

## In this issue...

- 1 **Committee reports**
- 2 **Mediation services**
- 2 **Local investigations**
- 3 **Referral statistics**
- 3 **Code recommendations**
- 4 **Independent members**
- 5 **MORI research**
- 5 **Holding hearings**
- 5 **Local directions**
- 6 **Supporting parishes**
- 7 **Going local DVD**

...and more!

## Contents

You have probably been wondering what happened to *Standards Committee News* — this is, after all, our first issue for nearly a year. It has been a very busy time for us, reviewing and consulting on the Code of Conduct, embedding local investigations, and speeding up our referrals and investigations, not to mention organising the Fourth Annual Assembly of Standards Committees. We have also been scrutinised by two influential public bodies and await the government's response to their recommendations. You can read more about this work over the following pages, and we will write to all standards committee chairs detailing the government's official response to these issues in the near future.

In the meantime, we have been talking to standards committees and looking again at our newsletters to make sure they meet your needs. In future, we will produce two issues of *Standards Committee News* a year, in May and November, and we will be encouraging you to help shape them by submitting ideas and feedback. Our contact details are on the last page.

We believe standards committees have a critical role to play in improving standards of behaviour and increasing public trust and confidence, and I look forward to supporting you in your important work over the coming months and years. I also encourage you to send in any ideas for future articles in this newsletter — any examples of good practice and hot topics for discussion are welcome, and will help to keep this newsletter relevant to your needs.

[David Prince, chief executive](#)

## [Government considers committee findings](#)

The government is considering its response to recommendations from two influential committees which scrutinised the role and effectiveness of The Standards Board for England last year. The Committee on Standards in Public Life and the parliamentary select committee on the Office of the Deputy Prime Minister both presented their findings to the government earlier this year. Local government minister Phil Woolas MP told the Fourth Annual Assembly of Standards Committees, meeting in Birmingham this September, that he intends to reach a decision in the next few months.

## **A strategic approach**

The report of the Committee on Standards in Public Life, chaired by Sir Alistair Graham, called for more independent members on standards committees — a view we fully agree with. It also called for The Standards Board for England to take on a more strategic role in regulating ethical standards in local government, and with local investigations now in place, we are already moving in this direction.

The Committee on the Office of the Deputy Prime Minister, reporting a few months later, congratulated the Standards Board on the progress made in speeding up investigations and put past delays down to the absence of local investigations regulations. Recognising that we have often been criticised for these delays, the committee remarked that it was unreasonable to have expected us to function well within an incomplete statutory framework and without the necessary resources and powers.

Both reports also suggested improvements to the Code of Conduct which were reflected in our consultation on the review of the Code.

### Considering complaints

The one issue on which the two committees disagreed was the question of who should consider complaints.

The Committee on Standards in Public Life proposed a local filter, where complaints would be received and assessed by each local authority. It believes this will enable greater local ownership of the process and discourage politically-motivated complaints. But the committee stressed that standards committees would need a majority of independent members and independent chairs if they were to maintain public confidence in the system, and this would require primary legislation.

Conversely, the Committee on the Office of the Deputy Prime Minister endorsed the current arrangements with The Standards Board for England as a central filter for complaints. According to the report, "central initial assessment of complaints by experienced officers applying a consistent set of criteria is one of its [the system's] unique strengths". The committee stated that it does not believe a local filtering system would enhance consistency in the process or increase efficiency.

The question of who should filter complaints is therefore clearly a key issue for ministers as they consider the way

forward. They will have to take into account a number of questions of both principle — will it lead to enhanced public confidence and greater responsibility for standards at a local level? — and practicality — will it be more cost-effective and efficient than at present and reduce politically-motivated complaints?

We look forward to their response and will keep you informed.

### Resolving disputes through mediation

Councillors with disputes can be instructed by standards committees to undertake mediation and conciliation as part of a sanction, and ethical standards officers can make similar directions to be implemented by monitoring officers in specific cases. Mediation and conciliation may also be useful in resolving situations that have not yet given rise to complaints to The Standards Board for England. Some monitoring officers and standards committees already have mediation skills, but it may be useful for others to know how to acquire mediation skills and access third-party services.

That's where Mediation UK comes in. Mediation UK is a national voluntary organisation dedicated to developing constructive means of resolving conflicts in communities. It provides information on free and subsidised community mediation services throughout the UK, including training services for those who wish to provide mediation services themselves.

Authorities without specific mediation expertise may find these services useful. For more information and resources on mediation, visit the organisation's website at:

[www.mediationuk.org.uk](http://www.mediationuk.org.uk)

We are not able to endorse any particular mediation training providers.

### Local investigations statistics

Ethical standards officers had referred 253 cases to monitoring officers for local investigation as of the end of September 2005 — equivalent to 32% of all cases referred for investigation since local referrals began in November 2004. In recent months, over half of all cases have been referred locally, and this trend looks set to continue.

74 reports have already been received from monitoring officers, and there have been 51 standards committee decisions on cases investigated locally. In

28 of those cases, it was decided that the member had not breached the Code of Conduct. In the other 23 cases:

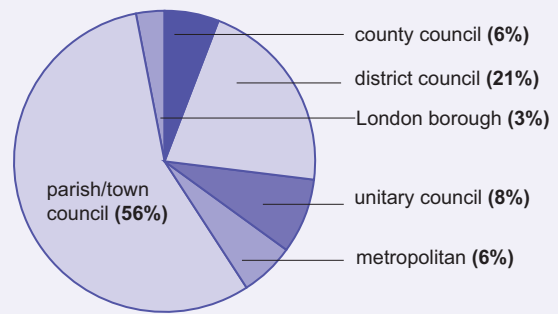
- 12 members were censured;
- 1 was suspended for 1 month;
- 1 was suspended for 3 months;
- 3 were required to make an apology and undergo appropriate training;
- 6 had no sanction imposed.

Latest referral statistics

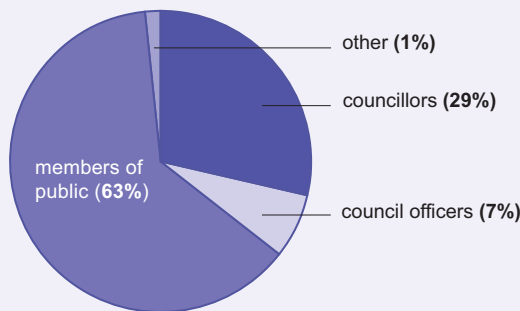
The Standards Board for England received 1931 allegations between 1 April and 30 September 2005 (the latest figure for the current financial year). The following charts show the breakdown for those allegations as they progressed through evaluation and investigation.

These figures are also available from our website, along with final figures for the previous financial years. The current statistics are updated monthly. To view them, go to: [www.standardsboard.co.uk/casestatistics/](http://www.standardsboard.co.uk/casestatistics/)

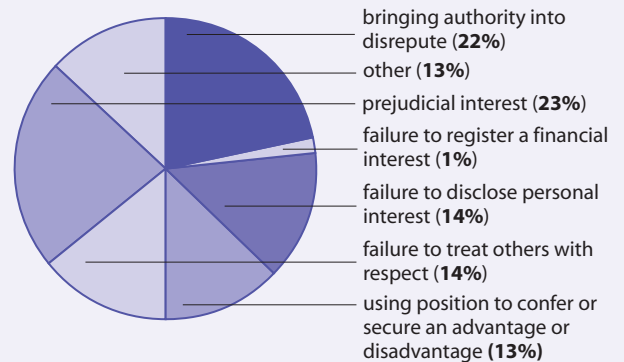
Authority of subject member in allegations referred for investigation



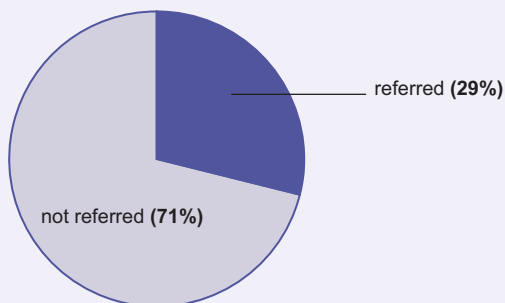
Source of allegations received



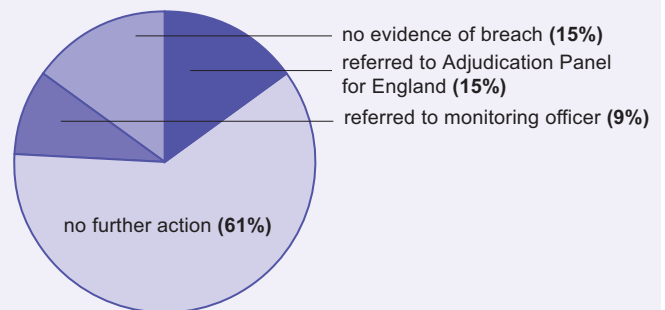
Nature of allegations referred for investigation



Allegations referred for investigation



Final findings



Key issues emerge as Code consultation closes

The Standards Board for England has presented Phil Woolas MP, the local government minister, with a series of recommendations for changes to the Code of Conduct, following our review of the Code earlier this year. We want to see a clearer Code which enables members to fully represent their communities without undue hindrance or red tape, while maintaining a commitment to the highest principles of public service.

The recommendations are the result of a four-month consultation exercise on the future of the Code of Conduct in which we asked members how they thought the Code could be improved. Over 1,200 individuals,

authorities and other organisations responded in writing, and we consulted nearly 1,000 additional members and officers during our series of regional roadshows held across the country.

We found wide support for a simpler Code, one that local government can take ownership of and adopt. These are the key changes we want to see made:

- The Code of Conduct should be simpler, more enabling, and owned by the members it applies to.
- The Code needs to empower members as community advocates, taking the lead on issues where their expertise is greatest and speaking out on behalf of their communities.

- The rules around personal and prejudicial interests should be clearer, especially for members who sit on more than one public body.
- Members must be able to disclose information when it is in the public interest. The Code needs to be clear on what information should be confidential.
- Members are entitled to private lives. The public only expects private behaviour to be regulated when it seriously damages the reputation of local government.
- Members have a right to challenge poor performance and criticise officers fairly, but bullying cannot be tolerated and needs to be addressed more explicitly in the Code.
- The current duty for members to report breaches is unnecessary and unhelpful, and should be removed.
- The Code should protect complainants and witnesses from intimidation.

The government is now considering its response and we expect a decision on possible revisions to the Code of Conduct later in the year, alongside any proposals arising from the recommendations of the Committee on Standards in Public Life and Committee on the Office of the Deputy Prime Minister (see Government considers committee findings on page 1).

Our full recommendations, along with an independent analysis of consultation responses by Teesside Business School, are available from our website at:

[www.standardsboard.co.uk/codereview/](http://www.standardsboard.co.uk/codereview/)

### Co-ordinators push for more member forums

Co-ordinators of independent members' forums discussed the possibility of setting up a national forum of independent members at their annual meeting in July. But after a lively debate, it was decided that this was a bit premature, as not all areas of the country are covered by forums yet. The gaps are in the area north of Yorkshire, a large part of the Midlands and Cambridgeshire, Norfolk and Essex.

The co-ordinators agreed instead to encourage as many people as possible to attend a fringe event for independent members at the Fourth Annual Assembly of Standards Committees, where they could learn about the benefits of joining forums and hear about members' experiences of setting them up. The fringe event was a rare chance for independent members from all over the country to get together and share experiences and ideas and, judging from the high attendance, was a welcome event.

The session focused on the benefits of independent members' forums, which are growing in popularity and strength across the country. The session heard first hand accounts of how existing forums had galvanized members to approach their authorities for things which were available to members in other authorities but not to them. It was clearly shown that the encouragement and support of forums can make a big difference to

independent members who, in some authorities, may feel isolated or marginalised.

About half the independent members at the conference attended the lively event and a number of members registered their interest in forming new groups. Anne Rehill, senior policy adviser at The Standards Board for England, is helping to facilitate the drive for forums and will put members who are interested in setting one up in touch with other members from the same area. If you are in one of the areas where there is no forum and you would like to set one up, you can contact Anne on 020 7378 5030, or e-mail: [anne.rehill@standardsboard.co.uk](mailto:anne.rehill@standardsboard.co.uk).

The existing co-ordinators are also happy to be contacted if you would like to talk to them about setting up a forum in your area. They are also willing to attend meetings if you would find that helpful.

- Mr Richard Stephens (Gloucestershire)  
e-mail: [rstephens@dialogueuk.com](mailto:rstephens@dialogueuk.com)
- Mr Andrew May (south west)  
e-mail: [andrewandsuemay@witterings.fsworld.co.uk](mailto:andrewandsuemay@witterings.fsworld.co.uk)
- Mr Mike Wilkinson (West Yorkshire and Humberside)  
e-mail: [mike.wilkinson100@ntlworld.com](mailto:mike.wilkinson100@ntlworld.com)
- Mr Graham Wood (Greater Manchester)  
telephone: 0161 295 3646  
e-mail: [gwoodatno1@aol.com](mailto:gwoodatno1@aol.com)
- Mr Bruce Claxton (south of England)  
e-mail: [bandjclaxton@btinternet.com](mailto:bandjclaxton@btinternet.com)
- Ms Sarah Lawrence (Berkshire, Oxfordshire and Wiltshire)  
telephone: 01793 463603  
e-mail: [slawrence@swindon.gov.uk](mailto:slawrence@swindon.gov.uk)
- Mr Ray Haines (Kent)  
e-mail: [ray@doverchamber.co.uk](mailto:ray@doverchamber.co.uk)
- Father Jim Kennedy (London)  
e-mail: [blesac@rcdow.org.uk](mailto:blesac@rcdow.org.uk)

### Upcoming meetings

The next meeting of the **London independent members' forum** will be on 28 December at 1pm (venue to be confirmed). If you are interested in attending and would like more information, please contact the forum co-ordinator, Jim Kennedy. Details above.

The next meeting of the **south of England independent members' forum** will be held at the Wealden District Council offices, Crowborough, East Sussex, on 3 April 2006.

If you are interested in attending and would like more information, contact the forum co-ordinator, Bruce Claxton. Details above.



## Sharing terms of reference

The co-ordinators also emphasised the importance of sharing information, particularly around extended terms of reference for standards committees — an area where The Standards Board for England can help. Standards committees are required to provide their terms of reference to us and should forward a new copy every time they change. We will then be able to share information more widely about what terms of reference standards committees have.

We are also interested in hearing about your experiences of being on a standards committee, particularly if you have been involved in a local investigation or hearing, have any special responsibilities, or have been innovative in your approach to the statutory functions of training and promoting the Code of Conduct.

Please send any ideas or information to James Harrigan at [james.harrigan@standardsboard.co.uk](mailto:james.harrigan@standardsboard.co.uk).

## Survey sets benchmark for public confidence

Research by MORI into the public's perceptions of ethics in local government has found that most people have a higher opinion of local councillors than politicians generally, but trust is still low. And while most people have never complained about a councillor, one in ten has wanted to.

The Standards Board for England commissioned MORI to investigate the public's perceptions of ethics and attitudes towards local government. The research will help us to establish benchmarks against which we can monitor the success of our work in increasing public confidence in local democracy.

### Initial findings

MORI asked over 1,000 members of the public about their views on local government. It found a mismatch between what people regard as important roles for councillors and the perception of what councillors actually do. For example, 54% of those surveyed think it is important for councillors to make sure that public money is spent wisely, but only 21% think most or all councillors in their area do so. 39% think councillors should fulfil election promises, but only 15% think most or all councillors do.

The survey found that people are interested in local issues and want to engage with their local area but are not always certain what they can do in practice. It also revealed a lack of understanding about the work of councillors and low levels of contact with elected members — only one in seven people have met a local councillor within the last six months.

If people ever do need to complain, they are most likely to want an independent body to deal with it (46%), compared with their local council (28%) or an MP (13%). The three most important factors when making a complaint are knowing that it will be dealt with thoroughly, that the investigation will be independent, and that you will be kept informed.

The full report will be available on our website in the near future.

## Three-month limit on hearings explained

A case heard in the High Court regarding a local determination by the standards committee of Bolsover District Council established the principle that authorities need to make every effort to hold a hearing within three months of receiving the case from an ethical standards officer. But just how rigid is this limit, and are there any exceptions to the rule?

Paragraph 6(2)(b) of the *Local Authorities (Code of Conduct)(Local Determination) Regulations 2003* states that a hearing must be held within three months of the reference from the ethical standards officer. Authorities are encouraged to ensure that hearings are held as soon as possible and within this time limit imposed by legislation. The standards committee has the power to delay the hearing if something unexpected or unforeseen occurs which prevents it from meeting the time limit, but the court made it clear these must be genuine reasons — it is not sufficient that a subject member may have no objections to the hearing being held outside the three-month period.

Unexpected or unforeseen circumstances may include the following events, although it is by no means an exhaustive list:

- illness of the subject member or any of the standards committee members;
- bereavement suffered by the subject member or any of the standards committee members;
- other important engagements which cannot be altered, such as hospital appointments and jury service;
- the subject member being called to work out of the country for a long period of time.

## Tackling parish problems at the root

A parish council with evidence of longstanding personal conflict and communication problems was given mediation and training support by its principal authority as a result of directions issued for the first time by The Standards Board for England.

The Standards Board for England issued the directions using powers that came into force as part of the local investigations regulations last year. The regulations enable ethical standards officers to direct monitoring officers to take action other than investigation to resolve local problems, such as reviewing procedures to make them more robust or, as in this case, getting councillors to sit down and work out their problems together.

Since this first direction was issued, ethical standards officers have used these powers in several further cases, and a number of other directions are expected to be issued in the near future.

### Underlying problems

Some allegations reveal longstanding problems or more deeply ingrained issues within an authority which investigations alone are not able to address. There may be any number of underlying factors affecting the authority, such as:

- factionalism on the council, often resulting from a split over a controversial decision — possibly the clerk may even be thought to have taken sides;
- a dominant or destructive personality on the council antagonising other members;
- bullying of members or the clerk by other members;
- a lack of understanding by members of what is and is not acceptable behaviour;
- a lack of procedures in council, such as standing orders or procedures for dealing with disruptive behaviour;
- poor chairing skills, which can allow meetings to get out of control;
- poor resourcing and a lack of support for the clerk, who may be unable to ensure business is run correctly.

The directions power is an important tool because it allows us to tackle these problems at the root and make a lasting difference to the way an authority is run.

### Beyond investigations

In this instance, 76 allegations had been received about council members since April 2002, suggesting a history of conflict and communication problems. A number of these allegations were investigated, but it became apparent that the investigations were unable to resolve the underlying problems.

The ethical standards officer directed the monitoring officer of Mendip District Council to arrange mediation between the members and organise training and guidance on conflict resolution and parish council procedure. The monitoring officer had to report back to The Standards Board for England within three months, setting out progress on both aspects of the direction.

Vivienne Pay, the monitoring officer of Mendip District Council, is happy to be contacted with any questions or for further information on this matter. Please telephone 01749 341538 or e-mail [payv@mendip.gov.uk](mailto:payv@mendip.gov.uk).

## Supporting your parishes

Directions are not the only way we are working to address issues of this kind. At a national level, we are working with bodies such as the National Association of Local Councils and the Society of Local Council Clerks to develop support packages, and we are seeking funding from the Office of the Deputy Prime Minister to support some of the work.

Standards committees too have a role to play. Sometimes standards committees seem reluctant to support parishes in their area with these kinds of problems, but standards committees have a responsibility to promote and maintain high standards of conduct among members. We often find that independent members, in particular, can play an important role in working through some of the difficulties with parishes as they are seen as not having the political baggage that elected members may have.

If you think there may be issues with a particular parish in your area, we would urge you to talk to your local county association and the local branch of the Society of Local Council Clerks about how to work collectively with the parishes to address these problems and help them move forward to the benefit of all in the local community. You may also be interested in the article on providing mediation and conciliation support to members.

If any committees out there have stories of success in supporting a parish facing such difficulties, please tell us about it so we can share effective practice with other standards committees and see if there is anything we can try to replicate at a national level. Send your stories to James Harrigan at [james.harrigan@standardsboard.co.uk](mailto:james.harrigan@standardsboard.co.uk).

Please also state if you would be happy for us to use your experience as a case study in future editions of the newsletter.

## Toolkit helps authorities assess standards

Tools to help authorities take their ethical temperature and develop good ethical governance are being jointly developed by The Standards Board for England, the Audit Commission and the Improvement and Development Agency (IDeA).

The ethical governance toolkit provides diagnostic tools to help authorities strengthen their ethical governance arrangements. Authorities can choose from a range of options, recognising that councils differ in their needs and approaches to ethical governance issues.

There are four key elements to the toolkit, administered by the Audit Commission, the IDeA, or jointly by both organisations:

1. A self-assessment questionnaire for elected members and senior officers, designed to assess an authority's awareness of ethical issues.
2. A full audit, investigating all areas of an authority's arrangements in depth and assessing:
  - compliance with the Code of Conduct;
  - arrangements for local determinations and investigations;
  - the roles and responsibilities of standards committees;
  - the roles and responsibilities of monitoring officers;
  - the roles and responsibilities of chief executives;
  - protocols and constitution;
  - arrangements for promoting confidence in local democracy;
  - understanding and behaviours.
3. A light-touch health check, investigating the same areas covered by the full audit (listed above) but in less detail
4. Developmental workshops with officers and members tailored to the specific needs of the authority.

The first two services are available now and the other parts will be available in the new year.

For more information on the toolkit, visit the IDeA's website at:

[www.idea-knowledge.gov.uk/idk/core/page.do?pagelid=1115850](http://www.idea-knowledge.gov.uk/idk/core/page.do?pagelid=1115850)

### Case summary policy reviewed

Summaries of cases where ethical standards officers consider there is no evidence of a breach of the Code of Conduct will be taken down off the website after only six months, following a recent review of the policy by the Board. Previously, these cases remained up for two years.

The policy for all other cases remains the same — the summaries remain on the site for two years from either the closure of the case or, for cases referred to The Adjudication Panel for England or local standards committee, from the hearing date or completion of any sanction, such as a suspension or disqualification.

### Ethics in local authorities explored

The Standards Board for England has commissioned a team at the University of Manchester to conduct research into what components contribute to an ethical local authority. The research will draw on good practice both nationally and internationally and, importantly, upon your experiences as practitioners in local authorities.

The tenth report of the Committee on Standards in Public Life placed a great deal of emphasis on the importance of embedding the principles of public life in public organisations. This research project looks at how this

goal might be achieved. A number of factors will be investigated, including mediation, communication and training, the development of protocols, the role of standards committees, the importance of leadership, and the role of ethics in corporate governance.

The first stage of the project, which was recently completed, was to undertake a literature review, in order to develop a model of the components that make up an ethical environment and how these components relate to each other. The model will then be tested and developed further via case studies, in the context of the challenges regularly faced by local public bodies today.

More information on this project can be found at the following website, which has been set up by the research team:

[www.ipeg.org.uk/Standards.htm](http://www.ipeg.org.uk/Standards.htm)

The research will be completed in December 2005, and we will publish a summary of the findings on our website.

### Help with local investigations and hearings

A DVD promoting best practice in local investigations and hearings is in the final stages of production.

The DVD, *Going local: investigations and hearings*, follows the fictional case of Councillor Jones, who has been accused of failing to declare an interest in a planning meeting considering an application submitted by his nephew. Viewers follow the drama as it develops, from the initial referral of the complaint through to the standards committee hearing. Learning points and commentary punctuating the film address some of the common areas of difficulty and our recommended solutions. It also includes a section on the importance of local ownership of the Code of Conduct and our role in supporting its implementation.

We hope to complete the DVD soon and should be in a position to distribute it by the end of this month. In the meantime, you may find some of our other guidance for standards committees of use — see *Information for new members* on page 8 for more information

### Board changes

Professor Alan Doig and John Bowers have ended their terms of office as Board members with The Standards Board for England. Both have served since the organisation's formation in 2001. They contributed to our development during the difficult early years when we were dealing with untried and incomplete legislation, and have overseen the improvements in our performance in more recent times. Their expertise and considered contributions will be sorely missed.

The Office of the Deputy Prime Minister, which is responsible for board member appointments, has advertised the vacancies and we will let you know about their replacements as soon as they are announced.

## Information for new members

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As a result of the local elections in May, there are undoubtedly many new members of standards committees across the country. So, as an introduction to the new faces — and a reminder to the more established ones — here is a brief guide to the information available from our website, including publications aimed specifically at members of standards committees. Some of this information is also available in hard copy. For more information, please call 0845 078 8181 or write to [publications@standardsboard.co.uk](mailto:publications@standardsboard.co.uk).

### Guidance

- **Guidance on standards committees**

A guide to the role and make-up of standards committees.

- **Standards committee determinations**

Information for standards committees on how to hold a local determination hearing.

[www.standardsboard.co.uk/localauthorityguidance/](http://www.standardsboard.co.uk/localauthorityguidance/)

### Standards Committee News

The latest issue and past issues of the newsletter. You can also sign up to receive issues by e-mail or cancel your subscription here.

[www.standardsboard.co.uk/scnews/](http://www.standardsboard.co.uk/scnews/)

### FAQs

Frequently asked questions about the Code of Conduct, including a section on standards committees.

[www.standardsboard.co.uk/faqs/](http://www.standardsboard.co.uk/faqs/)

### Case summaries

Summaries of recent investigations and hearings. The browse function enables you to find cases referred to standards committees — use the 'SBE outcome' box and select 'referred to the local standards committee'.

[www.standardsboard.co.uk/cases/](http://www.standardsboard.co.uk/cases/)

### Other publications

An extensive list of all our publications.

[www.standardsboard.co.uk/publications/](http://www.standardsboard.co.uk/publications/)

## Contacts

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If you received this edition of Standard Committee News from a colleague but would like your own copies in future, write to [scnews@standardsboard.co.uk](mailto:scnews@standardsboard.co.uk) or go to:

[www.standardsboard.co.uk/scnews/](http://www.standardsboard.co.uk/scnews/)

If you have any comments or questions about Standards Committee News or ideas for future items, drop us a line at [scnews@standardsboard.co.uk](mailto:scnews@standardsboard.co.uk).

For all other enquiries, telephone 0845 078 8181 or e-mail [enquiries@standardsboard.co.uk](mailto:enquiries@standardsboard.co.uk).