

**County Council**

**6 August 2008**

**Standards Committee Annual Report  
2007/08**

---



**Report of Mr Eddy Marchant, Independent Chairman of the  
Standards Committee**

---

**Purpose of the Report**

- 1 To reflect and report on the work of the Standards Committee during 2007/08.

**Background**

- 2 The Local Government Act 2000 (the 2000 Act) established a new ethical framework for local government which included a requirement for every principal authority to establish a Standards Committee.
- 3 Following enactment of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) from May 2008 local authorities' Standards Committees (rather than the Standards Board for England) have assumed responsibility for the initial assessment of Member misconduct allegations, commonly referred to as the local filter arrangements and as such the local resolution of complaints may be facilitated. The Council's Standards Committee has long advocated such an approach to enable where possible a much speedier, cost effective and less bureaucratic approach to handling complaints about Member Conduct.
- 4 It is now mandatory for Standards Committees to be chaired by Independent Members and there is a potential for them to work jointly together. The Standards Board for England has assumed the role of strategic regulator and will provide local authorities with the help and guidance needed to fulfil their increased responsibilities.
- 5 The membership of this Council's Standards Committee was extended to twelve Elected Members and six Independent Members from May 2008 to accommodate the newly acquired responsibility for the initial assessment of misconduct allegations.

**The Role of the Standards Committee**

- 6 Above and beyond the specific functions around standards of conduct by Members which the law prescribes, the Council has established a wider role for its Standards Committee, briefly summarised as follows:

- Promoting and maintaining high standards of conduct by Members, assisting them to observe the Code of Conduct, monitoring the Code's operation and advising the Council on any necessary revisions;
  - Advising and arranging on behalf of the Council any relevant training for Members in relation to the Code's requirements;
  - Exercising any functions from regulations made under the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007 – for example, the initial assessment , investigation and determination of allegations of misconduct;
  - Dealing with any alleged breaches by a Member of other relevant Council Codes and Protocols;
  - Overseeing the probity aspects of both internal and external audit;
  - Overseeing the Officer Code of Conduct and the Council's Confidential Reporting Code;
  - Granting exemptions on the political restriction of officer posts; and
  - Overseeing the Council's complaints handling arrangements and performance.
- 7 This broader remit presents the Committee with the opportunity to make a much more meaningful, proactive and positive contribution to the work of the Council.

### **The Standards Board for England**

- 8 In 2007/08 the Board received 3,624 allegations against Members, compared to 3,549 in 2006/07 and 3,836 in 2005/06.. The proportion of allegations from the public was 67%, 27% came from councillors, 5% from council employees and 1% from other sources.
- 9 14% of the allegations received were referred for investigation, representing a continuing downward trend. Parish Council Members accounted for 50% of the allegations referred for investigation, whilst for County Council Members the figure nationally was 4%. The nature of allegations referred for investigation was as follows:
- Bringing authority into disrepute (11%)
  - Prejudicial interest (25%)
  - Failure to treat others with respect (11%)
  - Failure to disclose a personal interest (11%)
  - Using position to confer or secure an advantage or disadvantage (12%)
  - Disclosure of confidential information (2%)
  - Other (28%)

- 10 It is important to put all of these figures into context. Of the 3,624 allegations received in 2007/08, in 91% of the cases the Standards Board found that either no further action was necessary or there was no evidence of a breach of the Code. Of those matters referred for local determination there were findings of a breach of the Code in 423 cases.
- 11 In this Authority, there have been 20 allegations against Members lodged with the Board in the seven years since its inception, none of which occurred in 2007/08. In all but one of these 20 cases the Board decided that either the allegation need not be investigated or following investigation no action needed to be taken. The remaining case was referred to the Monitoring Officer for local investigation in 2006/07 and the subsequent determination of the Standards Committee was that the Member concerned had not failed to comply with the Code of Conduct.

### **The New Code of Conduct for Members**

- 12 The County Council's current Code of Conduct was adopted on 28 June 2007. It reflects the revised Model Code of Conduct published by the Government which came into force on 3 May 2007. It was designed to put in place a clearer, simpler and more proportionate code of conduct for local authority members and includes changes to the rules on personal and prejudicial interests to remove barriers to councilors speaking up for their constituents or for public bodies on which they have been appointed.
- 13 We have now adopted a new proposed Procedure for the Local Assessment of Complaints which establishes the necessary sub committees, a process for the administration of complaints and criteria against which such complaints are to be determined. Arrangements are in hand to provide training on all of these aspects to Standards Committee Members.
- 14 For Members, the Code continues to provide a single point of reference in terms of their responsibilities:
  - General obligations
  - Personal and prejudicial interests
  - Disclosure of interests
  - Participation in relation to disclosed interests
  - Treatment of gifts and hospitality
- 15 In signing their Declaration of Acceptance of Office following the May 2008 elections, Members have undertaken to observe the Code as to the conduct which is expected of Members of the County Council.
- 16 Members are urged to continue to be vigilant towards their responsibilities in this respect. If any Member ever has doubts or uncertainties about a particular aspect of the Code or their own personal circumstances they should seek advice from either Lesley Davies (Monitoring Officer) or Linda Walker (Deputy Monitoring Officer).

## **Training, Guidance, Awareness and Liaison**

- 17 A core element in the Induction Programme for all Members is familiarisation with the Ethical Standards Framework in general and the particular responsibilities of the Code of Conduct. As and when any key elements of the Framework are further developed suitable training and awareness will be delivered. Members are also regularly reminded about their responsibilities under the Code.
- 18 Key events hosted by the Standards Board and other relevant organisations have been attended in order to keep abreast of new developments and to learn of the experiences of other authorities. This important and at the same time selective approach will continue in future. Perhaps the most prominent of these events is the Standards Board Annual Assembly of Standards Committees which we attend with colleagues from the Fire and Police Authorities and a comprehensive delegate report is produced afterwards for the benefit of all Members. All relevant guidance issued by the Standards Board is always distributed to all Members.
- 19 We have established a practice whenever appropriate of joint meetings with the Fire and Police Authority Standards Committees because much of our business is common and that particular approach will continue. The partnership has been further extended by combined attendance at training and other events.
- 20 A Monitoring Officers' Group of the principal authorities within the County exists to share experience, develop consistent approaches to particular issues and offer one another support. In the past year the Group has focused its discussions around readiness for the transition to unitary status. Regionally, the Association of Council Secretaries and Solicitors and the Northern Secretaries Group regularly feature Ethical Standards issues on their agenda and Chairs of Standards Committees and Monitoring Officers are invited to join meetings as and when appropriate.

## **What Makes an Ethical Authority**

- 21 I refer to my earlier comments on the 2007 Act in which the Government endorsed the Standards Board's view that Monitoring Officers and Standards Committees need to become more central, not only in investigating but also in promoting and championing high standards, and ensuring that standards become embedded as an intrinsic part of an authority's culture.
- 22 In 2006/07 we examined the potential use of diagnostic toolkits developed by and for the Board, the IDeA and the Audit Commission to identify the components of an ethical environment and then provide an effective practice guide to develop and maintain such an environment. There were clear links in this to the increasing importance of governance and standards in the Comprehensive Performance Assessment Process.

- 23 Subsequently, our External Auditor (the Audit Commission) facilitated an ethical standards self assessment survey of Members and Senior Officers to assess levels of awareness and understanding.
- 24 In November 2007 the Audit Commission presented the findings of the survey to the Committee which in many respects were very positive and we were pleased to note that in terms of general awareness of the ethical agenda by both Members and Officers was strong. We have adopted the Action Plan recommended by the Commission to continue to strengthen ethical standards arrangements in the Authority.

### **Local Protocols**

- 25 The County Council has adopted the following local protocols as additional guidance for Members:
- Member/Officer Relations
  - Planning and Lobbying
  - Use of IT
- 26 Enforcement of these Protocols rests with the County Council which delegates overview of that responsibility to the Standards Committee. In the interests of consistency and fairness, the same procedures apply for local investigation and hearings into alleged breaches of these local protocols as is the case for allegations of Member misconduct. As yet, there have been no alleged breaches which have necessitated the use of these procedures.

### **Complaints Handling within the Council (Service Complaints)**

- 27 Over the last 5 years the Committee has developed a much more comprehensive reporting regime for service complaints handling within the Council.
- 28 We receive quarterly reports which provide basic statistics, results against corporate performance targets, any relevant trends and details of levels of satisfaction. In addition, individual Services provide detailed information on the nature of complaints received, remedial action taken where necessary, including steps to prevent re-occurrence, and how the intelligence gained from complaints is used in future service planning and delivery.
- 29 If necessary, Complaints Officers from Services are available to us to discuss points in even more detail and we also regularly examine a percentage of completed complaints files in order to satisfy ourselves of the robustness of the process being followed.

- 30 Whilst we now take a very active interest in complaints handling, we always try to do so in a supportive manner towards Services, with the emphasis on the opportunities which complaints bring to learn and improve and to inform Services of any issues that are particularly important from a Member perspective.
- 31 In 2007/08, the Council received a total of 251 complaints. This compared with 289 during 2006/07, 299 during 2005/06 and 338 in 2004/05.
- 32 The vast majority of complaints during 2007/08 were both acknowledged and received full responses or progress reports within the Council's performance targets.
- 33 At the time of receiving quarterly reports, significant numbers of complainants were either satisfied as to how their complaint was handled or did not pursue their complaint beyond Stage 1.
- 34 Poor Service (in all its various guises) has consistently been by far the largest category of complaint. In some situations at least, however, the complaint had arisen because of either the Authority's own legitimate policy/priority decisions or budget pressures/measures or similar direction from Government. The second largest category of complaint relates to staff conduct/attitude/behaviour. This is an area to which we now give particular attention because we believe that as a learning organisation these are causes of complaint that can be directly addressed and prevented.
- 35 The majority of the Council's complaints for a number of years have occurred in what was the Social Care and Health Service. (Representations are now divided between the Adult and Community and Children's and Young Peoples Services). This should not surprise Members given the often sensitive and complex and sometimes interventionist nature of service delivery in social care provision. Furthermore, this service area is subject to Statutory Representations Procedures which are positively promoted and feedback is actively sought from service users and carers. A similar pattern is more than likely to occur in other authorities with the same service responsibilities. However, because of the overall proportion of complaints in this area of service provision, we now regularly receive information on social care complaints so that we can better understand the issues that arise and the steps being taken in response. This includes detailed consideration of the Annual Report on Representations which is a statutory requirement.

### **Compliments**

- 36 Until recently the Council never collected and published together the many compliments/expressions of satisfaction we receive.
- 37 We felt that it was very important to do so – not only to present a more balanced picture, but also to formally acknowledge the many examples of good work which our staff deliver.

- 38 For 2007/08 as a whole, a total of 753 evidenced compliments (letter, fax or email) were received compared with 251 complaints.

### **Local Government Ombudsman**

- 39 The Local Government Ombudsman is an independent service set up by the Government to investigate complaints about most council matters.
- 40 The Ombudsman undertakes a *health check* (now in its sixth year of operation) on each relevant authority and produces an Annual Letter which is aimed at helping councils learn from the outcome of complaints, underpinning effective working relationships and generally providing complaint based information to help councils assess and review performance.
- 41 The 2007/08 Annual Letter revealed that complaints to the Ombudsman about the County Council totalled 24, compared with 27, 36 and 38 respectively in the three previous years. (Members might have seen the press reports recently that across the Region as a whole the numbers of Ombudsman complaints is on the increase.)
- 42 The Ombudsman did not identify any issues arising from the distribution of complaints within service areas, nor did the Ombudsman feel it necessary to issue any formal reports about the Council in the year in question. As a consequence of Local Government Reorganisation and the fact that this is the last letter to the Council in its present form the Ombudsman took the opportunity to thank all Members and Officers who have dealt with her office for their courtesy and cooperation and extended best wishes for the future.
- 43 The Ombudsman sets quite challenging timescales for councils to respond to complaints and many, including ourselves, sometimes find it difficult to meet them given the often complex nature of the complaints and the very thorough investigation we undertake on every occasion. In recent years our average response times had increased and we met with the Assistant Ombudsman and discussed strategies to collectively improve response times. We secured an improvement in performance in 2006/07 and have done so again in 2007/08. The Ombudsman has commended the Council for this improvement in response times to enquiries. The target is 28 days and in 2007/08 on average it took 23 days to respond compared to 30 days in 2006/07, 34 days in 2005/06, 30 days in 2004/05 and 29 days in 2003/04.
- 44 The Ombudsman issued no reports against the Council during the year and noted the Council agreed to settle 4 complaints locally. The Ombudsman has indicated this reflects well on the Council that it is willing to acknowledge fault where it occurs and offer an appropriate local remedy.
- 45 The Ombudsman's Annual Letter now also forms part of the evidence gathered for the Comprehensive Performance Assessment process – it is therefore very pleasing to note that just as in the previous four years there were no findings of maladministration against the Council by the Ombudsman.

## **Code of Conduct for Local Government Employees**

- 46 The Local Government Act 2000 also provides for the Secretary of State to prescribe a Code of Conduct for relevant local government employees.
- 47 The County Council already has a local Code of Conduct for its staff which provides a detailed statement of the standards of conduct expected of employees.
- 48 In parallel to the review of the Member Code, the Government had previously stated its intention to make the conduct regime for employees more systematic with the issue of a new Code which takes into account lessons learned in the operation of the former. However an expected date for the issue of the new Code for employees is still awaited.
- 49 Once the new Code for employees is finalised, we believe it would be sensible to review the Council's Confidential Reporting Code in conjunction with our colleagues in the Human Resources Committee.
- 50 The Government believes that this parallel approach will provide the conduct regime that local government will need in future.

## **The Challenges Ahead**

- 51 Reference has already been made to the Standards Board's (and the Government's) greater emphasis on local authorities taking greater ownership of the ethical agenda to embed the principles of ethical conduct into their culture. In the months ahead the Standards Committee will need to drive this agenda forward. Although Member conduct issues have been largely devolved to local level, we will be required to report quarterly to the Standards Board on complaints received and their outcomes.
- 52 Local Government Reorganisation (LGR) presents further challenges for the Authority.
- 53 From April 2009 the Unitary Authority will assume the Monitoring Officer and Standards Committee roles for all the County's Parish and Town Councils. In the LGR workstream planning process the need for an effective, properly resourced Monitoring Officer's Unit has been identified. Similarly, the composition of the Standards Committee will be reviewed again to make sure it is equipped to handle its extended responsibilities, which will include a new recruitment exercise for Independent Members.
- 54 LGR will require a review and convergence of service complaints handling policies and procedures and work on this is already underway.



## **Conclusion**

- 55 This is now the fourth Annual Report which the Committee has presented to the Council for consideration. Members' views on its content both now and in the future, would be most welcome.

---

**Contact: Bill McKibbin Telephone: 0191 383 3507**

---

---

## **Appendix 1: Implications**

---

### **Local Government Reorganisation (Does the decision impact upon a future Unitary Council?)**

Yes, as referenced in paragraphs 52 – 54 of the report.

### **Finance**

All relevant costs are met within either Democratic or Service Budgets.

### **Staffing**

Support provided from within existing Service staffing resources.

### **Equalities and Diversity**

Complaints information is monitored to identify any issues of inequality and to help prevent discriminatory practices.

### **Accommodation**

N/A.

### **Crime and Disorder**

N/A.

### **Sustainability**

N/A.

### **Human Rights**

Complaints information is treated in confidence wherever appropriate and is also used to help prevent discriminatory practices.

### **Localities and Rurality**

N/A.

### **Young People**

N/A.

### **Consultation**

Appropriate Consultation undertaken on all relevant issues.

### **Health**

N/A.