and assurances. It covers:
- Archival preservation and access
 - Records classification, integrity, retention, and disposal
 - Personal data processing
 - Statutory access to information, including freedom of information, subject access requests, re-use of public sector information and open data
 - Data quality management
 - Information security

The Council's Information Governance Framework outlines what compliance should look like and supports Service Areas in achieving it

- 4.7 The Council will develop and maintain an **Information Governance Framework** of necessary policies, standards, procedures and guidance. These will support staff in directing them how to meet their legal, regulatory and ethical obligations around the information they are responsible for.
- 4.8 Council staff are expected to be aware of and follow these documents, where they are relevant to their work; incorporating their requirements into their day to day practices and processes.
- 4.9 Aside from this **policy**, the Council will produce and maintain subsidiary **standards** that will outline expected behaviours and models of compliance that Service Areas must work towards implementing, where they are relevant.
- 4.10 Supplementary **guidance** will also be produced and maintained that will guide Service Areas in how to implement these standards, in part or whole.
- 4.11 There will be formal **procedures** that govern how Council staff follow organisation-wide information governance processes.

Key Council-wide Requirements

- 4.12 To comply with its obligations, the Council as an organisation must also:
- Answer statutory requests for information in a timely, comprehensive and transparent manner
 - Create and maintain an Information Asset Register and Business Classification Scheme
 - Create, publish and maintain a Records Management Plan
 - Create, publish and maintain a Publication Scheme
 - Consider and allow, where possible, requests to re-use public sector information and identify and publish open data sets
 - Establish and maintain reporting processes to ensure that all personal data and information security breaches are reported, investigated, resolved or escalated

- Implement and maintain an information security management system to protect Council information
- Register with the UK Information Commissioner's Office as a Data Controller
- Retain its public records in line with its Record Retention Rules and dispose or transfer them to archival custody in an authorised and documented fashion
- Maintain and provide access to a Council archive for corporate records required for permanent preservation and other non-Council collections in its possession
- Produce accurate, reliable, relevant and timely data
- Undertake Data Protection Impact Assessments for all major changes to how it processes personal data
- Create and maintain a Record of Processing of personal data

Risk management is the means to appropriately manage non-compliance with information governance requirements

4.13 Where Council Service Areas cannot meet relevant standards or the key requirements, managers must record non-compliance as risks within their service and project risk registers, as per the Council's **Risk Management Framework**.

4.14 The Council's **Senior Information Risk Owner** will be the main focus for the assessment and management of information risks, with reporting to the Information Board and Council Leadership Team as appropriate.

The Council's Information Board will advocate, coordinate and monitor efforts to improve information governance within Service Areas

4.15 An Information Board will be established and maintained to own the Council's ambition to continually improve and update its information governance controls and assurances.

4.16 It will be chaired by the Senior Information Risk Owner of the Council and have the following membership:

- Chief Digital Officer
- Chief Risk Officer
- Council Data Protection Officer
- Digital Innovation Manager
- ICT Enterprise Architect
- Change and Delivery Manager (Performance and Data)
- Representative from the Health and Social Care Partnership
- Representative from Communities and Families
- Representative from Resources
- Representative from Place

- 4.17 It will advocate, co-ordinate, promote, monitor and assure the development and delivery of information governance improvements and processes. This activity will be driven through the board's **Annual Forward Plan**.
- 4.18 Specific issues and progress will be presented to the Information Board as a matter of routine and highlighted to the Council Leadership Team and Elected Members when required.
- 4.19 Co-ordination, advocacy and the management of risks concerning cyber-security and information-security are under auspices of the Cyber Information Security Steering Group.

Implementation

- 5.1 The policy will be implemented and monitored through the Information Board's Annual Forward Plan, as described above. The plan will set out key tasks, outcomes, accountabilities and progress.
- 5.2 A key part of this policy will be the suite of subsidiary information governance standards, which will set out what is expected of Council Service Areas in a range of compliance areas. Their development, maintenance and adoption throughout the Council will be essential.
- 5.3 The Council will also provide training resources at different levels and on different topics to its staff to ensure that they are aware of what is required of them from this policy and its standards.
- 5.4 Regular communications will be distributed to Council staff to highlight specific issues or events as well as sources of help. These will be agreed by the Information Board and through the Communications Service to ensure that they are effective, relevant, and targeted at the right audience.

Monitoring compliance and measuring success

- 5.5 Many elements of information governance have key performance indicators in place to ensure service delivery meets statutory requirements (e.g. freedom of information and data protection). However, it also contains elements that are less tangible to measure, such as cultures and behaviours.
- 5.6 To provide a more complete measure of success and improvement, the Council will undertake an annual **information governance maturity assessment** to determine compliance with and progress against its Information Governance Framework.
- 5.7 The results of the annual assessment will be presented to the Information Board and directorates and will be used to inform themes and work priorities for the Information Board's following Annual Forward Plan.

Roles and Responsibilities

- 6.1 Everyone covered by this policy has a responsibility for managing Council information appropriately and lawfully. However, there are specific role responsibilities which are required to ensure that the Council has the right leadership, expertise, ownership and accountability concerning the management of information. These specific roles and responsibilities are set out below.

Council Leadership Team

- 6.2 The Chief Executive and Executive Directors have overall collective responsibility for information governance compliance and performance within the Council.

This involves:

- providing high-level support to ensure that each directorate applies relevant policies and adopts relevant standards:
- providing evidenced statements of information assurance as part of the Council's annual governance statement: and
- fostering a culture of innovation, responsibility and transparency that values and invests in Council information assets for the benefit of Edinburgh and its citizens

Senior Information Risk Owner

- 6.3 The Democracy, Governance & Resilience Senior Manager is the Council's Senior Information Risk Owner (SIRO). The SIRO provides a focus for the assessment and management of information risks across the Council.

Specific responsibilities include:

- Owning the organisation's overall information risk assessment processes and ensuring they are implemented consistently.
- Ensuring information risks are managed and reported as appropriate within the Council's risk management framework.
- Providing the final point of resolution for any information risk issues.
- Chairing the Information Board, which will be responsible for promoting, monitoring and assuring the development and delivery of effective information management within the Council.

Data Protection Officer

- 6.4 The Information Governance & Strategic Complaints Manager is the Council's Data Protection Officer (DPO). The DPO is responsible for monitoring and promoting compliance with data protection law.

Specific responsibilities include:

- Acting as the first point of contact for members of the public and the UK Information Commissioner's Office in relation to data protection matters.
- Providing data protection support and advice to Council services
- Monitoring compliance with data protection law and associated Council standards, protocols and processes
- Providing advice on privacy risks by supporting the completion of data protection assessments

Senior Manager, Operational Records Manager and Archive Responsibilities under the Public Records (Scotland) Act, 2011

- 6.5 The Chief Executive is the Senior Manager responsible for the management of the Council's public records and its statutory Records Management Plan.
- 6.6 The Council's Information Asset Manager is the Operational Records Manager responsible for implementing and updating the Council's statutory Records Management Plan. They are also responsible for the transfer, preservation and use of the Council's records as archives, as well as other archives in Council custody.

Information Asset Owners (IAOs)

- 6.7 IAOs are heads of service who are accountable for the **information assets** within their service area, or those information assets across the Council that supports the corporate function (e.g. HR, Finance, Property) they are responsible for.
- 6.8 They are responsible for ensuring that staff manage information appropriately, in line with the Council's information governance standards and procedures, and that **information risks** are properly identified and managed.

Information Governance Unit (IGU)

- 6.9 The IGU is responsible for the creation, publication and maintenance of the Council's **Information Governance Framework**.
- 6.10 It is also responsible for the daily operation of many of the information governance controls, assurances and processes within the Council.

Specific responsibilities include:

- Developing and driving information governance standards and practices across the organisation
- Assessing and highlighting information governance maturity, compliance and performance
- Providing a focal point for all information governance enquiries
- Assessing and mitigating information risks through data protection assessments, breach reporting and performance assessments

- Upholding the information rights of citizens by responding to statutory requests for information, and other rights defined in legislation
- Preserving and providing access to the Council's archives
- Liaising with external regulators on information governance issues
- Supporting digital working across the organisation
- Providing training resources for staff and ensuring appropriate levels of awareness around information governance matters

Information Board

- 6.11 The Information Board owns and drives the broader information management agenda throughout the Council. It will support, co-ordinate, promote, monitor and assure the development and delivery of information governance improvements within the organisation.
- 6.12 It is responsible for effective information risk management within the Council, providing a level of assurance to the Council's Corporate Leadership Team that appropriate frameworks and initiatives are in place to ensure Council information is used and managed effectively and compliantly.

Cyber Information Security Steering Group

- 6.13 The Cyber Information Security Steering Group provides a forum for improving Council wide governance and risk management around cyber-security and information-security issues more generally. It promotes compliance with the Council's Information Security Management Strategy and actively manages risks to ensure the safe and secure use of all ICT Systems and information in line with legislation, good practice and the requirements of the Public Sector Action Plan for Cyber Resilience.

Managers and supervisors

- 6.14 All managers and supervisors have a responsibility for enabling and promoting effective information governance within their respective service areas and teams. This includes, but is not limited to:
- Ensuring that information governance standards, procedures and guidance are understood and followed
 - Integrating information governance standards into local processes to ensure that there is on-going compliance on a day to day basis
 - Reporting any suspected personal data breaches or information loss
 - Identifying and reporting any information risks relating to their service area
 - Carrying out information governance assessments when required

All employees

- 6.15 Managing information effectively and lawfully is the responsibility of everyone. Individuals must ensure that they are familiar with the Council's information

governance standards, processes and guidance, and take appropriate care when receiving, creating, using, sharing and disposing of information in the course of their work.

Related documents

- 7.1 The policy's appendix sets out the many acts, regulations, codes of practice and technical standards in relation to information governance.

Integrated impact assessment

- 8.1 An integrated impact assessment was carried out and no specific concerns were highlighted.

Risk assessment

- 9.1 The risks of not implementing this policy include:
- Distress or harm to individuals or organisations.
 - Reputational damage to the Council.
 - Financial loss or monetary penalty imposed.
 - Detrimental impact on Council business and service delivery.
 - Non-compliance with legislation and potential litigation.

Review

- 10.1 This policy will be reviewed annually or more frequently if required by significant changes in legislation, regulation or business practice. It will be reviewed by the Information Board and presented to Council committee annually, in line with the Council's Policy Framework.

Appendix

Key documents in relation to Scottish local government and the management of information are detailed below:

Key Acts of the UK Parliament

1973 c.52 Prescription and Limitation (Scotland) Act 1973
1973 c.65 Local Government (Scotland) Act 1973
1985 c.43 Local Government (Access to Information) Act 1985
1990 c.18 Computer Misuse Act 1990
1994 c.39 Local Government etc. (Scotland) Act 1994
1998 c.29 Data Protection Act 2018

Key Acts of the Scottish Parliament

2002 asp. 13 Freedom of Information (Scotland) Act 2002
2003 asp. 01 Local Government in Scotland Act 2003
2011 asp. 12 Public Records (Scotland) Act 2011
2014 asp. 09 Public Bodies (Joint Working) (Scotland) Act 2014

Key Statutory Instruments of the UK Parliament

S.I. 2015 / 1415 The Re-use of Public Sector Information Regulations, 2015

Key Statutory Instruments of the Scottish Parliament

S.S.I. 2003 / 581 The Pupil's Educational Records (Scotland) Regulations
S.S.I. 2004 / 520 Environmental Information (Scotland) Regulations

Key Statutory Codes of Practice

Section 60 Code of Practice: Function under FOI(S)A
Section 61 Code of Practice: Records Management and FOI(S)A

Key International & British Standards

ISO 15489: 2001 Information and Documentation - Records Management

ISO 16175 Principles and functional requirements for records in electronic office environments

ISO 23081 Metadata for records

ISO 27000 series – Information Security Management System

ISO 30300 series – Management Systems for Records

Managing Customer Contact in a Fair and Positive Way Policy

Policy statement

- 1.1 We aim to deal fairly, honestly, consistently and appropriately with all our customers, including those whose actions we consider unacceptable. We believe that all customers have a right to be heard, understood and respected. We aim to provide a service that is accessible to all and will make all reasonable adjustments to accommodate complainants.
- 1.2 The behaviour or actions of individuals using our service can, in exceptional circumstances, make it difficult for us to deal with their complaint. This policy explains how we manage actions that result in unreasonable demands on our services or unreasonable behaviour towards our staff.
- 1.3 The policy is required to address a limited number of cases where actions become unacceptable as they involve abuse of our staff, stop us doing our work or providing a service to others.

Scope

- 2.1 This policy affects all customers, staff and elected members. It explains how we may restrict or change access to a service when we consider a customer's actions to be unacceptable. This is to ensure we can protect our staff and the services we provide to our customers.

Definitions

- 3.1 Complaint: an expression of dissatisfaction by one or more members of the public about the organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation.
- 3.2 Customer: a customer is anyone the Council works with, provides a service to, or supports. This includes residents, businesses, visitors, or someone acting on behalf of a customer e.g. a Councillor, MSP or relative.
- 3.3 SPSO: the Scottish Public Services Ombudsman (SPSO) is the body which manages the final stage for complaints about councils, the National Health Service, housing associations, colleges and universities, prisons, most water and sewerage providers, the Scottish Government and its agencies and departments and most Scottish authorities.

- 3.4 Unacceptable actions: people may act in ways which are out of character when they are in trouble or distressed. There may have been upsetting circumstances in the lead up to a complaint coming to us. We do not view behaviour as unacceptable just because a complainant is forceful or determined.
- 3.5 Review Panel: the Panel is responsible for considering any appeal over a decision to restrict contact. The Panel will be chaired by a senior member of staff (at grade 10 or above) and will comprise members of the Corporate Complaints Management Group, drawing on their expertise in complaints and customer service. The panel members will only be selected from services that are not involved in the initial decision to restrict contact with the complainant.
- 3.6 On occasion, behaviour is difficult for an individual member of staff to deal with because it doesn't conform to the standards they expect or the values they hold. An action is not necessarily unacceptable because a member of staff finds it personally difficult.
- 3.7 Unacceptable actions are grouped under the four headings with details below:
- aggressive or abusive behaviour: anger which escalates into aggression, threatening behaviour or verbal abuse, or unsubstantiated allegations;
 - unreasonable demands: a demand is unreasonable when complying with it would impact substantially on our work or on the services provided to other customers;
 - unreasonable levels of contact: when the amount of time spent dealing with a complaint impacts on our ability to deal with it or with other people's complaints; this is not the same as persistence which can be a positive advantage when pursuing a complaint; and
 - unreasonable use of the complaints process: when the effect of the repeated complaints is to harass, or to prevent us from pursuing a legitimate aim or from implementing a legitimate decision.

Policy content

- 4.1 Managing aggressive or abusive behaviour:
- 4.1.1 We understand that many complainants are angry about the issues they have raised in their complaint. If that anger escalates into aggression towards Council staff, we consider that an unacceptable action and operate a zero tolerance approach to such behaviour. Any violence or abuse towards staff will not be accepted.
- 4.1.2 Violence or abuse is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language, verbal or in writing,

that may cause staff to feel afraid, threatened or abused. This includes threats, personal verbal abuse, derogatory remarks and rudeness.

4.1.3 We also consider inflammatory statements and unsubstantiated allegations to be abusive behaviour.

4.2 Unreasonable demands:

4.2.1 A demand becomes unacceptable when it starts to, or would if complied with impact substantially on our work and provision of services. For example, if the demand takes up an excessive amount of staff time and leads to other customers being disadvantaged.

4.2.1 Examples of actions grouped under this heading include:

- repeatedly demanding responses within an unreasonable timescale
- insisting on seeing or speaking to a particular member of staff when that is not possible
- repeatedly changing the substance of a complaint or raising unrelated concerns.

4.3 Unreasonable levels of contact:

4.3.1 The volume and duration of contact made to us by an individual can cause problems. This can occur over a short period, such as a number of calls in one day, or it may occur over the lifespan of the complaint. This could include the complainant making long telephone calls to us or inundating us with copies of information which have been sent to us already or which are irrelevant to the complaint.

4.3.2 We consider that contact has become unacceptable when the amount of time spent dealing with it impacts on our ability to deal with that complaint or impacts on service provision more broadly. Contact time may involve time spent talking to a complainant on the phone; responding to, reviewing and filing emails; or written correspondence.

4.4 Unreasonable use of the complaints process:

4.4.1 Customers have the right to complain about our services through a range of means. They also have the right to complain more than once about an organisation with which they have a continuing relationship, if subsequent incidents occur.

4.1.2 This contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent us from pursuing a legitimate aim or from implementing a legitimate decision.

4.5 Restricting access to the complaints system

- 4.5.1 We consider access to a complaints system to be a critical element of our service arrangements and it will only be in exceptional circumstances that we would consider such repeated use as unacceptable. We reserve the right to restrict access in those rare occasions.
- 4.5.2 The threat or use of physical violence, verbal abuse or harassment towards our staff is likely to result in a termination of all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.5.3 We will not accept any correspondence that is abusive to staff. We will tell the complainant that we consider their language offensive, unnecessary and unhelpful and ask them to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.
- 4.5.4 Our staff will end phone calls if they consider the caller aggressive, abusive or offensive. Our staff have the right to make this decision, to tell the caller that their behaviour is unacceptable and to end the call if the behaviour persists.
- 4.5.5 In extreme situations, we tell the complainant in writing that their name is on a Restricted Contact List. This means that, for example, we will limit contact with them to either written communication or to contact through a third party.
- 4.6 Dealing with other categories of unreasonable behaviour:
- 4.6.1 We have to take action when unreasonable behaviour impairs the functioning of our services. We aim to do this in a way that allows a complaint to progress through our process. We will try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances including the seriousness of the complaint and the needs of the individual.
- 4.6.2 Where a complainant repeatedly phones, visits, raises the same issues, or sends large numbers of documents where their relevance isn't clear, we may decide to:
- limit contact to telephone calls from the complainant at set times on set days
 - restrict contact to a nominated member of staff who will deal with future calls or correspondence from the complainant
 - see the complainant by appointment only
 - restrict contact from the complainant to writing only
 - return any documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed

- take any other action that we consider appropriate.
- 4.6.3 Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the complainant that only a certain number of issues will be considered in a given period and ask them to limit or focus their requests accordingly.
- 4.6.4 In exceptional cases, we reserve the right to refuse to consider a complaint or future complaints from an individual. We will take into account the impact on the individual and also where there would be a broader public interest in considering the complaint further.
- 4.6.5 We will always tell the complainant what action we are taking and why.
- 4.6.6 Except where a “Zero Tolerance” approach is required, customers will be advised that their behaviour is giving cause for concern, to provide them with the opportunity to modify their behaviour in advance of any sanction being applied. A written warning informing customers of our policy for dealing with problem behaviours will be sent and will:
- Identify the unacceptable behaviour
 - explain why it is inappropriate
 - explain the steps we have taken
 - advise the customer that, if they do this again, restrictions will be put in place
 - advise customers on how to challenge the decision.

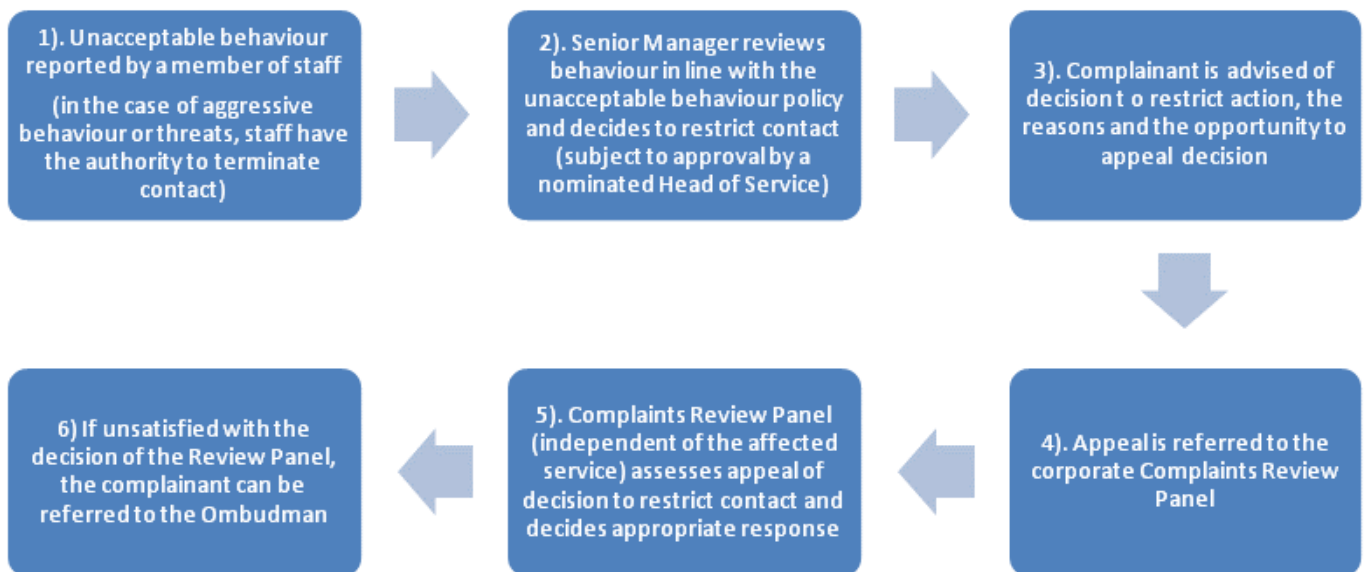
Implementation

- 5.1 How we make decisions about unreasonable behaviour:
- 5.1.1 Any member of our staff who directly experiences aggressive or abusive behaviour from a complainant has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.
- 5.1.2 With the exception of such immediate decisions taken at the time of the incident, decisions to restrict contact with the Council are only taken after careful consideration of the situation by a senior member of staff. Wherever possible, we will give the complainant the opportunity to change their behaviour or action before a decision is taken.
- 5.2 Appealing a decision to restrict contact:
- 5.2.1 A complainant has 20 working days to appeal a decision to restrict contact. If they do this, we will only consider arguments that relate to the restriction and not to either the complaint made to us or our decision to close the complaint.

5.2.2 Grounds for an appeal could include, for example, a complainant telling us that:

- their actions were wrongly identified as unacceptable
- restrictions were disproportionate
- restrictions will adversely impact on the individual because of personal circumstances.

5.3 A Review Panel will consider the appeal. The Panel is responsible for considering any appeal over a decision to restrict contact. The Panel will be chaired by a senior member of staff (at grade 10 or above) and will comprise members of the Corporate Complaints Management Group, drawing on their expertise in complaints and customer service. The panel members will be independent of the service(s) involved in the initial decision to restrict contact with the complainant. The Panel will have the discretion to quash or vary the restriction on the basis of what they think is fair and reasonable, and will be open and transparent with decisions made. If the complainant remains unhappy with the decision made by the Panel they will be signposted to the SPSO.



Roles and responsibilities

6.1 When a Council employee makes an immediate decision in response to aggressive or abusive behaviour, the complainant is advised at the time of the incident. When a decision had been made by a senior member of staff, we will

always tell a complainant in writing. We will explain why the decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place. This ensures that the complainant has a record of the decision. The decision in writing can be supplemented by another form of communication if written communication is not the most appropriate medium for the complainant.

- 6.2 Where it is decided to restrict complainant contact, an entry noting this will be made in the relevant file and appropriate computer records. A decision to restrict complainant contact may be reconsidered by the Review Panel. This panel reviews the status of all complainants with restricted contact arrangements on a quarterly basis. We record all incidents of unacceptable actions by complainants. A Review Panel of individuals not involved in the original decision will consider the appeal. They will advise the complainant in writing that the restricted contact arrangements still apply or that a different course of action has been agreed. Again, the decision in writing can be supplemented by another form of communication if written communication is not the most appropriate medium for the complainant.

Related documents

- 7.1 How we deal with complaints: <http://www.edinburgh.gov.uk/complaints>
- 7.2 SPSO Unacceptable Actions Policy: <https://www.spsso.org.uk/unacceptable-actions-policy>

Equalities impact

- 8.1 We aim to provide a service that is accessible to all and will make all reasonable adjustments to accommodate complainants. For example, any decision in writing can be supplemented by another form of communication if written communication is not the most appropriate medium for the complainant.
- 8.2 A full Equalities and Rights Impact Assessment has been carried out on the policy in consultation with the Equalities Team.

Sustainability impact

- 9.1 No significant environmental impact is anticipated as a result of this policy revision. A Pre-Screening Report has been submitted to the SEA Gateway.

Risk assessment

- 10.1 This policy replaces the Customer Access - Unacceptable Actions Policy approved by the Policy and Strategy Committee on 10 June 2008. The revised policy is essential to ensure that our principles are consistent with those set out in the SPSO's Unacceptable Actions Policy and to make sure that the language we use to describe unacceptable actions reflects current usage by the Ombudsman. This is required for transparency as the SPSO is the body which manages the final stage of the complaints process for complaints relating to councils and their services.

Review

- 11.1 This policy will be reviewed annually, in line with the Council's Policy Framework.