

STANDARDS COMMITTEE

Thursday,
7 February 2008
1.00 p.m.

Conference Room 1,
Council Offices,
Spennymoor

AGENDA and REPORTS



This document is also available in other languages, large print and audio format upon request

العربية (Arabic)

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

বাংলা (Bengali)

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

(中文 (繁體字)) (Cantonese)

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

हिन्दी (Hindi)

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे

polski (Polish)

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

ਪੰਜਾਬੀ (Punjabi)

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

Español (Spanish)

Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.

اردو (Urdu)

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
To notify the Chairman of any items that appear later in the agenda in which you may have an interest.
3. **MINUTES**
To confirm as a correct record the Minutes of the meeting held on 1st November 2007. (Pages 1 - 4)
4. **MEMBER TRAINING AND DEVELOPMENT - STANDARDS: ATTENDANCE REVIEW 2007**
Report of Solicitor to the Council and Monitoring Officer. (Pages 5 - 8)
5. **STANDARDS TRAINING EVENTS**
 - (a) **REVISED CODE OF CONDUCT - 28TH NOVEMBER 2007 - EVALUATION QUESTIONNAIRE FEEDBACK**
Report of Solicitor to the Council and Monitoring Officer. (Pages 9 - 14)
 - (b) **REGULATORY COMMITTEES - DECISION PROCESS - 29TH NOVEMBER 2007 - EVALUATION QUESTIONNAIRE FEEDBACK**
Report of Solicitor to the Council and Monitoring Officer. (Pages 15 - 20)
6. **NATIONAL AUDIT COMMISSION SURVEY - WHAT'S THE SCORE**
Report of Solicitor to the Council and Monitoring Officer. (Pages 21 - 26)
7. **AN ANALYSIS OF THE CURRENT TRENDS IN ALLEGATIONS OF MISCONDUCT AT NATIONAL AND LOCAL LEVEL 2006 - 2007**
Report of Solicitor to the Council and Monitoring Officer. (Pages 27 - 32)
8. **REVIEW OF THE CONSTITUTION**
Report of Solicitor to the Council and Monitoring Officer. (Pages 33 - 40)
9. **STANDARDS BOARD FOR ENGLAND: LEADER'S ETHICAL PLAN 2008 - 09**
Report of the Leader. (Pages 41 - 56)
10. **REVIEW OF CONFIDENTIAL REPORTING POLICY**
Report of Chief Executive. (Pages 57 - 68)
11. **DATE OF NEXT MEETING**
Next meeting to be held on 3rd April 2008.

12. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Members are respectfully requested to give the Chief Executive notice of items they would wish to raise under the heading not later than 12 noon on the day preceding the meeting, in order that consultation may take place with the Chairman who will determine whether the item will be accepted.

BACKGROUND DOCUMENTS

Monitoring Officer's advice issued:

MO Series - update:

MO

MO/102 Code of Conduct 2007 – Fact Sheets: Published October 2007

Attachments – Bullying; Disclosing Confidential Information; Gifts and Hospitality; Lobby Groups and Declarations of Interest; Personal and Prejudicial Interests and the Ethical Framework for Local Government

MO/103 Letter – Cabinet Report – Large Scale Voluntary Transfer : Approval up to Ballot – Report of Director of Housing : Cabinet – 8th November 2007

Attachment – Report to Standards Committee – 10th February 2005 – Conflicts of Interest and Decision Making Arrangements

MO/104 Letter – Bi-Annual Review of Registers of Interests and Gifts and Hospitality

MO/105 Bulletin No. 36

MO/SBC:

MO/SBC/45 Local Government Review : Politically Restricted Posts, Disqualification and the Member Code of Conduct

MO/SBC/CONS: None.

B. Allen
Chief Executive

Council Offices
SPENNYMOOR
30th January 2008

Councillor L. Petterson (Chairman)
Councillors A. Gray, T. Hogan, Mrs. L. Hovvels and Mrs. E. Maddison
Councillor J. Marr (Spennymoor Town Council)
Mr. I. Jamieson (Independent Member)

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact Miss. J. Stubbs Tel 01388 816166 Ext 4240, juliestubbs@sedgefield.gov.uk

Item 3

SEDGEFIELD BOROUGH COUNCIL

STANDARDS COMMITTEE

Conference Room 1,
Council Offices,
Spennymoor

Thursday,
1 November 2007

Time: 1.00 p.m.

Present: Councillor L. Petterson (Chairman) and
Councillors A. Gray, Mrs. L. Hovvels and Mrs. E. Maddison

Parish/Town Council Member
Councillor J. Marr

Apologies: Councillors T. Hogan and J. Wayman J.P
Mr. I. Jamieson (Independent Member)

ST.9/07 DECLARATIONS OF INTEREST
Members had no interests to declare.

ST.10/07 MINUTES
The Minutes of the meeting held on 5th July 2007 were confirmed as a correct record and signed by the Chairman. (For copy see file of Minutes).

ST.11/07 STANDARDS BOARD ANNUAL REVIEW 2006/2007
Consideration was given to a report of the Solicitor to the Council regarding the above. (For copy see file of Minutes).

Specific reference was made to the national consensus that standards of conduct had improved since the Standards Board had been established. Local Authorities, Chief Executives, Political Leaders, Standards Committees and Monitoring Officers had embraced their role as champions of high standards.

Members were informed that 3,549 allegations of misconduct had been received by the Standards Board in 2006-07, 62% of which were from members of the public. 19% of the complaints had been referred for investigation.

It was reported that the Local Government and Public Involvement in Health Bill, expected to receive Royal Assent in the next few weeks, and would make standards a "truly local" issue. Standards Committees would be given responsibility for receiving complaints and deciding on which were to be investigated.

Members were informed of the "positive picture" that had emerged from research studies into attitudes towards Standards.

Reference was made to the importance of good governance at all levels if the devolution of the system for upholding standards was to be completely successful. More work would be done on the system in the new year.

AGREED : That the report be noted.

ST.12/07

STANDARDS TRAINING EVENT: WEDNESDAY 27TH JUNE 2007: EVALUATION QUESTIONNAIRE FEEDBACK

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer concerning the questionnaire responses from the training event on standards issues. (For copy see file of Minutes).

It was reported that out of the 60 delegates who took part in the training event, 42 had completed the evaluation questionnaire. The event had been described as "very interesting and informative" and had been well received by all of the authorities involved. However, Members were informed that as a result of Local Government Re-organisation the event on 27th June 2007 would probably be the last involving other authorities to be organised by Sedgefield Borough Council.

AGREED : That the report be noted.

ST.13/07

STANDARDS TRAINING EVENTS 29TH AUGUST, 5TH SEPTEMBER AND 26TH SEPTEMBER 2007: EVALUATION QUESTIONNAIRE FEEDBACK

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer regarding evaluation of questionnaire responses. (For copy see file of Minutes).

Specific reference was made to the extremely positive response to the question of how satisfied delegates were that the objectives identified for the course had been met. 89% of the delegates thought that the objectives had been met to a "good", "very good" or "excellent" level.

Members were informed that attendance at the events was reasonable and that in-house Member training events would continue through Local Government Re-organisation. Revised Code of Conduct training would be held on 28th November between 10.00 a.m. and 12.p.m. Regulatory Committees and decision processes on 20th November between 2.00 p.m. and 4.00 p.m. and 29th November between 10.00 a.m. and 12.00 p.m.

AGREED : That the report be noted.

ST.14/07

SIXTH ANNUAL ASSEMBLY - STANDARDS BOARD FOR ENGLAND - 15TH - 16TH OCTOBER 2007 - BIRMINGHAM

It was reported that the above event had been attended by two members and by both the Monitoring Officer and Deputy. The conference had focused on the evolving role of the Standards Board as a result of changes in roles. In view of the transfer of responsibility for complaints to the Local Authority, the Board's role would be increasingly strategic. It would define the standards framework, monitor effectiveness, issue guidance and provide support. It would only deal with the most serious investigations.

Also, in view of the Local Government and Public Involvement in Health Bill, the Standards Board would have the responsibility for the monitoring and auditing of Standards Committees.

Further reports would be delivered in the new year when the Bill is approved and ready for implementation.

A question was raised regarding the funding arrangements for Standards Committees in view of the new responsibilities. It was explained that no extra funding would be made available.

ST.15/07

THE CODE OF CONDUCT - THE CODE UNCOVERED

A 30-minute DVD presentation was given concerning the Revised Code of Conduct, in which the new requirements were explained.

ST.16/07

DATE OF NEXT MEETING

Thursday 7th February 2008 at 1.00 p.m.

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Miss. J. Stubbs, Tel 01388 816166 Ext 4508, juliestubbs@sedgefield.gov.uk

This page is intentionally left blank

Item 4

ITEM NO.

REPORT TO STANDARDS COMMITTEE

7TH FEBRUARY 2008

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

MEMBER TRAINING AND DEVELOPMENT: STANDARDS: ATTENDANCE REVIEW 2007

1. SUMMARY

- 1.1 This report is a review of Member attendance at Standards Training Events during 2007.
- 1.2 It is a mandatory requirement for all Members to attend at least one qualifying training event per year. Attendance will be reported to the first Standards Committee of each year; henceforward details of Member attendance/non-attendance will be publicly available.

2. RECOMMENDATIONS

- 2.1 That Standards Committee considers the Report.

3. DETAIL

- 3.1 The qualifying training events that satisfy the mandatory training requirement include the following:
 - Training events conducted or organised by the Council's Monitoring Officer.
 - Conferences, training and events involving wholly or mainly standards and ethical issues organised as part of the Council's member development programmes or by local government organisations and similar bodies, full details of which have previously been notified to the Council's Monitoring Officer. Examples would include the Standards Board for England, CIPFA, the LGA and NEREO.
- 3.2 Several standards training events have been conducted throughout 2007 providing Members with many opportunities to receive training on standards issues. The first training event was organised and held on 27th June, at Ferryhill Leisure Centre, and the facilitator was Peter Keith Lucas of Bevan, Brittan Solicitors. The event provided the opportunity to take part in a local standards mock event to discuss problem areas of the Code, complaints and investigations.

- 3.3 Delegates attended the training event from a wide range of regional authorities, including 12 Borough Members.
- 3.4 Every year the Standards Board for England holds an Annual Assembly of Standards Committees in Birmingham. The 2007 Assembly focused in depth on putting local regulation and the revised Code of Conduct into action. There were limited places available for this event, hence, only two Members attended from this authority, Councillor Andrew Gray and Councillor Andrew Smith.
- 3.5 Five training events were held in the Autumn of 2007, presented by the Council's Monitoring Officer/Deputy Monitoring Officer. These were held at various locations, including Ferryhill Town Council, Great Aycliffe Town Council, Sedgfield Town Council, Spennymoor Town Council and Sedgfield Borough Council. Members had the option of which training session they preferred to attend.
- 3.6 37 Members attended the training events in 2007, with some members attending more than one event.
- 3.7 13 Councillors failed to attend any of the standards training events organised by the Monitoring Officer, representing 26% of the Council's members.
- 3.8 ***Parish and Town Councils:*** It was proposed that Parish and Town Clerks adopt similar training arrangements for their Members and maintain records of attendances at qualifying training events. It is suggested that attendance/non-attendance be reported annually at their Council Meetings.

4. RESOURCE IMPLICATIONS

- 4.1 No specific financial implications have been identified.

5. CONSULTATIONS

- 5.1 The Council's Management Team has considered this Report.

6. OTHER MATERIAL CONSIDERATIONS

- 6.1 All material considerations have been taken into account in the contents of this Report. In particular, risks may arise unless Members of Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

- 7.1 None apply.

8. LIST OF APPENDICES

- 8.1 None apply.

Contact Officer: Dennis A. Hall
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

Attendance lists from organised training events in 2007.

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This page is intentionally left blank

Item 5a

REPORT TO STANDARDS COMMITTEE

7TH FEBRUARY 2008

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

STANDARDS TRAINING EVENT : REVISED CODE OF CONDUCT - 28TH NOVEMBER 2007 EVALUATION QUESTIONNAIRE FEEDBACK

1. SUMMARY

- 1.1 This Report analyses the evaluation questionnaire responses from a training event, which was held on Wednesday, 28th November 2007. The Deputy Monitoring Officer conducted the training session.
- 1.2 The event was a repeat of earlier training sessions on the Revised Code of Conduct, and was aimed at members who had been unable to attend previous sessions. It gave an update on standards issues and provided an opportunity to discuss current issues and receive feedback.

2. RECOMMENDATIONS

- 2.1 That the Standards Committee be appraised of the report.

3. DETAIL

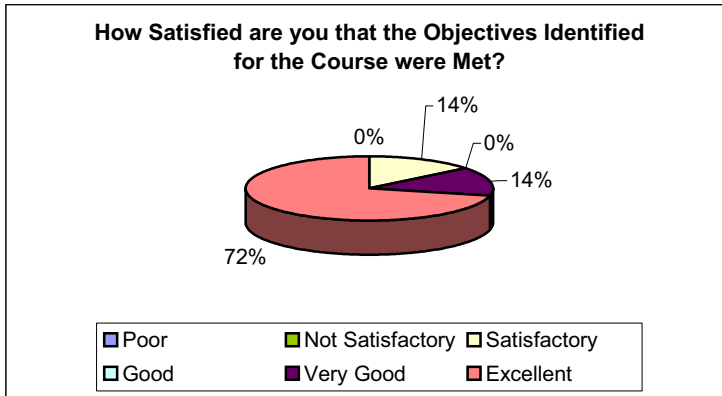
The training event was specifically aimed at Members of the Borough Council.

10 Members attended the training event on the Revised Code of Conduct, from which 7 Councillors completed the evaluation questionnaire.

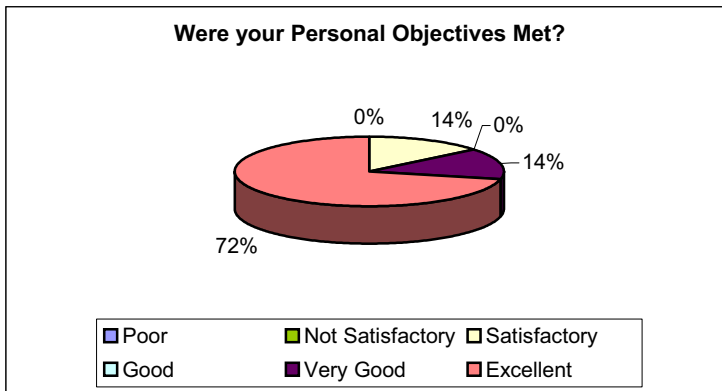
The questionnaire focused on three areas, which consisted of general information, a course satisfaction survey and comments.

Course Satisfaction Survey: All of the responses to the questions from the satisfaction survey have been correlated and conclusions have been drawn. The following analysis is based on the questionnaire responses from the training event.

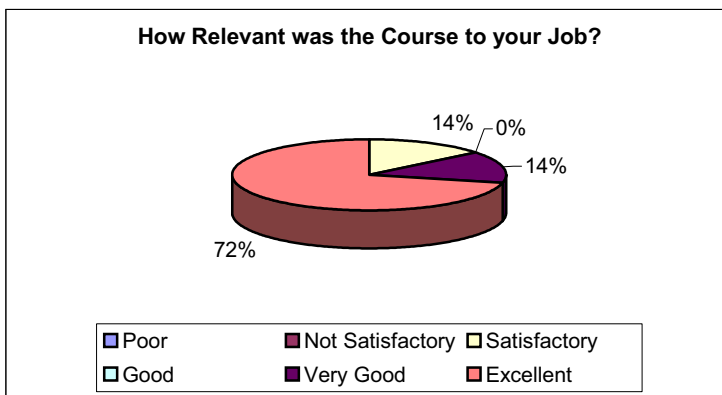
3.5 *How satisfied are you that the objectives identified for the course were met?* The responses to this question were extremely positive, 72% of the delegates were of the opinion that the objectives identified for the course were met to an excellent standard.



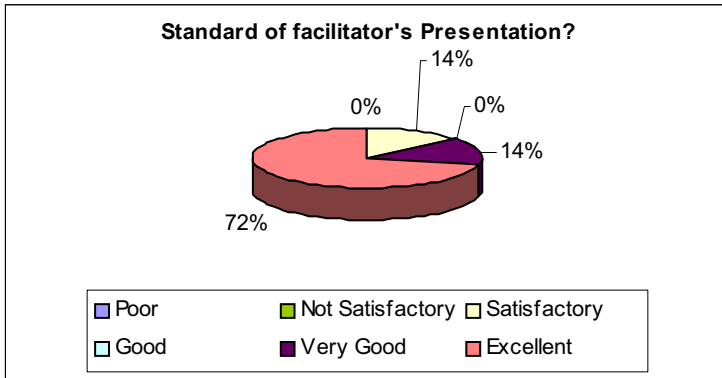
3.6 *Were your personal objectives met?* Most of the delegates thought that their personal objectives had been met, 72% to an excellent standard.



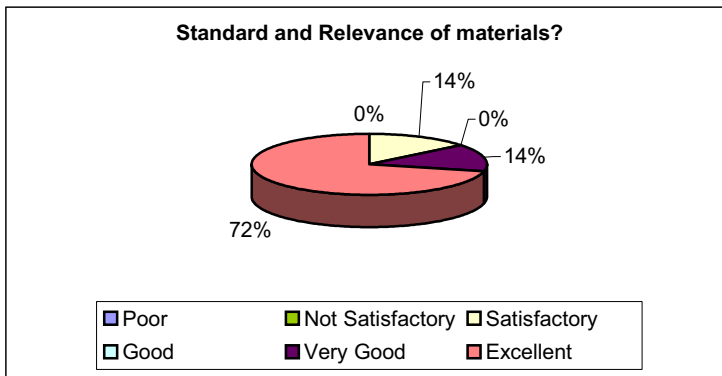
3.7 *How relevant was the course to your Job?* As expected the course was very relevant to the majority of the delegates because the course was aimed specifically at Members.



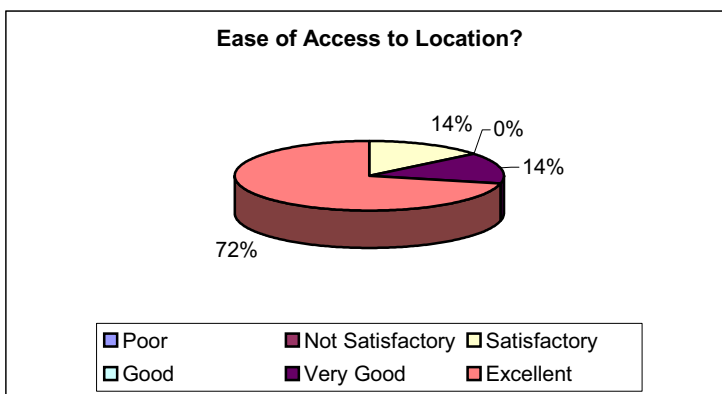
3.8 *Standard of facilitator's presentation?* 72% of the delegates thought that the standard of the facilitator's presentation was excellent.



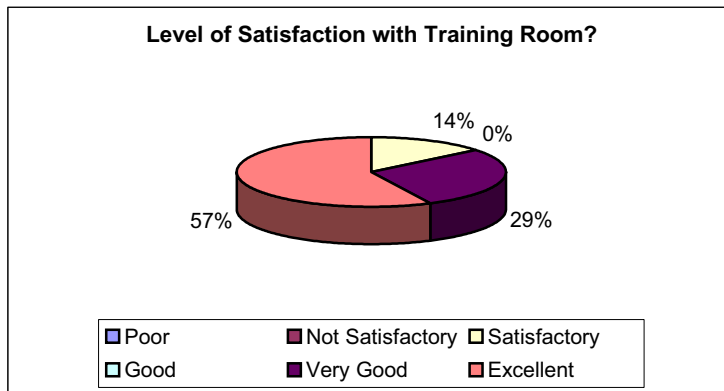
3.9 *Standard and relevance of materials?* 72% of the delegates agreed that the standard and relevance of the material was excellent. The remaining delegates were more than satisfied with the material.



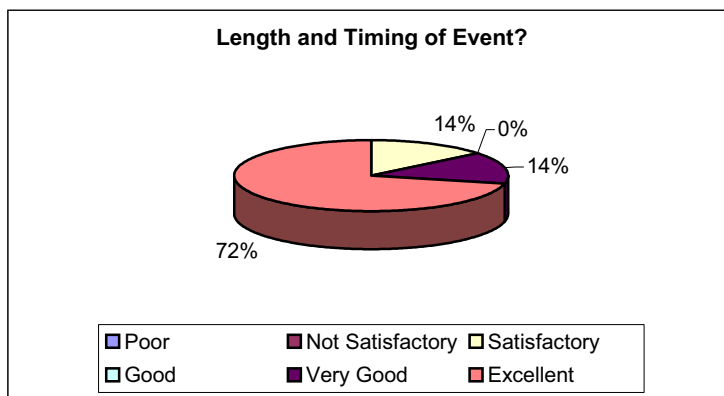
3.10 *Ease of access to location?* Most of the delegates thought that the location was excellent.



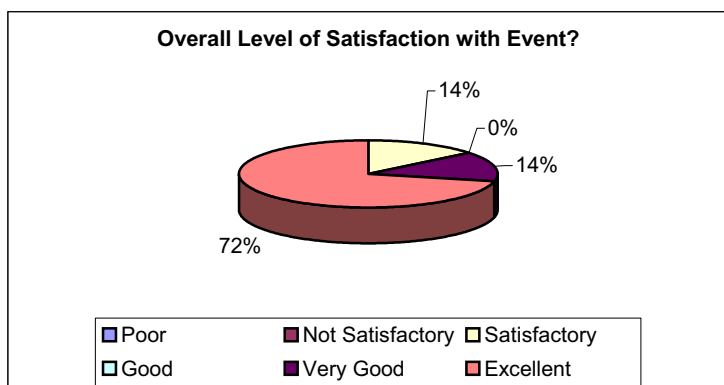
3.11 *Level of satisfaction with training room?* 86% of the delegates agreed that the training room was of a very good or higher standard.



3.12 *Length and timing of event?* 72% of the delegates agreed that the length and timing of the event was excellent.



3.13 *Overall level of satisfaction with event?* As the figures show below, the event was a huge success with 72% of delegates expressing a high level of overall satisfaction.



3.14 **Comments:**

- Due to changes in the Code of Conduct, further training will be required.

4. RESOURCE IMPLICATIONS

4.1 No specific financial implications have been identified.

5. CONSULTATIONS

5.1 Council's Management Team has considered this report.

6. OTHER MATERIAL CONSIDERATIONS

6.1 All material considerations have been taken into account in the contents of this report. In particular, risks may arise unless members of the Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None apply.

8. LIST OF APPENDICES

8.1 None apply.

Contact Officer: Dennis A. Hall
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

Evaluation Questionnaires: 28th November 2007

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This page is intentionally left blank

Item 5b

REPORT TO STANDARDS COMMITTEE

7TH FEBRUARY 2008

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

STANDARDS TRAINING EVENTS: REGULATORY COMMITTEES - DECISION PROCESS - 29TH NOVEMBER 2007 EVALUATION QUESTIONNAIRE FEEDBACK

1. SUMMARY

- 1.1 This Report analyses the evaluation questionnaire responses from a training event, which was held on Thursday, 29th November 2007. The Deputy Monitoring Officer conducted the training session.
- 1.2 The training event was on Regulatory Committees – Decision Process, which covered the nature/procedures of Regulatory Committees, Chairman's role, rules of evidence, decision-making processes and the relevance of the Code of Conduct.

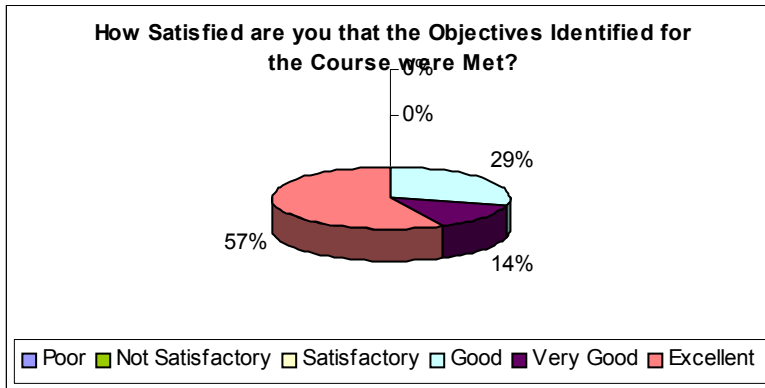
2. RECOMMENDATIONS

- 2.1 That the Standards Committee be appraised of the report.

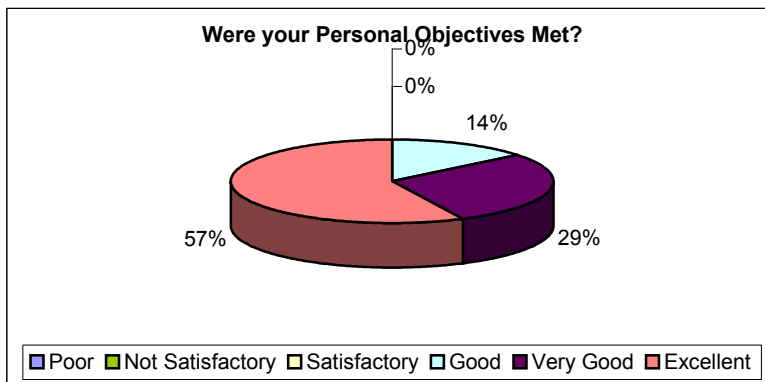
3. DETAIL

- 3.1 The training event was specifically aimed at Members of the Borough Council.
- 3.2 7 Members attended the training event, and all Councillors completed the evaluation questionnaire.
- 3.3 The questionnaire focused on three areas, which consisted of general information, a course satisfaction survey and comments.
- 3.4 **Course Satisfaction Survey:** All of the responses to the questions from the satisfaction survey have been correlated and conclusions have been drawn. The following analysis is based on the questionnaire responses from the training event.

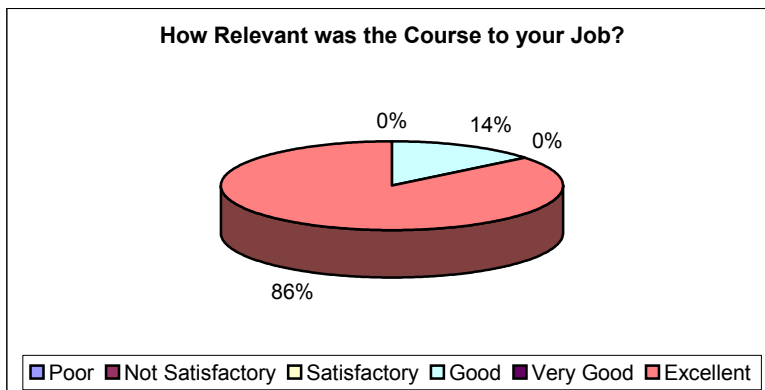
3.5 *How satisfied are you that the objectives identified for the course were met?* The responses to this question were extremely positive, 57% of the delegates were of the opinion that the objectives identified for the course were met to an excellent standard.



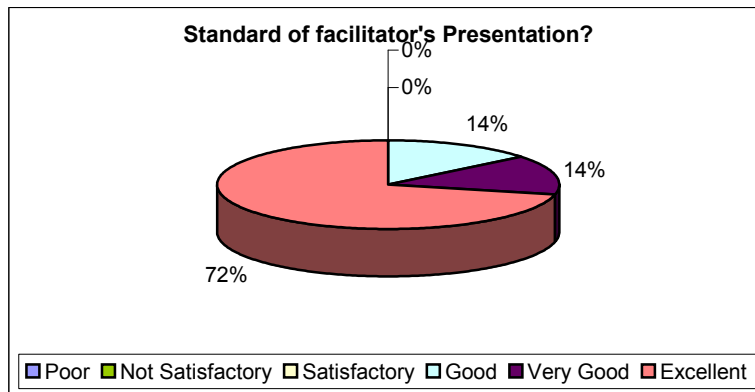
3.6 *Were your personal objectives met?* Most of the delegates thought that their personal objectives had been met, 86% to a very good or higher standard.



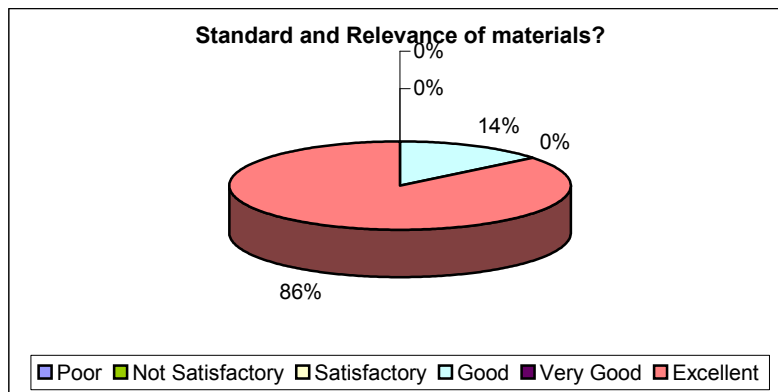
3.7 *How relevant was the course to your Job?* As expected the course was very relevant to the majority of the delegates because the course was aimed specifically at Members.



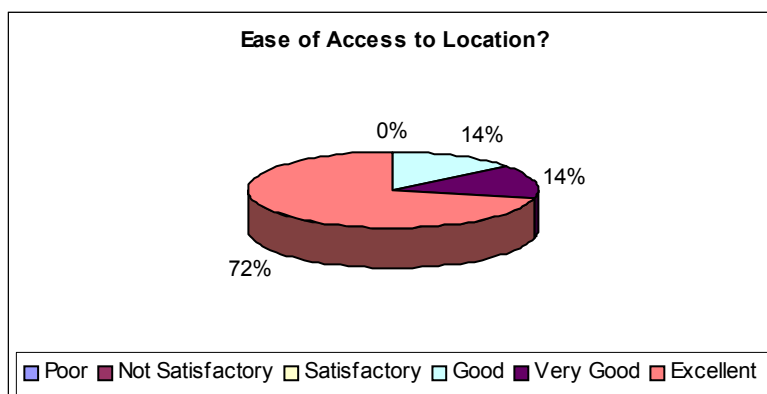
3.8 *Standard of facilitator's presentation?* 72% of the delegates thought that the standard of the facilitator's presentation was excellent.



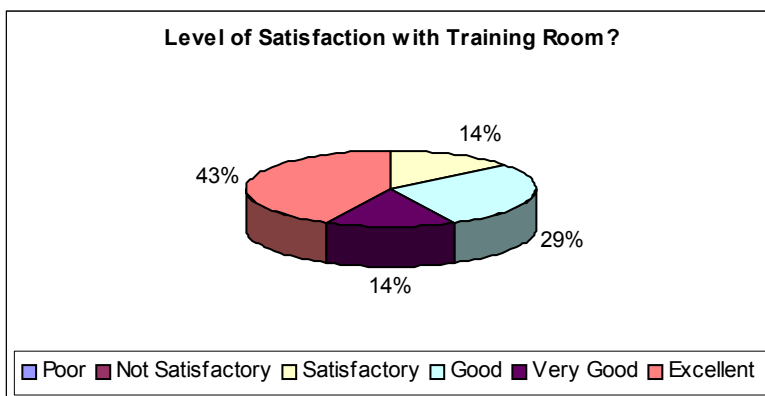
3.9 *Standard and relevance of materials?* 86% of the delegates agreed that the standard and relevance of the material was excellent. The remaining delegates were more than satisfied with the material.



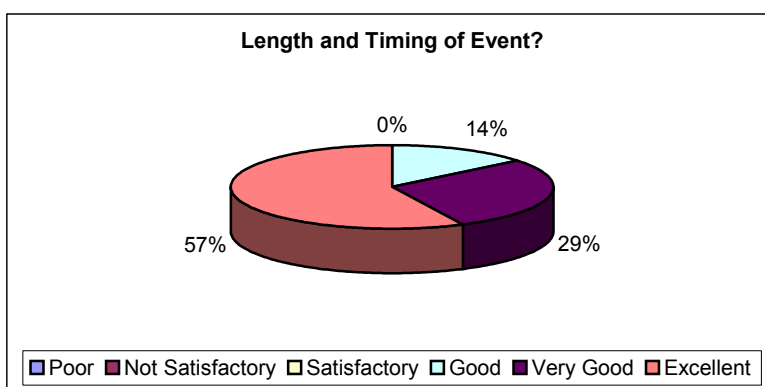
3.10 *Ease of access to location?* Most of the delegates thought that the location was excellent.



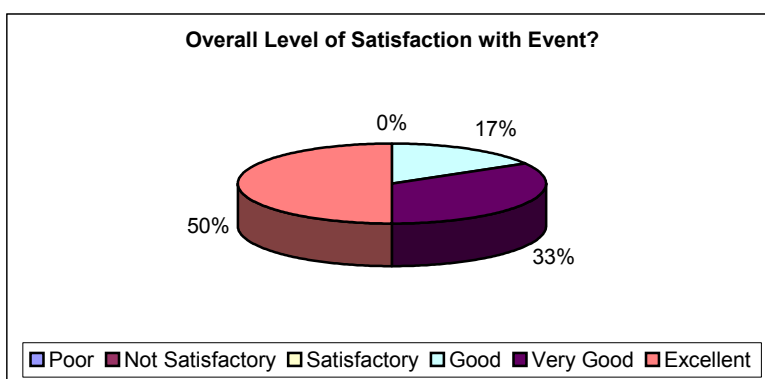
3.11 *Level of satisfaction with training room?* 57% of the delegates agreed that the training room was of a very good or higher standard.



3.12 *Length and timing of event?* 57% of the delegates agreed that the length and timing of the event was excellent.



3.13 *Overall level of satisfaction with event?* As the figures show below, the event was a huge success with 83% of delegates expressing a high level of overall satisfaction.



3.14 **Comments:** The majority of the questionnaires contained positive feedback and comments. Some of the comments included:

- All issues of value.
- All training is useful by way of knowledge – knowledge is good.
- Very good training event.

3.15 Several suggestions were made to further improve the event, including:

- Examples of cases so that members can learn from facts.
- Further reference.

4. RESOURCE IMPLICATIONS

4.1 No specific financial implications have been identified.

5. CONSULTATIONS

5.1 Council's Management Team has considered this report.

6. OTHER MATERIAL CONSIDERATIONS

6.1 All material considerations have been taken into account in the contents of this report. In particular, risks may arise unless members of the Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None apply.

8. LIST OF APPENDICES

8.1 None apply.

Contact Officer: Dennis A. Hall
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

Evaluation Questionnaires: 29th November 2007

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This page is intentionally left blank

Item 6

REPORT TO STANDARDS COMMITTEE

7TH FEBRUARY 2008

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

NATIONAL AUDIT COMMISSION SURVEY – WHAT’S THE SCORE?

1. SUMMARY

1.1 This report outlines the findings of a national self-assessment survey carried out by the Audit Commission. It was created by the Audit Commission in conjunction with the Standards Board for England and the Improvement and Development Agency (IDeA), and is one element of a four-part Ethical Governance Diagnostic toolkit

2. RECOMMENDATIONS

2.1 That the Standards Committee considers the Report and notes the findings.

3. DETAIL

3.1 Up to July 2007, 3,998 individual Council members and senior officers from 44 Councils across the country had completed the self-assessment survey. In all, over 170 Councils had used at least one part of the toolkit.

3.2 The survey aimed to:

- help Councils assess and then drive up their ethical governance arrangements and procedures.
- help Councils better understand the key ethical governance issues they are now facing.
- highlight areas to focus on in future.

3.3 *Key findings:*

- most Councils actively encouraged high standards.
- Members generally demonstrated high standards of behaviour.
- Leaders and Chief Executives were proving themselves positive role models in many Councils.
- Roles, responsibilities, relationships and ethical frameworks were not always clearly understood.

- Standards Committees made a difference but they didn't always explain widely what they did, the issues they were addressing and the progress they were making.
- Members and officers often held divergent views on ethical governance issues.
- Communication, training, guidance and information were critical areas and often needed more of a focus.

Findings Overview

3.4 *High standards and good behaviour* - the survey findings showed there was a firm foundation on which to build, although there was clearly room for improvement:

- Most members and officers (84% and 76% respectively) said their Council's efforts to drive up ethical standards was encouraging appropriate behaviour.
- Around nine in ten members reported that members "always or usually":
 - showed respect to and treat fairly all people who used Council services (90%)
 - showed respect to and treat all officers fairly and did not discriminate unlawfully (89%)
 - used public funds, Council property and facilities responsibly (90%)
- Around eight in ten members and seven in ten officers considered the Leader of the Council a positive role model for ethical behaviour (78% and 73% respectively). Similar proportions said the same of their Chief Executive.

3.5 *Roles, responsibilities and relationships* - the survey highlighted the need for greater communication about the ethical framework and a wider understanding of roles, which would strengthen working relationships between officers and members:

- 92% of members believed they understood their role and responsibilities under the ethical framework, compared to 72% of officers.
- One in five officers (21%) thought the guidelines members had on their personal conduct were unclear, whereas most members (91%) were positive about the guidance they received.
- 96% of members were aware of the Members' Code of Conduct, compared to only 79% of senior officers.

- Officers and members differed in their perceptions of the degree of open communication and trust between them. 78% of members believed member/officer communication was open, compared to 64% of officers.
- 70% of members were also far more positive about the levels of trust that existed between members and officers, compared to 51% of officers.
- 69% (less than seven in ten) members think members receive appropriate training on issues on conduct, compared to 39% of senior officers.
- Over a third of officers surveyed (36%) were not absolutely sure what to do if they became aware of conduct by a member that could result in failure to comply with the Council's Member Code of Conduct.

3.6 *Communication, clarity and culture* - there is much work to be done in raising awareness of Standards Committees. The survey illustrated that Standards Committees should raise their profile by communicating their work and their progress.

- 85% of members were sure their organisation had a Standards Committee, compared to only half of senior officers surveyed (52%).
- 77% of members thought their Standards Committee operated effectively compared to 47% of officers. 68% of Members also believed their Standards Committee made a positive difference to the ethical environment in the Council, compared to 45% of officers.
- 45% of senior officers did not know if their Standards Committee operated effectively or whether it made a positive difference to the ethical environment in their Council.
- 80% of members said the importance of high ethical standards was communicated to them, 35% of officers didn't know if this was so.
- 57% of members said the importance of high ethical standards was communicated to local communities, 29% of officers did not know if this was so.
- 53% of officers said they "didn't know" whether or not the public could easily access the register of members' interests.
- 29% of members didn't know if their Council had a whistle blowing policy compared to 11% of officers.

- Less than two-thirds (60%) of members had received training, guidance or information on equalities or human rights legislation.

Yet encouragingly:

- The majority of members and officers (78% and 83% respectively) agreed that their Council's complaint system was clear.

3.7 *Moving forward* – the survey has highlighted key areas that Councils actively need to address to improve ethical behaviour and fully meet the ethical agenda. Councils that have used the toolkit have found it helped to expose ethical governance issues and provided clarity on the next steps. Among the most crucial questions for individuals in local government are:

- what do these survey results mean for their Council?
- how do they compare with the overall picture?
- what are their strengths and weaknesses?
- what training and improvements could be made?
- how do they ensure effective communication about the importance of the ethical agenda?

Councils have the tools for success and must now ensure they use them.

4. RESOURCE IMPLICATIONS

4.1 No specific financial implications have been identified.

5. CONSULTATIONS

5.1 The Council's Management Team has considered this Report.

6. OTHER MATERIAL CONSIDERATIONS

6.1 All material considerations have been taken into account in the contents of this Report. In particular, risks may arise unless Members of Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None apply.

8. LIST OF APPENDICES

8.1 None apply.

Contact Officer: Dennis A. Hall
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

“Down to Detail – What’s the Score?”
Audit Commission Survey

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council’s Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council’s S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council’s Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This page is intentionally left blank

Item 7

REPORT TO STANDARDS COMMITTEE

7TH FEBRUARY 2008

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

AN ANALYSIS OF THE CURRENT TRENDS IN ALLEGATIONS OF MISCONDUCT AT NATIONAL AND LOCAL LEVEL – 2006-2007

1. SUMMARY

- 1.1 This report analyses the current trends in allegations of misconduct, submitted to the Standards Board relating to misconduct by elected, co-opted and independent members of local authorities.
- 1.2 The detail of this report specifies a range of areas that are to be considered in order to establish national trend patterns.
- 1.3 The areas comprise of the number and source of allegations submitted for investigation, the type of authority whom the investigation concerns, the nature of the investigation and the final findings.
- 1.4 Focus is also placed upon complaints of misconduct that have arisen at a local level. Local trends will be determined from the nature of the allegation, the type of authority involved, the outcome of the investigation and the outcome of the decisions that have been challenged. Comment will be made upon implications for the Council in terms of its own Code of Conduct and governance.

2. RECOMMENDATIONS

- 2.1 To note the general trends in complaints of misconduct investigated at a national and local level.
- 2.2 That the Standards Committee be appraised of the report and that further similar reports be made annually.

3. DETAIL

PART A – National Trends

- 3.1 The Standards Board for England publishes a monthly statistical digest, offering a breakdown of yearly and monthly statistics. The following statistics cover the period from April 2006 through to March 2007.
- 3.2 **Number of allegations:** Since April 2006 the Standards Board received 3549 complaints in total compared to 3836 during the same period in 2005/2006.
- 3.3 The number of complaints averages approximately 300 a month.

- 3.4 When making comparisons to statistics from previous years, it is interesting to note that the general trend indicates that the total number of complaints each year has increased. Surprisingly, this trend has not continued as the number of complaints submitted to the Standards Board for 2006/07 has decreased.
- 3.5 **Source of allegations:** The source of allegations submitted to the Standards Board for investigation varies. The Board has highlighted the common sources from which they receive complaints, indicating that members of the public and fellow councillors still remain the prevalent sources.
- 3.6 Over half of the allegations (62%) received by the Standards Board were from aggrieved members of the public.
- 3.7 The allegations submitted by fellow Councillors have been recorded at 31%.
- 3.8 **Type of Authority (Investigations):** The Standards Board receives complaints of misconduct from several different types of authority. Types of authority identified are, County Councils, District Councils, London and Metropolitan Borough Councils, Parish/Town Councils and Unitary Councils. Interestingly, the majority of investigations conducted by the Standards Board still involve Members of Parish/Town Councils.
- 3.9 **Nature of Investigations:** The areas of misconduct, reported nationally comprise of bringing the authority into disrepute, failure to disclose personal interests, failure to register financial interests, failure to treat others with respect, prejudicial interests and using a position to confer or secure an advantage or disadvantage.
- 3.10 Comparing previous years statistics, the general trend pattern indicates that the two main areas of misconduct on a national scale are bringing the authority into disrepute and prejudicial interests. However, bringing the authority into disrepute is usually linked with other breaches of the Code of Conduct, rarely is it the sole breach.
- 3.11 This trend has continued in 2006/07; bringing the authority into disrepute and prejudicial interests are the areas of misconduct identified by the Standards Board to frequently receive the highest number of complaints. Collectively, 49% of allegations fell into one of these two categories.
- 3.12 The Standards Board recognises the view expressed by some that only misconduct which relates to official duties should be regarded as capable of bringing the authority into disrepute. However, in line with the majority of views received during a consultation exercise, the Standards Board believe that the Code of Conduct should continue to cover certain behaviour outside of official duties, but should be limited to unlawful conduct. The Standards Board therefore proposes that the provision relating to disrepute in the original Code is clarified, so that only unlawful activities such as criminal or cautionable offences committed outside of a Member's official duties are subject to the Code. Civil matters or merely objectionable conduct in private will not be covered.

- 3.13 **Final Findings:** The Standards Board issues statistics for the outcome of their completed cases. Interestingly, in 39% of cases no breach of the Code was evident and in 54% of cases no further action was taken.
- 3.14 **Local Investigation Statistics:** These statistics are based on the financial year 2006/07. The Standards Board received a total of 546 reports, of which Ethical Standards Officers referred 347 cases for local investigation, which is equivalent to 55% of all cases referred for investigation.
- 3.15 Since 1st April 2006 there have been 18 appeals to the Adjudication Panel for England following Standards Committee Hearings.
- 3.16 Monitoring Officers, following local investigations, recommended that 285 cases resulted in a breach of the Code of Conduct.
- 3.17 Findings from the Standards Committee determinations following investigations by the Standards Board's Ethical Standards Officers –
- 39% suspension (including training and/or apology)
 - 15% partial suspension (including training and/or apology and/or censure)
 - 15% censure and training
 - 15% apology and training
 - 8% no breach
 - 8% training

4. PART B – LOCAL TRENDS

- 4.1 In November 2006 a complaint, which had been submitted to the Standards Board for investigation by an Ethical Standards Officer, was referred to the Adjudication Panel for England. After a Hearing on the 9th October 2007 the Panel found the Councillor had brought his office into disrepute and breached the Code of Conduct. The Councillor was suspended from office for one month.
- 4.2 In 2007, 11 complainants submitted allegations of misconduct to the Standards Board against several local Councillors. However, some of these involved multiple allegations. It is important to recognise that no adverse implications should be inferred from the fact merely that allegations have been made.
- 4.3 The first complaint alleged that a Town Councillor failed to declare her position as a Councillor with an outside body. The Standards Board regulates the ethical dimension of councillor conduct rather than the validity of the judgements or decisions they make. The Standards Board took the view that a potential breach of the Code of Conduct was not disclosed and that the allegation should not be referred to an Ethical Standards Officer for investigation.
- 4.4 The second complaint concerned a Town Councillor relating to the publication of a letter in his local paper allegedly containing highly contentious issues. The Standards Board acknowledged that members were entitled to publicly express their views; and that they did not have jurisdiction to consider the accuracy of information that members may place in the public

domain. The Standards Board took the view that no breach of the Code was disclosed and the matter would not be referred to an Ethical Standards Officer.

- 4.5 The third complaint concerned a Borough Councillor relating to the publication of an article in his local paper allegedly containing misleading statements. The Standards Board acknowledged that members were entitled to publicly express their views; and that they did not have jurisdiction to consider the accuracy of information that members may place in the public domain. The Standards Board took the view that no breach of the Code was disclosed and the matter would not be referred to an Ethical Standards Officer.
- 4.6 The fourth complaint related to a Borough Councillor making allegations against another Borough Councillor. The Standards Board conducted an assessment of the case and took the view that no potential breach of the Code of Conduct was disclosed and the matter would not be referred to an Ethical Standards Officer.
- 4.7 The fifth complaint was against three Town Councillors and their disrespectful conduct and unacceptable behaviour towards another member. The Standards Board took the view that there was insufficient evidence to make a decision as to whether the complaint should be referred for investigation.
- 4.8 The alleged misconduct by a Borough Councillor in the sixth case related to publication of a letter in a local paper which contained defamatory statements towards another member. After assessment, the Standards Board decided not to refer the complaint for investigation.
- 4.9 The seventh complaint concerned the alleged conduct of a Borough Councillor at a meeting as being unprofessional and inappropriate. After assessment, the Standards Board took the view that as the Councillor was acting in a private capacity no potential breach of the Code of Conduct was disclosed and that the matter would not be referred to an Ethical Standards Officer for investigation.
- 4.10 The eighth complaint was against two Councillors who were involved in alleged breach of copyright. After assessment, the Standards Board took the view that as the Councillors were not acting in their official capacities no potential breach of the Code of Conduct was disclosed and that the matter would not be referred to an Ethical Standards Officer for investigation.
- 4.11 The ninth complaint concerned the alleged misconduct of a Councillor relating to the publication of a letter in his local paper which contained false statements. After assessment, the Standards Board decided not to refer the complaint to an Ethical Standards Officer for investigation.
- 4.12 The tenth complaint concerned the alleged misconduct of a Councillor in connection with a planning application. After assessment, the Standards Board decided to refer the complaint to an Ethical Standards Officer for investigation.

- 4.13 The eleventh report concerned alleged disrespectful conduct to members of the public and failure to declare interests at meetings of a Parish Councillor. After assessment the Standards Board decided not to refer the complaint to an Ethical Standards Officer for investigation.
- 4.14 The emerging trend pattern shown by these cases is that from the eleven cases submitted to the Standards Board, only one case has been referred to an Ethical Standards Officer for investigation. The Standards Board's determination was that the alleged misconducts were not sufficiently serious to amount to a breach. Hence, in order to prevent misconduct and reduce submissions to the Standards Board, implications for the Council may include further training for members on the Code of Conduct and examples of situations whereby a breach of the Code is likely to occur.

5. RESOURCE IMPLICATIONS

- 5.1 No specific financial implications have been identified.

6. CONSULTATIONS

- 6.1 The Council's Management Team has considered this Report.
- 6.2 The Standards Committee are consulted on this report and their views will be taken into consideration.

7. OTHER MATERIAL CONSIDERATIONS

- 7.1 All material considerations have been taken into account in the contents of this Report. In particular, risks may arise unless Members of the Council are fully appraised on standards matters.

8. OVERVIEW AND SCRUTINY IMPLICATIONS

- 8.1 None apply.

9. LIST OF APPENDICES

- 9.1 None apply.

Contact Officer: Dennis A. Hall
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

The Standards Board for England

Bulletin 33, November 2006

SBE Annual Report 2007

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Item 8

REPORT TO STANDARDS COMMITTEE

7TH FEBRUARY 2008

REPORT OF CHIEF EXECUTIVE

ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION

1. SUMMARY

- 1.1 The Council's Constitution was adopted on the 24th May 2002 as part of the Council's approach to implementing the Local Government Act 2000. A number of reviews have taken place.
- 1.2 The Constitution itself must necessarily be kept under regular review so as to ensure that it reflects existing law and its operation continues to provide an efficient and effective framework for delivering the Council's aims and objectives. This report is a further review for the purposes of Article 16 of the Constitution.
- 1.3 The recommendations in this report, based on advice from the Council's Monitoring Officer, and following meetings of the Constitutional Review Group, reflect those areas where it is considered appropriate to make some further changes, viz:
 - Part 2 – Articles of the Constitution – Article 10 - Article 10.03(c) to be amended.
 - Part 2 – Articles of the Constitution – Article 13 – Council Employees – paragraph 13.02 – additional paragraph (c).
 - Part 3A – Responsibility for Functions A. Council function – Determination of Application for review of Premises Licence – to insert number 53.
 - Part 3B – Responsibility for Functions B. Cabinet Function: pg.56: item 11 to be amended; item 17 to be deleted.
 - Various changes to the Officer Delegations at Part 3 – Responsibility for Functions – C. Officer Delegations:
 - (a) to amend R29
 - (b) to delete R31
 - (c) to insert two additional officer delegations under Resources
 - (d) to add additional name to NS64.
 - (e) to amend NS79.
 - Part 4 – Rules of Procedure – C – Budget and Policy Framework Procedure Rules – update paragraph 5.

- Part 4 – Rules of Procedure – C – Budget and Policy Framework Procedure Rules – update Budget Heads.
- Part 4 – Rules of Procedure – G – Contract Procedure Rules – changes to Procedure Rule 2.
- Update allowances at Part 6 - Members' Allowance Scheme.

2. RECOMMENDATIONS

- 2.1 That Standards Committee considers this Report
- 2.2 That Council approves the amendments set out in the Appendix and directs the Council's Monitoring Officer:
- to amend the Constitution accordingly and make all necessary and consequential amendments; and
 - to publish an amended version on the Council's website.

3. BACKGROUND

- 3.1 Work is ongoing in reviewing the Constitution. A number of officers have formed a Constitutional Review Group, headed by the Monitoring Officer, and its purpose is to consider proposals for change with a view to reflecting the law and improving the efficiency of decision taking within the authority.
- 3.2 Previous reviews are identified in the list of background papers accompanying this Report.

4. LEGAL IMPLICATIONS

- 4.1 It is intended that these changes shall have immediate effect.
- 4.2 The principal changes are referred to in paragraph 1.3 above.

5. CONSULTATIONS

- 5.1 Management Team to be consulted on the proposed changes. Standards Committee to consider this Report on the 7th February 2008.
- 5.2 All Departments of the Council have been consulted with regard to the amendments suggested in this report.

Contact Officer: D.A. Hall, Solicitor and Monitoring Officer
Telephone No: (01388) 816166, Ext. 4268
Email Address: dahall@sedgefield.gov.uk

Ward(s)

Key Decision Validation

Background Papers

Reports:

- Council - 16th May 2003
- Council - 26th June 2003
- Standards Committee - 4th November 2003
- Council - 26th November 2003
- Council - 21st May 2004
- Cabinet - 25th November 2004
- Council - 25th February 2005
- Standards Committee - 3rd November 2005
- Council - 25th November 2005
- Standards Committee - 9th February 2006
- Council - 24th February 2006
- Standards Committee - 6th April 2006
- Council - 21st April 2006
- Standards Committee – 5th May 2006
- Council – 19th May 2006
- Standards Committee – 6th July 2006
- Council – 28th July 2006
- Standards Committee – 2nd November 2006
- Council – 24th November 2006
- Standards Committee – 8th February 2007
- Council – 27th February 2007
- Standards Committee – 5th April 2007
- Council – 20th April 2007
- Standards Committee (Special Meeting) – 27th April 2007
- Council – 18th May 2007
- Council – 29th June 2007
- Standards Committee – 5th July 2007
- Council – 27th July 2007

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROPOSED CHANGES FOR COUNCIL APPROVAL – 29TH FEBRUARY 2008

Page Reference and Proposed Amendment	Basis for Change
<p>Part 2 – Articles of the Constitution</p> <p>Page 17 – Article 10 – Audit Committee</p> <p>Paragraph 10.3(c) to be amended by removing the phrase “Statement of Internal Control” and replacing with “Annual Governance Statement”.</p> <p>Page 25 – Article 13 – addition of new Article 13.02(c):</p> <p>Functions to facilitate Local Government Re-Organisation Transitional Process:</p> <p>The Chief Executive may make changes to the Constitution, and take decisions on the basis of such changes, subject first to consultation with</p> <ol style="list-style-type: none"> 1. the Leader of the Council and the Chair of any committee or committees to which the decision might be relevant or have direct effect (in the latter case as circumstances might reasonably require); and 2. the Statutory Officers <p>where such changes are required on one or more of the following grounds:-</p> <ol style="list-style-type: none"> (a) to assist, promote or facilitate the transition to the creation of a new Unitary Local Authority. (b) that such steps are reasonably necessary in order to sustain the delivery of the Council’s functions and services. (c) that such steps are required to maintain the Council’s Constitution in accordance with current legislation. <p>subject only to the requirement that any such change shall subsequently be published on the Council’s website as soon as practicable and details of such changes being tabled for retrospective approval in a report to the next Council Meeting after such changes have taken effect.</p> <ol style="list-style-type: none"> 3. None of the changes approved under the above provisions shall be subject to the requirement first to refer the same to the Council’s 	<p>Head of Financial Services</p> <p>Notwithstanding anything to the contrary in the Constitution, the following changes shall apply to the Constitution in the event that the Local Government Review proposals are implemented for the administrative area of County Durham.</p> <p>To note these changes were approved by Council on 10th January 2008.</p>

Standards Committee."	
-----------------------	--

Page Reference and Proposed Amendment	Basis for Change
<p>Page 46 - Part 3 – Responsibility for Functions. A. Council Function – Determination of application for review of Premises Licence</p> <p>To insert in box titled “Section of Act” the number 53.</p>	<p>To allow a quick process for attaching interim conditions to a licence and a fast track licence review when the Police consider that the premises concerned is associated with serious crime or serious disorder (or both). These provisions were inserted at Section 53A of the 2003 Act by the Violent Crime Reduction Act 2006 and came into force on 1st October 2007.</p>
<p>Page 56 - Part 3 – Responsibility for Functions. B. Cabinet Function</p> <p>No. 11 – to add “the Audit Committee”.</p> <p>No. 17 – to be deleted.</p>	<p>Head of Financial Services</p> <p>Council function (see Part 3A, para. 35)</p>
<p>Page 58 - Part 3 – Responsibility for Functions – C. Officer Delegations:</p> <p>(a) To amend R29 to read:</p> <p><i>“Authority to write off all debts where appropriate recovery procedures have been taken.”</i></p> <p>(b) Deletion of R31.</p> <p>(c) To insert two additional officer delegations:</p> <p><i>“Agree the purchase of such properties as required for the purposes of Deed swap for affected residents.”</i></p> <p><i>“Grant a discretionary relocation payment of up to £25,000 in exceptional circumstances.”</i></p> <p>(d) Amend NS64 to include the name “Louise Billcliffe”.</p> <p>(e) Amend NS79 – change date from 1894 to 1984.</p>	<p>Director of Resources</p> <p>Director of Resources</p> <p>Director of Resources</p> <p>Director of Neighbourhood Services Inspection and Licensing Services Manager</p>

Page Reference and Proposed Amendment	Basis for Change
<p>Page 127 - Part 4 – C. Budget and Policy Framework Procedure Rules</p> <p>To amend:</p> <p>Paragraph 5 – to increase the limit from £25,000 to £35,000.</p>	<p>Head of Financial Services</p>
<p>Page 128 - Part 4 – C. Budget and Policy Framework Procedure Rules</p> <p>Update reference to “Budget Heads” from Resource Management, Culture and Recreation, etc. to Strategic Leadership, Healthy Borough – Leisure and Culture and Community Health, Attractive Borough – Environment and Planning and Development, Stronger Communities – Housing General Rate Fund and Safer Communities, Prosperous Borough – Social Regeneration and Learning and Employment</p>	<p>Head of Financial Services</p>
<p>Page 157 - Part 4 – G. Contract Procedure Rules</p> <p>To amend:</p> <p>Procedure Rule 2, paragraph 2.1(a) to amend to £3,497,313 with effect from 1st April 2008</p> <p>Procedure Rule 2, paragraph 2.1(b) to amend to £139,893 with effect from 1st April 2008.</p>	<p>Head of Financial Services</p>
<p>Page 259 - Part 6 – Members Allowances</p> <p>To update Members Allowances following Employees Pay Award with effect from 1st April 2007.</p>	<p>Basic and Special Responsibility Allowance paid to members is linked to the Employees Pay Award.</p>

This page is intentionally left blank

Item 9

REPORT TO STANDARDS COMMITTEE

7TH FEBRUARY 2008

REPORT OF LEADER

PORTFOLIO: STRATEGIC LEADERSHIP

STANDARDS BOARD FOR ENGLAND : LEADER'S ETHICAL PLAN 2008-09

1. SUMMARY

- 1.1 This report sets out the Leader's mission and objectives for the Council, in terms of policy approach to issues of member ethics, standards and conduct.
- 1.2 This report also takes the opportunity to provide information on Council performance on standards, under the direction of the Council's Monitoring Officer, during the year 2007/8; it includes the Leader's mission and objectives and outlines the measures the Council has taken, and intends to take, in taking forward this important aspect of the agenda of modern local government.
- 1.3 It is considered that the independent scrutiny of the behaviour of members of local authorities, contributes to public confidence in local democracy. The leadership of the Council believe that the best authorities must always have a primary focus upon achieving high standards in behaviour.
- 1.4 New regulations have been introduced which increase the powers of the Standards Committee to deal with a greater number of cases locally. A Revised Members' Code of Conduct came into force on the 3rd May 2007 and changes have been implemented.
- 1.5 The leadership continues to be committed to supporting the local Standards Committee and its Monitoring Officer in handling appropriate cases at a local level, to achieve robust investigations and just outcomes. It is in this context that the plans contained in this report have been developed.

2. RECOMMENDATIONS

- 2.1 That Standards Committee note the report.

3. DETAIL

- 3.1 The Ethical Plan comprised in this Report sets out the mission and objectives for the Council in the area of standards and member conduct.
- 3.2 The core functions of the Standards Committee are as follows:-

- (a) *promoting and maintaining high standards of conduct by Councillors and co-opted Members;*
- (b) *assisting Councillors and co-opted Members to observe the Members' Code of Conduct;*
- (c) *advising the Council on the adoption or revision of the Members' Code of Conduct;*
- (d) *monitoring the operation of the Members' Code of Conduct;*
- (e) *advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;*
- (f) *granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;*
- (g) *dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;*
- (h) *the exercise of (a) to (g) above in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils;*
- (i) *overview of the whistle blowing policy;*
- (j) *oversight of the constitution;*
- (k) *to deal with cases referred to the Standards Committee by the Standards Board and to conduct local determination hearings in accordance with the Model Hearing Procedure at Part 4I;*
- (l) *to take such other steps as may from time to time be taken in accordance with the powers of the Local Government Act 2000 and any subordinate legislation thereunder.*
- (m) *to deal with cases referred to the Standards Committee by the Council's Monitoring Officer and to conduct a hearing in accordance with the model hearing procedure in Part 4I, as amended, or substituted, where necessary, for that purpose.*

Challenges Ahead

3.3 There are a number of challenges and issues facing the Council over the coming year:-

- The re-organisation of local government in County Durham, the abolition of the Council and the creation of a new County-wide unitary authority.

- Changes to the ethical standards regime (including local assessment) resulting from the Local Government (Public Involvement in Health) Act 2007.
- The expected increase and handling of cases at a local level.
- The need to ensure continuity in the provision of guidance and advice of a high quality to members of the Borough Council and Parish and Town Councils.
- To ensure appropriate organisational capacity, including increased flexibility and adequacy of resources, to produce guidance, good practice and advice and to support whatever work is determined as appropriate by the Standards Committee regarding training and how to best target advice and training effectively.
- As in other aspects of modern local government, as the October 2006 White Paper emphasised, there is always the challenge of ensuring that the Council exploits opportunities to work in partnership with others, as well as engaging with the public more directly and maintaining appropriate awareness of key issues on standards and ethics.
- How best to identify the support needed for the Borough Council's members and members of Parish and Town Councils.

Mission and Objectives

- 3.4 The Leader has reviewed the work of the Standards Committee and had discussions with the Statutory Officers, the Chief Executive, Monitoring Officer and Section 151 Officer. In light of the advice provided and the recognition that there is a need to adopt clear policy objectives in this important field, the Leader has developed a mission and a set of objectives, which accurately reflect the leadership's aspirations for the future.

Ethical Mission Statement

- 3.5 The Council, via its Standards Committee, aims to be the respected body responsible for promoting ethical behaviour and building confidence in local democracy.

- 3.6 In order to achieve this, the Leader will:-

- review, monitor and ensure that arrangements are in place for an efficient, fair and proportionate handling of complaints, enabling local issues to be dealt with at a local level wherever possible.
- ensure that resources are available so that authoritative guidance and support continue to be received by members.
- strive to ensure that public confidence is increased in the authority by working in partnership to promote high standards of conduct.
- that the ethical arrangements of the authority are fit for purpose and that the combined work of the Standards Committee and its Monitoring Officer constitute a fit for purpose organisational arrangement.

Review of Performance 2006 to 2007

- 3.7 In 2006, a complaint, which had been submitted to the Standards Board for investigation by an Ethical Standards Officer, was referred to the Adjudication Panel for England. After a Hearing on the 9th October 2007 the Panel found the Councillor had brought his office into disrepute and breached the Code of Conduct. The Councillor was suspended from office for one month.
- 3.8 In 2007, eleven complainants submitted allegations of misconduct to the Standards Board against several local Councillors. However, some of these involved multiple allegations. It is important to recognise that no adverse implications should be inferred from the fact merely that allegations have been made; the evidence, and outcomes, demonstrate that the majority of cases referred to were relatively minor.
- 3.9 The majority of the allegations made which could have potentially resulted in a breach of the Code of Conduct involved disrespectful behaviour or publication of material. Seemingly in all but one case, the allegation was either outside the Standards Board's jurisdiction or the alleged misconduct was not sufficiently serious to amount to a breach.
- 3.10 The Standards Board has referred one of the allegations to an Ethical Standards Officer for investigation.

3.11

Case	Type of Issue	Outcome	Implications	Review
1	Failure to declare interest	No breach		No
2	Publication of letter containing highly contentious issues	No breach		No
3	Publication of article containing misleading statements	No breach		No
4	Disrespectful conduct and unacceptable behaviour	No breach		No

Case	Type of Issue	Outcome	Implications	Review
5	Disrespectful conduct and unacceptable behaviour	No breach		No
6	Office into disrepute by publication of letter in newspaper containing defamatory statements	No breach		No
7	Disrespectful conduct	No breach		No
8	Breach of copyright	No breach		No
9	Disrespectful conduct and office into disrepute by publication of letter in newspaper containing false statements	No breach		No
10	Misconduct in connection with a planning matter	Referred to an Ethical Standards Officer for investigation – ongoing		
11	Disrespectful conduct and failure to declare interest	No breach		No

Guidance and Support

- 3.12 The Monitoring Officer Advice Series is issued to all Borough Members and Town and Parish Councillors. It offers guidance to Members and keeps Members up to date with changes in the law and procedure.
- 3.13 Since 2002, 104 MO advice notes have been issued. The advice notes have covered a range of topics including the Code of Conduct, Registers of Interests, Standards Board Bulletins, dispensations and gifts and hospitality.
- 3.14 Other advice is regularly issued in advice notes "MO/SBC" which includes (since 2002) 45 separate guidance notes covering functional and procedural advice covering best practice within the Council's internal arrangements; a further series "MO/SBC/CONS" provides information and updates to officers on changes to the Council's Constitution, which is regularly updated on advice from the Constitutional Review Group headed by the Monitoring Officer. 18 separate updates have been issued since 2002. The Monitoring Officer is assisted by a Legal Assistant (Secretarial and Standards Support) who prepares reports on performance issues, best practice elsewhere and in supporting training initiatives and updating the website data on the Council's website. Another Legal Assistant (Standards Support) compiles and maintains Member Registers.

Actions and Measures

- 3.15 On average the Standards Committee meets 4 times a year and during 2007 has considered a variety of reports, including annual reports from the Committee on Standards in Public Life and the Standards Board. Many of the reports advised and informed Members on issues of standards and ethics, current trends in allegations of misconduct at national and local level, changes to the Code of Conduct, including a DVD presentation on the Revised Code of Conduct.

Provision of authoritative guidance and support to relevant authorities, members and officers

- 3.16 A range of training events had been organised throughout 2007. A one-day training event was held at Ferryhill Leisure Centre on the 27th June 2007. The issues on standards were presented by Mr Peter Keith Lucas of Bevan, Brittan Solicitors. The training was aimed at Members of Local Authorities Standards Committees, Monitoring Officers and their Deputies, Town and Parish Clerks and their Members.
- 3.17 The event covered problem areas of the Code of Conduct, complaints and investigations and the pre-hearing process and also provided the opportunity to take part in a local standards mock event.
- 3.18 Five training events reviewing the Revised Code of Conduct took place in the Autumn, one at the Council Offices and four at selected Town Councils. The event provided members with an update on standards issues, included the showing of the latest Standards Board DVD on the Revised Code of Conduct and provided an opportunity to discuss current issues and receive feedback.

Working in partnership to promote high standards

3.19 There are two areas where the Council's approach is supplemented by joint working arrangements with other authorities:

- Parish and Town Councils within the Borough: the Council's Monitoring Officer provides an on-line advice and information service to Parish and Town Council Clerks and their members covering Standards Board updates, bulletins and guidance.
- County Monitoring Officers Group: the Monitoring Officer is Chair of the County Group of Monitoring Officers comprising officers from the County Council and District Councils: the Group considers and organises joint initiatives for training and collaborative working and support amongst authorities.

New Initiatives Implemented

3.20 This year saw a number of initiatives and steps taken that will improve the Council's support on ethical matters:-

- Training on Chairmanship role of Council Committees
- Training on Regulatory Committee membership
- Amendments to the Member Code of Conduct implemented
- New Member Induction Programme completed
- Parish and Town Council Training Programme completed
- Latest Standards Board Training Video presented to Standards Committee

Standards Committee and the Constitution

3.21 The Standards Committee regularly receives reports from the Chief Executive who, on advice from the Monitoring Officer, makes proposals for constitutional revisions to ensure effective decision-making at all levels within the Council's framework. The Monitoring Officer is supported by a team of officers comprising the Constitutional Review Group, which he leads.

Local Government Re-Organisation

3.22 On the 25th July 2007 the Government announced that the Secretary of State for Communities and Local Government was intent upon creating a single Unitary Council for County Durham. Since then, the Local Government (Public Involvement in Health) Act 2007 has received Royal Assent and implementation orders for re-organisation were laid before Parliament early in the New Year.

3.23 Elections to the new unitary authority will take place in May 2008 and the new County Durham Unitary Authority will be established from May 2009. It is

within this context that joint arrangements are currently being developed to establish a smooth transition to the creation of the new authority.

- 3.24 The new unitary authority will be responsible for 50 Parish and Town Councils or thereabouts. Major logistical issues will be involved in the convergence of the work of the Borough and County Authority regarding standards matters.
- 3.25 The challenge for the Council going forward will be to ensure the maintenance of Council's continued commitment to achieving high standards for its members whilst ensuring a smooth transfer of functions to the new unitary authority.
- 3.26 To this end, meetings of the County Monitoring Officers Group are taking place, under the chairmanship of the Council's Monitoring Officer, and a number of tasks have already been identified:-
- the need to adopt a shared approach amongst the Councils to reporting to members on the introduction of new local assessment procedures
 - the establishment of a joint approach to training
 - the identification of key milestones in achieving convergence
 - the development of a mutual assistance approach to future training
 - the issue of agreed advice on publicity prior to the May 2008 elections
 - the submission of baseline information on standards activities within authorities

The Local Government (Public Involvement in Health) Act 2007 – Standards Issues

- 3.27 The Local Government (Public Involvement in Health) Act 2007, at Part 10, gives effect to a number of key changes to the locally managed framework for standards issues, and, in particular, the introduction of local assessment of complaints.
- 3.28 The legislation now proscribes change in a number of important areas:-
- the size of Standards Committees
 - structure of Standards Committees
 - local assessment criteria for dealing with complaints
 - the future role of the Standards Board in monitoring the ethical framework
- 3.29 In addition to the above requirements, the Standards Board for England will, henceforward undertake an increasingly pro-active approach towards giving advice on the operation of the ethical framework and will issue recommendations in relation to each of the above matters. Further detail is shown in Appendix A to this report.

4. RESOURCE IMPLICATIONS

- 4.1 The plan emphasises the need to retain sufficient organisational flexibility to manage the uncertainties and risks inherent in this work at a local level. The plan will be regularly monitored – annually – to ensure that resources remain directed to the highest priorities of case handling and support to the Standards Committee.

5. CONSULTATIONS

- 5.1 This Report has been prepared by the Leader, in consultation with the statutory officers of the Council: the Chief Executive, the Monitoring Officer and Section 151 Officer. Management Team has also considered the terms of the Report.

6. OTHER MATERIAL CONSIDERATIONS

- 6.1 Links to corporate values:

Strategic Leadership

Strong Communities

- 6.2 Legal Implications: the requirements of the Local Government Act 2000 (and related legislation) impose duties and obligations upon the Council, its Standards Committee and the Monitoring Officer. The approach taken in this Report supplements and supports the Council's compliance within the new ethical agenda.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

None identified.

Contact Officer: Dennis A. Hall
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

Reports:

- Standards Committee - 8th February 2007
 - Strong and Prosperous Communities : The Local Government White Paper – Implications for Standards and Ethics*
 - Standards Board for England Conference : Local Investigations and Appeals from Local Decisions*
 - An Analysis of the Current Trends in Allegations of Misconduct at National and Local Level – 2006*
 - Arrangements for the Review of the Constitution*
 - Revised Model Code of Conduct for Members*
- Council - 27th February 2007
 - Arrangements for the Review of the Constitution*
- Standards Committee - 5th April 2007
 - SBE : Case Review: Relationship between Council Leaders, Chief Executives and Officers*
 - Guidance from the Standards Board: Implications of Collins J in the Livingstone Case*
 - SBE Case Review: Bullying*
 - SBE Conference: Conducting and Holding an Effective Hearing*
 - Arrangements for the Review of the Constitution*
- Council - 20th April 2007
 - Arrangements for Review of the Constitution*
- Standards Committee - 27th April 2007
 - Arrangements for Review of the Constitution*
 - Implementation of the Revised Model Code of Conduct for Members*
- Council - 18th May 2007
 - Arrangements for Review of the Constitution:*
- Standards Committee - 5th July 2007
 - Committee on Standards in Public Life: Annual Report 2006*
 - Standards Committee Forward Plan 2007/2008*
 - Training Arrangements for Members 2007*
 - Standards Board Roadshow – 12th June 2007 - Newcastle*
 - Arrangements for Review of the Constitution*
- Council - 27th July 2007
 - Arrangements for Review of the Constitution – Changes to Contract Procedure Rules*
 - Arrangements for Review of the Constitution*
- Standards Committee - 1st November 2007
 - Standards Board Annual Review 2006/2007*
 - Standards Board Training Events – Evaluation Questionnaires*

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This page is intentionally left blank

1. Size of Standards Committees

Standards Committees must have a minimum of:

- Three members (two elected members and one independent member)
- 25% as independent lay members if the committee is more than three people
- An independent chair (from April 2008)
- One parish or town council member if the authority has responsibilities for those councils.

Effective practice – the Standards Board recommends:

- At least six people as a minimum (three elected members and three independent members).
- Two, or possibly three, parish or town council members if the authority has responsibilities for those Councils.
- Consideration of whether more members are required to ensure cover in the event of conflicts of interest, holidays or sickness.

2. Structure of Standards Committees

In addition to their role as champion and guardian of the authority's ethical standards, Standards Committees will now have three separate but distinct roles in relation to complaints about member conduct.

- Receiving and assessing complaints.
- Reviewing local assessment decisions.
- Conducting hearings following investigation.

To avoid perceptions of bias or predetermination, members who carry out a local assessment decision should not be involved in a review of the same decision, should one be requested.

Effective practice – the Standards Board recommends:

- A structure of sub-committees or the Standards Committee acting as a pool of members to deal with the different roles.
- As a minimum, two separate sub-committees, one for taking initial assessment decisions and one for taking decisions on reviews.
- Subject to regulations, any sub-committee should also have an independent chair.

- A member who was involved in an initial assessment decision, or following referral of a complaint back to the Standards Committee from the Monitoring Officer or Standards Board for another assessment decision, can be a member of the committee that hears and determines the complaint. This is because an assessment decision only relates to whether a complaint discloses something that needs to be investigated. It does not require deliberation of whether the conduct did or did not take place and so no conflict of interest will arise in hearing and determining the complaint.

3. **Training**

Effective practice – the Standards Board recommends:

- Standards Committees are fully trained on the Code of Conduct.
- Standards Committees are offered other training to equip them with necessary skills, for example, in conducting a hearing.
- Independent chairs and vice-chairs are trained in chairing meetings.
- Any newly appointed Standards Committee members receive a comprehensive induction to the role and appropriate training.

4. **Local Assessment Criteria**

- Guidance will be available from the Standards Board on developing criteria and the types of issues to be considered when assessing complaints.
- Standards Committees will need to develop their own criteria, that reflect local circumstances and priorities, and which are simple, clear, open and ensure fairness.
- Monitoring Officers will be able to acquire additional factual information, which is readily available about allegations before the assessment process begins. This could be from minutes or the register of interests, for example, if such information about a complaint would assist decision-making. It should not include interviews or investigations.
- A complainant has a right to appeal if a complaint is rejected, so Standards Committee will be able to invite complainants to submit further information in support of the complaint at the appeal stage in the process.

5. **Role of the Monitoring Officer in the new framework**

Effective practice – the Standards Board recommends:

- A pre-meeting with the independent chair.
- Preparing a summary of the allegation for the Standards Committee.
- Highlighting what the potential Code breaches are which underlie an allegation to the Standards Committee.
- Allowing case reading time for the Monitoring Officer and the Standards Committee.

6. **Completing existing investigations**

Many authorities will have outstanding investigations and the Standards Board encourages authorities to clear such investigations – particularly long-standing cases – before the new framework comes into effect.

Any authority experiencing difficulties in completing an investigation should seek advice and support from the Standards Board. Please contact Rebecca Strickson, Local Investigations Co-ordinator on 0161 8175372, or e-mail rebecca.strickson@standardsboard.gov.uk

7. **Local assessment and the corporate complaints process**

Effective practice – consider:

- How will the public be informed of the new arrangements?
- Who will receive and log an allegation?
- The production of an individual information leaflet for the local assessment process; possibly combined with the corporate complaints process.

8. **Future monitoring by the Standards Board**

The Standards Board is consulting a sample of authorities involved in a pilot study on proposals for an online information return system, which will allow authorities to tell us about how local arrangements are working.

This system is being designed based on what Standards Committees need locally, and to enable authorities to provide information to the Standards Board as simply as possible.

Authorities will be able to use the system locally for their own records, to keep Standards Committees informed of their authority's ethical activities.

Proposals for the system include quarterly online returns on cases, which will be simple and quick to use, and nil returns if there is no activity to report.

9. **Local assessment guidance**

We will help Standards Committees by providing guidance in 2008 on all aspects of the local assessment process, subject to the passage of the relevant regulations, with a toolkit to include:

- Template notices for publicising the authority's Code of Conduct complaint process.
- Complainant assessment flowcharts.
- A standard complaint form.
- Template letters for each stage in the process.
- Template referral and non-referral decision notices. Guidance to assist with drafting criteria and for the authority to define its threshold for referral.
- Template terms of reference for assessment and review committees.

This page is intentionally left blank

Item 10

REPORT TO STANDARDS COMMITTEE

7 FEBRUARY 2008

REPORT OF CHIEF EXECUTIVE

All Portfolios

REVIEW OF CONFIDENTIAL REPORTING POLICY

1 SUMMARY

- 1.1 This report provides details of the findings of a review of the Council's Confidential Reporting Policy.

2. RECOMMENDATIONS

It is recommended that the Standards Committee:

- 2.1 Notes the findings of the review of the Confidential Reporting Policy outlined at paragraphs 3.10 to 3.12.
- 2.2 Note that since the last review of the Confidential Reporting Policy on 16 January 2007 there have been no cases raised under this policy.

3. DETAIL

Background Information

- 3.1 It is a constitutional obligation upon the Standards Committee to annually review the Council's policy in respect of confidential reporting arrangements.
- 3.2 An important element in the maintenance of probity in Local Government is the ability for individuals to be able to raise concerns where they perceive malpractice. The Employers Organisation published a Model Code on Whistleblowing (Confidential Reporting Code) shortly after the enactment of the Public Interest Disclosure Act 1998. The Act seeks to protect staff from being penalized by employers for raising concerns about serious misconduct or malpractice that threatens the public interest.
- 3.3 The Council is committed to the highest possible standards of openness, probity and accountability. Section 7 of the staff Code of Conduct outlines the Council's commitment to encourage and protect staff who disclose information in relation to matters which they feel breach the high standards expected within the Council. The Confidential Reporting Policy at Appendix 1 was introduced in April 2001 in accordance with the Employers Organisation model code and builds on the commitment and intention to encourage and enable concerns to be raised within the Council rather than overlooking a problem or "blowing the whistle" outside.

Current Position

- 3.4 The Confidential Reporting Policy applies to all employees, contractors working for the Council on Council premises, suppliers and those providing services under a contract with the Council. The procedures are in addition to the Council's complaints procedure and other statutory reporting procedures applying to some departments.
- 3.5 There are other policies and procedures in place to enable employees to lodge a grievance relating to their employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside of the scope of other procedures. Examples of such concerns include:
- ❑ Conduct which is an offence or a breach of law
 - ❑ Disclosures relating to miscarriages of justice
 - ❑ Health and Safety risks
 - ❑ Damage to the environment
 - ❑ The unauthorised use of public funds
 - ❑ Possible fraud and corruption
 - ❑ Sexual or physical abuse, or
 - ❑ Other unethical conduct
- 3.6 In addition, serious concerns about any aspect of service provision or the conduct of officers or members of the Council can be reported under the Confidential Reporting Policy.

Confidential Reporting Procedure

- 3.7 In accordance with the procedure, minor issues are dealt with by an immediate manager or supervisor, and more serious issues are reported to the Chief Executive, Director of Resources or Monitoring Officer.
- 3.8 The Chief Executive has overall responsibility for the maintenance and operation of the policy.
- 3.9 In the event that an employee is dissatisfied with action taken they have a right to refer the matter elsewhere, for example: to an external auditor.

Review of Current Policy

- 3.10 The policy has only been invoked on one occasion to deal with a major issue since its introduction in April 2001. In this case the policy operated effectively and the stages within it were found to be appropriate. A number of minor confidential reporting issues have been dealt with at a supervisory/managerial level.
- 3.11 Minor amendments have been made to the policy since April 2001 to reflect changes in the Council's organisation structure and the constitutional requirement that the Standards Committee reviews the policy on an annual basis.
- 3.12 Following comparisons of the policy with neighbouring authorities and other partner organisations and with best practice guidance it is concluded that the policy remains appropriate and relevant and does not require amendment at this point in time.

4. RESOURCE IMPLICATIONS

None

5. CONSULTATION

The policies of neighbouring authorities and partner organisations have been consulted during the review.

6. OVERVIEW AND SCRUTINY IMPLICATIONS

Not Applicable

7. OTHER MATERIAL CONSIDERATIONS

7.1 Links to Corporate Objectives/Values

This report impacts on the following corporate values:

- Investing in our employees
- Being open, accessible, equitable, fair and responsive

7.2 Equality and Diversity

An Impact Needs Requirement Assessment of this policy has identified that the policy has no adverse impact in terms of gender, race, religion, disability, age, or sexual orientation.

7.3 Risk Management

No additional implications have been identified.

7.4 Legal and Constitutional

It is a constitutional obligation upon the Standards Committee to annually review the Council's policy in respect of confidential reporting arrangements.

7.5 Health and Safety

No additional implications have been identified.

No other material considerations associated with this report have been identified.

8. LIST OF APPENDICES

Appendix 1 - Sedgefield Borough Council - Confidential Reporting Policy

Contact Officer: Helen Darby
Telephone Number: (01388) 816166 Ext. 4436
Email address: hdarby@sedgefield.gov.uk

Ward(s) **Contents are not ward specific.**

Key Decision Validation **Will not involve expenditure which exceeds current budget.
Will not directly impact on more than two wards in the Borough.**

Background Papers

Employers Organisation – Model Code on Whistleblowing (Confidential Reporting Code)
Public Interest Disclosure Act 1998
Sedgefield Borough Council – Code of Conduct for Employees

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sedgefield Borough Council Confidential Reporting Policy

1. INTRODUCTION

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 Sedgefield Borough Council is committed to the highest possible standards of openness, probity and accountability. This commitment is outlined in the Council's Code of Conduct for Employees which has been endorsed by both elected members and trade unions.
- 1.3 Section 7 of the Code of Conduct outlines the Council's commitment to encourage and protect employees who disclose information in relation to matters which they feel breach the high standards expected within the authority. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 The policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. ***This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or "blowing the whistle" outside.***
- 1.4 The policy applies to all employees and those contractors working for the Council on council premises. It also covers suppliers and those providing services under a contract with the Council.
- 1.5 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments.
- 1.6 This policy has been discussed with the relevant trade unions and has their support.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to :

- *encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.*
- *provide avenues for you to raise those concerns and receive feedback on any action taken.*
- *ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.*
- *reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.*

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include :-

- *conduct which is an offence or a breach of law*
- *disclosures related to miscarriages of justice*
- *health and safety risks, including risks to the public as well as other employees*
- *damage to the environment*
- *the unauthorised use of public funds*
- *possible fraud and corruption*
- *sexual or physical abuse, or*
- *other unethical conduct*

2.3 Any serious concerns that you have about any aspect of service provision or the conduct of employees or members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. This may be about something that :

- *makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or*
- *is against the Council's Standing Orders and policies; or*
- *falls below established standards of practice; or*
- *amounts to improper conduct.*

3. SAFEGUARDS

3.1 Harassment or Victimisation

- 3.2 The Council is committed to good practice and high standards and wants to be supportive of employees.
- 3.3 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- 3.4 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
- 3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. CONFIDENTIALITY

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

5. ANONYMOUS ALLEGATIONS

- 5.1 This policy encourages you to put your name to your allegations whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- 5.3 In exercising this discretion the factors to be taken into account would include :
- the seriousness of the issues raised
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

6. UNTRUE ALLEGATIONS

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may taken against you.

7. HOW TO RAISE A CONCERN

7.1 Minor issues will continue to be dealt with on a day to day basis by your immediate manager or supervisor. However, in relation to serious issues of the type likely to be reported under this policy, you should approach the Chief Executive, Director of Resources or Monitoring Officer. The Council believes that this high level reporting reflects the seriousness and sensitivity of the issues involved within the scope of the Confidential Reporting Policy.

7.2 Concerns may be raised verbally or in writing. If you wish to make a written report you are invited to use the following format:

- *the background and history of the concern (giving relevant dates)*
- *the reason why you are particularly concerned about the situation.*

7.3 The earlier you express the concern the easier it is to take action.

7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.5 ***Advice/guidance on how to pursue matters of concern will be available from:***

- **The Chief Executive Officer, Mr Brian Allen**
- **Director of Resources, Mr Alan Smith**
- **Monitoring Officer, Mr. Dennis Hall**

Any major issue will be dealt with by a minimum of two of the above mentioned officers.

7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

7.7 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

7.8 **Should employees or others lack the confidence or trust to make their disclosure of information to an internal source the Audit Commission has set up a confidential hotline and the Council would suggest that this be your first contact rather than other external regulatory bodies.**

8. HOW THE COUNCIL WILL RESPOND

- 8.1 The Council will respond to your concerns. Do not forget that testing your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:
- *be investigated by management, internal audit, or through the disciplinary process.*
 - *be referred to the police*
 - *be referred to the external auditor*
 - *form the subject of an independent inquiry;*
- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.5 Within ten working days of a concern being raised, the responsible person i.e. the Chief Executive, Director of Resources or Monitoring Officer will write to you:
- *acknowledging that the concern has been received*
 - *indicating how they propose to deal with the matter*
 - *giving an estimate of how long it will take to provide a final response*
 - *telling you whether any initial enquiries have been made, and*
 - *telling you whether further investigations will take place and if not, why not.*
- 8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- 8.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- 8.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, will inform you of the outcome of any investigation.
- 8.10 Appendix A attached shows how the Council will manage any concerns raised.**

9. THE RESPONSIBLE OFFICER

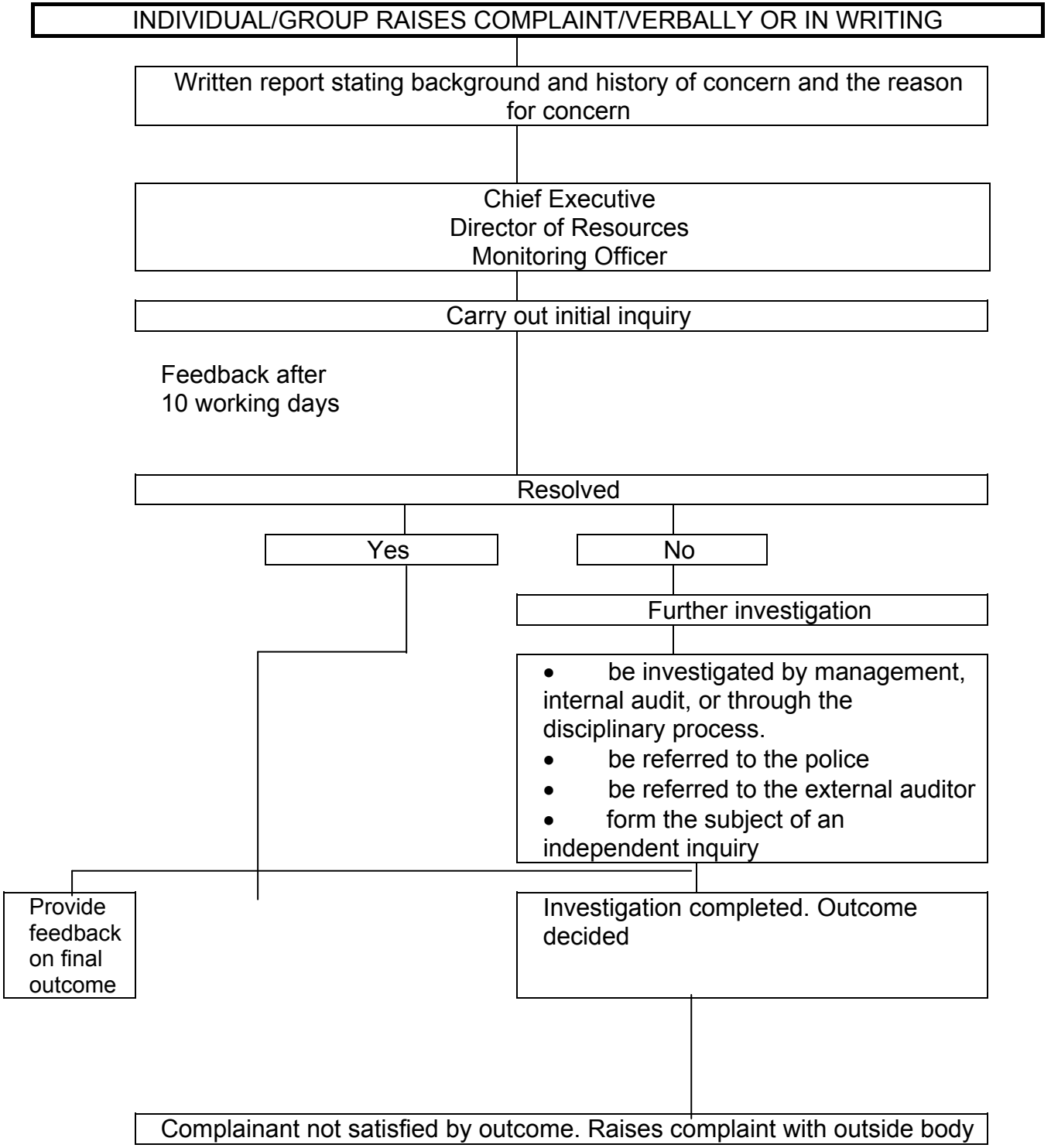
- 9.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report to the Council.
- 9.2 In accordance with the constitution of the Council the Standards Committee will conduct an annual review of the policy.

10. HOW THE MATTER CAN BE TAKEN FURTHER

- 10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:
- *the external auditor*
 - *your trade union*
 - *your local Citizens Advice Bureau*
 - *relevant professional bodies or regulatory organisations*
 - *a relevant voluntary organisation*
 - *the police.*
 - *the Audit Commission*
- 10.2 **If you do take the matter outside the Council you should ensure that you do not disclose confidential information. The Council would suggest that the Audit Commission confidential hotline be your first contact rather than other external regulatory bodies.**

Policy Effective from	1 st April 2001					
Revision Dates	22/9/04					
Review Date	09/05	19/1/06	12/1/07			

APPENDIX A



This page is intentionally left blank