

REPORT TO PROCEDURES COMMITTEE – 5 NOVEMBER 2021

REVIEW OF THE POLICY DEVELOPMENT AND REVIEW FRAMEWORK – PART 4B OF THE SCHEME OF GOVERNANCE

1 Reason for Report / Summary

To propose amendments to the Policy Development and Review Framework (Part 4B of the Scheme of Governance) to streamline and clarify the process for developing and reviewing a policy.

2 Recommendations

The Committee is recommended to:

- 2.1 Consider and comment on the amendments to the Policy Development and Review Framework (Part 4B of the Scheme of Governance) as detailed in Appendix 1 to this report; and**
- 2.2 Recommend the proposed changes for consideration by Full Council;**
- 2.3 Agree that further reviews are carried out during the annual review of the Scheme of Governance; and**
- 2.4 Agree that this review satisfies the requirements of action AGS 2.1.1 in the Annual Governance Statement action plan 2019 to undertake a policy implementation review based on impact of any changes to Council Priorities, and this action may be closed.**

3 Purpose and Decision Making Route

- 3.1 The action plan developed following the preparation of the Annual Governance Statement 2019 identified a requirement to undertake a policy implementation review based on the impact of any changes to the Council priorities.
- 3.2 Full Council at its meeting on [23 July 2020](#) agreed new Council Priorities. A review of the Policy Framework has now been carried out and proposed amendments detailed in Appendix 1 to this Report.
- 3.3 Procedures Committee has the remit to consider proposed changes to Aberdeenshire Council's Scheme of Governance, and to make recommendations about required amendments to Full Council. This report proposes changes to [Part 4B](#) (to be referred to as the "Policy Framework").
- 3.4 The Policy Framework was reviewed in 2018 by the council's Corporate Policy Team. Since then, the Corporate Policy Team and the Governance Team have monitored the implementation of the Framework and responded to queries on the processes described in it.

3.5 The Policy Framework also reflects the stipulations of the existing version of the Councillors' Code of Conduct, regarding the role of Councillors to provide strategic, rather than operational, direction and scrutiny over council policies. The Scottish Government is currently considering a new Code of Conduct for Members which has been laid before Parliament and is likely to come into effect in December 2021. If required, the final version of Part 4B will be amended prior to consideration by Full Council to take account of the new Code of Conduct.

4 Discussion

4.1 In addition to the action identified in the Annual Governance Statement 2019, the following issues have been identified for change during the review process:

- All area committees are being consulted during many policy reviews, even when the changes may only be minor or have no impact on communities. This was not required by the Policy Framework and it creates a high administrative burden, as there have been meetings of area committees where papers have been hundreds of pages long due to multiple policies being submitted for consideration.
- Further clarification is required of the steps which must be taken when carrying out a review, for example, approval by policy committee.

4.2 To make the process easier to understand, the following changes have been proposed in the draft Policy Framework in Appendix 1:

- Section 1.5. "Policy Definition": Removal of sections which are duplicated verbatim in the Appendices.
- Section 1.6. "Governance and Authority": Updated hyperlink and definition of "corporate policy".
- Section 3.1. "Development": Update on the Integrated impact Assessment; and minor changes.
- Section 3.2. "Consultation": Statement that consultation with all area committees is only required for new policies and not by default during reviews; and minor changes.
- Section 3.3. "Approval": New criteria to help officers determine whether approval by the relevant committee is required for a policy's supporting tools and documents; and minor changes.
- Section 3.6. "Policy review process":
 - New criteria specifying when there may be a requirement to consult area committees during the review of a policy.
 - Multiple clarifications have been added on the traffic light categorisation, the steps which must be followed in a review, and who has responsibility to request or conduct a review.

4.3 The Procedures Committee's views on the changes would be welcomed.

5 Council Priorities, Implications and Risk

5.1 This report is relevant to all the Council Priorities, given that the work to deliver them is influenced by the wide-ranging policy framework. The Policy Framework ensures appropriate governance over the development, consultation, approval and

review of the policies which guide the delivery of services for the benefit of communities.

Pillar	Priority
<i>Our People</i>	<i>Education Health & Wellbeing</i>
<i>Our Environment</i>	<i>Infrastructure Resilient Communities</i>
<i>Our Economy</i>	<i>Economy & Enterprise Estate Modernisation</i>

5.2 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

Subject	Yes	No	N/A
Financial		X	
Staffing		X	
Equalities and Fairer Duty Scotland			X
Children and Young People's Rights and Wellbeing			X
Climate Change and Sustainability			X
Health and Wellbeing			X
Town Centre First			X

5.3 There are no staffing or financial implications as a result of this report.

5.4 An integrated impact assessment is not required because the report is seeking recommendations to a review of the Council's Scheme of Governance and there will be no differential impact as a result of this report on people with protected characteristics. Any further actions or recommendations which might impact on groups with protected characteristics will be individually impact assessed.

5.5 The following Risks have been identified as relevant to this matter on a Corporate Level:

- [ACORP002](#) Changes in government policy, legislation and regulation
The amendments proposed in this report to Part 4B of the Scheme of Governance seek to mitigate this risk by providing greater clarity on the process for maintaining internal policies up to date, with appropriate frequency and scrutiny.
- [ACORP006](#) Reputation management (including social media)
The amendments proposed in this report to Part 4B of the Scheme of Governance seek to mitigate this risk by providing clearer guidance of when policies should be reviewed (to stay aligned with relevant external and

internal changes), particularly when they have an impact on communities and should be considered by area committees.

5.6 The following Risks have been identified as relevant to this matter on a Strategic Level:

- [BSSR005](#) One Aberdeenshire, people working effectively with each other across public services and across communities - “Ensure the council is aware of, and prepared for, legislative and policy change and influences the shape of national and regional strategic direction”.

The amendments proposed in this report to Part 4B of the Scheme of Governance seek to mitigate the risk that “processes for reviewing policies corresponding to consultations are not followed correctly due to low awareness or lack of training”, by providing greater clarity on the process which should be followed, in line with the rest of the Scheme of Governance.

6 Scheme of Governance

6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

6.2 The Committee is able to consider this item in terms of Section R of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to proposed changes to Aberdeenshire Council’s Scheme of Governance.

RITCHIE JOHNSON, DIRECTOR OF BUSINESS SERVICES

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Date 7 October 2021

List of Appendices

Appendix 1 – Summary of proposed amendments to Part 4B of the Scheme of Governance

Appendix 2 - Proposed amendments to Part 4B of the Scheme of Governance

Appendix 1

Summary of proposed changes to the Scheme of Governance Part 4B – Policy Development and Review Framework

Paragraph number	Paragraph title	Change	Explanatory note
1.5	Policy Definition	Added “in Appendices 1 and 2”	For clarity
1.5.1	Policy	Delete the policy must also be approved	For clarity
1.5.2	Other tools and supporting documents	New wording inserted providing clarity around definitions	
1.5.2	Regulation	Deleted entire paragraph	Definition already provided in Appendix 1
1.5.3	Procedure	Deleted entire paragraph	Definition already provided in Appendix 1
1.5.4	Protocol	Deleted entire paragraph	Definition already provided in Appendix 1
1.5.5	Guidance	Deleted entire paragraph	Definition already provided in Appendix 1
1.5.6	Strategy/plan	Deleted entire paragraph	Definition already provided in Appendix 1
1.6	Governance and authority	Wording amended	Reference to most recent Councillors Code of Conduct.
3	Process	Inserted additional wording	For clarity
3.1	Policy development process	Inserted additional wording to reflect feedback and to update legislative and policy provisions – e.g. Equality and Fairer Scotland Duty, Engagement & Participation Policy	This section has been updated to reflect changes in legislation and Council policy and practice.
3.2	Consultation	Clarified the procedure for when policy revisions are required to be reported to Area Committees	This section has been amended following feedback from Officers and Members.
3.3.2	Supporting tools and documents approval process	Clarity provided by additional wording around when changes may be required and the approval necessary.	This section has been amended following feedback from Officers and Members.
3.6.	Policy review process	Additional wording inserted to provide clarity around the requirement for ongoing review of policies	This section has been amended following feedback from Officers and Members.

Appendices	Appendix 1 and Appendix 2	Both appendices are updated to reflect the amendments made in the Framework	
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Appendix 2

Proposed changes to the Scheme of Governance Part 4B – Policy Development and Review Framework

Part 4B - Policy Development & Review Framework

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

1 OVERVIEW

1.1 Introduction

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

1.2 Purpose

The Policy Framework seeks to:

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

1.3 Scope of the Framework

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

1.4 Structure of the Framework

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

1.5 Policy Definition

The Policy Framework specifically focuses on the development of policies as defined below. For avoidance of doubt definitions are also provided for other related tools such as documents that may be used to support a policy in order to achieve a specific objective **in Appendices 1 and 2**.

1.5.1 Policy

A policy is a formal, concise, accessible statement on how the council intends to conduct business and deliver services. Generally it will be a statement of intent with rules that influence and enable decision making. A policy statement will lessen the risk of conflict and remove the opportunity for unfair selective application of rules. A new policy or a revision to a policy must be consulted on in accordance with this framework before being approved by the appropriate policy committee ~~the policy must also be approved~~. An example of a simple policy statement is

Confidentiality Policy

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

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

1.5.2 Other tools and supporting documents

Regulations are different from policies in that they are created to set a higher degree of compliance. Regulations associated with legislation which is governed by Scottish or UK law are not policies, as they already exist externally and impose an obligation on the council when operating a specific aspect of its business. Any internal regulations developed by the council must be approved by committee and legal advice must be sought. An example of council developed regulations are the council's Financial Regulations.

A simple flowchart has been developed to help **officers** determine ~~what type of tool is being developed~~ **whether they are developing a policy, a regulation, a plan or strategy**. This is attached as Appendix 1 to this document.

When developing a policy, officers may create supporting documents that describe in greater detail how the policy will be implemented in practice, such as procedures, guidance or protocols. Policies must be approved by Committee. Supporting guidance may be agreed by Officers without Committee approval.

1.5.2 Regulation

~~A regulation will provide a framework for managing a specific aspect of the Council's business and would normally apply to every employee and any~~

individual or organisation acting on the council's behalf. It is rare that the council would develop its own regulations — more usually the council will be obliged by law to follow regulations associated with specific legislation and governed by Scottish, UK or EU law. Any internal regulations developed by the council must be approved by committee and legal advice must be sought. An example of council developed regulations are the council's Financial Regulations.

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

1.5.3 Procedure

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

A simple example of a procedure is:

Confidentiality Procedures

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

1.5.4 Protocol

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

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

1.5.5 Guidance

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

~~1.5.6 Strategy/Plan~~

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

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

These definitions are already reflected verbatim in Appendices 1 and 2. To avoid duplication, it is proposed to remove these sections and refer to those appendices for more detail instead.

1.6 Governance and Authority

As stated in 1.5 above, a policy must be approved by Members through the appropriate committee. The Councillors' Code of Conduct: ~~3rd Edition – December 2010~~ **published in June 2018** by the Scottish Government states that the role for Members is to 'determine policy and to participate in decisions on matters placed before you, not to engage in direct operational management of the Council's services; that is the responsibility of the Council's employees. It is also the responsibility of the Chief Executive and Chief Officers to help ensure that the policies of the council are implemented.'

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

Prior to approval at the appropriate **policy** committee, all new and reviewed policies must be approved by the appropriate Directorate Leadership Team. In addition, corporate policies must be considered and endorsed by Strategic Leadership Team prior to any formal consultation being undertaken.

2 PRINCIPLES

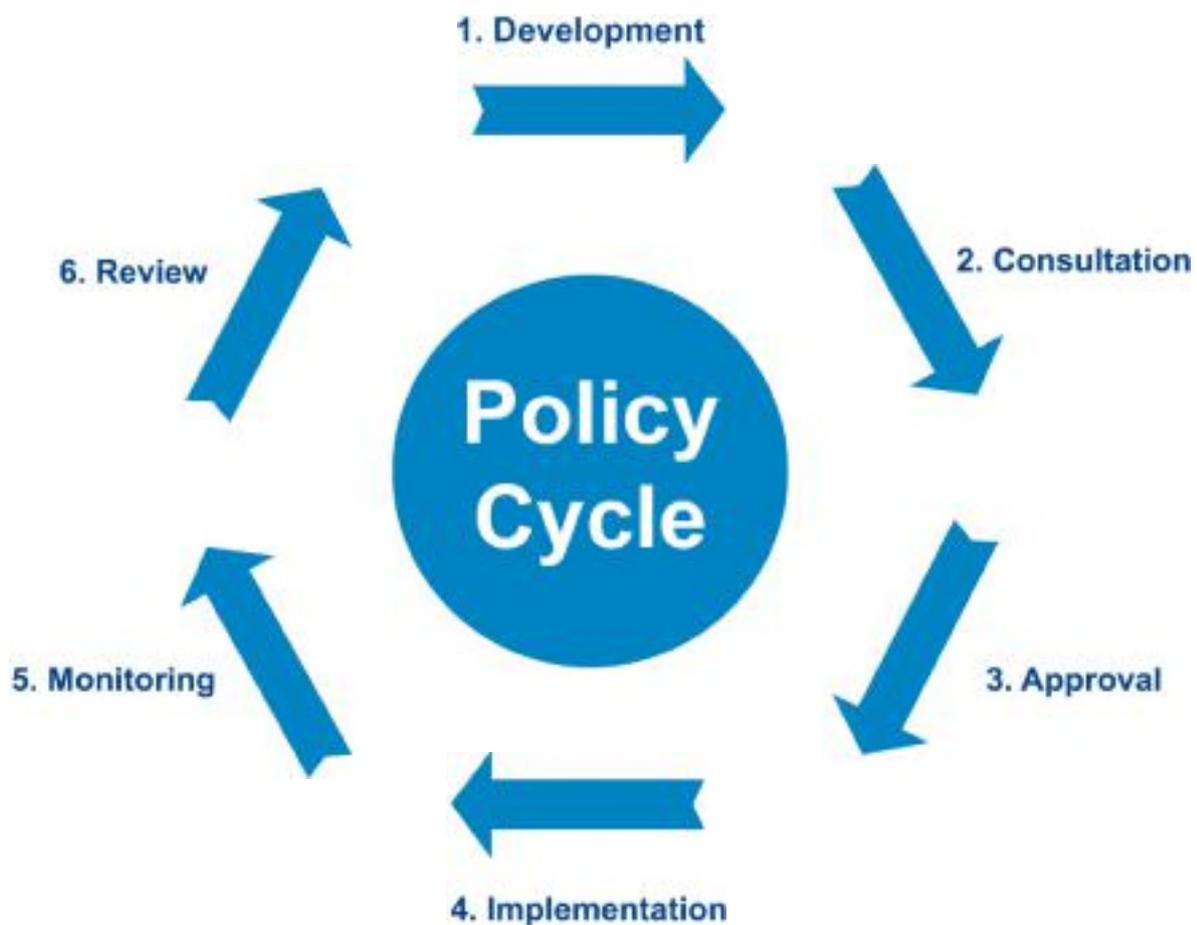
Policies developed under the framework should:

- Enable effective delivery of the priorities for the organisation as determined by the Council Plan agreed by Full Council,
- Be consistent with national legislation and institutional statutes, regulations and other policies,
- Be guided by best practice and Best Value,
- Be clear, transparent and easily accessible,
- Be informed by consultation and communication with relevant stakeholders,

- Be monitored and periodically reviewed to ensure relevance and fitness for purpose,
- Ensure the council is contributing to a more equal society through advancing equality and good relations in our day-to-day business and compliance with the Public Sector Equality Duty.

3 PROCESS

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



It is critical that at each stage of the policy **development and review** ~~there must be~~ consideration is given to equalities.

3.1 Policy development process

3.1.1 Commissioning stage

Policy development may be commissioned or initiated by policy committees, Chief Officers or Service Managers. **A policy review may be initiated as a result of a national initiative or new legislation – see 3.6 below.** An area or policy committee may recommend a policy is developed as a result of scrutiny undertaken. A policy committee may also request the development of a specific policy following the annual review of their policy framework.

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

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

It must be evident at the commissioning stage how the policy is directly supporting the priorities of the Council as determined by the Council Plan.

3.1.2 Categorisation within the policy framework

All policies must align to a policy committee and the functions delegated to that committee **in line with the [List of Committee Powers \(Part 2A of the Scheme of Governance\)](#).**

A policy should be aligned to one policy committee only and approved by that policy committee. If a policy applies to more than one service, **such as a corporate policy**, it must include specific provisions for each service or note any exceptions/additions within any supporting tools or documents. This is also the case for policies which apply council-wide but have specific implications for individual services.

Where a policy is relevant to areas of service that are equally the responsibility of ~~multiple~~ **more than one Policy** committee, all relevant committees must approve the policy. **In the event that committees cannot reach agreement the matter shall be referred by the relevant Director or their nominee to Full Council for determination in accordance with Part 2A of the Scheme of Governance.**

3.1.3 Statutory policies and regulations

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

3.1.4 Policy research

In order to establish precedent and inform the policy process, research **Page 130** conducted into existing internal policies or similar external examples. This ensures that problems can be identified early on in the process and improve the quality of the final document.

Officers must ensure that the research includes consideration of overarching principles for the council such as Town Centre First Principle, Sustainability and the Carbon Budget and the Medium Term Financial Strategy to ensure the policy being developed or reviewed is not detrimentally impacting or contradicting corporate principles.

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

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

3.1.5 Equalities

All policies must comply with the Public Sector Equality Duty. During the development **and review** of a policy, **Officers and Members are legally obliged to have** give due regard or consciously consider the need for the policy to:

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

During the development **and review** stage of a policy an **Equalities Integrated** Impact Assessment must be completed to demonstrate the impact on **people with** any protected characteristic, **show regard for the Fairer Scotland Duty and identify** any mitigating actions that can be taken.

3.1.6 Fairer Scotland Duty

The Fairer Scotland Duty (FSD), Part 1 of the Equality Act 2010, came into force in Scotland in April 2018. It places a legal responsibility on particular public bodies in Scotland, **including the Council**, to actively consider (pay due regard to) how they can reduce inequalities of outcomes caused by socioeconomic disadvantage, when making strategic decisions.

To fulfil the council's obligations under the Duty, the key requirements that must be met are:

- to actively consider how to reduce inequalities of outcome in any major strategic decision made; and
- to publish a written assessment, showing how this has been done.

Further information and guidance about the FSD **available for officers** ~~Page: 131~~
the council intranet.

~~The FSD is subject to a three-year implementation phase, however, interim guidance is already available to help public bodies, such as the council, begin to consider the duty. There is more information about the FSD within the Policy Development Toolkit for officers.~~

3.1.7 Data Protection Impact Assessment

As part of the process for developing **and reviewing** ~~(or reviewing)~~ a policy, consideration must be given to undertaking a Data Protection Impact Assessment (DPIA, also known as privacy impact assessment or PIA). A DPIA is a tool which can help identify the most effective way to comply with data protection obligations and meet individuals' expectations of privacy. It can minimise the privacy risks associated with a policy for any individual that may be impacted by the policy. Privacy can relate to information (e.g. information about the person) or physical (e.g. maintaining a person's own physical space or solitude – for example from intrusion as a result of acts of surveillance). Further information and guidance on undertaking a DPIA is **available for officers in the council intranet** ~~in Policy Development Toolkit for officers.~~

3.1.8 Engagement

Engagement should be on a locality basis and should be designed to be as inclusive and engaging as possible using formats such as workshops or facilitated sessions. Engagement should be undertaken **in line with the Council's [Engagement & Participation Policy](#)** early on in the process whilst ideas are being formulated and before decisions on options have been taken. Members from the locality should be involved in any engagement activity.

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

3.1.9 Drafting

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

There is a template available for officers who are developing a new policy in the [Policy Framework web pages](#).

3.2 Consultation

- 3.2.1 Prior to consultation the draft policy **or draft reviewed policy** ~~should~~ **must** be endorsed for consultation by the appropriate Directorate Management Team. ~~and, for these~~ **Corporate** ~~policies that are corporate,~~ (e.g. Engagement & Participation Policy, Printing Policy, Charging & Fees Framework) **must be endorsed by** Strategic Leadership Team ~~must also endorse the draft policy for consultation.~~

Policies should be subject to a consultation period for a minimum of 21 days. Consultations will seek comments from internal representative groups (i.e. services) concerned with the policy and should also include representations from recognised trade unions as well as any other interested parties, internal or external, including Members. Consultations should be conducted using the Council's Engagement platform, [Engage Aberdeenshire](#).

- 3.2.2** Specifically there must be consultation with area committees **setting out the implications of proposed changes for the committee**. A **starter paper report** should be submitted to all appropriate area committees detailing the core issues and how the proposed policy change might affect each Area or Service. Such reports should be submitted timeously to Area Managers to enable discussion at Area Management Teams should this be considered appropriate. The **starter paper committee report** should set out the timetable for the area committee to submit its views and for the eventual consideration of the matter by **the appropriate** policy committee.

It is suggested that consultation with Area Committees is refined so that each Area Committee is provided with a summary of what the proposed policy changes mean for it.

- 3.2.3** **Where the integrated impact assessment (IIA) identifies** an impact on ~~has~~ been identified for individuals with protected characteristics, there must be evidence of consultation with representative groups.
- 3.2.4** Good practice is to provide feedback on the outcome of the consultation and confirm where comments have been approved or rejected. Reasons for these decisions must also be included. All consultation documents must be prepared for presentation to policy sponsors and appropriate **policy committee when submitting it for approval**, including decisions and reasons as described.
- 3.2.5** All consultation promotes equality of opportunity for all people and giving consideration to the nine protected characteristics - age, religion or belief, sex (gender), sexual orientation, disability, race, pregnancy and maternity, marriage and civil partnership, and gender reassignment.
- 3.2.6** This consultation process follows the **council's** standard [Consultation Code of Practice](#) ~~for the council~~.

3.3 Approval

3.3.1 Policy approval process

Policy approval should be a two-stage process. In the first instance, draft policies, amended as appropriate as a result of the consultation process, must be presented by the responsible officer or policy sponsor to be agreed by a Chief Officer. Approval may be delegated to a Service Manager as per the List of Officer Powers (Part 2B).

Chief Officer agreed drafts should then be recommended for approval to the relevant policy committee at the next available opportunity. All policies, whether

new or revised, must be approved by the appropriate policy committee ~~Page 133~~
Part 2A List of Committee Powers.

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

3.3.2 Supporting Tools & Documents approval process

Any supporting tools or documents developed in line with related policies, such as procedures and guidance, should be approved by a Chief Officer as per the Scheme of Governance.

Approval of supporting tools and documents by **the relevant** committee is not necessary by default, **but** there may be specific circumstances where committee approval would be appropriate. The decision to seek approval at committee should be made in conjunction with the policy sponsor or Chief Officer, **and may be influenced by criteria such as:**

- **The relevant policy committee has requested to review the documentation in full or**
- **Impact on communities or on those with protected characteristics**

Where supporting tools or documents requires updating as a result of statutory changes **due to reasons such as changes in industry standards or legislative changes**, advice should be sought from the policy sponsor or Chief Officer to determine if the update ~~is actually impacting~~ **has a substantive impact** on the aligned policy and propose ~~ing~~ changes at policy level. If ~~it is it,~~ **a substantive impact is identified** the policy should be reviewed in line with the **development and** review process **above**.

3.3.3 Policy directory and access

All approved policies must be stored in a central council policy directory and must be accessible by all staff. ~~Where relevant,~~ **Policies** copies should also be made available to the public via the council's website. The directory will be administered by the ~~Policy, Performance & Improvement~~ **Business Strategy** Team and may only be edited by those officers nominated as policy sponsor or responsible officer ~~for an individual policy~~.

3.4 Implementation

3.4.1 Policies should have designated dates to determine:

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

3.4.2 All policies must be accessible to all employees who use it or are affected by it. They must also be communicated across the council so that employees are aware.

3.4.3 All policies must be accessible to the residents and communities who will be affected by it. Policies should be published on the council's website and accessible copies (in other formats or languages) should be made available as requested.

- 3.4.4** Policies should designate the officer responsible through the List of Officer Powers (Part 2B) for developing supporting tools and documents in order to implement approved policies. This includes drafting guidelines, procedures and any other related documents.

3.5 Monitoring

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

3.6 Policy review process

3.6.1 Year 1 Review

During the first year following implementation of a policy, work should be undertaken to monitor and assess its success and, where appropriate, minor revisions proposed. Generally, this will be undertaken by the responsible officer and should include feedback from staff using the policy on an operational level. The reviewer will submit proposed revisions to policies or supporting documents to the Directorate Management Team as necessary which can determine the method for taking forward.

3.6.2 Ongoing Review

Once established, policies ~~must be~~ **are** subject to a full review within five years. **Each policy committee will annually consider the need to review existing policies, supported by the appropriate chief officer (See 3.6.5).**

- 3.6.3 Members, through p**Policy and area committees, may also identify a requirement to review (or develop) a policy **at any time** through the Part 4A Scrutiny at Aberdeenshire process.

Unlike in the development of a new policy, there is no requirement for area committees to be consulted on the review of a policy as a default, other than where -

- **The relevant Chief Officer has identified significant changes which may impact on communities as a result of the review, or**
- **in the professional opinion of the relevant Chief Officer, it is considered appropriate.**

~~Members, through policy committees and area committees, also have the discretion to request a policy review at any time. Additionally, incoming administrations may instruct the responsible officer to initiate a review where policies are not consistent with revised priorities.~~

3.6.4 Policies may also be reviewed or amended before their due date (**Year 1** ~~Page 135~~) officer with appropriate authority under the List of Officers Powers (Part 2B).

3.6.5 When considered by the policy committee annual overview, policies are categorised **by the Business Strategy Team** using a traffic light system to indicate readiness for review. **Responsible officers (or, in their absence, policy sponsors) will be asked to comment on policies marked amber and red, providing justification for when they should be reviewed according to the criteria in 3.6.6.** This also considers the impact of the policy on protected characteristics as defined by the Equality Act 2010. **Members of the policy committee may make a determination on when a review should be carried out.** The categories are defined as follows:-

- (a) Red** – Review **is** required.
 Policy is older than four years – **a review must be completed before the end of the five-year period from when the policy was agreed, if possible.**
 Policy is believed to have a negative or unknown impact on people with protected characteristics.
 External or other factors give just cause for review, ~~for example a permanent reduction in resources.~~ **See criteria in 3.6.6.**
- (b) Amber** – For monitoring –
 Policy is over three years old **and less than four years old.**
 External or other factors that could give just cause for review **include, for example, legislation that contradicts the policy has been passed,** or a permanent reduction in resources **are is** anticipated within one-~~two~~ **three** years.
- (c) Green** – No action.
~~New or recently revised~~ **Policy has been in place for three years or less is three years old or le** - subject to regular monitoring under the Year 1 Review process.
~~Policy is less than three years old.~~

3.6.6 A policy is identified as requiring review if it meets any of the following criteria:

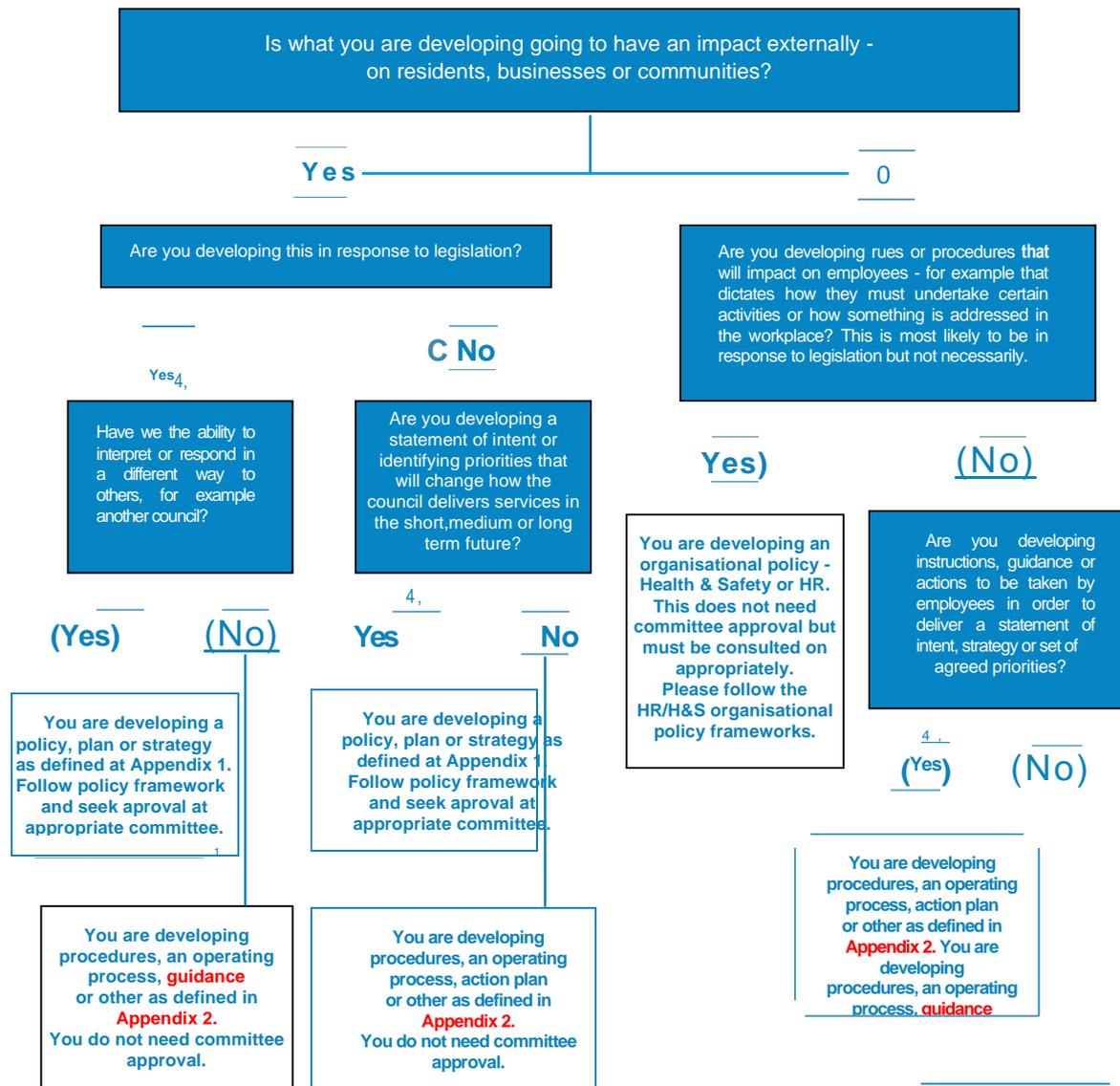
- Policy does not fit with the current [strategic Priorities](#) objectives of the council (e.g. Council Plan) or priorities of Members,
- Policy is not fit for purpose at the present time, for example as a result of changed statutory requirements,
- Policy must be altered due to statutory obligations,
- Policy conflicts with other existing policies,
- Policy is to be consolidated as part of a new policy,
- The relevant policy committee has requested a full review as part of scrutiny recommendations,
- Unintended impact on those with protected characteristics has been identified,
- An area committee has requested a policy review as part of the ~~Scrutiny~~ **Committee Review** Process.
- A permanent reduction in resources for the activity being regulated by the policy.

- 3.6.7** Policies may be ~~renewed~~ **approved** by the policy committee with no amendments **after evaluating it according to this criteria and considering officers' recommendations**, and no further action is required.
- 3.6.8** In the event that a policy requires review, the policy committee will instruct a ~~working group~~ **responsible officer** to investigate and review the policy **by following the steps laid out in Sections 3.1 (except for 3.1.1, 3.1.2 and 3.1.3), 3.2 and 3.3, in order to** propose amendments or replacements, and present to the ~~steering group~~ **relevant policy committee** at a future date. This review should also consider the impact on any ~~related policy instruments~~ **supporting documents** and the need to ~~review~~ **amend** or ~~renew~~ these.
- 3.6.9** ~~Policies may also be reviewed or amended before their due date by any officer with appropriate authority under the List of Officers Powers (Part 2B). Additionally, they may be reviewed at the discretion of Members.~~
- 3.6.9** Supporting tools and documents should ~~be~~ also be reviewed within a five year period in line with the review of the policy (as described at section 6.3.6.2). All supporting tools and documents should identify the responsible officer ~~for conducting reviews~~ **who will conduct reviews** within the body of the text.
- (a) Supporting tools and documents may be renewed with no amendments by the responsible Chief Officer through the List of Officer Powers.
 - (b) Section 3.6.8 should inform any review.

Members do not by default, have a right to review or amend supporting tools and documents, **insofar** as they relate to operational matters, but may comment and give recommendations through committees to specify certain provisions.

The numerical order of the content has been adjusted from 3.6.2 onwards to clarify the sequence of actions that may initiate a policy review. Section 3.6.7 now explains the “no amendment” outcome after evaluation of the criteria, rather than before.

Flowchart Appendix 1



^CSeek advice from the Policy, Performance & Improvement Team.

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

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

Confidentiality Policy

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

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

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

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

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

Flowchart Appendix 2

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

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

A simple example of a procedure is:

Confidentiality Procedures

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

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

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

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

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

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

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

“Strategy / Plan” was duplicated in both Appendix 1 and Appendix 2. Since they are unlikely to be used as a supporting document for a policy, it is suggested that this definition is only featured in Appendix 1.