

## Appendix B – Current Section 26 of the Constitution – Code of Corporate Governance

### Code of Corporate Governance

#### Introduction to the Code of Corporate Governance

- Code of  
Corporate  
Governance**
- 26.1 Corporate Governance is the system by which local authorities direct and control their functions in the best interests of their communities.
- 26.2 Good corporate governance is fundamental to securing confidence in public services, and so governance arrangements must be transparent to the community and other stakeholders, and promote their involvement, in order to demonstrate openness, integrity, and accountability.
- 26.3 Governance arrangements should be aligned with the Council’s core vision and objectives, and ensure continuous improvement in the context of economy, efficiency and effectiveness.
- 26.4 The Code of Corporate Governance describes the principles applied by Kent County Council as the framework for good corporate governance, how we are achieving those principles, and the key policies and plans in place to support this.
- 26.5 The Code follows closely the six principles identified in ‘Delivering Good Governance in Local Government (2007)’, published jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA), and the Society of Local Authority Chief Executives and Senior Managers (SOLACE), as a framework for local authorities.
- 26.6 The Council’s governance arrangements are reviewed annually and reported, with any consequential recommendations, to the Governance and Audit Committee and the County Council for approval.
- 26.7 The Code as adopted by Kent County Council is set out in the following tables:

#### **Principle One: Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a Vision for the local area.**

<b>Key Elements</b>	<ul style="list-style-type: none"> <li>• Exercising strategic leadership by developing and clearly communicating the Council’s purpose and vision, and it’s intended outcomes for citizens and service users</li> <li>• Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning</li> <li>• Ensuring the Council makes best use of resources, and that taxpayers and service users receive excellent value for money</li> </ul>
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<b>How We Achieve This</b>	<ul style="list-style-type: none"> <li>• Develop and promote our purpose and vision to be used as a basis for corporate and service planning</li> <li>• Regularly review our vision for the local area and its impact on our governance and financial arrangements</li> <li>• Ensure that partnerships work to a common vision which all parties understand/agree</li> <li>• Publish annual reports communicating our activities and achievements, financial position and performance</li> <li>• Measure quality of service, and ensure availability of information needed to effectively review our service quality</li> <li>• Put in place effective procedures to identify and address failures in service delivery, including complaints and consultation mechanisms for our service users</li> <li>• Measure value for money, and ensure that we have the information needed to review value for money and performance effectively</li> <li>• Measure of the environmental impact of our policies, plans and decisions</li> </ul>
<b>Policies / Plans</b>	<p>Vision for Kent 2012-2022    Facing the Challenge    Complaints and Feedback  Whistle Blowing Policy    Kent Council Leaders  Medium Term Financial Plan    Consultation Page    Environment Policy  Equality Impact Assessment</p>

**Principle Two: Members and Officers working together to achieve a common purpose with clearly defined functions and roles.**

<b>Key Elements</b>	<ul style="list-style-type: none"> <li>• Ensuring effective leadership throughout the Council and being clear about executive, non-executive and scrutiny functions/roles</li> <li>• Ensuring that a constructive working relationship exists between Council Members and Officers, and that the responsibilities of Members and Officers are carried out to a high standard</li> <li>• Ensuring relationships between the Council and the public are clear so that each knows what to expect of each other</li> </ul>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>How We Achieve This</b></p>	<ul style="list-style-type: none"> <li>• A clear statement of the respective roles and responsibilities of our executive, individual executive Members, and the Scrutiny function, and our approach towards putting this into practice</li> <li>• A clear statement of the respective roles and responsibilities of our non-executive Members, Members generally, and our senior Officers</li> <li>• A scheme of delegation and reserved powers within our Constitution, including a formal schedule of matters specifically reserved for collective decision of the Council, taking account of relevant legislation, to be monitored and revised as required</li> <li>• Making the Corporate Management Team responsible and accountable to the Council for all aspects of operational management Protocols ensuring that the Leader and Chief Officers negotiate their respective roles and that a shared understanding of roles and objectives is maintained</li> <li>• Making the Chief Finance Officer (Section 151 Officer) responsible to the Council for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control</li> <li>• Making the Monitoring Officer responsible to the Council for ensuring that agreed procedures are followed, and for ensuring compliance with all applicable statutes and regulations</li> <li>• Protocols to ensure effective communication between Members and Officers</li> <li>• Set out terms and conditions for remuneration of Members and Officers, and an effective structure for managing the process, including an independent remuneration Panel, and effective mechanisms for monitoring performance and service delivery</li> <li>• Ensuring that our vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated</li> <li>• When working in partnership, ensuring that our Members are clear about their roles and responsibilities, both individually and collectively in relation to the partnership and to the Council, that there is clarity about the legal status of the partnership, and that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions</li> </ul>
<p><b>Policies / Plans</b></p>	<p>Constitution: Part Two    Financial Regulations    Member and Officer Codes of Conduct    Personnel policies    Performance management    Forthcoming Executive Decisions (FED)    Councillor Allowances    Local Authority Companies Manual    Outside Body list</p>

**Principle Three: Promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour.**

<p><b>Key Element</b></p>	<ul style="list-style-type: none"> <li>• Ensuring Council Members and Officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance</li> <li>• Ensuring that organisational values are put into practice and are effective</li> </ul>
<p><b>How We Achieve This</b></p>	<ul style="list-style-type: none"> <li>• Ensure that our leadership sets a tone for the organisation by creating a climate of openness, accountability, integrity, support and respect</li> <li>• Ensure that standards of conduct and personal behaviour expected of our Members and Officers, of work between our Members and Officers, and between the Council, its partners and the community are defined and communicated through codes of conduct and protocols</li> <li>• Put in place arrangements to ensure that our Members and Officers are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders, and put in place appropriate processes to ensure that they continue to operate in practice</li> <li>• Maintain shared values including leadership values for both the Members and Officers reflecting public expectations, and communicate these with our Members, Officers, the community and partners</li> <li>• Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice</li> <li>• Develop and maintain an effective ethical standards regime to ensure that high standards of conduct are embedded in our culture</li> <li>• Use our shared values to act as a guide for decision making, and as a basis for developing positive and trusting relationships within the Council</li> <li>• In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively</li> </ul>
<p><b>Policies / Plans</b></p>	<p>Member and Officer Codes of Conduct   Equalities policy   Information and Data   The Code of Recommended Practice for Local Authorities on Data Transparency   Financial Regulations   Standards Committee   Whistle Blowing Policy   Member and Officer Registers of personal interests   Kent Partners Compact   Members Induction</p>

**Principle Four: Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.**

<p><b>Key Elements</b></p>	<ul style="list-style-type: none"> <li>• Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny</li> <li>• Having good quality information advice and support to ensure that services are delivered effectively and are what the community wants/needs</li> <li>• Ensuring that an effective risk management system is in place</li> <li>• Using legal powers to the full benefit of citizens and communities in the local area</li> </ul>
<p><b>How We Achieve This</b></p>	<ul style="list-style-type: none"> <li>• Develop and maintain an effective scrutiny function that encourages constructive challenge and enhances our performance overall, and that of any organisation for which we are responsible</li> <li>• Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based</li> <li>• Put in place arrangements to safeguard Members and Officers against conflicts of interest, and put in place appropriate processes to ensure that they continue to operate in practice</li> <li>• Develop and maintain an effective Governance and Audit Committee which is independent of the executive and scrutiny functions</li> <li>• Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints</li> <li>• Ensure that those making decisions for the Council or its partnerships are provided with information that is fit for purpose (relevant, timely, and giving clear explanations of technical issues and their implications)</li> <li>• Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately</li> <li>• Ensure that risk management is embedded within our culture, with Members and Officers at all levels recognising that risk management is part of their role</li> <li>• Ensure that arrangements are in place for whistleblowing to which Officers and all those contracting with the Council have access</li> <li>• Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law</li> </ul>
<p><b>Policies / Plans</b></p>	<p>Constitution: Part Two    Financial Regulations    Member and Officer Codes of Conduct    Member and Officer Registers of personal interests    Complaints and Feedback    Whistle Blowing Policy    Members Induction    Introduction to Risk Management    Corporate Risk Register    Governance and Audit Committee    Forthcoming Executive Decisions (FED)</p>

**Principle Five: Developing the capacity and capability of Members and Officers to be effective.**

<p><b>Key Elements</b></p>	<ul style="list-style-type: none"> <li>• Making sure that Members and Officers have the skills, knowledge, experience and resources they need to perform well in their roles</li> <li>• Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as groups</li> <li>• Encouraging new talent for membership of the Council so that best use can be made of individuals' skills and resources in balancing continuity and renewal</li> </ul>
<p><b>How We Achieve This</b></p>	<ul style="list-style-type: none"> <li>• Provide induction programmes tailored to individual needs, and regular opportunities for Members and Officers to update their knowledge</li> <li>• Ensure that statutory Officers have the skills, resources and support necessary to perform their roles effectively, and that these roles are understood throughout the Council</li> <li>• Assess the skills required by our Members and Officers, and make a commitment to develop those skills to enable roles to be carried out effectively</li> <li>• Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed</li> <li>• Ensure that effective arrangements are in place for reviewing the performance of our executive, and of individual Members, and addressing any training or development needs</li> <li>• Ensure that there are effective arrangements designed to encourage individuals from all Sections of the community to engage with, contribute to, and participate in the work of the Council, including putting themselves forward for election as Members of the Council</li> <li>• Ensure that career structures are in place for Members and Officers, to encourage participation and development</li> </ul>
<p><b>Policies / Plans</b></p>	<p>Staff Induction programme    Staff Training and Development    Constitution: Sections 10-11    Members Induction    Performance management    Kent Council Leaders    Kent Manager    The Kent Show    Webcasting of public meeting    Independent school admissions appeal Panels</p>

**Principle Six: Engaging with local people and other stakeholders to ensure robust public accountability.**

<p><b>Key Elements</b></p>	<ul style="list-style-type: none"> <li>• Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships</li> <li>• Taking an active and planned approach to dialogue with, and accountability to, the public to ensure effective/appropriate service delivery whether directly by the Council, in partnership or by commissioning</li> <li>• Making best use of human resources by taking an active and planned approach to meet responsibility to staff</li> </ul>
<p><b>How We Achieve This</b></p>	<ul style="list-style-type: none"> <li>• Making sure that the Council, all staff, and the community are clear about to whom the Council is accountable and for what</li> <li>• Consider those institutional stakeholders to whom the Council is accountable and assess the effectiveness of relationships and any changes required</li> <li>• Produce an annual report on the activity of the scrutiny function</li> <li>• Ensure clear channels of communication with all Sections of the community and other stakeholders, with monitoring arrangements to ensure that they operate effectively</li> <li>• Hold meetings in public unless there are justifiable reasons for confidentiality</li> <li>• Ensure that there are arrangements enabling the Council to engage effectively with all Sections of the community, recognising different priorities and establishing explicit processes for dealing with competing demands</li> <li>• Having a clear policy on what issues the Council will meaningfully consult on or engage with the public and service users about, including a feedback mechanism to demonstrate what has changed as a result</li> <li>• Publish an annual performance plan giving information on our vision, strategy, plans and financial statements as well as information about outcomes, achievements and the satisfaction of service users</li> <li>• Ensure that the Council is open and accessible to the community, service users and its staff, ensuring a commitment to openness and transparency in all dealings, including partnerships, subject only to specific circumstances where confidentiality is justified</li> <li>• Develop and maintain a clear policy on how our staff and their representatives are consulted and involved in decision making</li> </ul>
<p><b>Policies / Plans</b></p>	<p>Vision for Kent 2012-2022    Business Plans    Complaints and Feedback procedures    Whistleblowing Policy    Kent Forum    Consultation Strategy          Petitions Scheme    Forward Plan    Constitution    Statement of Accounts          Information and Data    The Code of Recommended Practice for Local Authorities on data transparency</p>