

Policy and Sustainability Committee

10.00am, Tuesday, 9 January 2024

Legal and Assurance - Policy Assurance Statement

Executive/routine Wards	routine
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1. Recommendations

- 1.1 To note the update in relation to the Council policies detailed in this report and that work is ongoing to update some of the policies to ensure that they reflect current legislative requirements and best practice and are fit for purpose; and
- 1.2 To note this report relates to 2023 assurance and was deferred from Policy and Sustainability Committee on 24 October 2023 and 15 December 2023 due a full agenda, other business priorities and this report was not considered urgent.

Dr Deborah Smart

Executive Director of Corporate Services

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Policies – Assurance Statement – Legal and Assurance

2. Executive Summary

- 2.1 To ensure that Council policies reflect current legislative requirements and best practice, all Council directorates and policy owners are required to review their policies on an annual or other regular basis.
- 2.2 A number of policies owned by Legal and Assurance are presently under review.

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 then 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 (or other agreed period) 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 Legal and Assurance are responsible for the following Council policies:

- 4.2.1 Health and Safety Policy;

- 4.2.2 Smoke Free Policy;
- 4.2.3 Asbestos Policy;
- 4.2.4 Fire Safety Policy;
- 4.2.5 Water Safety Policy;
- 4.2.6 Enterprise Risk Management Policy;
- 4.2.7 Risk Appetite Statement;
- 4.2.8 Internal Audit Charter;
- 4.2.9 Civic Hospitality Policy;
- 4.2.10 Corporate Complaints Policy;
- 4.2.11 Information Governance Policy;
- 4.2.12 Managing Customer Contact in a Fair and Positive Way Policy (superseded by Protecting Colleagues from Unacceptable Behaviours Policy); and,
- 4.2.13 Whistleblowing Policy.

4.3 The current status of each of these policies is set out in the table below:

Policy	Status
Health and Safety Policy	Being presented to Policy and Sustainability Committee on 9 January 2024 for approval, previously presented to Policy and Sustainability Committee on 1 December 2020, to be reviewed January 2024 unless any legislative changes before that date.
Smoke Free Policy	Being presented to Policy and Sustainability Committee on 9 January 2024 for approval, previously presented to Policy and Sustainability Committee on 1 December 2020, to be reviewed January 2024 unless any legislative changes before that date.
Asbestos Policy	Presented to Policy and Sustainability Committee on 5 October 2021, to be reviewed October 2024 unless any legislative changes before that date.
Fire Safety Policy	Presented to Policy and Sustainability Committee on 10 June 2021, to be reviewed June 2024 unless any legislative changes before that date.
Water Safety Policy	Presented to Policy and Sustainability Committee on 10 June 2021, to be reviewed June 2024 unless any legislative changes before that date.
Enterprise Risk Management Policy	Presented to Policy and Sustainability Committee on 24 October 2023, to be reviewed October 2024.
Risk Appetite Statement	Presented to Policy and Sustainability Committee on 24 October 2023, to be reviewed October 2024

Internal Audit Charter	Presented to Governance, Risk and Best Value Committee on 14 March 2023, to be reviewed March 2024.
Civic Hospitality Policy	Presented to Full Council on 22 June 2023 as part of the Office of Lord Provost Annual Report, to be reviewed June 2024.
Corporate Complaints Policy	Presented to Policy and Sustainability Committee on 23 February 2021, reviewed February 2022 and February 2023 with no changes, to be reviewed February 2024.
Information Governance Unit Policy	Presented to Policy and Sustainability Committee on 23 February 2021, reviewed February 2022 with a minor change to reflect new legislation and reviewed February 2023 with no changes, to be reviewed February 2024.
Managing Customer Contact in a Fair and Positive Way (superseded by Protecting Colleagues from Unacceptable Behaviours Policy)	Presented to Policy and Sustainability Committee on 23 February 2021, reviewed February 2022 and no changes, now superseded by Protecting Colleagues from Unacceptable Behaviours Policy presented to Policy and Sustainability Committee on 22 August 2023. Ownership of this policy has now transferred to HR.
Whistleblowing Policy	Presented to Policy and Sustainability Committee on 23 May 2019. Further review was suspended pending completion of Pinsent Masons' independent review. A draft of the new whistleblowing policy has been prepared with input from Pinsent Masons to ensure that it complies with the findings of independent review. An updated version of the new whistleblowing policy will be submitted to Policy and Sustainability Committee on 9 January 2024.

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. Equality and Poverty Impact

- 7.1 There is no direct additional impact arising from this report, on equality, human rights (including children's rights) or socio-economic disadvantage. Compliance with the relevant policies themselves may have an impact. Any impacts will be considered when the relevant policies are considered for approval.

8. Climate and Nature Emergency Implications

- 8.1 There is no direct environmental impact arising from this report. Compliance with the relevant policies themselves may have an impact. Any impacts will be considered when the relevant policies are considered for approval.

9. Risk, policy, compliance, governance and community impact

- 9.1 The relevant policies themselves may have an impact. Any impacts will be considered when the relevant policies are considered for approval.

10. Background reading/external references

- 10.1 [Corporate Policy and Strategy Committee Report 3 September 2013 – Review of Council Policy.](#)
- 10.2 [Governance, Risk and Best Value Committee Report 22 May 2014 – Review of Council Policy: up-date.](#)

11. Appendices

- 11.1 Appendix 1 –Detail on the relevant Policies

Appendix 1 – Policies

Title:	Council Health and Safety Policy
Approval date:	Being presented to Policy and Sustainability Committee on 9 January 2024 for approval. Policy and Sustainability Committee 1 December 2020
Approval body:	Policy and Sustainability Committee
Review process:	3 Years or before if legislation requires
IIA:	Health and Safety Policy IIA

Title:	Smoke Free Policy
Approval date:	Being presented to Policy and Sustainability Committee on 9 January 2024 for approval. Policy and Sustainability Committee 1 December 2020
Approval body:	Policy and Sustainability Committee
Review process:	3 Years or before if legislation requires
IIA:	Smoke Free Policy IIA

Title:	Council Asbestos Policy
Approval date:	Policy and Sustainability Committee 5 October 2021
Approval body:	Policy and Sustainability Committee
Review process:	3 Years or before if legislation requires
IIA:	When last reviewed an IIA was not deemed necessary however this will be reviewed in line with guidance at the next review in October 2024.

Title:	Council Fire Safety Policy
Approval date:	Policy and Sustainability Committee 10 June 2021
Approval body:	Policy and Sustainability Committee

Review process:	3 Years or before if legislation requires
IIA:	When last reviewed an IIA was not deemed necessary however this will be reviewed in line with guidance at the next review in May 2024.

Title:	Council Water Safety Policy
Approval date:	Policy and Sustainability Committee 10 June 2021
Approval body:	Policy and Sustainability Committee
Review process:	3 Years or before if legislation requires
IIA:	When last reviewed an IIA was not deemed necessary however this will be reviewed in line with guidance at the next review in May 2024.

Title:	Risk Appetite Statement
Approval date	Policy and Sustainability Committee 24 October 2023
Approval body:	Policy and Sustainability Committee
Review process:	Annual
IIA:	Risk Appetite Statement IIA

Title:	Risk Management Policy
Approval date	Policy and Sustainability Committee 24 October 2023
Approval body:	Policy and Sustainability Committee
Review process:	Annual
IIA:	Risk Management Policy IIA

Title:	Internal Audit Charter
Approval date	Governance, Risk and Best Value Committee 14 March 2023

Approval body:	Governance, Risk and Best Value Committee
Review process:	Annual
IIA:	When last reviewed an IIA was not deemed necessary however this will be reviewed in line with guidance at the next annual review.

Title:	Civic Hospitality Policy
Approval date	The City of Edinburgh Council 22 June 2023
Approval body:	Policy and Sustainability Committee
Review process:	Annual
IIA:	When last reviewed an IIA was not deemed necessary however this will be reviewed in line with guidance at the next annual review.

Title:	Information Governance Policy
Approval date	Policy and Sustainability Committee 23 February 2021
Approval body:	Policy and Sustainability Committee
Review process:	Annual
IIA:	Information Governance Policy IIA

Title:	Protecting Colleagues from Unacceptable Behaviours Policy (previously titled Managing Customer Contact in a Fair and Positive Way). This is now an HR policy.
Approval date	Policy and Sustainability Committee 22 August 2023
Approval body:	Policy and Sustainability Committee
Review process:	Annual
IIA:	Reviewed by HR.

Title:	Corporate Complaints Policy
Approval date	Policy and Sustainability Committee 23 February 2021
Approval body:	Policy and Sustainability Committee
Review process:	Annual
IIA:	Corporate Complaints Policy IIA

Title:	Whistleblowing Policy
Approval date	Being presented to Policy and Sustainability Committee on 9 January 2024 for approval. Finance and Resources Committee 23 May 2019
Approval body:	Finance and Resources Committee
Review process:	Annual
IIA:	Whistleblowing Policy and Toolkit IIA