



Committee: STANDARDS COMMITTEE
Date: THURSDAY, 7 OCTOBER 2010
Venue: LANCASTER TOWN HALL
Time: 10.00 A.M.

A G E N D A

1. **Minutes**

Minutes of meeting held on 17th June, 2010 (previously circulated).

2. **Items of Urgent Business authorised by the Chairman**

3. **Declarations of Interest**

4. **Review of Complaint Documentation, Assessment Criteria and Investigation and Hearing Procedures** (Pages 1 - 35)

Report of the Monitoring Officer

5. **Ethical Governance Survey and Internal Audit** (Pages 36 - 52)

Report of the Internal Audit Manager and the Monitoring Officer

6. **Protocol for Local Authority Partnership Working** (Pages 53 - 61)

Report of the Monitoring Officer

7. **Work Programme** (Pages 62 - 65)

Report of the Monitoring Officer

8. **Summary of Complaints** (Pages 66 - 68)

Report of the Monitoring Officer

9. **Confidential Item**

Members are advised that, whilst the following report is public, the appendices are "confidential" by virtue of Section 100A(3) of the Local Government Act 1972. Press and public should therefore be excluded from discussions relating to the appendices on the grounds that they could include the possible disclosure of confidential information.

10. **Findings of Ethical Standards Officer in respect of Complaint 3/2010** (Pages 69 - 70)
Report of the Monitoring Officer

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors

Councillors Tony James (Vice-Chairman), Roger Dennison, Sheila Denwood, Janie Kirkman, Ian McCulloch, Roger Mace, Roger Sherlock and Joyce Taylor

Voting Co-optees

Stephen Lamley (Chairman)
Margaret Davy, Paul Gardner, David Jordison, Sue McIntyre, Susan O'Brien and Frank Senior

(ii) Substitute Membership

Councillors

Councillors Keith Budden (Substitute), Sarah Fishwick (Substitute), John Gilbert (Substitute), Roger Plumb (Substitute), Ron Sands (Substitute) and Jude Towers (Substitute)

(iii) Queries regarding this Agenda

Please contact Suzie Smith, Democratic Services - 01524 582074 - email: smsmith@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Tuesday 28th September 2010.

STANDARDS COMMITTEE**REVIEW OF COMPLAINT DOCUMENTATION,
ASSESSMENT CRITERIA AND INVESTIGATION AND
HEARING PROCEDURES****7th October 2010****Report of the Monitoring Officer****PURPOSE OF REPORT**

To enable the Committee to consider whether any amendments are needed to the forms and procedures approved in May and June 2008 following the implementation of the new regime for complaints to be made locally.

This report is public

RECOMMENDATIONS

- (1) **That the Committee consider whether it wishes to make any amendments to the documents attached to the report.**

1.0 Introduction

- 1.1 Following the implementation in May 2008 of the new regime for Code of Conduct complaints to be made and dealt with locally, the Committee in May and June 2008 approved its complaints form and guidance, assessment procedure and criteria and investigation, pre-hearing and hearing procedures. These were reviewed in June 2009. However, at that stage there had not been any investigations or hearings. With the benefit of more experience of using the procedures, it would seem appropriate for the Committee to reconsider whether any amendments need to be made to the documents.

2.0 Proposal Details

- 2.1 Attached to this report are the following documents:
- Complaint Form
 - Guidance for Complainants
 - Assessment Procedure and Criteria
 - Investigation Procedure
 - Pre- hearing Procedure (including Forms A-D)
 - Hearing Procedure

- 2.2 The words in bold type in the Assessment Procedure have been added by the Monitoring Officer as a proposed amendment, following a recent discussion with the Chairman.
- 2.3 The words in bold type in the Hearing Procedure have been added as a proposed amendment because in the more complex cases it may be appropriate for the Sub-Committee to hear the evidence and make findings of fact, before going on to hear representations as to whether, on the facts, there has been a breach of the Code of Conduct and to make a finding on that issue.
- 2.4 Members are asked to consider these proposed amendments, and whether any further amendments are needed to the documents.

3.0 Details of Consultation

3.1 There has been no consultation.

4.0 Options and Options Analysis (including risk assessment)

4.1 It is open to the Committee to make any appropriate amendments to the documents.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None arising from this report.

FINANCIAL IMPLICATIONS

None directly arising from this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

None directly arising from this report.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her capacity as adviser to the Standards Committee.

BACKGROUND PAPERS

None

Contact Officer: Mrs S Taylor
Telephone: 01524 582025
E-mail: STaylor@lancaster.gov.uk
Ref:



STANDARDS COMMITTEE

COMPLAINT FORM

Before completing this form, you are advised to read the Council's "Guidance on Making a Complaint to the Standards Committee", which accompanies this form. If you have not received the Guidance with this form, it is available on the Council's website or on request from the Monitoring Officer, tel 01524 582025.

Your details

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the standards committee
- Member of Parliament

- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

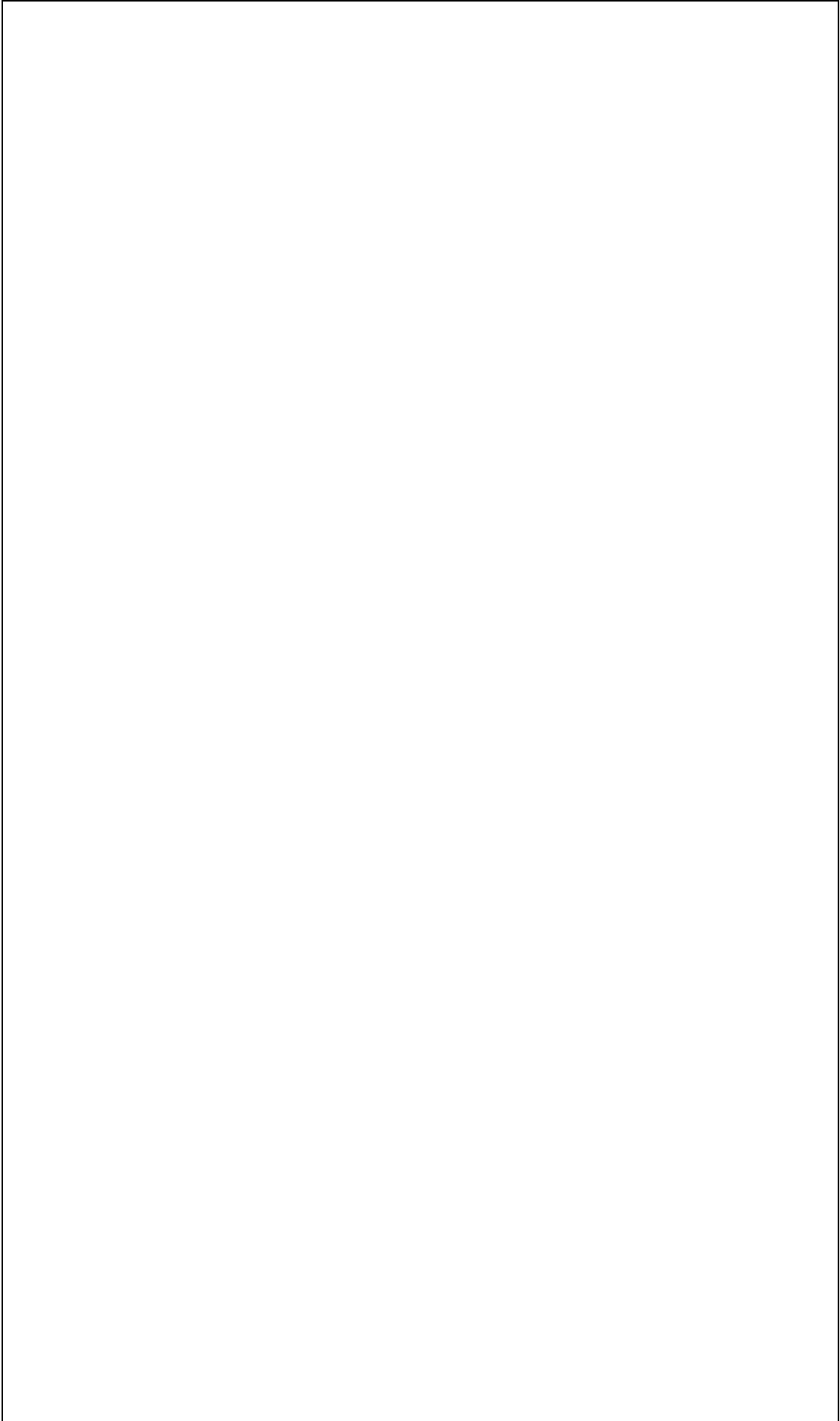
Making your complaint

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

4. Please explain in this section (*and/or* on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct. **Before completing this section, you are recommended to read the section headed “How you should set out your complaint” in the Council’s “Guidance on making a complaint to the Standards Committee”.**

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form. **It is important that you provide as much information as possible at this stage**



Only complete this next section if you are requesting that your identity is kept confidential (please see Guidance Notes)

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Equality Monitoring information

We are required to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, and individuals will not be identified.

Your ethnic origin

Asian or Asian British	
Black or Black British	
Chinese	
White: British	
White: Irish	
White: Other	

**LANCASTER CITY COUNCIL
GUIDANCE ON MAKING A COMPLAINT TO THE STANDARDS
COMMITTEE**

This Guidance should be read before completing the Lancaster City Council Standards Committee Complaint Form.

If you have any queries, please contact the Council's Monitoring Officer, Mrs Sarah Taylor, telephone 01524 582025, or email STaylor@lancaster.gov.uk

Is this the correct form?

The points listed below will help you decide whether this is the correct form to use when making your complaint.

If you submit a complaint, an Assessment Sub-Committee of the Standards Committee will make the decision about what action, if any, to take.

In order for the Sub-Committee to consider your complaint:

- Your complaint must be about one or more named members of the following authorities: Lancaster City Council or a parish or town council within its district. These are Arkholme-with-Cawood, Bolton-le-Sands, Caton-with-Littledale, Cloughton, Cockerham, Ellel, Gressingham, Halton-with-Aughton, Heaton-with-Oxcliffe, Hornby-with-Farleton, Ireby and Leck, Melling-with-Wrayton, Middleton, Morecambe, Nether Kellet, Over Kellet, Over Wyresdale, Overton, Quernmore, Scotforth, Silverdale, Slyne-with-Hest, Tatham, Thurnham, Warton, Wennington, Whittington, Wray-with-Botton, Yealand Conyers and Yealand Redmayne parish councils and Carnforth Town Council.
- Your complaint must be about conduct that occurred while the member(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the authority, or after they have resigned or otherwise ceased to be a member, cannot be considered by the Assessment Sub-Committee
- Your complaint must be that the member(s) has, or may have, breached the relevant Code of Conduct. A copy of the City Council's Code of Conduct is available on the Council's website www.lancaster.gov.uk/complaints and frequently asked questions about the Code of Conduct are available at www.standardsboard.gov.uk. You may also contact the Monitoring Officer, contact details above, if you require further information or a copy of the Code of Conduct adopted by any of the parish councils within the district. These are also available from the relevant parish or town council clerk.

- Your complaint must be in writing. If a disability prevents you from making your complaint in writing you may contact the Monitoring Officer (contact details as above) for assistance. We can also help if English is not your first language. We may be able to transcribe your oral complaint, and produce a written copy for approval by you or your representative.

What complaints cannot be made on this form?

Complaints about Council employees, or about a decision or action of the Council or one of its committees, or about a service provided by the Council or about the Council's procedures, do not fall within the jurisdiction of the Standards Committee. These are dealt with within the Council's general complaints procedure, and further information on this is available on the Council's website www.lancaster.gov.uk/complaints or from Information and Customer Services.

What happens once you submit your complaint?

When you submit your complaint we will write to you to let you know we have received it. At this stage the member(s) that you are complaining about will not be informed of the complaint, and we would ask that you should keep the matter confidential and not make your complaint public.

The Assessment Sub-Committee, which is chaired by a person independent of the City Council and of the parish and town councils, will meet to consider your complaint. This will happen as soon as possible, and in any event within an average of 20 working days of the date we receive your complaint. Meetings of the Assessment Sub-Committee are 'closed', which means that you will not be able to attend. It is therefore very important that you set your complaint out clearly and provide at the outset all the information you wish the Assessment Sub-Committee to consider.

The Assessment Sub-Committee will decide what action, if any to take, using referral criteria which are available on the Council's website www.lancaster.gov.uk/complaints or from the Monitoring Officer. The Sub-Committee may decide to refer your complaint for investigation or for other action, or may decide not to take any action on your complaint

If the Assessment Sub-Committee decides not to refer your complaint for investigation or other action, we will inform you in writing, within five working days, giving you the reasons for this decision. We will also inform the member(s) you have complained about, and, if appropriate the parish or town clerk. We will also explain your right to ask for the decision to be reviewed.

If the Assessment Sub-Committee decides to refer your complaint for investigation or other action, we will inform you in writing. At the same time we write to you, we will also write to the member(s) you have complained about and the parish or town clerk (if applicable). We will send these letters within five working days of the Assessment Sub-Committee reaching its decision. The decision of the Assessment Sub-Committee is made available for public

inspection once the member the complaint is about has been given a summary of the complaint. In very limited situations the member may not be given this summary immediately and if so any public inspection will not happen until the member does get the summary.

If the Assessment Sub-Committee refers your complaint for investigation, you will be contacted by the Investigating Officer. In very serious cases, the Assessment Sub-Committee may ask the Standards Board for England to carry out the investigation.

What is meant by ‘other action’?

The Assessment Sub-Committee may decide to refer your complaint for ‘other action’ instead of referring it for investigation. Other action is a deliberately broad term that may include options such as requiring the person you have complained about to undertake training or mediation. The Assessment Sub-Committee will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate. If the Assessment Sub-Committee decides to refer your complaint for other action we will explain what this involves.

If the Sub-Committee refers your complaint to the Monitoring Officer for “other action”, the purpose of the action is not to find out whether the person you have complained about has breached the Code, and no conclusion will have been reached as to whether there was a failure to comply with the Code. If a matter is referred for “other action”, it is not possible for the complaint to be subsequently referred for investigation or a sanction imposed.

How should you set out your complaint?

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. You should also provide any documents or other material that you wish the Assessment Sub-Committee to consider, where possible.

We recommend that you use our complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the member(s) complained about has breached the Code of Conduct.

Wherever possible, you should be specific about what you are alleging the member(s) said or did, and the dates of the alleged incidents. You should

also confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.

Who will be told about your complaint?

The Monitoring Officer and the Assessment Sub-Committee will receive the details of your complaint when it is received. Following the meeting of the Assessment Sub-Committee, your name and a summary of your complaint will be given to the member(s) you have complained about and to the parish or town clerk (if applicable). If the member you have complained about is also a member of another authority such as the County Council or the Police Authority, it may be necessary for your complaint to be passed to the Monitoring Officer or Standards Committee of that authority.

If you have serious concerns about your name and/or the details of your complaint being passed on in this way, you should complete Part 5 of the complaint form. This will be considered by the Assessment Sub-Committee.

The interests of fairness and natural justice generally require that members complained of have a right to know who has made the complaint and what that complaint is. We are unlikely to withhold your identity or the details of your complaint unless there are exceptional reasons for doing so. Such reasons might be that you would be at risk of physical harm or other victimisation or harassment, or less favourable treatment in terms of any service provision or other contractual relationship with the Council if your identity were disclosed, or that there would be medical risks (supported by medical evidence). Reasons for withholding details of your complaint might be a serious risk of intimidation of witnesses, or a serious risk that evidence may be compromised or destroyed.

If the Assessment Sub-Committee does not grant your request for confidentiality, we will usually allow you the option of withdrawing your complaint. However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation and disclose your name even if you have expressly asked us not to.

What to do when you have completed the form

The completed Complaint Form should be sent by post or electronically to the Monitoring Officer, Mrs Sarah Taylor, Town Hall, Lancaster LA1 1PJ.
STaylor@lancaster.gov.uk

LANCASTER CITY COUNCIL STANDARDS COMMITTEE

PROCEDURE FOR THE INITIAL ASSESSMENT OF COMPLAINTS OF BREACH OF THE CODE OF CONDUCT

Introduction

1. This procedure applies when a complaint is received that a City Councillor, Co-opted Member or Parish Councillor has or may have failed to comply with the relevant Code of Conduct.
2. The person making the complaint will be referred to as the complainant and the person against whom the complaint is made will be referred to as the subject member.
3. The procedure will also apply if a complaint is referred back to the Standards Committee by the Standards Board for England.
4. No Member or officer will participate in any stage of the assessment process if they have any personal conflict of interest in the matter.

Assessment Sub-Committee

5. Upon receipt of a complaint that a City Councillor, Co-opted Member or Parish Councillor has or may have failed to comply with the Code of Conduct, the Monitoring officer will liaise with the Head of Democratic Services or her representative to convene as soon as possible and in any event within 20 working days a meeting of an Assessment Sub-Committee.
6. The Assessment Sub-Committee will comprise three members of the Standards Committee, including an Independent Member who will act as Chairman, and a City Councillor. Where the complaint relates to a Parish Councillor, the Assessment Sub-Committee will include a parish member of the Standards Committee. **Where the complaint relates to a City Councillor, the Sub-Committee will, where possible, comprise an Independent Member, a City Councillor and a Parish Councillor, as it is recognised that using two Independent members at the Assessment stage may reduce the pool of Independent Members available should the matter proceed to a hearing.** The Sub-Committee will be convened on an ad hoc basis, and members will be appointed by the Head of Democratic Services or her representative on a rotational basis, taking account of availability, and on the basis that so far as possible the Assessment Sub-Committee will not include a city councillor of the same group as the Subject Member or the Complainant.
7. The Assessment Sub-Committee will be advised by the Monitoring Officer, the Deputy Monitoring Officer or another legal officer. The meeting will not be open to the public, and the subject member will not be informed of the complaint at this stage. However, if a press enquiry is received about a complaint which has not yet been considered by the Assessment Sub-Committee, and it is clear that the press are aware of the identity of the subject of the complaint, the Monitoring Officer is authorised to inform the subject member of the complaint immediately, but, if in doubt, may consult the Chairman or Vice-Chairman, depending on their availability.

8. The purpose of the Assessment Sub-Committee will be to decide whether any action should be taken on the complaint – either an investigation or some other action. The Assessment Sub-Committee will not make any findings of fact.
9. The Assessment Sub-Committee will receive in advance of the meeting a copy of the complaint, together with a report prepared by the Monitoring Officer or her representative which will set out the following details:
 - Whether the complaint is within the jurisdiction of the Standards Committee
 - The paragraphs of the Code of Conduct the complaint might refer to, or the paragraphs the complainant has identified
 - A summary of key aspects of the complaint if it is lengthy or complex
 - Any further information that the officer has obtained to assist the Assessment Sub-Committee with its decision. This may include minutes of meetings, a copy of a member's entry in the register of interests, information from Companies House or the Land Registry, or other easily obtainable documents
 - Any clarification obtained by the officer from the complainant if the complaint was unclear

It should be noted, however, that pre-assessment inquiries will be limited, and will not be carried out in such a way as to amount to an investigation.

The Assessment Process

10. The Assessment Sub-Committee will first consider whether the complaint meets the following tests:
 - The complaint is against one or more named members of the City Council or a parish council within its district
 - The subject member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time
 - The complaint, if proven, would be a breach of the Code under which the subject member was operating at the time of the alleged misconduct

If the complaint fails one or more of these tests, then the decision of the Assessment Sub-Committee must be that no further action will be taken.

11. If the complaint meets the above tests, then the Assessment Sub-Committee will proceed to consider whether to refer it to the Monitoring Officer, to refer it to the Standards Board for England, or whether no action should be taken. In making its decision, the Sub-Committee will take account of the Assessment Criteria at Appendix 1, which have been approved by the Standards Committee, and which will from time to time be reviewed by the Committee.
12. The Assessment Sub-Committee will, unless there are exceptional circumstances, reach a decision within 20 working days of receipt of the complaint.
13. If the Assessment Sub-Committee decides to take no action over a complaint, then it will arrange for notice of that decision, including the reasons for it, to be given to the complainant, the subject member, and, if the subject member is a parish councillor, to the clerk to the relevant parish council. This will be done within 5 working days after the date of the meeting.

14. If the Assessment Sub-Committee decides to refer the complaint to the Monitoring Officer or to the Standards Board for England, it will arrange for a summary of the complaint to be sent to the complainant and the subject member stating what the allegation is, and the type of referral that has been made. This will be done within 5 working days after the date of the meeting. The decision notice will explain why a particular referral decision has been made.
15. However, the Assessment Sub-Committee may decide not to give the subject member a summary of the complaint if it considers that doing so would be against the public interest or would prejudice any future investigation. In considering this, the Sub-Committee will take advice from the Monitoring Officer, and will consider in particular whether it is likely that the subject member may intimidate the complainant or any witnesses involved or whether early disclosure of the complaint may lead to evidence being compromised or destroyed. The Sub-Committee will balance whether the risk of the case being prejudiced by the subject member being informed of the details of the complaint at that stage may outweigh the fairness of notifying the subject member.

The Review Process

16. If the Assessment Sub-Committee decides not to take any action on a complaint, then the Complainant has a right to request a review of that decision, and will be so advised when notified of the decision.
17. When a request for review is received, the Monitoring Officer will liaise with the Head of Democratic Services or her representative to convene as soon as possible and in any event within 20 working days a meeting of a Review Sub-Committee.
18. The Review Sub-Committee will comprise three members of the Standards Committee, including an Independent Member who will act as Chairman, a city councillor, and, where the matter relates to a parish councillor, a parish representative. **Where the complaint relates to a City Councillor, the Sub-Committee will, where possible comprise an Independent Member, a City Councillor and a Parish Councillor, as it is recognised that using two Independent members at the Review stage may reduce the pool of Independent Members available should the matter proceed to a hearing.** None of these Members will have been members of the Assessment Sub-Committee that considered the original complaint. The Sub-Committee will be convened on an ad hoc basis, and members will be appointed by the Head of Democratic Services or her representative on a rotational basis, taking account of availability, and on the basis that so far as possible the Review Sub-Committee will not include a city councillor of the same group as the Subject Member or the Complainant.
19. In addition to the documents referred to in paragraph 9 above, the Review Sub-Committee will have a copy of the Assessment Sub-Committee's decision notice, but will consider the complaint afresh, using the Assessment Criteria at Appendix 1. The Review Sub-Committee has the same decisions available to it as the Assessment Sub-Committee and will follow the procedure outlined above in paragraphs 10-15.
20. Where on a request for review further information is made available in support of a complaint that changes its nature or gives rise to a potential new complaint, the Review Sub-Committee will consider if it is more appropriate to pass this to an

Assessment Sub-Committee as a new complaint. In this instance, the Review Sub-Committee will make a formal decision that the review request will not be granted.

Withdrawing Complaints

21. If a complainant asks to withdraw the complaint prior to the Assessment Sub-Committee having made a decision on it, the Assessment Sub-Committee will decide whether or not to grant the request. In making its decision, the Sub-Committee will consider:
- Whether the public interest in taking some action on the complaint outweighs the Complainant's wish to withdraw it
 - Whether the complaint is such that action can be taken on it without the complainant's participation
 - Whether there is an identifiable underlying reason for the request to withdraw the complaint, and in particular whether there is any evidence that the Complainant may have been pressured by the subject member or other person to withdraw the complaint

Confidentiality

22. If a Complainant has asked for their identity to be withheld, this request will be considered by the Assessment Sub-Committee at the same time as it considers the complaint.
23. As a matter of fairness and natural justice, the subject member should usually be told who has complained about them. However, in exceptional circumstances, the Assessment Sub-Committee may grant confidentiality if it is satisfied that the Complainant has reasonable grounds for believing that they will be at risk of physical harm or other victimisation or harassment, or less favourable treatment in terms of any service provision or other contractual relationship with the Council if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.
24. The Assessment Sub-Committee will also take into account whether it would be possible to refer the complaint without making the Complainant's identity known, and in particular whether the Complainant's participation would be required if the complaint were referred.
25. If the Assessment Sub-Committee decides to refuse a request any a Complainant for confidentiality, it may offer the Complainant the option to withdraw, rather than proceed with their identity being disclosed. The Assessment Sub-Committee will balance whether the public interest in taking action on a complaint may outweigh the complainant's wish to have their identity withheld from the subject member

Complaints about Members of more than one Authority

26. Where a complaint is received about a city or parish councillor who is known to be a member of another authority, for example the County Council or police authority, the Monitoring Officer will before the meeting of the Assessment Sub-Committee establish whether a similar allegation has been made to the other authority. In the light of information from and in co-operation with the other

authority, the Assessment Sub-Committee will consider which authority should deal with the complaint.

“Other Action”

27. If an Assessment Sub-Committee or a Review Sub-Committee refers a complaint to the Monitoring Officer for action other than investigation, the Monitoring Officer’s subsequent report under Regulation 13(4)(c) will be considered by the same Assessment Sub-Committee or Review Sub-Committee that made the referral.

APPENDIX 1

LANCASTER CITY COUNCIL STANDARDS COMMITTEE – ASSESSMENT CRITERIA

A. Circumstances where the Assessment Sub-Committee may decide that no action should be taken in respect of the allegation:

A1 Where the complaint is about someone who is no longer a member of the city council or a parish council

A2 Where the information provided by the complainant is not sufficient to enable the Sub-Committee to make a decision as to whether the complaint should be referred for investigation or other action

However, the complainant will be advised that it is possible to resubmit the complaint with further information.

A3 Where a substantially similar allegation has previously been made by the complainant to the Standards Board or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority (except where a Review Sub-Committee has taken the view that a request for review contains new information and should be considered by an Assessment Sub-Committee rather than the Review Sub-Committee)

The Sub-Committee will only refer the complaint for investigation or other action if it considers that there is a compelling reason to do so

A4 Where the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now.

It is acknowledged, however, that where a delay has arisen as a result of criminal or other legal proceedings, it may be appropriate to refer the complaint for investigation or other action.

A5 Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter

A6 Where the allegation discloses a potential breach of the Code of Conduct, but the Committee considers that the complaint is not serious enough to warrant further action

A7 Where the complaint appears to be malicious, politically motivated or tit-for-tat, unless a serious matter is raised in the complaint

B. Circumstances where the Standards Committee may decide to refer the allegation to the Monitoring Officer for investigation

B1 Where the allegation discloses a potential breach of the Code of Conduct sufficiently serious, if proven, to warrant a sanction, and where it would be in the public interest to investigate.

C. Circumstances where the Standards Committee may decide to refer the allegation to the Monitoring Officer for training, conciliation or other steps as appear appropriate to the Standards Committee

Note This approach may be appropriate where the Sub-Committee believes that the conduct, if proven, may amount to a failure to comply with the Code, and that some action should be taken in response to the complaint. If this approach is taken, the purpose of the action is NOT to find out whether the subject member breached the Code, and no conclusion will have been reached on whether the subject member failed to comply with the Code. It should be noted that this approach may only be taken after consultation with the Monitoring Officer

C1 Where the complaint suggests that there is a wider problem throughout the authority and it is appropriate to extend the action to other members who are not the subject of the complaint

C2 Where it is apparent that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error and the matter would not warrant a more serious sanction

C3 Where it appears that even if the allegation were fully investigated, and a breach of the Code of Conduct upheld, training or conciliation would be the appropriate remedy

D. Circumstances where the Standards Committee may decide to refer an allegation to the Standards Board

D1 Where the Assessment Sub-Committee believes that the status of the member or members, or the number of members about whom the complaint is made, would make it difficult for the Standards Committee to deal with the complaint. For example if the complaint is about the Leader of the Council or a Group Leader, or a member of the Cabinet or Standards Committee

D2 Where the Assessment Sub-Committee believes that the status of the complainant(s) would make it difficult for the Standards Committee to deal with the complaint. For example if the complainant is a group leader, member of Cabinet or the Standards Committee, or the Chief Executive or a statutory officer.

D3 Where the Assessment Sub-Committee considers that there is a potential conflict of interest of so many members of the Standards Committee that it could not properly deal with the matter itself

D4 Where the Assessment Sub-Committee believes that that there is a potential conflict of interest of the Monitoring Officer or other officers, and that suitable alternative arrangements cannot be put in place to address the conflict

D5 Where the case is so serious or complex that it cannot be handled locally

D6 Where the complaint will require substantial amounts of evidence beyond that available from the authority's documents, its members or officers

D7 Where the complaint relates to long-term or systematic member/officer bullying which could be more effectively investigated by someone outside the Council

D8 Where the allegation raises significant or unresolved legal issues on which a national ruling would be helpful

D9 Where the public might perceive the Council to have an interest in the outcome of a case. For example if the authority could be liable to be judicially reviewed if the complaint were upheld

LANCASTER CITY COUNCIL STANDARDS COMMITTEE

PROCEDURE FOR CASES REFERRED FOR INVESTIGATION BY THE MONITORING OFFICER

1. When an allegation is referred to the Monitoring Officer by the Assessment Sub-Committee or by an Ethical Standards Officer (ESO) for investigation, the Monitoring Officer will within five working days, unless otherwise directed by the Assessment Sub-Committee of the Standards Committee or the ESO, inform the member who is the subject of the allegation of failure to comply with the code of conduct, ("the Subject Member"), the person who made the allegation ("the Complainant"), the clerk to any parish council concerned, and the standards committee of any other authority concerned, that the matter has been referred for investigation.
2. Unless the Assessment Sub-Committee or ESO have directed that it would be contrary to the public interest or prejudicial to the investigation, the Monitoring Officer will at the same time provide the Subject Member with a written summary of the allegation.
3. The Monitoring Officer will appoint an Investigating Officer who may be an officer of the Council, or an external investigating officer. The Investigating Officer may appoint persons to assist him/her in the conduct of the investigation, and may obtain such professional advice as may be necessary. The Monitoring Officer will advise the Subject Member and the Complainant of the appointment of the Investigating Officer. The appointment will set out the responsibilities delegated by the Monitoring Officer to the Investigating Officer. The Monitoring Officer will maintain the function of overseeing the investigation.
4. In carrying out the investigation, the Investigating Officer shall have regard to any relevant guidance issued by the Standards Board, and shall comply with any relevant direction given by the Standards Board.
5. The Investigating Officer may make such inquiries as he/she thinks necessary or expedient for the purposes of conducting the investigation, and may require any person to give such information or explanation as the Investigating Officer thinks necessary or expedient for the purpose of conducting the investigation. The Investigating Officer may require any of the relevant authorities concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation, and to provide reasonable access to such documents in the possession of that authority as appear to the Investigating Officer to be necessary for the purpose of conducting the investigation.
6. Statements will be prepared and agreed with each person interviewed during an investigation, including the Subject Member. The Subject Member will be advised that he/she may be accompanied by a professional representative or advisor, a Group colleague or friend during the interview. Any other person interviewed may be accompanied by a friend or representative if they so wish.
7. The Investigating Officer will complete the investigation within a reasonable period of time according to the nature of the complaint and the extent of the investigation required.

8. Where during the course of the investigation, as a result of new evidence or information, the Investigating Officer forms an opinion that the matter is materially more serious or materially less serious than may have seemed apparent to the Assessment Sub-Committee, when it made its decision to refer the matter for investigation, and that it would have made a different decision had it been aware of the new evidence or information, or where the Subject Member has died, is seriously ill or has resigned from the authority concerned, and the Investigating officer is of the opinion that in the circumstances it is no longer appropriate to continue with the investigation, the matter shall be referred to a new Assessment Sub-Committee. The Assessment Sub-Committee shall consider the matter as if it were a new allegation.
9. The Investigating Officer, having concluded the investigation, will consider whether to produce a draft report before the final report. A draft report may be appropriate where the facts are complex or ambiguous, or where the facts are disputed. Any draft report will be issued to the Subject Member and the Complainant for review and comment, and will indicate that it does not necessarily represent the Investigating Officer's final finding.
10. If the Investigating Officer issues a draft report, he/she will consider whether the responses reveal a need for further investigation or for changes to the report. In some complex cases, the Investigating Officer may wish to issue a second draft report before the final report.
11. The Investigating Officer's final report will commence with a statement of the Investigating Officer's finding. The finding will be either that there has been a failure to comply with the code of conduct of the authority concerned, or as the case may be any other authority concerned ("a finding of failure"), or that there has not been a failure to comply with the code of conduct of the authority concerned, or as the case may be, of any other authority concerned ("a finding of no failure"). A copy of the report will be sent to the Subject Member and referred to the original Assessment Sub-Committee (which will be referred to as the Assessment (Regulation 17) Sub-Committee) and to the Standards Committee of any other authority of which the Subject Member is a member, if that other authority so requests.
12. When the Assessment (Regulation 17) Sub-Committee considers the finding of the Investigation Officer, it shall make one of the following findings:
 - That it accepts the finding of no failure ("a finding of acceptance")
 - That the matter should be considered at a hearing by a Hearings Sub-Committee of the Standards Committee, or
 - That the matter should be referred to the Adjudication Panel for determination (but only if it has determined that the action it could take against the Subject Member would be insufficient were a finding of failure to be made, and the president or deputy president of the Adjudication Panel has agreed to accept the referral)
13. Where there is a finding of acceptance, written notice of that finding shall be given to the Subject Member, the Complainant, any parish council concerned, any ESO concerned and the Standards Committee of any other authority concerned, and notices shall be published as required by the relevant Regulations, unless the Subject Member requests otherwise.

14. Where the Assessment (Regulation 17) Sub-Committee decides to hold a hearing, this shall be conducted in accordance with the Committee's Pre-hearing and Hearing Procedures.

LANCASTER CITY COUNCIL STANDARDS COMMITTEE

PRE-HEARING PROCEDURE

1. Where an Assessment (Regulation 17) Sub-Committee has made a finding that a matter should be considered at a hearing, the following procedure shall apply.
2. A Hearing Sub-Committee shall be convened in accordance with the principles set out in Appendix 1 hereto.
3. The Subject Member will be asked for a written response within fifteen days, which response shall set out the Subject Member's reply to the Investigating Officer's report and shall state whether he/she
 - disagrees with any of the findings of fact in the report, giving the reasons for any disagreement
 - wishes to be represented by a solicitor or barrister, or with the consent of the Sub-Committee by any other person
 - wishes to give evidence to the Sub-Committee, either orally or in writing
 - wishes to call relevant witnesses to give evidence to the Committee
 - wishes any part of the hearing to be held in private
 - wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public

Forms A-D appended hereto will be provided for this response.

4. The Subject Member shall be informed that if, at the meeting of the Sub-Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Sub-Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.
5. Upon receipt of the Member's response, the Investigating Officer shall be invited to comment on it within ten working days, and to say whether or not he/she
 - wishes to call relevant witnesses to give evidence or submit written or other evidence to the Sub-Committee
 - wishes any part of the hearing to be held in private
 - wishes any part of the report or other relevant documents to be withheld from the public
6. Upon receipt of the Investigating Officer's response, the Chairman of the Sub-Committee and the Monitoring Officer or other legal adviser will consider the responses of the Subject Member and the Investigating Officer and set a date for the hearing in consultation with the Head of Democratic Services.
7. The Member and the Investigating Officer are entitled to request that any witnesses they want should be called. However, the Chairman of the hearing may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable and that some witnesses will simply be repeating the evidence of earlier witnesses, or else not providing evidence that will assist the Sub-Committee to reach its decision.
8. Nothing in this procedure shall limit the Chairman of the hearing from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Sub-Committee to reach its decision.

9. The Monitoring Officer/Legal Adviser, in consultation with the Chairman, will:
 - confirm a date, time and place for the hearing, which must be within three months from the date on which the Investigating Officer's report was completed and not less than fourteen days after the report was sent to the Subject Member
 - confirm the main facts of the case that are agreed
 - confirm the main facts that are not agreed
 - provide copies of any written evidence to the relevant parties
 - confirm which witnesses will be called by the parties
 - provide the parties with copies of the proposed procedure for the hearing, specifying which parts of the matter, if any, may be considered in private

APPENDIX 1 COMPOSITION OF THE HEARING SUB-COMMITTEE

1. The Sub-Committee shall comprise five Members drawn from the full members of the Standards Committee, and of these, at least two shall be Independent Members.
2. The membership of the Sub-Committee will vary for each individual hearing, and will be determined by the Head of Democratic Services on the principles set out below.
3. Where the matter for determination relates to a City Councillor, the Sub-Committee will include no more than two City Councillors. The other members of the Sub-Committee will be either two Independent Members and one Parish Member, or three Independent Members.
4. Where the matter for determination relates to a parish council matter, the Sub-Committee will comprise two Independent Members, and either one Parish Member and two City Councillors, or two Parish Members and one City Councillor.
5. The Chairman of the Standards Committee will generally be a member of the Sub-Committee and its Chairman. Otherwise, another Independent Member will be the Chairman of the Sub-Committee.
6. In selecting the membership of a Sub-Committee, the Head of Democratic Services will endeavour to ensure that members are selected in rotation, taking into account their availability for the proposed hearing date, and any possible conflicts of interest. Wherever possible, members of the Assessment (and if relevant the Review) Sub-Committee which considered the complaint will not be appointed to the Hearing Committee, but it is recognised that there are occasions when this may be necessary provided that there is no conflict of interest. Wherever possible there should be a gender balance on the Sub-Committee.
7. City Councillors shall wherever possible (and it is acknowledged that this will not always be possible) be selected on the following principles:
 - a Member of the Sub-Committee should not be a member of the same Group as the Member who is the subject of the hearing.
 - if the complainant is a City Councillor, a member of the Sub-Committee should not be a member of the same Group as the complainant.
 - If the Sub-Committee includes two City Councillors, they should not be Members of the same Group.

Subject to these principles, the Head of Democratic Services will endeavour to ensure that elected members of the Committee are selected in rotation, taking into account their availability for the proposed hearing date, and any possible conflicts of interest.

8. Once a Sub-Committee has been selected for a hearing, if a Member becomes unavailable to attend, the Head of Democratic Services will select a substitute from the membership of the Standards Committee, in accordance with the above principles.

9. The quorum of the Sub-Committee meeting shall be three members, of whom one must be an Independent Member, and no more than one should be a City Councillor. If the hearing concerns a parish matter, a Parish Member must be present.

Please enter the number of any paragraph where you disagree with the findings of fact in the Investigating Officer's report, and give your reasons and your suggested alternative.

Member's response to the evidence set out in the Investigating Officer's report

Para. No. from MO's report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read

Please attach separate sheets if necessary.

NAME:

SIGNED:

DATE:

Please set out below, using the numbered paragraphs, any other evidence you feel is relevant to the allegation made about you.

Other evidence relevant to the allegation

Para. No.	Details of the evidence
1	
2	
3	
4	
5	

Please attach separate sheets if necessary.

NAME:

SIGNED:

DATE:

Arrangements for the Standards Committee Hearing

Please tick the relevant boxes.

1	<p>The proposed date for the Standards Committee hearing is given in the accompanying letter. Are you planning to go to the hearing?</p> <p>If "No", please explain why.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Reason:
2	Are you going to present your own case?	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	
3	If you are not presenting your own case, will a representative present it for you?	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Name:
4	<p>Is your representative a practising solicitor or barrister?</p> <p>If "Yes", please give his or her legal qualifications. Then go to question 6.</p> <p>If "No", please go to question 5.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Qualifications:
5	<p>Does your representative have any connection with the case?</p> <p>If "Yes", please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Details:

NAME

SIGNATURE

DATE

<p>6</p>	<p>Are you going to call any witnesses? If "Yes", please fill in Form D.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	
<p>7</p>	<p>Do you, your representative or your witnesses have any access difficulties (for example, is wheelchair access needed)? If "Yes", please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Details:</p>
<p>8</p>	<p>Do you, your representative or witnesses have any special needs (for example, is an interpreter needed)? If "Yes", please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Details:</p>
<p>9</p>	<p>Do you want any part of the hearing to be held in private? If "Yes", please give reasons.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Reasons:</p>
<p>10</p>	<p>Do you want any part of the relevant documents to be withheld from public inspection? If "Yes", please give reasons.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Reasons:</p>

NAME

SIGNATURE

DATE

Details of proposed witnesses to be called

	Name of witness or witnesses	1	
		2	
		3	
WITNESS 1			
a	Will the witness give evidence about the allegation? If "Yes", please provide an outline of the evidence the witness will give.	Yes <input type="checkbox"/> No <input type="checkbox"/>	Outline of evidence:
b	Will the witness give evidence about what action the Standards Committee should take if it finds that that the Code of Conduct has not been followed?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Outline of evidence:
WITNESS 2			
a	Will the witness give evidence about the allegation? If "Yes", please provide an outline of the evidence the witness will give.	Yes <input type="checkbox"/> No <input type="checkbox"/>	Outline of evidence
b	Will the witness give evidence about what action the Standards Committee should take if it finds that that the Code of Conduct has not been followed?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Outline of evidence

WITNESS 3			
a	<p>Will the witness give evidence about the allegation?</p> <p>If "Yes", please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence</p>
b	<p>Will the witness give evidence about what action the Standards Committee should take if it finds that that the Code of Conduct has not been followed?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence</p>

NAME

SIGNED

DATE

LANCASTER CITY COUNCIL STANDARDS COMMITTEE

HEARING PROCEDURE

1. The Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.
2. The Subject Member may be represented or accompanied during the meeting by a solicitor or barrister, or with the permission of the Sub-Committee, another person. It is the responsibility of the Subject Member to arrange any representation.
3. The Sub-Committee may take legal advice from its legal adviser at any time during the hearing or during its deliberations. The substance of any advice given to the Sub-Committee will be shared with the Subject Member and Investigating Officer if they are present at the hearing.
4. At the start of the hearing, the Chairman shall introduce each of the members of the Sub-Committee, the Subject member (if present), the Investigating Officer (if present) and any other officers present, and shall then explain the procedure which the Sub-Committee will follow in the conduct of the hearing.
5. The Sub-Committee shall then confirm that it is quorate, and deal with any disclosures of interests.
6. If the Subject Member is not present at the start of the hearing:
 - The Chairman will ask the Monitoring Officer/Legal Adviser whether the Subject Member has indicated his/her intention not to attend the hearing
 - The Sub-Committee shall then consider any reasons which the Subject Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend
 - If the Sub-Committee is satisfied with such reasons, it shall adjourn the hearing to another date
 - If the Sub-Committee is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Sub-Committee shall decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date.
7. After the preliminary procedures, the Sub-Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigating Officer's report.
8. If there is disagreement, the Investigating Officer will present the evidence which is relevant to the facts in dispute. With the permission of the Sub-Committee, witnesses can be called to give relevant evidence. The Subject Member and the Sub-Committee members may ask questions of the Investigating Officer or any witness.
9. The Subject Member or his/her representative will then present the evidence that is relevant to the facts in dispute. With the permission of the Sub-Committee, witnesses can be called to give relevant evidence. The Investigating Officer and the Sub-Committee members may ask questions of the Subject Member or any witnesses.

10. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it before the hearing. After considering the Subject Member's explanation, the Sub-Committee may continue with the hearing, relying on the information in the report, may allow the Subject member to make representations about the issue and invite the Investigating Officer to respond and call any witnesses as necessary, or may postpone the hearing to arrange for appropriate witnesses to be present.
11. The Sub-Committee will consider in private all the evidence which it has heard in order to establish its findings of fact, and to reach a conclusion as to whether there has been a failure to comply with the Code of Conduct. **Depending on the complexity of the case, this may be done in two stages, with the Sub-Committee first hearing evidence and making findings of fact, and then hearing representations as to whether, on those facts, there has been a failure to comply with the Code of Conduct and making a finding on that issue.**
12. At any stage in the consideration of the matter, the Sub-Committee may return to ask further questions of the Investigating Officer or the Subject Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.
13. At the conclusion of the Sub-Committee's deliberations, the Chairman will advise the Subject member and the Investigating Officer of their findings.
14. If the Sub-Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Chairman will invite representations from the Investigating Officer and the Subject Member as to what action, if any, it should take. The Sub-Committee may ask questions of the Subject Member and the Investigating Officer. The Subject Member will be invited to make any final relevant points.
15. The Sub-Committee shall then consider in private whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect.
16. The sanctions open to the Sub-Committee are:
 - censure of the Subject Member
 - restriction for a period not exceeding six months of the Subject Member's access to the premises of the authority or use of the resources of the authority, provided that those restrictions are reasonable and proportionate to the nature of the breach and do not unduly restrict the person's ability to perform the functions of a member
 - partial suspension of the Subject Member for a period not exceeding six months;
 - suspension of the Subject Member for a period not exceeding six months
 - that the Subject Member submits a written apology in a form specified by the Sub-Committee
 - that the Subject Member undertakes such training as the Sub-Committee specifies
 - partial suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member submits a written apology in a form specified by the Sub-Committee

- partial suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member has undertaken such training or has participated in such conciliation as the Sub-Committee specifies
 - suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member has submitted a written apology in a form specified by the Sub-Committee
 - suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member has undertaken such training or has participated in such conciliation as the Sub-Committee specifies
 - any combination of the above sanctions
17. Any sanction imposed by the Sub-Committee shall commence immediately unless the Sub-Committee directs that a sanction shall commence on another date within six months from the imposition of the sanction.
18. In deciding to impose a sanction, the Sub-Committee shall consider all the relevant circumstances and shall have regard to any relevant Guidance issued by Standards for England.
19. The Chairman will announce the decision of the Sub-Committee. Written notice of the findings of the Sub-Committee will be given as soon as is reasonably practicable to the Subject Member, Standards for England, the Standards Committee of any other authority concerned, any parish council concerned, and any person who made an allegation that gave rise to the investigation. Public notices shall be given in accordance with the Regulations.
20. Where the Sub-Committee determines that the Subject Member has failed to comply with the Code of Conduct, the Chairman shall inform the Subject Member of the right to seek permission to appeal against the Sub-Committee's finding or any sanction imposed by sending a notice in writing to the First-tier Tribunal (Local Government Standards in England) Tribunal Service, York House, 31-36 York Place, Leeds LS1 2ED within 21 days of receipt of the written notice of findings.
21. The Sub-Committee may consider making any recommendations to the authority concerned with a view to promoting higher standards of conduct among its members.

STANDARDS COMMITTEE**Ethical Governance Survey and Internal Audit****7th October 2010****Report of Internal Audit Manager and the Monitoring Officer****PURPOSE OF REPORT**

To inform and seek the views of the Committee on the results of a survey into Ethical Governance undertaken in October to December 2009.

This report is public

RECOMMENDATIONS

- (1) That Members consider the results of the ethical governance survey, the conclusions reached and the action plan drawn up as a result of the internal audit report and comment on:
- a) the outcome of the survey, making suggestions as necessary for any further or alternative action they would like to see; and
 - b) the value of the exercise and whether any future repetition of the process would be welcomed.

1.0 Introduction

- 1.1 Proposals to undertake a survey into ethical governance issues were prompted by comments made by the external auditor in evaluating the council's Use of Resources for 2008/09.
- 1.2 The Ethical Governance Survey was developed by Internal Audit in consultation with the Monitoring Officer, Section 151 Officer and Head of Democratic Services and sought to ascertain the adequacy of the council's ethical governance framework through assessing the levels of Member and employee understanding and perceptions of ethical governance and related policies and practices. It was envisaged that the results could provide a baseline against which progress could be measured by conducting similar surveys in future. The survey contained a range of questions in the following sections:
- **Ethical Standards and Conduct**
 - **Constitutional Framework**
 - **Roles and Responsibilities**
 - **Anti-Fraud and Anti-Corruption Arrangements**
 - **Comments, Compliments and Complaints**

- **Information and Communication**

1.3 All Members and employees were invited to take part in the survey, which took place over a six week period between October and December 2009. Questions were grouped into six sections and at the end of each section responders had the opportunity to include additional comments and/or suggestions on how the council could improve its overall arrangements. Employees were also asked to provide the name of their Service and their level of employment.

2.0 Results

2.1 Fifteen Members (25%) and 147 employees (approx 15%) chose to complete and return the survey. Responses were received from employees in all Services, representing all levels of the Authority including manual and clerical staff, senior and middle management and chief officers.

2.2 The detailed results from the survey are included in the report attached at Appendix A.

2.3 Drawing on the results of the survey, Internal Audit have carried out their own evaluation and, in consultation with the Monitoring Officer and Section 151 Officer, produced a report with proposed action plan, a copy of which is attached as Appendix B.

3.0 Proposal

3.1 Arrangements are in hand to make the results of the survey available throughout the council.

3.2 This report has been submitted to the Audit Committee on 22nd September 2010 as well as to this Committee. In both instances, members of the Committee are asked to consider the results of the survey, and the conclusions reached and action plan drawn up as a result of the internal audit report. Members are also asked to comment on the outcome of the survey, and to make suggestions for any further or alternative action they would like to see, and to comment on the value of the exercise and whether any future repetition of the process would be welcomed. The comments of the Audit Committee will be reported orally at the meeting.

4.0 Details of Consultation

4.1 Not applicable

5.0 Options and Options Analysis (including risk assessment)

5.1 The options available to members are to accept the results of the survey and the internal audit report as presented, or to comment and recommend further/alternative action as appropriate.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None identified

FINANCIAL IMPLICATIONS

None directly arising from this report

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been involved in the preparation of this report and has no further comments.

LEGAL IMPLICATIONS

None directly arising from this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been involved in the preparation of this report and has no further comments.

BACKGROUND PAPERS

Ethical Governance Survey

Contact Officer: Derek Whiteway

Telephone: 01524 582028

E-mail: dwhiteway@lancaster.gov.uk

Ref: aud/audcomm/100922/EthicalSurvey



Results of Ethical Governance Survey

Aims and Approach

The Ethical Governance Survey sought to assess the adequacy of the council's ethical governance framework through assessing the levels of Member and employee understanding and perceptions of ethical governance and related policies and practices, the results to provide a baseline against which progress could be measured should a future survey be conducted.

All Members and employees were invited to take part in the survey which took place over a six week period between October and December 2009. Questions were grouped into six sections and at the end of each section responders had the opportunity to include additional comments and/or suggestions on how the council could improve its overall arrangements. Employees were also asked to provide the name of their Service and their level of employment.

Results

Fifteen Members and 147 employees chose to complete and return the survey. Responses were received from employees in all Services representing all levels of the Authority including manual and clerical staff, senior and middle management and chief officers.

The results for each section of the survey are as follows:

Ethical Standards and Conduct

Question	Responses							
	Members				Employees			
	Yes	To some extent	No	Don't know	Yes	To some extent	No	Don't Know
Do you think it is important for the council to establish and operate by a set of strong ethical values?	100%	0%	0%	0%	84%	16%	0%	1%
Are you familiar with the 10 general principles of Conduct for Councillors?	40%	53%	7%	0%	N/A	N/A	N/A	N/A
Do you think that public perception of ethical standards within the council is good?	20%	27%	53%	0%	N/A	N/A	N/A	N/A
Do you think that standards of ethical conduct in the authority are high?	47%	47%	7%	0%	20%	52%	11%	16%
Do you think that Members lead by example in ensuring good conduct and high standards within the council?	N/A	N/A	N/A	N/A	10%	50%	17%	22%
Do you think that staff generally, see themselves as having a role in ensuring good conduct and high standards on behalf of the council?	53%	40%	7%	0%	N/A	N/A	N/A	N/A
Do you see yourself as having a role in ensuring good conduct and high standards on behalf of the council?	93%	7%	0%	0%	74%	24%	1%	1%

	Responses							
	Members				Employees			
Question	Yes	To some extent	No	Don't know	Yes	To some extent	No	Don't Know
Do you think that other Members see themselves as having a role in ensuring good conduct and high standards on behalf of the council?	60%	40%	0%	0%	N/A	N/A	N/A	N/A
Do you think that other staff generally, see themselves as having a role in ensuring good conduct and high standards on behalf of the council?	N/A	N/A	N/A	N/A	36%	51%	7%	5%
Do you know where to go for advice and support on conduct and ethical issues when you need it?	80%	13%	7%	0%	40%	24%	32%	4%
Have you had training on general standards of ethical governance?	53%	27%	20%	0%	10%	14%	71%	5%
Have you received any training relating to the Members Code of Conduct?	87%	0%	13%	0%	N/A	N/A	N/A	N/A
Have you had relevant training on issues relating to standards of conduct, including the Code of Conduct for staff?	N/A	N/A	N/A	N/A	22%	30%	45%	3%
Are you familiar with the content of the Members Code of Conduct?	60%	40%	0%	0%	N/A	N/A	N/A	N/A
Are you familiar with the content of the Code of Conduct for staff?	N/A	N/A	N/A	N/A	39%	47%	12%	1%
Do you broadly understand the Members Code of Conduct?	80%	20%	0%	0%	N/A	N/A	N/A	N/A
Do you broadly understand the Code of Conduct for staff?	N/A	N/A	N/A	N/A	52%	32%	10%	7%
Do you know where to seek advice on issues relating to the Members Code of Conduct?	87%	13%	0%	0%	N/A	N/A	N/A	N/A
Do you understand the requirements for declaring personal and prejudicial interests relating to council business?	80%	20%	0%	0%	N/A	N/A	N/A	N/A
Do you understand the requirements for declaring personal interests and personal relationships relating to council business?	N/A	N/A	N/A	N/A	70%	20%	8%	2%
Do you understand the requirements for registering gifts and hospitality relating to council business?	87%	13%	0%	0%	68%	18%	12%	3%

Constitutional Framework

Question	Responses							
	Members				Employees			
	Good	Reasonable	Poor	Not aware	Good	Reasonable	Poor	Not aware
What level of understanding do you have of the following documents within the Council's Constitution:-								
○ Terms of Reference for Cabinet	33%	47%	20%	0%	10%	15%	25%	49%
○ Terms of Reference for Overview and Scrutiny Committee	40%	40%	20%	0%	10%	15%	25%	50%
○ Terms of Reference for Regulatory Committees & Panels	33%	60%	7%	0%	8%	16%	29%	47%
○ Scheme of Delegation to Officers	53%	13%	33%	0%	14%	17%	23%	46%
○ Financial Regulations and Procedures	40%	40%	20%	0%	14%	28%	25%	33%
○ Contracts Procedure Rules	20%	53%	27%	0%	13%	22%	26%	39%
○ Protocol on Member/Officer Relations	47%	47%	7%	0%	13%	29%	20%	38%

Question	Responses							
	Members				Employees			
	Yes	To some extent	No	Don't know	Yes	To some extent	No	Don't Know
Do you think that the Council's Constitution is relevant, up to date and clear?	47%	40%	13%	0%	10%	27%	7%	56%
Do you think that the Council's Constitution is easily accessible?	47%	7%	40%	7%	16%	25%	21%	38%
Are you aware of how the Council's Constitution affects your role as an elected Member?	60%	33%	7%	0%	N/A	N/A	N/A	N/A
Are you aware of how the Council's Constitution affects your work?	N/A	N/A	N/A	N/A	20%	36%	32%	13%
Do you know where to go to get support and advice on the Council's Constitution?	80%	13%	7%	0%	25%	19%	44%	12%
Do you think that the council consistently follows proper procedures and practices?	40%	33%	27%	0%	20%	37%	13%	30%

Roles and Responsibilities

Question	Responses							
	Members				Employees			
	Good	Reasonable	Poor	Not aware	Good	Reasonable	Poor	Not aware
What level of understanding do you have of the following roles and responsibilities in relation to ethical governance and anti-fraud and corruption arrangements:-								
o The Leader of the Council	47%	40%	13%	0%	20%	37%	23%	20%
o Individual Cabinet Members	47%	47%	6%	0%	18%	37%	24%	21%
o The Standards Board for England	47%	47%	6%	0%	N/A	N/A	N/A	N/A
o Council's Standards Committee	47%	47%	6%	0%	12%	32%	32%	24%
o Chief Executive	47%	33%	20%	0%	28%	38%	12%	21%
o Section 151 Officer	47%	40%	13%	0%	19%	20%	19%	42%
o Monitoring Officer	47%	40%	13%	0%	20%	23%	19%	38%
o Internal Audit	40%	47%	13%	0%	28%	29%	18%	25%
o External Audit	40%	53%	7%	0%	24%	26%	25%	25%
o Management	40%	33%	27%	0%	28%	38%	17%	17%

Question	Responses							
	Members				Employees			
	Yes	To some extent	No	Don't know	Yes	To some extent	No	Don't Know
Do you think that Members are generally clear as to their roles and responsibilities?	27%	60%	13%	0%	12%	43%	11%	34%
Are you clear about your roles and responsibilities?	73%	27%	0%	0%	64%	31%	3%	1%
Do you think that staff are generally clear as to their roles and responsibilities?	60%	40%	0%	0%	42%	42%	12%	5%

Anti-Fraud and Anti-Corruption Arrangements

Question	Responses							
	Members				Employees			
What level of understanding do you have of the following Council Policies:-	Good	Reasonable	Poor	Not aware	Good	Reasonable	Poor	Not aware
○ Anti-Fraud and Corruption Policy and Strategy	20%	40%	40%	0%	19%	30%	35%	16%
○ Fraud Response Plan	13%	27%	53%	7%	10%	21%	42%	27%
○ Whistle Blowing Policy	27%	20%	53%	0%	17%	48%	28%	7%
○ Housing Benefit/Council Tax Benefit Anti-Fraud and Corruption Policy and Strategy	27%	40%	33%	0%	24%	18%	30%	27%
○ Housing Benefit/Council Tax Benefit Sanction Policy	13%	40%	40%	7%	21%	19%	29%	31%
○ Benefit fraud hotline	33%	40%	27%	0%	27%	26%	27%	20%

Question	Responses							
	Members				Employees			
	Yes	To some extent	No	Don't know	Yes	To some extent	No	Don't Know
Do you believe that the council has made clear its commitment to fight fraud and corruption?	67%	20%	13%	0%	25%	48%	15%	12%
Do you understand your responsibilities and duties regarding fighting fraud and corruption?	67%	33%	0%	0%	41%	39%	18%	2%
Are you aware of the arrangements for expressing concerns about suspected fraud and corruption?	33%	33%	33%	0%	33%	30%	36%	2%
Do you feel confident that the council will protect you should you wish to raise any concerns or suspicions?	47%	20%	27%	7%	23%	30%	35%	12%

Comments, Compliments and Complaints

Question	Responses							
	Members				Employees			
	Yes	To some extent	No	Don't know	Yes	To some extent	No	Don't Know
Are you aware of the Council's Comments, Compliments and Complaints Policy?	67%	20%	13%	0%	56%	32%	11%	2%
Do you know where to find the Council's Comments, Compliments and Complaints Policy?	67%	20%	13%	0%	61%	19%	19%	1%
Do you have a broad understanding of the Council's Comments, Compliments and Complaints Policy?	60%	27%	13%	0%	40%	36%	20%	3%
Do you feel that the process for making complaints against staff of the council is clear?	27%	33%	27%	13%	33%	30%	20%	16%
Do you feel that the process for making complaints against Members of the council is clear?	53%	20%	20%	7%	14%	29%	34%	23%
Do you feel that the council effectively deals with, and responds positively to comments, compliments and complaints?	40%	47%	7%	7%	19%	41%	15%	25%
Do you know where to go for advice and support on issues arising from comments, compliments and complaints received?	60%	13%	27%	0%	38%	21%	34%	7%

Information and Communication

Question	Responses							
	Members				Employees			
	Yes	To some extent	No	Don't know	Yes	To some extent	No	Don't Know
Do you feel that the importance of high ethical standards and conduct is effectively communicated (via for example, briefings, newsletters, the council Website/Intranet)?	40%	27%	33%	0%	21%	45%	30%	4%
Do you feel that the council effectively publicises its anti fraud and corruption activities?	13%	20%	67%	0%	10%	36%	41%	12%
Do you feel that the council effectively publicises the results of fraud and corruption investigations and any prosecutions?	13%	20%	47%	20%	7%	28%	45%	20%
Do you feel that the council effectively communicates its arrangements for reporting suspected fraud and corruption?	20%	20%	47%	13%	8%	31%	47%	14%
Do you feel that information/documentation in order to report suspected irregularities is accessible?	27%	20%	27%	27%	10%	36%	26%	28%

Question	Responses					
	Members			Employees		
	Yes	No	Not required in my role	Yes	No	Not required in my role
Have you received training, advice or a briefing/information in the following areas:						
○ Human Rights	47%	53%	0%	25%	66%	9%
○ Freedom of Information	60%	40%	0%	57%	38%	5%
○ Data Protection	73%	27%	0%	67%	28%	5%
○ Race Relations	87%	13%	0%	42%	53%	5%
○ Sex Discrimination	73%	27%	0%	36%	58%	6%
○ Disability Discrimination	80%	20%	0%	59%	36%	5%
○ Fraud Act	20%	73%	7%	25%	63%	12%
○ Regulation of Investigatory Powers Act (RIPA)	7%	87%	7%	26%	54%	19%

09/0774 - Ethical Governance Framework

Assignment Details:

Report Date: 27 August 2010

Lead Auditor: Robert Bailey - Principal Auditor

Supervisor: Derek Whiteway - Internal Audit Manager

Scope: The council's ethical governance framework - i.e. the processes and procedures through which it seeks to ensure it adopts and maintains high standards of conduct.

Objectives: To assess, through a survey, the levels of awareness and understanding amongst Members and employees of the council's ethical governance arrangements with a view to identifying areas for improvement.

Assurance Opinion:

Level of Assurance Provided:  **Reasonable**

Additional Comments: Whilst the council has put in place the essential elements of an ethical governance framework, more needs to be done to communicate the council's values and standards, particularly amongst employees, through good management which provides support and engenders trust.

Headline Messages:

- The majority responding to the survey realise the importance of sound ethical governance, though more could be done to effectively communicate this.
- Responses indicate feelings that the public do not perceive standards of ethical conduct within the council as good.
- The majority recognise they have a role to play through good conduct and maintaining high standards when acting on behalf of the council, though more work is needed to ensure employees in particular fully understand their role.
- Council leaders, and particularly managers, need to understand their role in promoting ethical standards and providing advice and support.
- Work is needed to ensure the Codes of Conduct, particularly the Officers' Code of Conduct, is understood.
- Work is needed to ensure all officers are aware of the Constitution and how it applies to them.
- Financial Regulations and Procedures and Contract Procedure Rules need to be promoted alongside the provision of training, advice or support as necessary.
- The majority responding to the survey are aware that they have responsibilities in helping the council fight fraud and corruption but more needs to be done to promote the council's commitment.
- Arrangements for reporting concerns or suspicions of fraud or corruption need to be publicised and more needs to be done to engender confidence in the process, particularly with regards the protection given to those making reports.

Internal Audit Commentary:

Ethical governance refers to the processes, procedures, culture and values which ensure high standards of behaviour. Authorities with good governance arrangements are more likely to be well run and effective in helping to improve services, resulting in better outcomes for local people. The conduct of everyone in local government needs to be of the highest standard to support its community leadership role. Failure to achieve high ethical standards can result in poor decisions and a loss of credibility and confidence in individuals, the council and local democracy.

This review sought to assess the adequacy of the council's ethical governance framework through a survey sent to all Members and employees which also aimed to raise awareness of the council's ethical governance arrangements. It is acknowledged that the questions asked in the survey may mean different things to different people, perhaps depending on their role in the organisation and their experience. Responses are also open to interpretation. The agreed actions resulting from this review seek to address the areas requiring development or improvement as suggested by the results of the survey. The results also provide a baseline against which progress can be measured should a similar survey be carried out in the future.

Responses were received from 15 (25%) Members and 147 (15.4%) employees representing all levels of the council's structure and services. The full results can be found at Appendix A, but the audit opinion based on the findings is as follows:

Ethical Standards of Conduct

Results suggest responders realise the importance of sound ethical governance and the majority recognise that as individuals they have a role to play through good conduct and maintaining high standards when acting on behalf of the council. However, few, particularly employees, believe standards of ethical governance within the council are high and over half of the Members responding do not think the public perceive standards of ethical conduct within the council as good.

Approximately a third of responders feel the council does not effectively communicate the importance of high ethical standards and conduct and a significant number of employees say they've never received 'training on general standards of ethical governance'.

Members' responses indicate the majority know where to go for advice or support on conduct and ethical issues many saying they've received training on the Members Code of Conduct. In contrast over half the employees responding said they'd not received training on the Code of Conduct and many stated they did not know who to go to for advice and support. Numbers understanding the relevant Code of Conduct roughly equate to those trained.

Results suggest there is scope to promote corporate ethical standards both internally and externally and those responsible for providing advice and support (i.e. council leaders and managers) need to actively nurture their role in developing a strong ethical culture which upholds the values of good governance in a way which creates a climate of openness, support and respect.

Constitutional Framework

Survey responses indicate around three quarters of employees have either a poor or no understanding or awareness of the terms of reference for Cabinet and other statutory and regulatory committees, such as the council's Standards Committee. As might be expected, Members responses indicated a better understanding.

The survey suggests poor knowledge and understanding of the Council's Financial Regulations and Procedures with nearly a third of employees responding being unaware of their existence. Similarly many employees responding were unaware of Contract Procedure Rules and a significant number of those aware said they have a poor understanding of them. In contrast the majority of Members responding said they had a 'good' or 'reasonable' understanding of Financial Regulations and Procedures and Contract Procedure Rules.

Results suggest only a small number of employees and half of Members feel the council's Constitution is relevant, up-to-date and clear, though over half the employees responding did not know. This suggests they are not aware of the Constitution and responses relating to its accessibility seem to support this. Nearly half the employees responding did not know how the Constitution impacts on their role and a larger proportion were unsure of where to go to get related advice and support. Responses to whether the council 'consistently follows proper procedures and practices' were generally negative and particularly so in the case of employees.

It is clear that the Constitution, and in particular Financial Regulations and Procedures and Contract Procedure Rules, need to be promoted with a view to everyone knowing the extent of relevance to them, and ensuring consistency in council procedures and practices.

Roles and Responsibilities

The survey sought to establish the level of understanding of individual ethical responsibilities as well as the roles of senior officers, Members, council committees, statutory officers and external audit. Whilst many responding said they have a clear understanding of their roles and responsibilities it is hard to draw conclusions as it is not clear if answers relate to their overall roles, or roles and responsibilities in respect of ethical governance.

Responses suggest Members have a greater awareness and understanding of the roles and responsibilities of others but employees responding may be basing understanding on expected or perceived roles rather than knowledge of defined roles. Due to issues over the interpretation of questions, survey results in this area are inconclusive though they seem to support other findings in so far as Members appear to have a greater awareness of the governance framework than employees.

Anti-Fraud and Corruption Arrangements

There were significant differences between Member and employee perceptions of the council's commitment to combating fraud and corruption, Member responses being more positive. However, the majority of responders said they were aware, or aware 'to some extent', of their responsibilities and duties in helping the council to fight fraud and corruption.

With regards raising concerns or suspicions of fraud and corruption, approximately a third of responders said they were unaware of the council's arrangements, and results relating to the accessibility of related information suggest scope for improvement.

Although many of those responding said they had a 'good' or 'reasonable' understanding of the council's Whistle-blowing Policy, relatively few said that they had no confidence they would be protected should they raise any concerns or suspicions. This suggests potential trust issues which it is hoped could be addressed through effectively engaging leaders and managers in reviewing and publicising the Anti-Fraud and Corruption Strategy and increasing understanding of the investigation process.

High percentages of those responding felt the council does not 'effectively publicise its anti-

fraud and corruption activities' and many felt that the council does not 'effectively publicise the results of fraud and corruption investigations and prosecutions'. The council needs to be clear on why and when it would publish such information, as publicity could have a detrimental impact on the promotion of an anti-fraud and corruption culture, for example if the sanction is felt by some not befitting the act.

Comments, Compliments and Complaints

Relatively high numbers of those responding are aware of the council's Comments, Compliments and Complaints Policy and broadly understand it. However responses indicate a need to clarify processes for making complaints against Members or employees, and to publicise sources of advice and support.

Relatively small numbers of those responding do not feel the council 'effectively deals with, and responds positively to comments, compliments and complaints'. There were no comments which might help establish whether the issues are procedural, cultural or perhaps down to publicity but the establishment of central review arrangements ensuring quality and consistency might enhance confidence.

Information and Communication

A section of the survey sought to establish whether Members and employees had received training or advice on a number of matters relating to the council's overall ethical governance arrangements, including Human Rights, Data Protection, anti-discrimination policies etc. Responses from Members were generally more positive and, with the exception of the Fraud Act and the Regulation of Investigatory Powers Act, all Members felt the issues raised by the survey were relevant to their role. Whilst the results do not establish whether there is a training need they do suggest there might be scope to offer further training or advice to Members particularly in relation to information governance arrangements, including Data Protection.

Employee responses suggest there is a training need, given a number of employees feel some of the issues raised by the survey are not relevant to their role. Overall employee responses were lower than one might expect if the council had a sound ethical governance framework. A relatively large number of comments were received from employees on this section, many stating the training that they had received had been from outside the council (e.g. through attaining professional qualifications or working in other authorities). It is recognised that the issues raised by the survey will have more relevance to some employees than others but all need to understand their role in for example, respecting individuals' rights to privacy.

Overall the survey indicates the council needs to do more to promote its ethical governance framework. Council leaders and managers have a significant role to play and engaging them in the improvements proposed by the agreed actions will seek to reinforce this.

Report and Action Plan Agreed By: Head of Governance and Head of Financial Services

Follow Up Review Due By: 23 February 2011

I would like to thank the members of the Service(s) involved in the audit for their contributions and cooperation in the audit.



Derek Whiteway CPFA, Internal Audit Manager

Distribution: The Chief Executive
Head of Financial Services
Head of Governance
HR Manager
Members of Audit Committee
The Standards Committee
Audit Manager (External Audit)

Job: 09/0774 - Ethical Governance Framework

ROS/1

Risk Group: Ethical Governance Framework

Risk The council's reputation could suffer if the council fails to adopt and maintain high ethical standards. (R004343)

Current Risk Assessment

<i>Inherent</i>	<i>Residual</i>	<i>Target</i>
		

Internal Audit Opinion  There is scope to improve management of the risk

Agreed Action	Responsibility	Implementation Target Date	Ref
1. The Ethical Governance Framework is to be defined with a view to improving arrangements for communicating it, especially through the Intranet.	Internal Audit Manager	30/09/10	015769
2. Ownership of the Ethical Governance Framework is to be clarified, the corporate Monitoring Officer to be responsible for the framework and to work with Management Team to develop a strong ethical culture which upholds the values of good governance.	Head of Governance	31/10/10	015770
3. The role of the new Governance Service in terms of owning and promoting the Ethical Governance Framework is to be publicised through the corporate cascade briefing arrangements.	Head of Governance	31/10/10	015771
4. Corporate induction arrangements are to be reviewed ensuring: - all new staff are aware of the expectations placed upon them by the Council's rules and standards; - appropriate training is provided; and - sources of advice and support are clear.	HR Manager	31/12/10	015772
5. The Officers Code of Conduct is to be reviewed and its status clarified before being relaunched with all staff being required to sign up to it.	Head of Governance	31/03/11	015773
6. Managers are to be made aware of their responsibilities in setting and upholding high ethical standards in line with the corporate Ethical Governance Framework through the ongoing management development programme. Interviews with managers will seek to identify any training needs.	HR Manager	31/12/10	015774
7. Managers are to be engaged in the development of the new Anti-Fraud and Corruption Policy and Strategy which will be promoted and publicised with a view to making the council's commitment to combating fraud and corruption clear.	Internal Audit Manager	30/09/10	015775

STANDARDS COMMITTEE**PROTOCOL FOR LOCAL AUTHORITY PARTNERSHIP
WORKING
7th October 2010****Report of the Monitoring Officer****PURPOSE OF REPORT**

To enable the Committee to consider the Protocol for local authority partnership working recently published by Standards for England.

This report is public

RECOMMENDATIONS

- (1) **That the Protocol be welcomed and that the Partnerships section of the Community Engagement Service be encouraged to promote the Protocol within its work programme, subject to the availability of resources.**

1.0 Introduction

- 1.1 In August 2010, Standards for England (SfE) published a Protocol for local authority partnership working, which was developed in conjunction with Manchester City Council.
- 1.2 A copy of the Protocol and explanatory information published by SfE is appended to this report.
- 1.3 Members will note that SfE suggest that standards committees could act as promoters of the partnership protocol, and oversee its implementation, and play an active role when any issues arise in a partnership.
- 1.4 Some work has already been undertaken by this Council in respect of the governance arrangements for partnerships, and this has been reported to the Audit Committee and to the Budget and Performance Panel. Following an audit review undertaken during 2007/08, Internal Audit took a lead role in developing performance management and governance arrangements relating to partnership working, and a project team was established to undertake a 'mapping' exercise to determine the number and types of partnership the Council is involved in and to evaluate the effectiveness of those partnerships considered to be of a major significance to the council in achieving corporate objectives and priorities.
- 1.5 Informed by the results of the mapping exercise and an increased knowledge of the purpose and objectives of each partnership, the project team developed a work

programme aimed at evaluating some of the council's major partnerships during 2009/2010 using a *Partnership Development and Evaluation Toolkit* that had previously been developed by the Principal Auditor and other officers of the council.

- 1.6 As a development tool the toolkit was designed to enable partnerships to take stock of how effective their partnership working arrangements are and to help those experiencing difficulties to identify where remedial action can be taken. As an evaluation tool it gives partnerships an opportunity to assess themselves against a set of key criteria covering key aspects of working in partnership. With a section dedicated to the council's involvement in the partnership, the toolkit aims to provide an important means of assessing the costs, risks and opportunities arising from its ongoing contribution and future participation in individual partnerships.
- 1.7 The partnership evaluations undertaken to date are also informing ongoing work to establish effective partnership governance arrangements within individual partnerships and the council which are currently underdeveloped and inconsistent. So far this has led to the production of risk registers within partnerships and for the more significant risks/opportunities to be incorporated within the council's strategic risk register, and the development of a Code of Practice for Working in Partnerships which seeks to provide a corporate framework for effectively engaging with, and entering into, new partnerships.
- 1.8 As part of developing effective partnership, governance and performance management work is also underway to establish a mechanism for key partnerships to produce an annual report on their activities incorporating assurances on their systems and processes as part of the overall governance framework. Details from this annual report as well as outcomes from partnership evaluations will be incorporated within a register (database) which, once established, will provide a central point of reference of the council's partnerships and provide a mechanism to ensure that they are, and remain, relevant to the successful delivery of priorities and objectives.

2.0 Proposal Details

- 2.1 Since the 1st April 2010, the newly formed Community Engagement Service within the Council has included a section dealing specifically with partnerships, and it seems appropriate that the further development of this area of work is undertaken by this team subject to the availability of resources.
- 2.2 It would therefore seem appropriate for this Committee to encourage the use of the SfE Protocol as this work develops, and for any progress or issues to be reported back as appropriate.

3.0 Details of Consultation

- 3.1 There has been no consultation, other than with the Assistant Head of Community Engagements (Partnerships).

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p>

<p>None arising from this report.</p>

FINANCIAL IMPLICATIONS

None directly arising from this report. The work would be carried out as and when staff resources are available.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

None directly arising from this report.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her capacity as adviser to the Standards Committee.

BACKGROUND PAPERS

None

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Ref:

Protocol for local authority partnership working

Introduction

Standards for England firmly believes that high standards must be at the heart of all local government decision making. Partnership working between local authorities and other agencies - public bodies, the private sector and the voluntary sector - is an increasingly important aspect of public service delivery. Good governance of partnership arrangements enables an authority to work more effectively and to manage risk.

Partners involved in local authority decision-making who are not members of an authority are not subject to the same rules governing their behaviour as elected or co-opted members on the same bodies.

To help address this, Standards for England has developed a **partnership behaviour protocol**. The values and behaviours in the protocol were developed in conjunction with Manchester City Council and some of its partners. As well as being devised through consultation, the protocol also draws on, and is consistent with, the CIPFA SOLACE (Chartered Institute of Public Finance Society of Local Authority Chief Executives) Good Governance Framework and the General Principles for the conduct of people in public life. These ten general principles are set out in the Relevant Authorities (General Principles) Order 2001.

Our approach involves partners developing a shared set of values and behaviours that they think should underpin their partnership work.

We invite local authorities to use our protocol and either adopt it wholly or adapt it to fit their own circumstances.

The purpose of the partnership behaviour protocol

Because of the variety of forms that local authority partnership working takes, there can be considerable variation in partnership governance arrangements.

Different partners may be accustomed to working in different ways, and there may be inconsistency in the guidelines that partners are working to and how these guidelines are enforced.

The Protocol for partnership working attempts to address these inconsistencies to improve the governance of partnerships.

Good governance can help promote:

- high quality leadership
- good decision making
- clarity in relation to roles, responsibilities and activities

- successful working relationships

The partnership behaviour protocol aims to:

- embed high ethical standards in partnership working
- address the disparity of rules and scrutiny governing those involved in local decision making
- enable partners to agree what behaviour they can expect from each other
- help partners hold each other to account and encourage constructive challenge between partners
- help partners to exercise leadership by demonstrating their own high standards of behaviour to other partners and to the public
- promote trust amongst the general public, demonstrating the partners' commitment to behaviour of a certain standard
- improve performance management

Suggestions for using the partnership behaviour protocol

We encourage local authorities and their partners to adapt the partnership behaviour protocol to fit local circumstances.

Forming partnerships

The protocol can be used to:

- assess the compatibility of partners by asking them to sign up to some common values and behaviours
- form part of a tendering process, asking potential partners if they would be willing to sign up to and provide evidence of the values specified

Managing partnerships

The protocol can be used to:

- form part of the partnership governance documents used by local authorities to set out the minimum governance requirements for their partners. The protocol will help demonstrate the values of good governance through upholding high standards of conduct and behaviour, in line with principle three of the CIPFA SOLACE Good Governance Framework.
- monitor the values and behaviours of partnerships on an ongoing basis
- enable those engaged in partnership working to hold each other to account for the values and behaviours outlined in their agreed protocol
- aid mediation on a disagreement by providing reference to clearly defined commitments by partners

- promote transparency and accountability of partnership decision making. Once a local protocol is finalised and all members of the partnership have signed up to it, the protocol should become a public document. The protocol should be easy to understand and make what are sometimes complex arrangements and accountabilities clear to the general public.

Overseeing partnerships: a role for the standards committee?

Note: The partnership behaviour protocol does not have a statutory basis or have sanctions attached to it. Despite this, authorities may wish to consider the role of their standards committee in maintaining and overseeing adherence to the partnership behaviour protocol.

We suggest that standards committees could:

- act as chief promoters and champions of the partnership behaviour protocol
- be well suited to oversee both the implementation of and adherence to the partnership behaviour protocol
- play an active role where issues do arise in a partnership, for example one partner challenges another partner about their behaviour in relation to the protocol
- mediate between partners where agreement cannot be reached or issues cannot be resolved

Local authority partnerships and the Code of Conduct

To align standards of behaviour in local government partnerships some have suggested that all partners sign the members' Code of Conduct. However, the statutory instrument, *The Local Authorities (Model Code of Conduct) Order 2007*, lists the authorities to which the Code applies and was issued by the Secretary of State to apply to members and co-opted members of these authorities only. It is a piece of legislation that cannot be made to apply to other bodies or individuals without approval by Parliament.

While those working in partnership with local authorities could sign up voluntarily to principles similar to those set out in the Code, partners would remain outside the statutory local government standards framework. This approach may also provide a disproportionate response to aligning standards that could discourage some bodies from working with local authorities.

The partnership behaviour protocol and local authority legal requirements

The suggested approach to developing a partnership behaviour protocol is **in addition to compliance with legal requirements**. The partnership behaviour protocol does not replace, but supports, the following:

- legal requirements on equal opportunities and anti-discrimination

- required mechanisms for good governance (rather than the values that underpin them) such as financial probity, systems for establishing value for money and good practice around contracting and procurement

Template

• Protocol for partnership working template

The research underpinning the development of the partnership behaviour protocol was undertaken by Manchester Business School. A copy of the research report, detailing the methodology used, is available here: MBS research - protocol partnership working

Published on 11 August 2010.

Partnership behaviour protocol

Achieve intended outcomes

Our priorities are evidence based and our decision making is transparent.

We will:

- Share resources to achieve joint outcomes
- Monitor how well we have used our resources
- Actively encourage ideas and innovation
- Ensure that decision making is transparent
- Be committed to continuous improvement
- Ensure that claims of improved performance are based on clear evidence
- Establish accountability both across the partnership (horizontally) and within each organisation (vertically)

Public interest

We act in the interest of the public and demonstrate value.

We will:

- Focus on long term as well as short term issues
- Act in the interests of the public good over individual interests
- Demonstrate to the community how we are achieving publicly valued outcomes
- Agree a protocol for the handling of complaints that relates to our joint work

Building partners' capacity

We build capacity in our partnership.

We will:

- Be committed to developing individual partners' skills to achieve our aims
- Encourage partners to be confident working outside of their organisational culture
- Be open to partners' suggestions and help

Value and respect each other

We respect and value everyone's contribution.

We will:

- Ensure that all partners contribute appropriately and openly
- Acknowledge the capabilities of all members
- Recognise and embrace the role of voluntary and community sector partners
- Avoid dominance by one or two individuals
- Respect each other's roles and needs
- Actively encourage the participation of all partnership members
- Build effective working relationships with each other
- Recognise the value of all partners' contributions

Act ethically

We act ethically. We are open and objective and encourage constructive challenge.

We will:

- Agree a mechanism for whistleblowing and dealing with complaints
- Ensure whistleblowers are supported
- Actively promote a 'no-blame' culture
- Support partners to both understand and constructively challenge any poor behaviour
- Use appropriate, unambiguous and simple language
- Agree how we will achieve democratic accountability
- Ensure that our dialogue is open and transparent
- Declare conflicts of interest and address them
- Make sure that the purpose of all meetings is made clear
- Be honest and objective

Aligning strategies and networks

We harness our collective efforts through joint planning, delivery and governance arrangements.

We will:

- Ensure that partners can influence the decision making of member organisations
- Allow sufficient time and capacity to be given to understand an issue and to reflect on its impact
- Make sure that actions taken by the partnership are clear, time-limited and task-orientated
- Encourage all partners to actively shape the strategy
- Ensure that agreed actions are carried out

STANDARDS COMMITTEE**WORK PROGRAMME
7th October 2010****Report of the Monitoring Officer****PURPOSE OF REPORT**

To enable the Committee to consider progress with the current work programme.

This report is public

RECOMMENDATIONS

(1) **That the report be noted**

1.0 Introduction

1.1 A work programme for 2010 was approved by the Committee in January 2010, and is updated at each meeting during the year.

2.0 Proposal Details

2.1 The current work programme is attached to this report.

2.2 It is understood that the Decentralisation and Localism Bill will include provisions to abolish the Standards For England regime. However, at this stage the details or proposed timescale are not known. It is therefore difficult to plan for any work arising from any proposed changes until the position is clearer.

2.3 The work programme is a living document and can be updated as and when required.

3.0 Details of Consultation

3.1 There has been no consultation.

4.0 Options and Options Analysis (including risk assessment)

4.1 The report is for noting, although it is open to the Committee to make amendments to the work programme.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None arising from this report.

FINANCIAL IMPLICATIONS

None directly arising from this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

None directly arising from this report.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her capacity as adviser to the Standards Committee.

BACKGROUND PAPERS

None

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Ref:

STANDARDS COMMITTEE – WORK PROGRAMME 2010

NO	ACTION	MEETING DATE	PROGRESS
1.	Consider any further government consultation on proposed revised Code of Conduct	April 2010 (or special meeting to coincide with consultation)	Deferred as the publication of a revised Code of Conduct was delayed by the general election.
2.	Consider revised Code of Conduct and arrangements for implementation	April or June 2010, or special meeting depending on timing	As above
3.	Consider training requirements on new Code of Conduct for city and parish councillors	June 2010 or special meeting depending on timing	Any training should tie in with the adoption of any revised Code of Conduct. Training session for Morecambe Town Council held on 3rd September 2009. All other parish councils invited, and one councillor from Halton attended. Will be a need to consider training arrangements for members elected in May 2011, but awaiting government proposals for the standards regime.
4.	Receive information about number of Code of Conduct complaints received and action taken	April and October 2010	Report on this agenda.
5.	Annual review of registration of interests	June 2010	The Monitoring Officer commenced the review in May, and it has now been completed.
6.	Dealing with requests for dispensations	As and when required	Sub-Committee met on the 8th January 2010
7.	Dealing with Code of Conduct complaints	Sub-Committees as and when required	See report on review of complaints
8.	Review operation of the Whistleblowing Policy	January 2010 and annually	Considered January 2010
9.	Review result of ethical governance survey	April 2010	On this agenda
10.	Review of Member/Officer Relations Protocol	January 2010	Completed January 2010

NO	ACTION	MEETING DATE	PROGRESS
11.	Review complaints and assessment documentation and procedure	October 2010	On this agenda

STANDARDS COMMITTEE**SUMMARY OF COMPLAINTS****7th October 2010****Report of the Monitoring Officer****PURPOSE OF REPORT**

To provide the Committee with a summary of current complaints of alleged breach of the Code of Conduct, and complaints finalised since the 18th June 2010.

This report is public

RECOMMENDATIONS

(1) That the report be noted

1.0 Introduction

1.1 A summary of complaints received is normally presented to the Committee at six monthly intervals at its meetings in April and October. However, as the meeting scheduled for the 22nd April 2010 was cancelled in the run-up to the general election, the summary was presented to the June meeting.

2.0 Details

2.1 The attached table summarises the current complaints and the complaint that has been finalised since the June meeting.

3.0 Details of Consultation

3.1 There has been no consultation.

4.0 Options and Options Analysis (including risk assessment)

4.1 The overview of complaints is for noting.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None arising from this report.

FINANCIAL IMPLICATIONS

None directly arising from this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

None directly arising from this report.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her capacity as adviser to the Standards Committee.

BACKGROUND PAPERS

None

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STANDARDS COMMITTEE 7th October 2010 – SUMMARY OF COMPLAINTS

REF	SUBJECT MEMBER	COMPLAINANT	DATE OF COMPLAINT	DATE OF ASSESSMENT SUB-COMMITTEE	SUMMARY OF COMPLAINT	OUTCOME
1/10	City Councillor	City Councillor	28/1/10	4/2/10	Failing to treat with respect	Hearing 6th September 2010. Finding of breach of paras 3(1) and 5 of the Code of Conduct. Sanction – undertaking further training and issuing written apologies. Member has now appealed to the First Tier Tribunal (formerly the Adjudication Panel)
2/10	City Councillor	City Councillor	4/3/10	25/3/10	Disclosure of confidential information	Referred to Monitoring Officer for investigation. Hearing 4th November 2010
3/10	6 members of Morecambe Town Council	Morecambe Town Councillor	31/3/10	15/4/10	Bullying and failing to treat with respect	Referred to Standards for England, who investigated and found no breach of the Code of Conduct
4/10	2 City Councillors	City Councillor	10/9/10	16/9/10	Failing to treat with respect	No further action (subject to right of complainant to request a review)

STANDARDS COMMITTEE**FINDINGS OF ETHICAL STANDARDS OFFICER IN
RESPECT OF COMPLAINT 3/2010****7th October 2010****Report of the Monitoring Officer****PURPOSE OF REPORT**

To enable the Committee to consider the investigation reports of the Ethical Standards Officer in respect of complaint 3/2010

This report is public but the appendices are confidential by virtue of Section 100A(3) of the Local Government Act 1972

RECOMMENDATIONS

- (1) **That the findings of the Ethical Standards Officer (ESO) be noted.**

1.0 Introduction

- 1.1 As Members will be aware, complaint 3/2010 about six members of Morecambe Town Council was referred by the Assessment Sub-Committee to Standards for England in April 2010. Standards for England accepted the referral, and the final reports of the ESO were issued in August 2010, with findings of no failure to comply with the Code of Conduct. Standards for England published a case summary with these findings.
- 1.2 The detailed investigation reports are confidential, and copies were sent by the ESO to the complainant, the members complained of, the clerk to the Town Council and to the Monitoring Officer. In addition, in her reports the ESO indicated that she was providing copies to the Standards Committee on the basis that this would assist the Committee in the discharge of its functions.
- 1.3 Copies of the reports have therefore been circulated to the members of the Committee. The Monitoring Officer would remind Members of the confidential nature of the reports, and the fact that they are provided to Members for the purposes of discussion at this meeting only.

2.0 Details

- 2.1 This meeting provides the Committee with the opportunity to discuss the reports, to understand the approach taken by the ESO in conducting the investigation and reaching her findings, and to consider whether there are any lessons to be learned for the Committee with regard to the exercise of its functions in promoting high standards of conduct and arranging training for members.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None arising from this report.	
FINANCIAL IMPLICATIONS	
None directly arising from this report.	
SECTION 151 OFFICER'S COMMENTS	
The Section 151 Officer has been consulted and has no further comments.	
LEGAL IMPLICATIONS	
None directly arising from this report.	
MONITORING OFFICER'S COMMENTS	
The report has been prepared by the Monitoring Officer in her capacity as adviser to the Standards Committee.	
BACKGROUND PAPERS	Contact Officer: Mrs S Taylor Telephone: 01524 582025 E-mail: STaylor@lancaster.gov.uk Ref:
The background papers are confidential by virtue of Section 100A(3) of the Local Government Act 1972	