

## **STANDARDS COMMITTEE**

### **Minutes of the meeting of the Standards Committee held on Tuesday, 17 June, 2008 at 6.00 p.m. in the Civic Offices, Telford**

**PRESENT:** A. Simpson (Independent Member – Chairman), Councillors A.J. Stanton (Vice-Chairman), R. Aveley, V.A. Fletcher and K.S. Sahota, F Beasland and A Selvaratnam (Independent Members) and R Wickson (Parish Council Representative)

#### **ST-01        MINUTES**

**RESOLVED** – that the minutes of the meeting of the Standards & Audit Committee held on 3rd April 2008 in respect of those items within the remit of the Standards Committee be confirmed and signed by the Chairman.

#### **ST-02        APOLOGIES FOR ABSENCE**

Councillors C. Mollett, H. Rhodes, U.E. Sambrook and A.G.P. Williams and Mr B Bayley (Independent Member)

#### **ST-03        DECLARATIONS OF INTEREST**

None

#### **ST-04        STANDARDS BOARD FOR ENGLAND GUIDANCE SUMMARY**

The report of the Interim Head of Legal Services and Monitoring Officer presented a report informing Members about Standards Board for England Guidance on specific areas of the Code of Conduct and to seek their views in respect of any work that needed to be undertaken with regard to the guidance.

Since the revised Code of Conduct was adopted by the Council in 2007 the Standards Board had sought to explain some of the key areas by producing fact sheets which contained key facts and frequently asked questions. The fact sheets covered issues of bullying, disclosing confidential information, gifts and hospitality, lobby groups and declarations of interest, personal and prejudicial interests and the ethical framework for Local Government (copies of which were appended to the report). In addition, there was also an occasional paper on predisposition, predetermination and bias which, while strictly speaking falling outside of the Code, did relate to a number of issues which were closely linked with the Code of Conduct.

At present copies of the fact sheets were provided for Members on a case by case basis when Code of Conduct advice was sought. Whilst the fact sheets were publicly available on the Standards Board for England website, Members were requested to consider it appropriate to publicise the availability of the

fact sheets or, alternatively, to make them more accessible to Councillors in the Borough. It was suggested that the fact sheets should be circulated to all elected Members either by way of the Ethical Standards Bulletin, by sending them to Parish and Town Clerks in the Borough, or by making them available on the Members' Information Point on the Council's intranet.

**RESOLVED:**

- (a) That the contents of the report be noted;
- (b) That the Monitoring Officer be instructed to e mail fact sheets to Borough Members and Parish Clerks and to make the fact sheets available on the Members Information Point.

**ST-05      LOCAL SYSTEM FOR PROCESSING CODE OF CONDUCT COMPLAINTS**

The report of the Interim Head of Legal Services and Monitoring Officer updated the Committee on developments regarding the introduction of the local system for processing Code of Conduct complaints and asked the Committee to establish a framework to consider complaints in accordance with the new legislative requirements.

The new system for making and processing the complaints alleging a breach of the Members Code of Conduct was introduced on 8<sup>th</sup> May 2008. From that date, all complaints alleging breaches of the Members Code of Conduct by any Borough Councillor or Parish and Town Councillor in the Borough were to be referred in the first instance to the Standards Committee. The Committee would then be responsible for establishing a sub-committee to undertake an initial assessment of the complaint and for deciding upon what action had to be taken.

The Standards Board for England had issued guidance in respect of the operation of the local system for considering Code of Conduct complaints. It was recommended that any complaints received should be assessed in accordance with those Standards Board guidelines. A draft protocol was attached to the report which outlined the procedure to be followed when a complaint was received. These arrangements would require a change in structure for the Standards Committee. 25% of the membership would be Independent representatives with an Independent Chairman of the Committee. There would be eight elected members (no more than one of which should be a member of the Executive) and at least three Parish representatives. There were currently two Parish representatives and it was recommended that a further two were recruited to ensure sufficient capacity. The increase in the number of Parish representatives would also ensure continuity in respect of their contribution to Standards Committee matters.

The Vice-Chairman reported that a recruitment process had been conducted recently for Parish representatives. The selection panel had consisted of the Vice-Chairman and two Independent members of the Standards Committee.

The Vice-Chairman reported that two candidates had been found to be suitable and it was recommended that they be recruited by the Committee. The Monitoring Officer pointed out that the newly appointed Parish representatives would be required to complete a Criminal Record Bureau (CRB) check. This was widely recognised as good practice. The Monitoring Officer suggested that, in the interests of consistency, the Committee consider approving CRB checks for all Parish and Independent members of the Committee. After a short discussion it was agreed that all Independent members and Parish representatives of the Standards Committee should complete a CRB check.

The Committee was required to establish a system to consider the complaints. Appendix 2 of the report contained a draft amendment to the terms of reference of the Committee to enable sub-committees to be set up to undertake the new responsibilities. Hearing Committees would then be established as and when required.

**RESOLVED:**

- (a) That the contents of the report be noted;
- (b) That the Monitoring Officer's Protocol relating to the receipt and processing of Code of Conduct Complaints, as set out in Appendix 1 of the report, be approved;
- (c) That a Referrals Sub-Committee be established comprising membership in accordance with the draft terms of reference, as set out in Appendix 2 of the report, with the exception of item 4 (frequency of meetings) which is removed from the draft terms of reference;;
- (d) That a Review Sub-Committee be established comprising membership in accordance with the draft terms of reference, as set out at Appendix 2 of this report.
- (e) That Hearings Sub-Committees be established as and when required for particular hearings comprising, where possible, members who had not been involved on the referral or review of the particular matter;
- (f) That the following Parish councillors be appointed as Parish representatives for the Standards Committee for a period of four years:

**Councillor Pauline Picken  
Councillor David Edwards**

- (g) That all Independent members and Parish representatives complete a Criminal Records Bureau (CRB) check.

**ST-06            STANDARDS BOARD FOR ENGLAND RESEARCH  
PROJECT REPORT – SATISFACTION WITH THE  
STANDARDS BOARD FOR ENGLAND AND ATTITUDES TO  
ETHICAL ENVIRONMENT**

The report of the Interim Head of Legal Services and Monitoring Officer informed Members of the research programme undertaken in November and December 2007 by BMG Research on behalf of the Standards Board for England. This had looked at satisfaction rates in respect of the work undertaken by the Standards Board together with current national trends and attitudes in respect of ethical standards matters. The research was undertaken through six standard focus groups and one online focus group set up England-wide to capture the views of monitoring officers, Standards Committee Chairmen and members, councillors and parish councillors.

The research, the report on which was appended to the committee report, looked at areas such as standards of member behaviour, supporting guidance provided to Monitoring Officers and suggestions for ways of improving Standards Board for England support and guidance to councillors. The report summarised the overall findings as follows, “much of the feedback is very positive, with strong support expressed among all stakeholder groups for the Code of Conduct and much satisfaction with local standards committees and the performance of monitoring officers. There was also a great deal of satisfaction with key Standards Board publications”.

**RESOLVED – that the contents of the report be noted.**

The meeting ended at 6.39 pm

**Chairman:** .....

**Date:** .....

**TELFORD & WREKIN COUNCIL**

**STANDARDS COMMITTEE 9<sup>th</sup> OCTOBER 2008**

**UPDATE OF THE CORPORATE ANTI-FRAUD & CORRUPTION POLICY**

**REPORT OF THE CORPORATE DIRECTOR: RESOURCES**

**1. PURPOSE**

- 1.1 For the Standards Committee to approve the updated Corporate Anti-Fraud and Corruption Policy and recommend it for adoption by the Council. The policy has been updated in order to reflect good practice and to continue to maintain the high standards operating within the Council.

**2. RECOMMENDATIONS**

- 2.1 That the Standards Committee approves the updated Corporate Anti-Fraud and Corruption Policy attached at Appendix A and recommends it for adoption by the Council.

**3. SUMMARY**

- 3.1 The Council is committed to high standards of Corporate Governance and has a set of effective procedures in place which are regularly reviewed and given a clean bill of health by the External Auditor. These procedures include the Anti-Fraud & Corruption Policy but we need to keep it under review in order to maintain our high standards. The existing Anti-Fraud and Corruption Policy was last updated in 2006.

**4. PREVIOUS MINUTES**

- 4.1 Standards Committee 4<sup>th</sup> May 2004  
Standards and Audit Committee 4<sup>th</sup> April 2006  
Audit Committee 16<sup>th</sup> September 2008

**5. INFORMATION**

- 5.1 The Anti-Fraud and Corruption Policy supports one of the key dimensions of good Corporate Governance – Standards of Conduct. The Council aims to ensure that all those associated with it maintain high standards of ethics and conduct in public life contributing to good corporate governance. The changes to this policy reflect new legislation, good practice and developments in this area within the public sector.
- 5.2 In addition, the Audit Commission's Use of Resources assessment has within the internal control section, key lines of enquiry measuring that "The Council has arrangements in place that are designed to promote and ensure probity and propriety in the conduct of its business". An up to date Corporate Anti-Fraud and Corruption policy that is followed by all members, employees, partners, volunteers, governor and suppliers/contractors provides evidence for the Use of Resources score and supports our 4 star rating.
- 5.3 The amendments made to the policy are shown as tracked changes in Appendix A and include the following (the underlying policy remains unchanged):

- a) Amendments to reflect changes to Council policies and procedures including the Employee Code of Conduct, Speak Up Policy and Information Security Policy.
- b) Amendments to reflect changes in legislation and procedures in respect to Standards investigations for Members (Local Government and Public Involvement in Health Act 2007)
- c) Amendments to reflect new legislation – Fraud Act 2006 (effective January 2007)
- d) Incorporation of information about data matching and National Fraud Initiative (NFI) – where data comparisons are used to identify potential frauds for the Council to review.
- e) Organisational changes within the Council.
- f) Further clarification that the Council will seek to recover any money/assets fraudulently/corruptly obtained from the Council.

5.4 The changes to this policy have been reviewed and agreed by the Audit Committee and it recommends it for approval by the Standards Committee. Following Council in November 2008 the Audit Committee will be responsible for approving future reviews.

5.5 Following agreement of this policy the Council will re-issue the two “High Standards” Cards – one for all members and one for all employees, reflecting their specific responsibilities under this policy. In addition it will indicate the location of the associated policies and guidance. This policy is supported by the Speak Up Policy which was revised in early 2008.

## 6. OTHER CONSIDERATIONS

AREA	COMMENTS
Equal Opportunities	This policy operates within Equalities legislation and the Council’s associated policies.
Environmental Impact	None
Legal Implications	The anti-fraud and corruption policy needs to comply with all relevant legislative requirements. The regular review of the policy will ensure that this is the case. One such example from this review is the change made to sections of the policy relating to the Members Code of Conduct issues where the update reflects the move to local consideration of complaints which was introduced by the Local Government and Public Involvement in Health Act 2007.
Links with Corporate Priorities	The policy supports Priority 7: An Efficient, Effective and Customer-Focused Council that delivers Value-For-Money for the Community. The policy supports good Corporate Governance and the Council’s desire to ensure sound conduct and ethical procedures for all those associated with the Council and service delivery.
Financial Implications	None other than those administrative and printing costs contained within existing budgets.

Opportunities and Risks	Having a policy which sets out the Council's anti-fraud and corruption culture and associated procedures assists in the management of the risk of fraud and corruption against the Council. The other opportunities and risks associated with this policy have been identified and are being managed appropriately.
Ward Implications	District wide implications.

## 7. BACKGROUND PAPERS

Corporate Anti-Fraud and Corruption Policy 2006  
 Speak Up Policy 2008  
 Benefits Counter Fraud and Sanctions Policy 2005  
 Corporate Prosecution Policy 2003  
 Audit Commission requirements for the National Fraud Initiative  
 Fraud Act 2006  
 Local Government and Public Involvement in Health Act 2007

**Report prepared by Jenny Marriott – Audit & Risk Manager Tel: 01952 383101.**

~~BOROUGH OF TELFORD & WREKIN COUNCIL~~

~~ANTI-FRAUD AND CORRUPTION STRATEGY POLICY  
UPDATED POLICY STATEMENT~~

~~UPDATED SEPTEMBER 2008 APRIL 2006~~

**1. INTRODUCTION**

1.1 Good Corporate Governance requires that the authority must demonstrate clearly that it is firmly committed to dealing with fraud and corruption and will deal equally with perpetrators from inside (members<sup>1</sup> and employees) and outside the Council. In addition there will be no distinction made in investigation and action between cases that generate financial benefits and those that do not. This policy will not compromise any Equalities legislation or any associated Council policies.

1.2 This policy embodies a series of measures designed to frustrate any attempted fraudulent or corrupt act and the steps to be taken if such action occurs. For ease of understanding it is separated into five areas as below:-

Culture	Section 2
Prevention	Section 3
Deterrence	Section 4
Detection and Investigation	Section 5
Training	Section 6

~~1.3.1~~ The Council is also aware of the high degree of external scrutiny of its affairs by a variety of bodies such as the Audit Commission (including External Audit and Inspection), other Government Inspection bodies, the Local Government Ombudsman, the Standards Board for England, HM Customs & Excise and the Inland Revenue. These bodies are important in highlighting any areas where improvements can be made.

~~1.4.1.4~~ Fraud ~~is and corruption are~~ defined by the Audit Commission as:-

*Fraud – “the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain”.*

In addition, fraud can also be defined as *“the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to mislead or misrepresent”.*

[The Fraud Act 2006 which came into effect on 15<sup>th</sup> January 2007 creates a new general offence of fraud with three ways of committing it:](#)

- [• Fraud by false representation](#)
- [• Fraud by failing to disclose information](#)
- [• Fraud by abuse of position](#)

[It also creates new offences:](#)

<sup>1</sup> The term “members” is used in the policy to include elected, co-opted and independent members.

- [Obtaining services dishonestly](#)
- [Possessing, making and supplying articles for use in frauds](#)
- [Fraudulent trading applicable to non-corporate traders.](#)

[Corruption is defined by the Audit Commission as:-](#)

Corruption – “*the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person*”.

In addition, this policy also covers “*the failure to disclose an interest in order to gain financial or other pecuniary benefit.*”

## 2. **CULTURE**

2.1 The culture of the Council has always been one of openness and the core values of Value, Fairness and Trust support this. The culture therefore supports ~~the~~ opposition ~~to~~ fraud and corruption.

2.2 The prevention ~~and~~ /detection of fraud/corruption and the protection of the public purse are responsibilities of everyone, both internal and external to the organisation. The Council's anti-fraud and corruption culture and associated procedures assist the Council in its management of the risk of fraud and corruption against the Council.

2.2

2.3 The Council's ~~elected members~~members, employees, partners, ~~and~~ volunteers and governors play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will be investigated and wherever possible be treated in confidence. ~~Suppliers/~~contractors to the Council and the public also have roles to play in this process and should inform the Council if they feel that fraud/corruption may have occurred.

2.4 Concerns must be raised when members, employees, partners, ~~volunteers,~~ volunteers, governors and suppliers/contractors or the public reasonably believe that one or more of the following has occurred, is in the process of occurring or is likely to occur:

- \* A criminal offence
- \* A failure to comply with a statutory or legal obligation
- \* Improper or unauthorised use of public or other official funds
- \* A miscarriage of justice
- \* Maladministration, misconduct or malpractice
- \* Discriminatory behaviour
- \* Endangering an individuals health and/or safety
- \* Damage to the environment
- \* Deliberate concealment of any of the above

2.5 The Council will ensure that any fraud/corruption allegations received in any way, including by anonymous letters or telephone calls, will be taken seriously and investigated in an appropriate manner.

## Appendix A

- 2.6 The Council will deal firmly with those who defraud the Council or who are corrupt, or where there has been financial malpractice. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as employees/members raising malicious allegations) may be dealt with as a disciplinary matter (employees) or through the Leaders Joint Standards Protocol or Standards [Committee arrangements Board for England](#) (members).
- 2.7 When fraud and corruption has occurred due to a breakdown in the Council's systems or procedures, Directors will ensure that appropriate improvements in systems of control are implemented in order to prevent a re-occurrence.

### 3. **PREVENTION**

#### **ELECTED MEMBERS**

##### 3.1 **The Role of Elected Members**

- 3.1.1 ~~As elected representatives,~~ All members of the Council have a duty to the Citizens of the Borough to protect the Council and public money from any acts of fraud and corruption.
- 3.1.2 This is ~~done~~achieved through the Anti-Fraud and Corruption Policy, compliance with the Model Code of Conduct for Members, the Council's Constitution, including Financial Regulations and Standing Orders, relevant legislation and any other protocols and procedures adopted by the Council.<sup>2</sup>
- 3.1.3 ~~Elected Members~~Members sign to the effect that they have read and understood the Code of Conduct for Members when they take office. Conduct and ethical matters are specifically brought to the attention of members during induction and include the declaration and registration of interests. ~~The Head of Legal and Democratic Services~~ and Monitoring Officer advises members of new legislative or procedural requirements.
- 3.1.4 Regular training on the Code of Conduct is made available to all ~~elected members~~members. A record will be kept of all members undertaking training in the Code of Conduct. Members can also seek advice from officers in Legal ~~and Democratic Services~~ in relation to the Code of Conduct and other probity issues.
- 3.1.5 All members are expected to fully co-operate with whoever is conducting fraud and corruption investigations, proactive checks or data matching exercises.

#### **EMPLOYEES**

##### 3.2 **The Role of the Corporate Director: Resources**

<sup>2</sup> This includes the Members Acceptable Use Policy for Council Resources  
[W:\COMMITTISTANDARD\anti-fraud & corruption 2006\final updated afe march 2006 agreed stds and audit 040406.doc](#)

## Appendix A

3.2.1 The Corporate Director: Resources has been designated the statutory responsibilities of the Finance Director as defined by s151 of the Local Government Act 1972. These responsibilities outline that every local authority in England & Wales should:

“make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility for the administration of those affairs”.

3.2.2 Under the Corporate Director: Resources responsibilities, proper administration encompasses all aspects of local authority financial management including:

- Compliance with the statutory requirements for accounting and internal audit;
- Ensuring the Authority’s responsibility for the proper administration of its financial affairs;
- The proper exercise of a wide range of delegated powers both formal and informal;
- The responsibility for managing the financial affairs of the local authority in all its dealings; and
- The recognition of the fiduciary responsibility owed to local tax payers.

3.2.3 Under these statutory responsibilities the Corporate Director: Resources contributes to the anti-fraud and corruption framework of the Council.

### 3.3 The Role of Managers

3.3.1 Managers are responsible for ensuring that adequate systems of internal control exist within their areas of responsibility, that these controls operate effectively and that they test them regularly to confirm this. They should also operate so as to prevent and detect fraud and to implement new controls to reduce the risk of similar fraud occurring where frauds have taken place.

3.3.2 Managers at all levels are responsible for the communication and implementation of this policy strategy in their work area. They are also responsible for ensuring that their employees are aware of the Council's Employee Code of Conduct, Human Resources policies and procedures<sup>3</sup>, the Council's Financial Regulations and Standing Orders<sup>4</sup>, Information Security Policy and associated IT policies and procedures and that the requirements of each are being met in their everyday business activities.

~~In addition, managers must make their employees aware of the requirements of the National Code of Conduct for Local Government Employees through the induction process.~~

~~3.3.23.3~~ Managers are expected to create an environment in which their employees feel able to approach them with any concerns they may have about suspected irregularities. Where they are unsure of the procedures they must refer to the information on the Intranet and the leaflet produced to explain the Council's "Speak Up" Policy (whistle blowing policy) on Confidential Reporting.

~~3.3.33.4~~ Special arrangements will apply where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments, for example payroll, purchase ledger, cash management or the Revenues & Benefits

<sup>3</sup> These are available on the Council's Intranet under "Human Resources Advisory Working for Telford & Wrekin".

<sup>4</sup> These are contained in the Constitution on the Intranet

## Appendix A

computer system. Managers must ensure that relevant training is provided for all employees and that a training record is maintained.

~~3.3.5~~ ~~3.3.4~~ The Council recognises that a key preventative measure in dealing with fraud and corruption is for managers to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts and agency employees. The Council's recruitment procedure contains appropriate safeguards in the form of identity checks, written references, the verification of qualifications held and employment history. As in other public bodies Criminal Records Bureau (CRB) checks are undertaken for employees working with or who may have contact with children or vulnerable adults. Any concerns you have about a potential employee should be referred to Human Resources prior to offer of employment.

### 3.4 Responsibilities of Employees

~~3.4.13~~ ~~3.4.1~~ Each employee is governed in their work by the Council's [Financial Regulations and Standing Orders and Financial Regulations](#), and other policies on conduct (Health and Safety, [Corporate Information Security Policy which includes the E-mail and Internet Usage Policies](#) and [IT Strategy and IT Security policy](#)). Included in the [Financial Regulations Public Accountability section](#) is [Council policies are information guidelines](#) on Gifts and Hospitality, and codes of conduct associated with professional and personal conduct and conflict of interest<sup>5</sup>. These are issued to ~~all~~ employees when they join the Council ~~and or~~ are available ~~to all~~ on the Intranet.

3.4.22 In addition to paragraph 3.4.14, employees are responsible for ensuring that they follow the instructions given to them by management, particularly in relation to the safekeeping of the assets of the Authority. These will be included in induction training and procedure manuals.

3.4.33 Employees are expected always to be aware of the possibility that fraud, corruption and theft may exist in the workplace and be able to share their concerns with management. If for any reason, they feel unable to speak to their manager they must refer the matter to one of those named below.

3.4.44 Concerns must be raised, in the first instance, directly with your line manager or through the Council's [Speak Up Confidential Reporting](#) Policy, eg: -

- \* Heads of Service, Directors, the Chief Executive or the Council's Monitoring Officer, who may report such concerns to the Audit & Risk Manager
- \* Directly to the Audit & Risk Manager
- \* External Auditor, who depending upon the nature of the concern will liaise with the Audit & Risk Manager
- \* Trade Union Representative
- \* [Speak Up Confidential Reporting](#) Hotline – 01952 [383115202590](#)

[3.4.5 All employees are expected to fully co-operate with whoever is conducting fraud and corruption investigations, proactive checks or data matching exercises.](#)

<sup>5</sup> See guidance on the Intranet on the Audit Services page

### 3.5 Conflicts of Interest

3.5.1 Both ~~elected members~~[members](#) and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise with externalisation of services, internal tendering, planning and land issues etc. Effective role separation will ensure decisions made are seen to be based upon impartial advice and avoid questions about improper disclosure of confidential information.

### 3.6 Official Guidance

3.6.1 In addition to Financial Regulations and Standing Orders, Portfolios and Business Units will have their own procedures to prevent and deter fraud. There may also be audit reports, which recommend methods to minimise risks and losses to the Authority. Managers and employees must be made aware of these various sources of guidance and alter their working practices accordingly.

### 3.7 Role of Internal Audit

3.7.1 Internal Audit, within the Resources portfolio, plays a vital preventative —role in trying to ensure that systems and procedures are in place to —prevent and deter fraud and corruption. Internal Audit investigates all —employee cases of suspected financial irregularity, fraud or corruption, —except Benefit fraud investigations (see below), in accordance with —agreed procedures. Within the Financial [Regulations Procedure Rules](#) in the —Constitution, representatives of Internal Audit are empowered to:

- enter at all reasonable times any Council premises or land
- have access to all [Council and partner](#) records, documentation and correspondence relating to any financial and other transactions as considered necessary, including e-mail and electronic records
- have access to records belonging to third parties such as contractors [or partners](#) when required
- require and receive such explanations as are regarded necessary concerning any matter under examination
- require any employee [or member](#) of the Council to account for cash, stores or any other Council property under his/her control or possession

Internal Audit liaises with management to recommend changes in procedures to [improve controls](#), reduce risks and prevent losses to the Authority.

[3.7.2 The National Fraud Initiative \(NFI\) is led by the Audit Commission as part of the external audit process. NFI seeks to identify fraud and error by comparing data sets across a large number of public bodies. Internal Audit co-ordinates the Council's NFI data matching requirements. Systems have been established to securely transfer data to the Audit Commission and to receive data matches back for review. All matches are reviewed \(with priority based on risk\) within the defined timetables](#)

### 3.8 The Role of the Benefits Investigation Team (BIT)

3.8.1 The Benefits Investigation Team, located in Revenues & Benefits Services, is responsible for all of the welfare benefit fraud investigations, in accordance with legislation, ~~and~~ agreed codes of conduct and a separate Council policy. In cases where employees and/or members are involved they team will ~~workwork with~~ with Internal Audit, Human Resources, the Monitoring Officer and appropriate senior management to ensure that correct procedures are followed and that this policy is adhered to.

3.8.2 The BIT, in addition to meeting the requirements of the NFI, also undertake data matching exercises organised internally and externally by HBIS and DWP

### 3.9 The Role of the Audit Commission and External Audit

3.9.1 Independent external audit is an essential safeguard of the stewardship ~~—~~of public money. This is currently carried out by the Audit Commission or their nominated supplier ~~——~~through a Code of Practice specific reviews that isare designed to test (amongst other ~~—~~things) the adequacy of the Council's financial systems and ~~—~~arrangements for preventing and detecting fraud and corruption. It is ~~—~~not the external auditors' function to prevent fraud and irregularities, but ~~—~~the integrity of public funds is at all times a matter of general concern. ~~——~~External auditors are always alert to the possibility of fraud and ~~——~~irregularity, and will act without undue delay if grounds for suspicion ~~——~~come to their notice. The external auditor has a responsibility to review ~~——~~the Council's arrangements for preventing and detecting fraud and irregularities, and arrangements designed to limit the opportunity for ~~——~~corrupt practices.

3.9.2 Where External Audit is required to undertake an investigation they will operate within legislation and their codes of conduct.

### 3.10 Co-operation with Others

3.10.1 The appropriate Council portfolios have arranged, in compliance ~~of~~with the Data ~~p~~Protection Act 1998, the exchange of information on national and local fraud and corruption activity in relation to Local Authorities, with external agencies such as: -

- \* Police
- \* County, Unitary and District Groups
- \* Audit Commission
- \* Government Departments including the DWP Benefits Agency
- \* National Anti-Fraud Network (NAFN)
- \* Telford and Wrekin PCT
- \* Regional bodies e.g. WMRA

### 3.11 The Role of Contractors/Suppliers and the Public

3.11.1 This policy, although primarily aimed at those within or associated with the Council, enables concerns raised by contractors/suppliers and the public to be investigated, as appropriate, by the relevant person in a proper manner.

## **4 DETERRENCE**

### **4.1 Housing and Council Tax Benefit Administration**

4.1.1 Benefits administration is recognised nationally as being complex and difficult to administer. This results in the scheme being prone to error and abuse. The Authority is committed to tackling poverty but it must also ensure that the administration of housing and council tax benefit is secure, fair and provides prompt help to those who need it. Equally, it must also be vigilant in tackling fraud and error to ensure value for taxpayers' money.

4.1.2 The Revenues & Benefits Service operates within the Government's [legislation, policies and guidelines](#) and ~~the~~ National Performance Standards Framework [and the Audit Commission's Key Lines of Enquiry](#), which aims to improve the quality and accuracy of benefit determinations and both prevent and reduce the incidence of fraud.

### **4.2 Prosecution and Recompense**

4.2.1 To support this policy the Council has a Corporate Prosecution Policy which is complemented by the Benefits Counter Fraud [and Sanctions](#) Policy. The corporate policy encompasses the public, ~~elected members~~[members](#) and employees. It is designed to clarify and ensure consistency in the Council's action in specific cases and to deter others from committing offences against the Authority. The Benefits [Counter Fraud and Sanctions](#) ~~Prosecution~~ policy ensures that Benefits prosecutions are undertaken within the requirements of Benefits legislation.

4.2.2 In addition or instead of prosecution, the Council will seek to recover any money or assets fraudulently/corruptly obtained from the Council.

### **4.3 Disciplinary Action**

4.3.1 [Theft, fraud and corruption are serious offences against the Authority and employees will face disciplinary action if there is evidence that they have been involved in these activities, this includes Benefit fraud. Disciplinary action will be taken in addition to, or instead of, criminal proceedings depending on the circumstances of each individual case. Even in cases where the Council is not directly involved, employees are reminded that the public's confidence in the organisation may be damaged and that this is a potential breach of contract by the individual concerned.](#)

~~Theft, fraud and corruption are serious offences against the Authority and employees will face disciplinary action if there is evidence that they have been involved in these activities, including Benefit fraud. Disciplinary action will be taken in addition to, or instead of, criminal proceedings depending on the circumstances of each individual case but in a consistent manner.~~

4.3.2 Members will face appropriate action under this policy if they are found to have been involved in theft, fraud and corruption against the Authority. Action will be taken in addition to, or instead of criminal proceedings, depending on the circumstances of each individual case but in a consistent manner. ~~The Procedural Guide – Allegations of Misconduct by Members will govern the manner in which investigations are undertaken, if not referred to the Audit Commission and/or the Police.~~ If the matter is a potential breach of the Code of Conduct for Members then it will also be referred to the appropriate Group

## Appendix A

Leader(s) or the Group Leaders under the Leaders Joint Standards Protocol and if necessary [to the Standards Committee Board for England](#).

### 4.4 Publicity

- 4.4.1 The Council's Public Relations Unit (PR) will optimise the publicity opportunities associated with anti-fraud and corruption activity within the Council. PR will also try to ensure that the results of any action taken, including prosecutions, are also reported in the [local](#) press.
- 4.4.2 Internally where the Council can learn from incidents the salient points will be communicated to members and employees through the Bulletin and on the Intranet.
- 4.4.3 In all cases (both Member and Officer) where the Council has suffered a financial loss then the Council will seek to recover the loss and advertise this fact.
- 4.4.4 Any notifications received by the Council of possible regional/national frauds, scams or alerts will be communicated to all employees and members, as appropriate.
- 4.4.5 All anti-fraud and corruption activities, including the update of this policy, will be publicised in order to make the employees and the public aware of the Council's commitment to taking action on fraud and corruption, when it occurs.

## 5 DETECTION AND INVESTIGATION

- 5.1 Internal Audit plays an important role in the detection of fraud and corruption. Included in their audit plan are reviews of system controls including financial controls and specific fraud and corruption tests, spot checks and unannounced visits.
- 5.2 In addition to Internal Audit, there are numerous systems and management controls in place to deter fraud and corruption but it is often the vigilance of employees, partners, volunteers, members, [governors, suppliers/contractors](#) and the public that aids detection.
- 5.3 In some cases frauds are discovered by chance or "tip-off" and arrangements are in place to enable such information to be properly dealt with.
- 5.4 All suspected irregularities are required to be reported (verbally or in writing) either by the person with whom the initial concern is raised or by the originator as per paragraph 3.4.4 (the Council's [Speak Up Confidential Reporting](#) policy). This is essential to the policy and:-
- Ensures the consistent treatment of information regarding fraud and corruption; and
  - Facilitates a proper and thorough investigation by an experienced auditor [or team](#) or appropriate officer.
- 5.5 This process will apply to all the following areas:
- a) fraud/corruption by [elected members](#) ~~members~~
  - b) internal fraud/corruption
  - c) other fraud/corruption by Council employees
  - d) fraud by contractors employees

e) external fraud (the public)

- 5.6 Cases under d) and e) would normally be referred directly to the Police. Cases under (a) in respect of potential breaches of the Code of Conduct for Members will be referred [by the Monitoring Officer](#) to the appropriate Group Leader(s) or the Group Leaders under the Leaders Joint Standards Protocol and if necessary [to the Standards Committee](#) [Beard for England](#), the [External Auditor](#) [Audit Commission](#) and/or the Police.
- 5.7 Any decision to refer a matter to the Police will be taken as per paragraphs 3.1 and 3.2 of the Corporate Prosecution Policy.
- 5.8 Depending on the nature of an allegation under b) to e), the Audit & Risk Manager will normally work closely with the Director/[Head of Service](#) concerned to ensure that all allegations are thoroughly investigated and reported upon.
- 5.9 The Council's Disciplinary Procedures will be used to facilitate a thorough investigation of any allegations of improper [or unethical](#) behaviour by employees. The processes as outlined in paragraph 4.3.2 will cover Members.

## **6. AWARENESS AND TRAINING**

- 6.1 The Council recognises that the continuing success of this policy and its general credibility will depend in part on the effectiveness of training and awareness for [Members](#) and employees. The policy is an integral part of the induction programme and there is specialist training for certain elected [Members](#) and employees.
- 6.2 Regular awareness by [corporate communications](#) [managers](#)' briefings, leaflets and information cards will ensure that the policy is kept current. Full copies of the Anti-Fraud and Corruption and [Speak Up](#) [Confidential Reporting](#) policies are available on the intranet [alongside the Fraud Response Plan](#).

## **7. CONCLUSION**

- 7.1 The Council has always prided itself on setting and maintaining high standards and a culture of openness, with core values of Value, Fairness and Trust. This policy fully supports the Council's desire to maintain an honest authority, free from fraud and corruption.
- 7.2 The Council has in place a network of systems and procedures to assist it in dealing with fraud and corruption when it occurs. It is determined that these arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.
- 7.3 Management and Internal Audit will keep these systems and procedures under review for the Council.
- 7.4 This policy will be updated on a regular basis, with a ~~–~~maximum of two years between each update.

**TELFORD & WREKIN COUNCIL**

**STANDARDS COMMITTEE 9<sup>th</sup> OCTOBER 2008**

**FEEDBACK AND ACTION PLANS ARISING FROM THE ETHICS SURVEY 2008**

**JOINT REPORT OF THE CORPORATE DIRECTOR: RESOURCES and THE MONITORING OFFICER**

**1. PURPOSE**

- 1.1 To present to the Standards Committee the results of the Ethics Survey undertaken in March 2008.
- 1.2 To agree the action plans for officers and members.

**2. RECOMMENDATIONS**

- 2.1 That members note the results of the survey outlined in the report and appendices.
- 2.2 Agree the officer action plan outlined in Appendix A; and
- 2.3 Agree the member action plan outlined in Appendix B.

**3. SUMMARY**

- 3.1 The Council has a Code of Good Governance and high standards of conduct and behaviour are integral to it. The Council's high standards of ethics and conduct are underlined by the Member and Officer Codes of Conduct. However, the Council cannot be complacent and it is important to continually identify any areas where development and improvement can be made.
- 3.2 The Ethics, Standards and Conduct Survey was completed in March 2008 in order to achieve this. The original timetable for the survey was September 2007 but as many new members had joined the Council in May 2007 it was delayed to provide more meaningful results. The results from the survey were available in May 2008 and would have been reported earlier but have been delayed due to the CPA, JAR and Use of Resources review.
- 3.3 The survey was based on an Audit Commission/IDEA questionnaire which was updated to reflect Telford & Wrekin terminology and practice. KPMG in their feedback on the Use of Resources 2006/07 recommended that the survey should be undertaken. They will be provided with the results and action plan following agreement by Directors as part of the Use of Resources 2007/08.

**4. PREVIOUS MINUTES**

- 4.1 None

**5. INFORMATION**

- 5.1 The Audit Commission/IDEA survey was updated to reflect T&W terminology and circulated electronically to 52 members and 143 officers (Directors, Heads of Service and

Business Managers) in March 2008. Hard copy surveys were provided to a handful of members. 33 were completed by members (63% response) and 100 by officers (70% response). This level of response provides us with sound data on which to take action.

5.2 The survey asked members and officers specific questions and then some generic questions. There was also some free format questions for additional comments. Information was also collected on how long officers and members had been at the Council to see if there were any trends in responses.

5.3 Specific questions were asked of officers and members about:

- a) Codes of conduct
- b) Understanding of the appropriate codes of conduct
- c) Standards and Audit Committee (see 5.4 below)
- d) Speak Up (whistle blowing policy)
- e) Training
- f) Conflicts of interest

The same questions were asked in these areas:

- g) Leadership
- h) Communications
- i) Relationships
- j) Accountability
- k) Management of Standards
- l) Team working and co-operation
- m) Partnership working

5.4 The questionnaire asked about the Standards and Audit Committee because that was the committee at that time which was responsible for standards within the Council. Now that the committees have been separated any actions for the committee will mean the Standards Committee as standards, ethics and conduct are key parts of their terms of reference. However, there maybe some actions for the Audit Committee due to their governance role and to raise awareness of their activities following the separation.

5.5 The results are very positive for both officers and members and they confirm the high understanding of standards, ethics and conduct within the Council. Overall the member results were slightly more positive than the officer results. There were no trends in answers arising from how long an officer or member had been with the Council.

## **5.6 OFFICER ANALYSIS**

5.6.1 Appendix C shows a summary of the results for officers. As the appendix shows the results show a good understanding and appreciation of the high standards of ethics and behaviour required by the Council and the public. The areas where officers were less sure were around the political arena with many officers not knowing about the Member Code of Conduct (from a member and officer perspective), how members worked together and whether the Monitoring Officer could effectively undertake his role. Over 44% did not know whether the whistle blowing (Speak Up) policy is used appropriately or without fear of reprisal. Although officers were aware of the Standards and Audit Committee they were unsure of its operation and effectiveness. Over 34% indicated that they had not received Human Rights training.

## 5.7 MEMBER ANALYSIS

5.7.1 Appendix D shows a summary of the results for members. As the appendix shows the results show a good understanding and appreciation of the high standards of ethics and behaviour required by the Council and the public. The areas where members were less sure were around conflicts of interest, training on Freedom of Information and Data Protection, whether the Standards and Audit Committee is working effectively and making a positive difference. Over one fifth did not know if there is a whistle blowing (Speak Up) policy and similar percentage whether it is used appropriately or without fear of reprisal.

## 6. OTHER CONSIDERATIONS

AREA	COMMENTS
Equal Opportunities	The survey was circulated as appropriate to meet the equality requirements of those completing it. It also asked questions about understanding of equalities legislation.
Environmental Impact	None
Legal Implications	The functions of the Standards Committee and the terms of the members' Code of Conduct are set out in legislation and also addressed in guidance from the Standards Board for England. All elected members should be familiar with both their obligations under the Code of Conduct and the role of the Standards Committee. The results and actions arising from the survey will help to ensure that members and officers of the Council continue to understand the legal requirements of administering the ethical framework.
Links with Corporate Priorities	Acting on the survey results helps the Council to achieve Priority 7: An Efficient, Effective and Customer-Focused Council that delivers Value-For-Money for the Community. The action plan contributes to good governance and the Council's desire to ensure sound conduct and ethical behaviour by all.
Financial Implications	There are no financial implications arising from this report. The implementation of the actions within the action plans will be met from within existing budgets.
Opportunities and Risks	The opportunities and risks from the survey results have been identified and are being managed appropriately.
Ward Implications	District wide implications.

## 7. BACKGROUND PAPERS

Ethics, Standards and Conduct Survey Results May 2008

**Report prepared by Jenny Marriott – Audit & Risk Manager Tel: 01952 383101.**

## APPENDIX A

### Ethics Survey Action Plan for Officers

No.	Action	Responsible	By when
1.	Political Awareness Master Class to raise officer awareness of member's roles and responsibilities, how they operate and the requirements of the member Code of Conduct.	Head of HR	31/12/08
2.	Update on a) the role of the Council's statutory officers including the Monitoring Officer. b) the Code of Conduct for members	Monitoring Officer	31/03/09
3.	Raise awareness and communication of what the Standards Committee business is, how the public can access this information and decisions made following appropriate meetings.	Monitoring Officer	On-going after meetings
4.	Raise awareness and communication of what the Audit Committee business is, how the public can access this information and decisions made following appropriate meetings.	Audit & Risk Manager	On-going after meetings
5.	The Annual Update report to the Audit Committee will include information on that the Speak Up policy is used appropriately and without fear of reprisal. Provide a briefing in the bulletin for officers following the meeting ( 27/01/09)	Audit & Risk Manager	22/02/09
6.	Consider refresher training in Human Rights or briefing through the bulletin or breakfast interactive.	Head of Legal Services	25/02/09
7.	When issuing the annual reminder to staff about the Gifts & Hospitality requirements include that when making entries in the book that they should inform their manager and that Internal Audit regularly review the registers.	Audit & Risk Manager	30/11/08

## APPENDIX B

### Ethics Survey Action Plan for Members

No.	Action	Responsible	By when
1.	Code of Conduct training – to include reminders about registering interests and what should be declared. What members should do if they think a member has not met the requirements of the Members Code of Conduct.	Monitoring Officer (MO)	30/11/08
2.	Raise awareness and communication of what the Standards Committee business is and how the public can access the information and decisions made following appropriate meetings. Include in any member governance update training.	MO  Audit & Risk Manager	On-going after meetings
3.	Raise awareness and communication of what the Audit Committee business is, plan of business, how the public can access the information and decisions made following appropriate meetings. Include in any member governance update training.	Audit & Risk Manager	Seminar 06/10/08 On-going after meetings
4.	Governance update training to include reminder information on the Speak Up policy and circulate annual report following presentation to Audit Committee in January 2009.	Audit & Risk Manager	06/10/09  Annual report by 31/01/09
5.	Member awareness sessions for Freedom of Information and Data Protection are planned to be completed early 2009.	Member Services & Information Governance	31/03/09
6.	Consider refresher training for members in Human Rights and Equalities legislation.	Member Services and MO	25/02/09
7.	In governance update training and when issuing the annual reminder to members about the Gifts & Hospitality requirements include that Internal Audit regularly review the registers.	Audit & Risk Manager	30/11/08

		Officer
		Total %
To the best of your knowledge, has the Council...		
A code of conduct for Members?	Yes	98.0
	No	
	Don't know	2.0
A code of conduct for Officers	Yes	98.0
	No	
	Don't know	2.0

		%
Do you understand your obligations under the officer Code of Conduct		
Do you understand your obligations under the officer Code of Conduct	Yes	94.0
	No	2.0
	Don't know	4.0

		%
Thinking about the Code of Conduct, how clear or unclear are you about...		
Reporting a potential breach of the Officers code of conduct	Very/Fairly Clear	93.0
	Fairly/very unclear	7.0
The guidelines provided to officers regarding their own conduct?	Very/fairly Clear	98.0
	Fairly/very unclear	2.0
Your responsibilities regarding your standards, behaviour and conduct as an officer?	Very/fairly Clear	98.0
	Fairly/very unclear	2.0

		Officer - years
		Total %
How strongly do you agree or disagree with each of the following statements?		
Members are required to acknowledge to the Monitoring Officer that they understand their obligations	Strongly/tend to Agree	82.0
	Strongly/tend to Disagree	0.0
	Don't know	18.0
Telford & Wrekin's approach to promoting high standards of conduct is encouraging appropriate behaviour across the Council	Strongly/tend to Agree	92.0
	Strongly/tend to Disagree	2.0
	Don't know	6.0
Telford & Wrekin's approach to promoting high standards of conduct is helping to build the public's confidence in local democracy	Strongly/tend to Agree	82.0
	Strongly/tend to Disagree	9.0
	Don't know	9.0

		%
If you become aware of any conduct by a Member which you reasonably believe involves a failure to comply with the Council's Member Code of Conduct, what action as an individual <u>must</u> you take?		
Inform the Monitoring Officer	Yes	91.0
	No	
	Don't know	9.0

Make a written allegation to the Standards Board	Yes		8.0
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Speak to the Member	No	61.0
	Don't know	31.0
	Yes	7.0
	No	74.0
DO nothing	Don't know	19.0
	Yes	1.0
	No	96.0
	Don't know	3.0

To the best of your knowledge, does the Council have a standards & Audit Committee		Officer - years
		Total %
To the best of your knowledge, does the Council have a standards & Audit Committee	Yes	96.0
	No	
	Don't know	4.0

To the best of your knowledge, does the Council have a standards & Audit Committee		%
I understand the role of the Standards & Audit Committee	Strongly/tend to Agree	77.0
	Strongly/tend to Disagree	11.0
	Don't know	12.0
I believe the standards & audit committee operates effectively	Strongly/tend to Agree	70.0
	Strongly/tend to Disagree	1.0
	Don't know	29.0
The standards & audit committee is making a positive difference to the standards & audit attitudes in the Council	Strongly/tend to Agree	66.0
	Strongly/tend to Disagree	
	Don't know	34.0
The standards & audit committee has a forward plan to guide its work	Strongly/tend to Agree	68.0
	Strongly/tend to Disagree	
	Don't know	32.0
The work of the standards and audit committee adds value to the Council	Strongly/tend to Agree	73.0
	Strongly/tend to Disagree	
	Don't know	27.0

To the best of your knowledge, does Telford & Wrekin Council have a confidential reporting (Whistle blowing) policy?		%
To the best of your knowledge, does Telford & Wrekin Council have a confidential reporting (Whistle blowing) policy?	Yes	100.0
	No	
	Don't know	

How clear or unclear is the Council's confidential reporting policy?		%
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How clear or unclear is the Council's confidential reporting policy?	Very/fairly clear Fairly unclear	94.0 4.0
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Don't know	2.0
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For each of the following statements about the Council's confidential reporting policy, please tick the box that most closely reflects your view		%
The Council's confidential reporting (whistle blowing) policy is used appropriately	Always/Usually	47.0
	Sometimes	4.0
	Rarely/never	49.0
	Don't know	4.0
The Council's confidential reporting (whistle blowing) policy is used without fear of reprisal	Always/usually	52.0
	Sometimes	3.0
	Rarely	1.0
	Don't know	44.0

Human Rights, Freedom of Information, Data Protection, Equalities Legislation		%
In your view, has the Council begun to integrate the requirements of this legislation into other schemes, policies and procedures?	Yes	82.0
	No	1.0
	Don't know	17.0

To what extent do you agree or disagree with this statement?		%
Appropriate training is given to Members on issues of conduct.	Strongly/tend to agree	65.0
	Strongly/tend to disagree	35.0
	Don't know	0.0

Have you been provided with training, advice or a briefing/information on the following legislation?		%
The Human Rights Act 1998	Yes	60.0
	No	34.0
	Don't know	6.0
Freedom of Information Act 2001	Yes	93.0
	No	5.0
	Don't know	2.0
Data Protection Act 1998	Yes	84.0
	No	13.0
	Don't know	3.0
Race Relations (Amendment) Act 2000	Yes	91.0
	No	8.0
	Don't know	1.0
Sex Discrimination Act 1975	Yes	81.0
	No	15.0
	Don't know	4.0
Disability Discrimination Act 2005	Yes	96.0
	No	4.0
	Don't know	0.0

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How clear or unclear are you about...		%
What a conflict of interest is	Very/fairly Clear	99.0

Fairly/very unclear	1.0
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To what extent do you agree or disagree with the following statements about the Council's approach to managing conflicts of interest?		%
Officers are required to record any relevant interests in a register of interest	Strongly/tend to agree	98.0
	Strongly/tend to disagree	
	Don't know	2.0
Officers are regularly reminded of the need to record such interests	Strongly/tend to agree	88.0
	Strongly/tend to disagree	11.0
	Don't know	1.0
Officers are regularly reminded of the need to record any hospitality or gifts	Strongly/tend to agree	95.0
	Strongly/tend to disagree	5.0
	Don't know	
The hospitality or gifts register is reviewed regularly by Internal Audit and Member Services	Strongly/tend to agree	72.0
	Strongly/tend to disagree	
	Don't know	28.0

		Officers
<b>Overall Members...</b>		%
Are a focus for positive change	Always/usually	72.0
	Sometimes	19.0
	Rarely/never	2.0
	Don't know	7.0
Do not interfere in operational issues	Always/usually	57.0
	Sometimes	31.0
	Rarely/never	7.0
	Don't know	5.0
Listen to the advice of officers	Always/usually	76.0
	Sometimes	17.0
	Rarely	2.0
	Don't know	5.0
Do not involve officers inappropriately in party political issues	Always/usually	66.0
	Sometimes	12.0
	Rarely/never	11.0
	Don't know	11.0
Show respect to officers	Always/usually	90.0
	Sometimes	3.0
	Rarely	
	Don't know	7.0
Show respect to other members	Always/usually	67.0
	Sometimes	10.0
	Rarely/never	
	Don't know	23.0
Show respect to people who use Council services	Always/usually	82.0
	Sometimes	2.0
	Rarely/never	

	Don't know	16.0
Treat fairly all officers and do not discriminate unlawfully	Always/usually	77.0

Treat fairly all other Members and do not discriminate unlawfully	Sometimes	3.0
	Rarely/never	1.0
	Don't know	19.0
	Always/usually	65.0
	Sometimes	4.0
Perform their duties with honesty, integrity, impartiality and objectivity	Rarely/never	
	Don't know	31.0
	Always/usually	74.0
	Sometimes	8.0
	Rarely/never	
Use public funds and Council property and facilities responsibly	Don't know	18.0
	Always/usually	80.0
	Sometimes	2.0
	Rarely/never	
	Don't know	18.0

Over all senior officers...		%
Show respect to Members	Always/usually	98.0
	Sometimes	
	Rarely/never	
	Don't know	2.0
Treat fairly all users of Council services and do not discriminate unlawfully	Always/usually	95.0
	Sometimes	
	Rarely/never	
	Don't know	3.0
Treat fairly all members and do not discriminate unlawfully	Always/usually	95.0
	Sometimes	
	Rarely/never	
	Don't know	5.0

Do you consider that...		%
The leader of the Council is a positive role model in terms of standards, conduct and behaviour	Always/usually	87.0
	Sometimes	1.0
	Rarely/never	
	Don't know	12.0
The leader of the Council is proactive in promoting the importance of the standards and ethical agenda	Always/usually	70.0
	Sometimes	5.0
	Rarely/never	
	Don't know	25.0
The Chief Executive is proactive in promoting the importance of the standards and ethical agenda	Always/usually	96.0
	Sometimes	2.0
	Rarely/never	
	Don't know	2.0
The Chief Executive is proactive in promoting the importance of the standards and ethical agenda	Always/usually	89.0
	Sometimes	3.0
	Rarely/never	
	Don't know	8.0
Appropriate responsibilities are delegated to lead Members and officers	Always/usually	84.0
	Sometimes	3.0
	Rarely/never	
	Don't know	13.0
The Councils Monitoring officer is able to carry out his/her role appropriately	Always/usually	61.0
	Sometimes	

	Rarely/never	39.0
	Don't know	

The Council seeks to meet the needs of its diverse communities	Always/usually	95.0
	Sometimes	5.0
	Rarely/never	
	Don't know	
The Council ensures that officers come from diverse backgrounds	Always/usually	67.0
	Sometimes	26.0
	Rarely	
	Never	
The Council ensures that staff are appropriately skilled to meet the needs of its diverse communities	Always/usually	77.0
	Sometimes	21.0
	Rarely	
	Never	
The Council ensures that staff are appropriately skilled to meet the needs of its diverse communities	Don't know	7.0
	Always/usually	77.0
	Sometimes	21.0
	Rarely	
The Council ensures that staff are appropriately skilled to meet the needs of its diverse communities	Never	
	Don't know	2.0
	Always/usually	75.0
	Sometimes	5.0
The Council learns from other Councils to ensure that its standards and ethical arrangements are appropriate	Rarely/never	
	Don't know	20.0
	Always/usually	75.0
	Sometimes	5.0

How well do you feel the importance of high standards and ethics is communicated to...		%
Members	Very/quite well	73.0
	Not very/at all well	2.0
	Don't know	25.0
Officers	Very/quite well	91.0
	Not very/at all well	7.0
	Don't know	2.0
Local communities	Very/quite well	58.0
	Not very/at all well	23.0
	Don't know	19.0

Thinking about communication between and by Members and officers please tick the box that most reflects your view.		Officer - years Total %
Communication between Members is open	Always/usually	61.0
	Sometimes	5.0
	Rarely/never	
	Don't know	34.0
Communication between Members is constructive	Always/usually	60.0
	Sometimes	9.0
	Rarely/never	
	Don't know	31.0
Communication between Members and officers is open	Always/usually	83.0
	Sometimes	7.0
	Rarely/never	
	Don't know	10.0
Communication between Members and officers is constructive	Always/usually	85.0
	Sometimes	5.0
	Rarely/never	1.0
	Don't know	9.0

How strongly do you agree or disagree with the following statements?	%

The public can easily access the Members code of conduct	Strongly/tend to agree	59.0
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The public can easily access the register of Members interests	Strongly/tend to disagree	10.0
	Don't know	31.0
	Strongly/tend to agree	47.0
	Strongly/tend to disagree	11.0
The public can easily access documents relating to the standards & audit committee	Don't know	42.0
	Strongly/tend to agree	66.0
	Strongly/tend to disagree	7.0
	Don't know	27.0

		Officer - years
		Total %
<b>Relationships</b>		
Appropriate confidences are kept by Members	Always/usually	59.0
	Sometimes	8.0
	Rarely/never	
	Don't know	33.0
Appropriate confidences are kept by senior officer	Always/usually	83.0
	Sometimes	1.0
	Rarely/never	
	Don't know	16.0
Members trust each other	Always/usually	45.0
	Sometimes	15.0
	Rarely/never	1.0
	Don't know	39.0
Members and officers trust each other	Always/usually	79.0
	Sometimes	9.0
	Rarely/never	1.0
	Don't know	11.0
Members carry out their roles without fear of being bullied or harassed	Always/usually	57.0
	Sometimes	1.0
	Rarely/never	
	Don't know	42.0
Officers carry out their roles without fear of being bullied or harassed	Always/usually	81.0
	Sometimes	11.0
	Rarely/never	
	Don't know	8.0

<b>Accountability</b>		%
Decision making by Members is transparent, objective and follows agreed procedures	Always/usually	83.0
	Sometimes	3.0
	Rarely/never	1.0
	Don't know	13.0
Members are accountable for their decisions and actions	Always/usually	89.0
	Sometimes	3.0
	Rarely/never	
	Don't know	8.0
The public has easy access to information on who has taken particular decisions	Always/usually	68.0
	Sometimes	9.0
	Rarely/never	1.0
	Don't know	22.0



How strongly do you agree or disagree with the following statements about the management of standards within the Council?		%
There is a culture in the Council which allows Members to challenge decisions without fear of reprisal	Strongly/tend to agree	83.0
	Strongly/tend to disagree	1.0
	Don't know	16.0
There is a culture in the Council which allows officers to challenge Members decisions without fear of reprisal	Strongly/tend to agree	78.0
	Strongly/tend to disagree	11.0
	Don't know	11.0
There is a culture in the Council which allows partners to challenge decisions without fear of reprisal	Strongly/tend to agree	74.0
	Strongly/tend to disagree	1.0
	Don't know	25.0
The Council's complaints system is clear and accessible	Strongly/tend to agree	88.0
	Strongly/tend to disagree	7.0
	Don't know	5.0

Overall Members		%
Take complaints from the public seriously	Always/usually	92.0
	Sometimes	1.0
	Rarely/never	
	Don't know	7.0
Respond positively to constructive external criticism about the Council	Always/usually	84.0
	Sometimes	5.0
	Rarely/never	
	Don't know	11.0
Use referrals to the standards board for England appropriately	Always/usually	36.0
	Sometimes	5.0
	Rarely/never	
	Don't know	59.0
Use referrals to the standards board for England without fear of reprisal	Always/usually	39.0
	Sometimes	2.0
	Rarely/never	
	Don't know	59.0

Overall senior officers		%
Use referrals to the standards board for England appropriately	Always/usually	42.0
	Sometimes	1.0
	Rarely/never	1.0
	Don't know	56.0
Use referrals to the standards board for England without fear of reprisal	Always/usually	41.0
	Sometimes	
	Rarely/never	1.0
	Don't know	58.0

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Team working and co-operation		%
Members work well together to achieve the Council's common goals	Always/usually	82.0
	Sometimes	10.0
	Rarely/never	
	Don't know	8.0
Members and senior officers work well together to achieve the Council's common goals	Always/usually	92.0
	Sometimes	4.0
	Rarely/never	
	Don't know	4.0

		Officer - years
		Total %
<b>Partnership working</b>		
The Council works well with voluntary and community groups to achieve the area's common goals	Always/usually	79.0
	Sometimes	13.0
	Rarely/never	1.0
	Don't know	7.0
The Council works well with statutory partners to achieve the area's common goals	Always/usually	94.0
	Sometimes	3.0
	Rarely/never	
	Don't know	3.0
The Council has positive working relationships with these partners and the wider community	Always/usually	93.0
	Sometimes	3.0
	Rarely/never	
	Don't know	4.0
Do you use the Council's partnership protocol in any partnership that you are dealing with	Always/usually	64.0
	Sometimes	9.0
	Rarely/never	8.0
	Don't know	19.0





























To the best of your knowledge has the Council adopted...		%
A code of conduct for Members?	Yes	100.0
	No	
	Don't know	
A code of conduct for Officers	Yes	60.6
	No	9.1
	Don't know	30.3
Have you agreed to abide by the Members' Code of Conduct?		%
Yes		100.0
No		
Don't know		
How clear or unclear are you about the following aspects of complying with the Code of Conduct?		%
Reporting a potential breach of the Members' code of conduct	Very/Fairly Clear	100.0
	Fairly/Very unclear	
The guidelines provided to Members regarding their own conduct?	Very/Fairly Clear	100.0
	Fairly/Very unclear	
Your responsibilities regarding your standards, behaviour and conduct as a Member?	Very/Fairly Clear	100.0
	Fairly/Very unclear	
How strongly do you agree or disagree with each of the following statements about the Member Code of Conduct?		%
Members are required to acknowledge to the Monitoring Officer that they understand their obligations	Strongly/Tend to agree	93.9
	Tend to disagree	
	Disagree strongly	6.1
	Don't know	
Telford & Wrekin's approach to promoting high standards of conduct is encouraging appropriate behaviour across the Council	Strongly/Tend to agree	81.8
	Tend to/strongly disagree	15.2
	Don't know	3.0
Telford & Wrekin's approach to promoting high standards of conduct is helping to build the public's confidence in local democracy	Strongly/Tend to agree	75.7
	Tend to/strongly disagree	18.2
	Don't know	6.1
If you become aware of any conduct by a Member which you reasonably believe involves a failure to comply with the Council's Member Code of Conduct, what action as an individual <u>must</u> you take?		%
Inform the Monitoring Officer	Yes	90.9
	No	3.0
	Don't know	6.1
Make a written allegation to the Standards Board for England	Yes	36.4
	No	39.4
	Don't know	24.2
Speak to the Member	Yes	30.3
	No	63.6
	Don't know	6.1
DO nothing	Yes	6.1
	No	93.9
	Don't know	
Prior to this survey, were you aware that there is a Standards & Audit Committee in the Council?		%
Yes		100.0
No		
Don't know		
How strongly do you agree or disagree with each of the following statements about the Standards & Audit Committee?		%
I understand the role of the Standards & Audit Committee	Strongly/Tend to agree	90.9

	Tend to/strongly disagree	9.1
	Don't know	
I believe the standards & audit committee operates effectively	Strongly/Tend to agree	81.8
	Tend to/strongly disagree	15.2
	Don't know	3.0
The standards & audit committee is making a positive difference to the standards & audit attitudes in the Council	Agree strongly	75.8
	Tend to/strongly disagree	15.1
	Don't know	9.1
The standards & audit committee has a forward plan to guide its work	Strongly/Tend to agree	63.7
	Tend to/strongly disagree	6.0
	Don't know	30.3
The work of the standards and audit committee adds value to the Council	Strongly/Tend to agree	81.8
	Tend to/strongly disagree	15.1
	Don't know	3.0
To the best of your knowledge, does Telford & Wrekin Council have a confidential reporting (Whistle blowing) policy?		%
Yes		75.8
No		3.0
Don't know		21.2
How clear or unclear is the Council's confidential reporting policy?		%
Very/fairly clear		88.0
Fairly/Very unclear		8.0
Don't know		4.0
For each of the following statements about the Council's confidential reporting policy, please select which box most closely reflects your view.		%
The Council's confidential reporting (whistle blowing) policy is used appropriately	Always/usually	68.0
	Sometimes	8.0
	Rarely	
	Never	4.0
	Don't know	20.0
The Council's confidential reporting (whistle blowing) policy is used without fear of reprisal	Always/usually	56.0
	Sometimes	8.0
	Rarely	
	Never	8.0
	Don't know	28.0
Human Rights, Freedom of information, Data Protection, Equalities Legislation		%
In your view, has the Council begun to integrate the requirements of this legislation into other schemes, policies and procedures?	Yes	78.8
	Don't know	21.2
Training		%
Appropriate training is given to Members on issues of conduct.	Strongly/tend to agree	97.0
	Disagree strongly	3.0
	Don't know	
Have you been provided with training, advice or a briefing/information on...		%
The Human Rights Act 1998	Yes	69.7
	No	18.2
	Don't know	12.1
Freedom of Information Act 2001	Yes	81.8
	No	15.2
	Don't know	3.0
Data Protection Act 1998	Yes	78.8

	No	18.2
	Don't know	3.0
Race Relations (Amendment) Act 2000	Yes	69.7
	No	21.2
	Don't know	9.1
Sex Discrimination Act 1975	Yes	69.7
	No	21.2
	Don't know	9.1
Disability Discrimination Act 2005	Yes	69.7
	No	21.2
	Don't know	9.1
How clear or unclear are you about...		%
What a conflict of interest is	Very/fairly Clear	97.0
	Very unclear	3.0
The differences between a personal and prejudicial interest	Very/fairly Clear	94.0
	Fairly unclear	3.0
	Very unclear	3.0
If you are appointed to represent the Council on an external body whose internal rules conflict with the Council's code, which prevails		%
If you are appointed to represent the Council on an external body whose internal rules conflict with the Council's code, which prevails	The Council's Code	75.8
	The other organisation's code	15.2
	Neither organisations	
	Don't know / not sure	9.0
To what extent do you agree or disagree with the following statements about the Council's approach to managing conflicts of interest?		%
Members are required to record any relevant interests in a register of interest	Strongly/Tend to agree	96.9
	Disagree strongly	3.1
	Don't know	
Members are regularly reminded of the need to record such interests	Strongly/Tend to agree	97.0
	Disagree strongly	3.0
	Don't know	
Members are regularly reminded of the need to record any hospitality or gifts	Strongly/Tend to agree	97.0
	Disagree strongly	3.0
	Don't know	
The hospitality or gifts register is reviewed regularly by Internal Audit and Member Services	Strongly/Tend to agree	69.7
	Disagree strongly	6.1
	Don't know	24.2
Must you register an interest in the Members' Register if...		%
You have been appointed by the Council as a representative to another body	Yes	87.9
	No	9.1
	Don't know	3.0
You have been appointed as a manager to another organisation which provides a public service	Yes	81.8
	No	12.1
	Don't know	6.1
You are in a management position in a private company	Yes	84.8
	No	9.1
	Don't know	6.1
You are in a management position in a charity	Yes	84.8
	No	15.2
	Don't know	
You are a member of a trade union or professional association	Yes	84.8
	No	9.1
	Don't know	6.1
A person has made a payment to you in respect of your election or any other expenses incurred in carrying out your duties	Yes	87.9
	No	12.1
	Don't know	
You are a member of a church	Yes	39.4
	No	42.4
	Don't know	18.2

You are a member of a freemasons lodge which does not have charitable status	Yes	63.6
	No	15.2
	Don't know	21.2
You have an interest in a business or land in the Council's area which exceeds the nominal value of £25,000	Yes	97.0
	No	3.0
	Don't know	
You are a partner or paid director of a company which has entered into contracts for goods, services or works with the Council	Yes	87.9
	No	12.1
	Don't know	
You have a beneficial interest in land which is in the area of the Council	Yes	97.0
	No	3.0
	Don't know	
Whilst attending a meeting in an official capacity, if you have a prejudicial interest in a matter would you...		%
Withdraw from the room whenever it becomes apparent that the matter is being considered	Yes	97.0
	No	3.0
	Don't know	
Remain in the room but not seek to influence a decision	Yes	12.1
	No	87.9
	Don't know	
Do neither	Yes	3.0
	No	93.9
	Don't know	3.1
Overall Members...		%
Are a focus for positive change	Always/usually	78.8
	Sometimes	12.2
	Rarely	3.0
	Never	3.0
	Don't know	3.0
Do not interfere in operational issues	Always/usually	54.5
	Sometimes	24.3
	Rarely	15.2
	Never	3.0
	Don't know	3.0
Listen to the advice of officers	Always/usually	78.8
	Sometimes	15.2
	Rarely	
	Never	3.0
	Don't know	3.0
Do not involve officers inappropriately in party political issues	Always/usually	57.6
	Sometimes	
	Rarely	12.1
	Never	27.3
	Don't know	3.0
Show respect to officers	Always/usually	94.0
	Sometimes	
	Rarely	
	Never	3.0
	Don't know	3.0
Show respect to other members	Always/usually	90.9
	Sometimes	3.1
	Rarely	
	Never	3.0
	Don't know	3.0
Show respect to people who use Council services	Always/usually	93.9
	Sometimes	
	Rarely	
	Never	3.0
	Don't know	3.0
Treat fairly all officers and do not discriminate unlawfully	Always	90.9
	Sometimes	3.1
	Rarely	
	Never	3.0
	Don't know	3.0
Treat fairly all other Members and do not discriminate unlawfully	Always/usually	87.9
	Sometimes	3.1

	Rarely	3.0
	Never	3.0
	Don't know	3.0
Perform their duties with honesty, integrity, impartiality and objectivity	Always/usually	93.9
	Sometimes	3.1
	Rarely	
	Never	
	Don't know	3.0
Use public funds and Council property and facilities responsibly	Always	90.9
	Sometimes	3.1
	Rarely	
	Never	3.0
	Don't know	3.0
<b>Over all senior officers...</b>		<b>%</b>
Show respect to Members	Always/usually	80.9
	Sometimes	3.0
	Rarely	
	Never	6.1
	Don't know	
Treat fairly all users of Council services and do not discriminate unlawfully	Always/usually	90.9
	Sometimes	
	Rarely	
	Never	6.1
	Don't know	3.0
Treat fairly all members and do not discriminate unlawfully	Always/usually	90.9
	Sometimes	3.0
	Rarely	
	Never	6.1
	Don't know	
<b>Do you consider that...</b>		<b>%</b>
The leader of the Council is a positive role model in terms of standards, conduct and behaviour	Always/usually	90.9
	Sometimes	9.1
	Rarely	
	Never	
	Don't know	
The leader of the Council is proactive in promoting the importance of the standards and ethical agenda	Always/usually	84.9
	Sometimes	12.1
	Rarely	
	Never	
	Don't know	3.0
The Chief Executive is proactive in promoting the importance of the standards and ethical agenda	Always/usually	90.9
	Sometimes	3.0
	Rarely	
	Never	6.1
	Don't know	
Appropriate responsibilities are delegated to lead Members and officers	Always/usually	90.9
	Sometimes	3.0
	Rarely	
	Never	6.1
	Don't know	
The Councils Monitoring officer is able to carry out his/her role appropriately	Always/usually	84.8
	Sometimes	9.1
	Rarely	
	Never	6.1
	Don't know	
The Council seeks to meet the needs of its diverse communities	Always/usually	93.9
	Sometimes	3.1
	Rarely	
	Never	3.0
	Don't know	
The Council ensures that officers come from diverse backgrounds	Always/usually	75.8
	Sometimes	12.1
	Rarely	
	Never	3.0
	Don't know	9.1
The Council ensures that staff are appropriately skilled to meet the needs of	Always/usually	91.0

its diverse communities	Sometimes	
	Rarely	
	Never	3.0
	Don't know	6.0
The Council learns from other Councils to ensure that its standards and ethical arrangements are appropriate	Always/usually	84.9
	Sometimes	3.0
	Rarely	3.0
	Never	3.0
	Don't know	6.1
How well do you feel the importance of high standards and ethics is communicated to...		%
Members	Very/quite well	97.0
	Not very well	
	Not at all well	3.0
	Don't know	
Officers	Very/quite well	84.8
	Not very well	
	Not at all well	6.1
	Don't know	9.1
Local communities	Very/quite well	78.8
	Not very well	9.1
	Not at all well	9.1
	Don't know	3.0
Thinking about communication between and by Members and officers please tick the box that most reflects your view.		%
Communication between Members is open	Always/usually	72.7
	Sometimes	24.3
	Rarely	
	Never	3.0
	Don't know	
Communication between Members is constructive	Always/usually	69.7
	Sometimes	27.3
	Rarely	
	Never	3.0
	Don't know	
Communication between Members and officers is open	Always/usually	78.8
	Sometimes	15.2
	Rarely	3.0
	Never	3.0
	Don't know	
Communication between Members and officers is constructive	Always/usually	81.8
	Sometimes	12.1
	Rarely	3.0
	Never	3.0
	Don't know	
How strongly do you agree or disagree with the following statements?		%
The public can easily access the Members code of conduct	Strongly/tend to agree	81.8
	Tend to disagree	3.0
	Disagree strongly	6.1
	Don't know	9.1
The public can easily access the register of Members interests	Strongly/tend to agree	81.9
	Tend to disagree	3.0
	Disagree strongly	3.0
	Don't know	12.1
The public can easily access documents relating to the standards & audit committee	Strongly/tend to agree	78.8
	Tend to disagree	
	Disagree strongly	3.0
	Don't know	18.2
Relationships		%
Appropriate confidences are kept by Members	Always/usually	94.0
	Sometimes	
	Rarely	
	Never	3.0

Appropriate confidences are kept by senior officer	Don't know	3.0
	Always/usually	91.0
	Sometimes	3.0
	Rarely	3.0
	Never	3.0
Members trust each other	Don't know	
	Always/usually	54.6
	Sometimes	39.4
	Rarely	
	Never	6.0
Members and officers trust each other	Don't know	
	Always/usually	69.7
	Sometimes	24.2
	Rarely	
	Never	6.1
Members carry out their roles without fear of being bullied or harassed	Don't know	
	Always/usually	69.7
	Sometimes	21.2
	Rarely	
	Never	6.1
Officers carry out their roles without fear of being bullied or harassed	Don't know	3.0
	Always/usually	78.8
	Sometimes	6.1
	Rarely	3.0
	Never	3.0
	Don't know	9.1
<b>Accountability</b>		<b>%</b>
Decision making by Members is transparent, objective and follows agreed procedures	Always/usually	91.0
	Sometimes	6.0
	Rarely	
	Never	3.0
	Don't know	
Members are accountable for their decisions and actions	Always/usually	93.9
	Sometimes	3.1
	Rarely	
	Never	3.0
	Don't know	
The public has easy access to information on who has taken particular decisions	Always/usually	57.6
	Sometimes	15.1
	Rarely	6.1
	Never	3.0
	Don't know	18.2
<b>How strongly do you agree or disagree with the following statements about the management of standards within the Council?</b>		<b>%</b>
There is a culture in the Council which allows Members to challenge decisions without fear of reprisal	Strongly/tend to agree	90.9
	Tend to/strongly disagree	9.1
	Don't know	
There is a culture in the Council which allows officers to challenge Members decisions without fear of reprisal	Strongly/tend to agree	84.8
	Tend to/strongly disagree	6.1
	Don't know	9.1
There is a culture in the Council which allows partners to challenge decisions without fear of reprisal	Strongly/tend to agree	78.8
	Tend to/strongly disagree	3.0
	Don't know	18.2
The Council's complaints system is clear and accessible	Strongly/tend to agree	84.8
	Tend to/strongly disagree	12.2
	Don't know	3.0
<b>Overall Members</b>		<b>%</b>
Take complaints from the public seriously	Always/usually	93.9
	Sometimes	6.1
	Rarely	

	Never		
	Don't know		
Respond positively to constructive external criticism about the Council	Always/usually	97.0	
	Sometimes	3.0	
	Rarely		
	Never		
	Don't know		
Use referrals to the standards board for England appropriately	Always/usually	72.7	
	Sometimes	15.2	
	Rarely		
	Never	6.0	
	Don't know	6.1	
Use referrals to the standards board for England without fear of reprisal	Always/usually	78.8	
	Sometimes	6.1	
	Rarely		
	Never	6.0	
	Don't know	9.1	
<b>Overall senior officers</b>			
			%
Use referrals to the standards board for England appropriately	Always/usually	63.7	
	Sometimes	9.1	
	Rarely		
	Never	6.0	
	Don't know	21.2	
Use referrals to the standards board for England without fear of reprisal	Always/usually	66.6	
	Sometimes	3.1	
	Rarely		
	Never		
	Don't know	30.3	
<b>Team working and co-operation</b>			
			%
Members work well together to achieve the Council's common goals	Always/usually	78.8	
	Sometimes	18.2	
	Rarely		
	Never	3.0	
	Don't know		
Members and senior officers work well together to achieve the Council's common goals	Always/usually	93.9	
	Sometimes	3.1	
	Rarely		
	Never	3.0	
	Don't know		
<b>Partnership working</b>			
			%
The Council works well with voluntary and community groups to achieve the area's common goals	Always/usually	93.9	
	Sometimes	3.1	
	Rarely		
	Never	3.0	
	Don't know		
The Council works well with statutory partners to achieve the area's common goals	Always/usually	97.0	
	Sometimes		
	Rarely		
	Never	3.0	
	Don't know		
The Council has positive working relationships with these partners and the wider community	Always/usually	97.0	
	Sometimes		
	Rarely		
	Never	3.0	
	Don't know		
Do you use the Council's partnership protocol in any partnership that you are dealing with	Always/usually	69.7	
	Sometimes	3.0	
	Rarely	3.0	
	Never	6.1	
	Don't know	18.2	

**TELFORD & WREKIN COUNCIL**

**STANDARDS COMMITTEE – 9<sup>TH</sup> OCTOBER 2008**

**ASSESSMENTS AND REVIEW CRITERIA FOR INITIAL ASSESSMENT OF STANDARDS COMPLAINTS**

**REPORT OF INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

**1. PURPOSE**

- 1.1 To inform members about an assessment and review criteria for the initial assessment of member Code of Conduct complaints.

**2. RECOMMENDATIONS**

- 2.1 That the Committee approve the initial assessment of standards complaints criteria attached to this Report at Appendix 1.
- 2.2 That delegated authority be given to the Head of Legal Services and Monitoring Officer after consultation with the Chair and Vice Chair of the Standards Committee to amend the assessment and review criteria as appropriate in the event of new or updated relevant guidance issued by the Standards Board for England.

**3. SUMMARY**

- 3.1 The Standards Board for England recommends that standards committees develop criteria against which complaints alleging breaches of the members' Code of Conduct can be assessed. Officers are presenting a draft assessment and review criteria for consideration by this Committee.

**4. PREVIOUS MINUTES**

Standards and Audit Committee – 24 March 2005, 24 January 2006 (ST - 30), 30 October 2007 (ST – 33), 29 January 2008 (ST – 53).  
Standards Committee – 17 June 2008 (ST – 05).

**5. INFORMATION**

- 5.1.1 The Committee is aware that from 8 May 2008 the responsibility for initial assessment of complaints alleging a breach of the Members' Code of Conduct has been transferred to this Committee. In accordance with the provision of the Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008, the Committee have set up an Assessment Sub Committee and Review Sub

Committee to deal with the initial assessment and review of complaints. The Committee will also be aware that in undertaking these new responsibilities the Committee has to take account of guidance issued by the Standards Board for England.

5.1.2 The Standards Board Guidance entitled “Local Assessment of Complaints” states

“The standards committee or its assessment sub committee will need to develop criteria against which it assesses new complaints and decides what action, if any, to take. These criteria should reflect local circumstances and priorities and be simple, clear and open. They should ensure fairness for both the complainant and the subject member.

Assessing all new complaints by established criteria will also protect the committee members from accusation of bias. Assessment criteria can be reviewed and amended as necessary but this should not be done during consideration of a matter” (Page 11 of the guidance).

5.1.3 Attached to Appendix 1 is a draft initial assessment and review criteria for consideration by the Committee. To address the Standards Board reference to the criteria reflecting local circumstances and priorities, an example is contained at section 4(d) which addresses issues such as trivial, vexation, malicious and politically motivated complaints, which caused some debate amongst members of the Committee at the last meeting.

5.1.4 Adoption of the assessment and review criteria does not fetter the discretion of the Assessment or Review Sub Committee when they consider complaints. Each case must be considered on its own merit and reasonable and proportionate decisions made accordingly.

5.1.5 Any criteria adopted can be reviewed periodically by the Committee, but as previously mentioned, this should not be done during the consideration of a matter. It is suggested that the Monitoring Officer, after consultation with the Chair and Vice Chair of this Committee, has a delegated authority to make amendments to any assessments within the adopted criteria, in the event that the changes need to be made quickly to ensure compliance with any Standards Board guidance.

**5.2 Equality and Diversity**

No implications identified

**5.3 Environment Impact**

No implications

**5.4 Legal Comments**

The legal comment is contained within the main body of this report.

## **5.5 Links to Corporate Priorities**

Ensuring that the Standards Committee undertakes its functions in accordance with Standards Board guidance and following best practice helps to ensure that the Council achieves its priority of being an efficient, effective and customer focused Council.

## **5.6 Opportunities and Risks**

The Opportunities and Risks associated with the adoption of this criteria have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

## **5.7 Financial Implications**

The development of assessment criteria is part of the new local system for processing code of conduct complaints which came into place on the 8<sup>th</sup> May 2008. There will be additional costs associated with the new system, however it is very difficult to quantify the financial impact as this will depend on the number and types of complaints received. At the time of compiling this report, only one complaint had been dealt. An initial estimate is that around 30-40 days of officer time will be required to meet the requirements and legal services will aim to contain this within current staff budgets, although it should be noted that this may impact on their capacity to provide legal services. If an investigation is required there may be the need to appoint an independent investigator which will lead to additional costs that are not budgeted. These will be closely monitored during the year and any additional costs will be flagged up in financial monitoring reports.

## **6. Ward Implications**

District wide implications.

## **7. Background Papers**

Local Government and Public Involvement In Health Act 2007.  
The Standards Committee (England) Regulations 2008.  
Standard Boards Guidance – Local Assessment of Complaints.

Report prepared by Matthew Cumberbatch, Group Solicitor (Standards & Regulatory) Legal Services – Telephone Number 01952 383255

# **Appendix 1**

## **Initial Assessment of Standards Complaints**

### **Assessment and Review Criteria**

#### **1 Introduction**

This paper sets out the criteria which the Assessment Sub-Committee will apply in conducting the initial assessment of allegations of failure by members to observe the Code of Conduct.

The authority takes all allegations of member misconduct extremely seriously and seeks to secure the highest standards of conduct at all times. The initial assessment process determines whether the complaint appears to show that there has been a breach of the Code of Conduct, and then whether the complaint should be subject to a formal investigation (either by the Standards Board for England or locally under the direction of the authority's Monitoring Officer), whether the authority's Monitoring Officer should be directed to take other appropriate actions in respect of the complaint, or whether no action should be taken in respect of the complaint.

#### **2 Local resolution of complaints**

The Standards Committee is acutely aware that the formal investigation of complaints is costly and time consuming. Whilst formal investigation may be necessary in some cases, many complaints can often be dealt with more rapidly and effectively if an early, informal resolution of the matter can be achieved.

The Standards Committee has instructed the Monitoring Officer, where a complaint has been received, to explore the potential for local resolution to the satisfaction of the complainant, to avoid the need for a formal investigation. But any attempts at local resolution do not take away from the right of a complainant to have their complaint of member misconduct considered by the Sub-Committee.

#### **3 Which complaints can be considered?**

The Assessment Sub-Committee must consider every complaint that a member of the authority (or of any Parish or Town Council within its area) has failed to comply with the Code of Conduct which that authority has adopted. Accordingly, it has no jurisdiction in respect of any complaint which relates to:

- (a) persons who are not members of the authority (or a Parish or Town Council in its area)
- (b) conduct which occurred at a time when the person against whom the complaint was made was not a member of the authority (or of a Parish or Town Council in its area)
- (c) conduct which occurred before the relevant authority adopted a Code of Conduct. All local authorities were required to adopt a Code of Conduct in 2001. In practice, the Sub-Committee will expect complaints to be made promptly after the events to which they relate (see below)

- (d) conduct which occurred in the member's private life, as the Code of Conduct only applies to a member's conduct as a member of a local authority
- (e) conduct which occurred when the member was acting as member of another authority. Where a member is also a member of another authority (other than a Parish or Town Council within its area) which has its own Code of Conduct, then the complaint should be addressed directly to that authority.
- (f) complaints which do not relate to the apparent misconduct of a relevant member but are, for example, about the policies and priorities of the authority, or are a request for the provision of a service by the authority, or are a complaint about the conduct of an officer of the authority

Such complaints will not be referred to the Assessment Sub-Committee but will instead be dealt with by the Monitoring Officer who will advise the complainant as to the most appropriate avenue for proper consideration of their complaint or request.

#### **4 Does the complaint appear to show a breach of the Code of Conduct?**

The first assessment which will be undertaken by the Sub-Committee will be to determine whether the complaint appears to show that a breach of the Code of Conduct may have occurred.

For this purpose, the Sub-Committee will take into account the complaint letter and any other information which is readily available to them. Accordingly, it is the responsibility of a complainant to set out clearly –

- (a) who the complaint is against
- (b) what they understand that the relevant member did
- (c) why they consider that the member's conduct amounted to a breach of the Code of Conduct,

And to provide copies of any documents which they want the Sub-Committee to consider.

Following receipt of your complaint, the Monitoring Officer will collect any other information which is readily available and which may assist the Sub-Committee in its consideration of the complaint. This will not include conducting interviews with witnesses, but may include providing the Sub-Committee with copies of the agenda, reports and minutes of a meeting of the authority at which the alleged misconduct occurred, or providing copies of the member's entry in the register of members' interests.

The Sub-Committee will then consider whether, on the basis of the complaint and that additional information, there appears to have been a breach of the Code of Conduct.

If the Sub-Committee concludes that the evidence does not disclose an apparent breach of the Code of Conduct, it has no further jurisdiction in respect of the matter.

#### **5 Possible actions where an apparent breach of the Code of Conduct has occurred**

Where the Sub-Committee has concluded that there appears to have been a breach of the Code of Conduct, it has four options available to it. These are as follows:

(a) **direct the Monitoring Officer to secure that the complaint is investigated locally**

A local investigation will normally be appropriate where the alleged conduct is sufficiently serious to merit the imposition of a sanction against the member, but not so serious that it would merit a greater sanction than the authority's Standards Committee could impose following a formal hearing. In practice, this means that a local investigation would not be appropriate where the appropriate sanction is likely to be a suspension as a member of the relevant authority for a period of more than 6 months, or disqualification as a member of any local authority. See paragraph 5(b) below for more detailed grounds for referring a complaint to the Standards Board for England.

However, recognising that a formal investigation is an expensive and time-consuming process, and can only address the immediate subject matter of the complaint, the Sub-Committee can direct the Monitoring Officer to take other appropriate action short of a formal investigation – see paragraph 5(c) below.

In addition, particularly where the conduct complained of is not sufficiently serious to merit any action or occurred a considerable time ago, the Sub-Committee may determine that no action should be taken in respect of it. For more detail, see paragraph 5(d) below.

(b) **refer the matter to the Standards Board for England with a request that the Board undertakes a national investigation into the complaint;**

The following factors will be considered by the Sub-Committee to be factors which support referring the complaint to the Standards Board for England for a national investigation:

- (i) that the complaint is so serious that, if proven, the conduct complained of merits a sanction in excess of that which could be imposed by the Standards Committee. In practice this means that the appropriate sanction would be either a suspension from the relevant authority for a period of more than 6 months, or a disqualification from any local authority
- (ii) that the investigation required is so extensive that it would impose an unreasonable burden on the authority and/or that any hearing conducted on the basis of that investigation would be unreasonably complex for the Standards Committee
- (iii) that the status of the member against whom the complaint has been made or of the person by whom the complaint has been made is such that either the authority could not conduct a full and impartial investigation and hearing, or that there is likely to be a public perception that the authority could not conduct a full and impartial investigation and hearing

- (iv) that so many members of the Standards Committee have a conflict of interest in respect of the matter that the authority is going to be in difficulty in organising an impartial Hearings panel for the matter
- (v) that the complaint raises significant or unresolved legal issues where a national ruling would be helpful
- (vi) that the authority itself has an interest in the outcome of the investigation and/or hearing, for example where the report may lead to a judicial review of a decision of the authority
- (vii) that there are other exceptional circumstances which would prevent the authority from securing a timely, full and impartial investigation and/or hearing of the matter, or which are likely to give rise to the perception that the authority cannot secure a timely, full and impartial investigation and/or hearing of the matter.

(c) **direct the Monitoring Officer to take other appropriate action short of a formal investigation;**

The Assessment Sub-Committee cannot impose a sanction on the member against whom the complaint has been made without a formal investigation and hearing. But it can direct the Monitoring Officer to take a range of other actions, including providing training for members, securing conciliation or mediation between competing interests, or reviewing procedures to minimise conflict.

In some instances, the conduct complained of may be a symptom of wider conflicts within the authority. A formal investigation and hearing would only deal with the particular complaint and may not resolve such underlying conflicts.

Such alternative action is therefore most suitable where –

- (i) the conduct complained of is a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct
- (ii) the conduct complained of is apparently common to a number of members of that authority, demonstrating a lack of awareness or recognition of the particular provisions of the Code of Conduct
- (iii) the conduct complained of is not so serious that it requires a substantive formal sanction such as suspension or disqualification
- (iv) the complaint reveals a lack of guidance, protocols and procedures within the authority, for example on the use of resources or the process of decision-making

- (v) the member complained of and the person making the complaint are amenable to engaging in such alternative action, as there is no power to require them to participate.
- (d) **decide to take no action in respect of the complaint.**

The following factors are likely to lead the Sub-Committee to decide to take no action in respect of the matter:

- (i) the complaint appears to be trivial, vexatious, malicious, politically motivated or tit for tat.
- (ii) the complaint is anonymous. The Sub-Committee can protect the confidentiality of the identity of the complainant where that is justified by a real fear of intimidation or victimisation. However, where this is not an obvious risk, the fact that the complainant has not disclosed his/her identity can indicate that the complaint is less serious, is malicious or is politically motivated
- (iii) a significant period of time has elapsed since the events which are the subject of the complaint. This is both because, where a matter is serious, it would be reasonable to expect the complainant to make a complaint promptly, and because the passage of time may make it more difficult to obtain documentary evidence and reliable witness evidence
- (iv) the complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter. This could be where the matter is such that there is unlikely to be any firm evidence on the matter.

## **6 Confidentiality**

As a matter of fairness and natural justice, a member should usually be told who has complained about them and what the complaint is about. There may be occasions where the complainant requests that their identity is withheld. Such a request should only be granted in circumstances which the Assessment Sub-Committee consider to be exceptional, for example: -

- (a) the complainant has reasonable grounds for believing that he/she will be at risk of physical harm if his/her identity is disclosed
- (b) the complainant is an officer who works closely with the member and they have a reasonable fear of intimidation or victimisation if their identity is disclosed
- (c) the complainant suffers from a serious health condition which might be adversely affected if his/her identity is disclosed. The Assessment Sub-Committee may wish to request medical evidence.

## **7 Withdrawing complaints**

Where the complainant purports to withdraw the complaint before the Assessment Sub-Committee has had the opportunity to take a decision on it, the Sub-Committee will consider whether to accept such withdrawal.

- (a) Where the complainant submits further evidence demonstrating that the complaint was ill-founded, it may be appropriate for the Sub-Committee formally to resolve that the complaint as amended shows no evidence of a breach of the Code of Conduct, so that the matter is formally concluded.
- (b) Where the alleged misconduct is simply a matter of alleged failure on the part of the respondent to treat the complainant with respect, and raises no wider issues of public interest, the Sub-Committee will normally accept such withdrawal.
- (c) However, where the complaint raises issues of wider public interest, it may be appropriate for the Sub-Committee to ensure that such wider issues are formally investigated and resolved.

## **8 Review**

Where the Assessment Sub-Committee has resolved to take no action in respect of a matter (that is, not to refer the matter to the Standards Board for England for investigation, and not to refer the matter to the Monitoring Officer either for investigation or for other appropriate action), the complainant may request the Review Sub-Committee to review the decision of the Assessment Sub-Committee.

Such a review shall be conducted in two stages:

- (a) First, the Review Sub-Committee will determine whether the original decision of the Assessment Sub-Committee was unreasonable on the basis of the information available to the Assessment Sub-Committee at the time of its decision and in accordance with these approved criteria for assessment. This review shall be conducted on the basis of the original complaint, the Monitoring Officer's report to the Assessment Sub-Committee, the decision-notice of the Assessment Sub-Committee and any information contained within the complainant's request for a review. Note that this is a review of the initial decision, rather than a reconsideration of the matter *de novo*.
- (b) Second, the Review Sub-Committee shall consider whether there is any new evidence which demonstrates that the initial assessment decision is no longer the correct decision. This consideration shall take into account any new information provided by the complainant and/or the Monitoring Officer.

If the Review Sub-Committee determines that the initial decision was unreasonable, or that new information now available to the Sub-Committee demonstrates that the original decision is no longer the correct decision, it shall take a new decision in relation to the matter in accordance with these approved criteria.

**TELFORD & WREKIN COUNCIL**

**STANDARDS COMMITTEE 9<sup>th</sup> OCTOBER 2008**

**LEAFLETS TO PROMOTE THE COUNCIL'S LOCAL CODE OF CORPORATE GOVERNANCE**

**REPORT OF THE CORPORATE DIRECTOR RESOURCES**

**1 PURPOSE**

- 1.1 To present to Standards Committee leaflets for members and officers to promote the Council's Local Code of Good Governance.

**2 RECOMMENDATIONS**

- 2.1 That Standards Committee approves the leaflets attached at Appendix A to promote the local Code of Good Governance to be included in November payslips.

**3 SUMMARY & INFORMATION**

- 3.1 Good Governance is very important to all well run public bodies including local authorities. The Council's Local Code of Good Governance summarises the underlying culture of the Council and how it will deliver the appropriate quality services to the Community it serves.
- 3.2 The Code is delivered through Vision 2026, the Community Plan, the Constitution, local government legislation and the Council's codes, policies and procedures.
- 3.3 The updated Code of Good Governance was agreed by Cabinet on 12<sup>th</sup> May 2008 and Council on 26<sup>th</sup> June 2008. Promotion and awareness are important to ensure all members and employees are aware of its contents and the Council's expectations.
- 3.4 This leaflet is part of that promotion process. In addition there will be bulletin items and a slot at a managers briefing. It has already been incorporated into member training.
- 3.5 The leaflets have been reviewed by Group Leaders prior to presentation to this meeting.

**4 PREVIOUS MINUTES**

- 4.1 Cabinet 12<sup>th</sup> May 2008  
Council 26<sup>th</sup> June 2008

## 5 **OTHER CONSIDERATIONS**

<b>AREA</b>	<b>COMMENTS</b>
Equal Opportunities	Good Governance ensures equal opportunities for all within and outside the Council.
Environmental Impact	Good Governance will ensure that Council policies and procedures are being followed including those with any environmental implications.
Legal Implications	A Good Governance Guide for employees and elected members has the benefit of providing a reminder of obligations that the Council has to meet legal requirements, such as those set out in the Accounts and Audit Regulations 2003 (as amended). The Guide also acts as a reminder of obligations upon employees and elected members, such as the requirement for elected members to comply with the Members' Code of Conduct as set out in the Council's Constitution.
Links with Corporate Priorities	Good Governance will ensure that the Council delivers its services to meet its objectives providing leadership, accountability and high standards.
Risks and Opportunities	Good Governance encompasses risk management and making sure that the Council makes decisions with the full knowledge of the associated risks and opportunities. The risks of not reviewing and updating our governance arrangements have been addressed by this update.
Financial Implications	There are no financial implications for this report. The awareness and any promotional costs arising following adoption will be met from within the existing corporate governance budget.
Ward Implications	Governance affects all the Council's activities and will therefore affect all Council Wards.

## 6 **BACKGROUND PAPERS**

Local Code of Corporate Governance 2006  
The Good Governance Standard for Public Services  
CIPFA/SOLACE – Delivering Good Governance in Local Government – Framework and Guidance.

Report by Jenny Marriott, Audit and Risk Manager 383101

# Good Governance

## a guide for employees

### 3. High Ethical Standards for Members and employees. For example by

- promoting and practising high standards of conduct and behaviour;
- holding members and officers to account for their actions and behaviour;
- ensuring value, fairness and trust in service delivery across the Council and to the public.

### 4. Effective decision making. For example by

- rigorous and transparent processes;
- high quality evidence, advice and support that informs decision making and is related to community needs and aspirations;
- having effective risk management systems;
- using our legal powers to the full benefit of our citizens and communities.

### 5. Developing the capacity & capability of Members & employees. For example by

- making sure that members & employees have the right skills, knowledge, experience & resources to perform their roles effectively;
- regularly developing & evaluating the capability of those with power & influence;
- encouraging new talent to join the Council.

### 6. Engaging with local people & stakeholders to ensure accountability. For example by

- a meaningful scrutiny function which engages with local people, stakeholders and partners;
- taking an active & planned approach to dialogue with & accountability to the public to ensure effective service delivery;
- making best use of our work force & being proactive in meeting our responsibilities to them.

Good Governance  
a guide for  
employees



**Contacts: Human Resources** 83520/83510/83501/83511  
**Internal Audit** 83101/83102/83103

# Good Governance

## a guide for employees

### What does Governance mean for the Council?

**Governance** is about how the Council ensures that it is *doing the right things, in the right way, in a timely, inclusive, open, honest and accountable manner.*

It comprises the systems and processes, and cultures and values, by which the Council is directed and controlled and through which it accounts to, engages with and leads the community.

**Good governance** includes defining the acceptable and unacceptable ways of doing things - legislation, the Constitution, Council Policies and Procedures and the Community Plan. It also includes how the Council and those within it should conduct themselves - the Employee Code of Conduct.

### Why is Good Governance important to the Council and you as an employee?

It allows the council and you as an employee to demonstrate:

- Openness and inclusivity
- Integrity
- Accountability

in the way you fulfil your duties and responsibilities. This includes the proper use of public money, and reassurance to the community. Good governance helps ensure that the Council and you can respond to questions/challenges on process and procedure in an open and transparent way. ***If you think you, another employee or member has not followed Council procedures or acted in an inappropriate manner then you should raise the matter with your manager, Human Resources or Internal Audit.***

The Council has adopted the best practice local government **six principles of good governance.**

### 1. Focusing on the Council's purpose of making a positive difference for citizens & service users.

For example by

- having clear aims & objectives & communicating our intended outcomes for citizens & service users;
- providing high quality services;
- making best use of resources to deliver excellent value for money.

### 2. Effective working relationships between Members & employees.

- For example by
- having clearly defined roles and responsibilities;
  - showing mutual respect & behaving in a professional manner;
  - having a clear and accessible interface between the Council & the public so that each knows what to expect of the other.

# Good Governance

## a guide for members

### **3. High Ethical Standards for Members and employees.** For example by

- promoting and practising high standards of conduct and behaviour;
- holding members and officers to account for their actions and behaviour;
- ensuring value, fairness and trust in service delivery across the Council and to the public.

### **4. Effective decision making.** For example by

- rigorous and transparent processes;
- high quality evidence, advice and support that informs decision making and is related to community needs and aspirations;
- having effective risk management systems;
- using our legal powers to the full benefit of our citizens and communities.

### **5. Developing the capacity & capability of Members & employees.** For example by

- making sure that members & employees have the right skills, knowledge, experience & resources to perform their roles effectively;
- regularly developing & evaluating the capability of those with power & influence;
- encouraging new talent to join the Council.

### **6. Engaging with local people & stakeholders to ensure accountability.** For example by

- a meaningful scrutiny function which engages with local people, stakeholders and partners;
- taking an active & planned approach to dialogue with & accountability to the public to ensure effective service delivery;
- making best use of our work force & being proactive in meeting our responsibilities to them.

# Good Governance

## a guide for members



**Contacts:** Chief Executive 80102  
Monitoring Officer 83200

# Good Governance

## a guide for members

### What does Governance mean for the Council?

**Governance** is about how the Council ensures that it is *doing the right things, in the right way, in a timely, inclusive, open, honest and accountable manner.*

It comprises the systems and processes, and cultures and values, by which the Council is directed and controlled and through which it accounts to, engages with and leads the community.

**Good governance** includes defining the acceptable and unacceptable ways of doing things - legislation, the Constitution, Council Policies and Procedures and the Community Plan. It also includes how the Council and those within it should conduct themselves - the Member Code of Conduct.

### Why is Good Governance important to the Council and you as a member?

It allows the council and you as a member to demonstrate:

- Openness and inclusivity
- Integrity
- Accountability

in the way you fulfil your duties and responsibilities. As a member you are one of the key leaders of the Council and an elected representative of the community. It is important that you provide sound direction and guidance for the Council and conduct yourself to the highest standards. Good governance helps ensure that the Council and you can respond to questions/challenges on process and procedure in an open and transparent way.

***If you think you, another member or an officer has not followed Council procedures or acted in an inappropriate manner then you should raise the matter with the Chief Executive or the Monitoring Officer.***

The Council has adopted the best practice local government **six principles of good governance.**

#### **1. Focusing on the Council's purpose of making a positive difference for citizens & service users.**

For example by

- having clear aims & objectives & communicating our intended outcomes for citizens & service users;
- providing high quality services;
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#### **2. Effective working relationships between Members & employees.**

- For example by
- having clearly defined roles and responsibilities;
  - showing mutual respect & behaving in a professional manner;
  - having a clear and accessible interface between the Council & the public so that each knows what to expect of the other.

**TELFORD & WREKIN COUNCIL**

**STANDARDS COMMITTEE – 9<sup>th</sup> OCTOBER 2008**

**STANDARDS BOARD FOR ENGLAND ANNUAL REVIEW – 2007/08**

**REPORT OF INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

**1. PURPOSE**

- 1.1 To provide the Committee with a summary of the Standards Board for England annual review report for 2007/08.

**2. RECOMMENDATIONS**

- 2.1 That the contents of this report are noted.

**3. SUMMARY**

The Standards Board for England have released a report providing a review for their work for the period 2007/08. The review outlines the work of the Standards Board in moving to a strategic role in light of the introduction of local assessment of complaints. The report also provides statistical information with regard to the work undertaken by the Standards Board during the year.

**4. PREVIOUS MINUTES**

None

**5. INFORMATION**

- 5.1 The Standards Board for England have released a report setting out a review of their work during the period 2007/08. The report provides information with regard to changes in their role. The Standards Board has adopted strategic responsibilities as a result of the introduction of the local assessment of complaints under the provisions of the Local Government and Public Involvement in Health Act 2007. A brief summary of some of the points raised in the review are set out below as follows: -

- In terms of key indicators, BMG Research shows that overall satisfaction with Standards Board for England has increased from 29% in 2004 to 38% in 2007.

- Change that the Standards Board for England also relate to key personnel. The Standards Board has a new Chief Executive Glenys Stacey, who was previously the Chief Executive of Animal Health, Criminal Cases Review Commission and the Greater Manchester Magistrates Court Committee. In addition to a new Chief Executive, the Board has also appointed a new Chair, Doctor Robert Chilton, who is also a Non-Executive Director of the Waste Resources Action programme, a Board Member for the Office of the Information Commissioner, Chair of the major London housing association the East Thames Group, and Deputy Chair of ICSTIS (the premium phone rate regulator).
- In relation to complaints, from April 2007 to March 2008 the Standards Board received 3,547 allegations, 66% of allegations were from members of the public, 14% of all allegations received were referred for investigation and ten days were taken in each case to decide whether to refer a complaint for investigation. Attached at Appendix 1 is an extract from the review report outlining the outcomes for those matters referred for investigation and determination.

In terms of the year ahead the Standards Board states as follows: -

“The task now for the next twelve months is to ensure that standards committees and monitoring officers are confident in their roles and that the system is operated efficiently at the local level. We will provide guidance and information on the management of cases locally. We will offer a light touch when it comes to monitoring. And we will look to highlight good practice wherever we see it”.

## **5.2 Equality and Diversity**

No implications identified

## **5.3 Environment Impact**

No implications

## **5.4 Legal Comments**

The legal comment is contained within the main body of this report

## **5.5 Links to Corporate Priorities**

Ensuring that the Standards Committee is aware of current issues and developments in ethical standards matters helps to ensure the Council achieves its priority of being an efficient, effective and customer focused Council.

## **5.6 Opportunities and Risks**

The opportunities and risks associated with this decision have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

#### **5.7 Financial Implications**

There are no financial implications directly arising from this report.

#### **6. Ward Implications**

District wide implications.

#### **7. Background Papers**

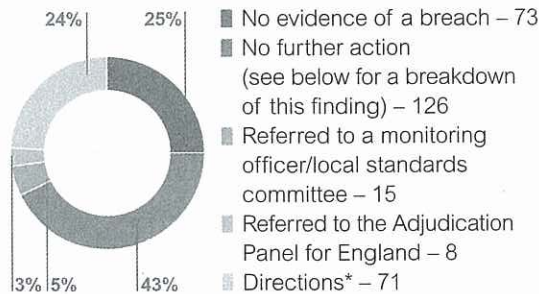
Standards Board for England Annual Review 2007-08.

Report prepared by Matthew Cumberbatch, Group Solicitor (Standards & Regulatory) Legal Services – Telephone Number 01952 383255

## Standards Board investigations 2007-08

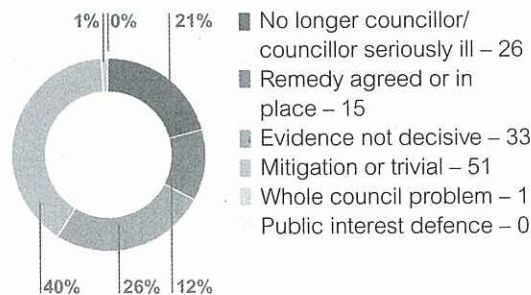
From April 2007-March 2008, the Standards Board referred 524 allegations for investigation. During the same period, 285 allegations that were referred for investigation were sent to monitoring officers for local investigation.

### The Standards Board's ethical standards officers made 293 final findings in investigations



\*In some cases, our ethical standards officers have the option of issuing monitoring officers with directions to take action to solve local problems – for example, training for the whole authority or guidance on proper procedures. The aim is to help the authority improve its own effectiveness and conduct, at a far lower cost in time and money than an investigation. Often we issue directions in situations where we believe a case has broad relevance for the overall governance of an authority.

### Breakdown of findings of 'no further action'



When we complete an investigation, we may decide to take no action in relation to the subject of the complaint. This is often because the appropriate action has already been taken. For example, apologies may have been made or a registration of interests completed. Sometimes, having examined all the evidence, it is insufficient to decide that there was a breach of the Code of Conduct. Changes to legislation mean that this is the last year when 'no further action' findings will cover such a range of different outcomes.

### Adjudication Panel for England determinations 2007-08

Of the 293 final findings, we sent eight cases to the Adjudication Panel in 2007-08, one of which is yet to be heard. The Adjudication Panel made ten determinations, as three cases were heard in 2007-08 but referred in 2006-07.

Of the ten determinations made by the Adjudication Panel in 2007-08:

- 0 no sanction
- 1 no breach
- 4 disqualified for 15 months to five years
- 2 suspended for up to a year
- 3 disqualified for up to a year

### Standards committee determinations

We sent 15 cases to standards committees in 2007-08 following investigations by Standards Board ethical standards officers.

Of these, three are still to be heard. Standards committees made 14 determinations, as two cases were heard in 2007-08 but referred in 2006-07.

- 10 suspension (including training and apology)
- 1 no breach
- 1 censure
- 1 training
- 0 partial suspension
- 1 censure and training
- 0 apology and training

**TELFORD & WREKIN COUNCIL**

**STANDARDS COMMITTEE – 9<sup>th</sup> OCTOBER 2008**

**CODE OF CONDUCT COMPLAINTS MADE TO THE STANDARDS  
COMMITTEE – QUARTERLY UPDATE 8<sup>th</sup> MAY – 30<sup>th</sup> JUNE 2008**

**REPORT OF THE INTERIM HEAD OF LEGAL SERVICES AND MONITORING  
OFFICER**

**1. PURPOSE**

- 1.1 To provide the Committee with details of the Code of Conduct complaints received by the Standards Committee during the period 8<sup>th</sup> May 2008 – 30<sup>th</sup> June 2008.

**2. RECOMMENDATIONS**

- 2.1 That the contents of this report are noted.

**3. SUMMARY**

From 8<sup>th</sup> May 2008 to 30<sup>th</sup> June 2008 the Standards Committee received no Code of Conduct complaints under the new system for local assessment. A quarterly return has been forwarded to the Standards Board for England.

**4. PREVIOUS MINUTES**

None

**5. INFORMATION**

- 5.1 The new system for the local assessment of complaints alleging breaches of the Members Code of Conduct came into effect on 8<sup>th</sup> May 2008. Under Section 186 of the Local Government and Public Involvement in Health Act 2007 (amending the Local Government Act 2000) there is a requirement that the Council provide regular returns to the Standards Board for England. The returns provide information about Code of Conduct complaints received by the Standards Committee and the outcome from each of the complaints which have been dealt with.

The first return covered the period 8<sup>th</sup> May 2008 to 30<sup>th</sup> June 2008. During that period the Standards Committee did not receive any Code of Conduct complaints. A return was sent electronically to the Standards Board for England confirming this information.

A press release was issued by the Standards Board for England on 31 July stating that a total of 360 complaints had been made to Standards Committees across England from the period 8<sup>th</sup> May to 30 June 2008. The 360 complaints were received by 164 English Local Authorities. A further 279 Authorities confirmed they had no cases to report in the first few weeks.

## **5.2 Equal Opportunities**

There are no issues to be addressed.

## **5.3 Environment Impact**

No implications

## **5.4 Legal Comments**

The legal comment is contained within the main body of this report

## **5.5 Links to Corporate Priorities**

Providing regular updates on the complaints made to the Standards Committee demonstrates compliance with the CPA requirement that “the Council has undertaken an assessment of standards of conduct, including how effectively members are complying with the code of conduct, the number and types of complaints received, and takes action as appropriate”.

## **5.6 Opportunities and Risks**

The opportunities and risks associated with this decision have been identified and assessed. Arrangements have been put in place to manage the risks and maximise the opportunities that have been identified.

## **5.7 Financial Implications**

There will be additional costs associated with new local system for processing members Code of Conduct complaints, however the cost will depend upon the nature of the complaint received and whether an independent investigator is required. No complaints in the first period is a positive start and monitoring will continue throughout the year. Any additional costs will be flagged up as appropriate in financial monitoring reports.

## **6. Ward Implications**

District wide implications.

## **7. Background Papers**

Press Release from the Standards Board for England dated 31 July 2008 entitled “Local Authorities Tackling Complaints About Members”.

Report prepared by Matthew Cumberbatch, Group Solicitor (Standards & Regulatory) Legal Services – Telephone Number 01952 383255