

Swindon Borough Council

Standards Committee

Monday, 25 January 2016

Committee Room 6, Civic Offices

At 5.00 p.m.

Councillors

Michael Bray
Richard Hurley
Maureen Penny
Eric Shaw
Vera Tomlinson
Mark Edwards (Deputy)
Kevin Parry (Deputy)
(Conservative)

Fay Howard
Teresa Page
Carol Shelley
(Labour)

Dave Wood
(Liberal Democrat)

Independent Persons for Information:

Paul Morris
Keith Strickland

Committee Officer: Steve Jones (Telephone 01793 463602)
email: stevejones@swindon.gov.uk

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 445500)

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are requested at the start of the meeting to declare any known interests in any matter to be considered, and are reminded that any such interest should also be declared at the start of an item or during any discussion of the matter

concerned.

3. Minutes (Pages 5 - 6)

To receive the minutes of the meeting held on 12 October 2015.

4. Public Question Time

(See explanatory note below. Please phone the Committee Clerk whose name and number appears at the top of this agenda if you need further guidance.)

(a) Exempt Items - Exclusion of Press and Public

Certain items are expected to include the consideration of exempt information and the Standards Committee is, therefore, recommended to resolve "That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below, on the grounds that they involve the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information".

<u>Item No.</u>	<u>Paragraph No.</u>
8	1 and 2

5. Question and Answer Session - Leader of the Council and Interim Chief Executive DLDS (Pages 7 - 16)

6. Ethical Framework Update DLDS (Pages 17 - 52)

7. Review of Council Codes and Protocols DLDS (Pages 53 - 56)

8. Ethical Compliance Report DLDS, HIA (Pages 57 - 60)

22 January 2016 (being date of agenda despatch)

Key:

DLDS - Director of Law and Democratic Services
HIA - Head of Internal Audit

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

Access Arrangements - *The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Officer, whose name appears at the top of this agenda, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

Standards Committee - Terms of Reference

The Standards Committee has the following roles and functions in accordance with Article 9 of the Council's Constitution:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members including church and parent governor representatives;
- (b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) recommending training on any aspect of conduct and behaviour for Councillors, and officers, where it considers it would be of benefit;
- (f) approving other codes of conduct and behaviour which apply to Councillors, employees, contractors and any other parties or organisations associated with Council activity (for employees approval will be subject to agreement through recognised negotiating machinery where appropriate);
- (g) receiving from the Council's Monitoring Officer details of all allegations of any breach of the Code of Conduct;
- (h) determining any matters which may be referred to it by the Monitoring Officer or which may arise under consideration of complaints as to breaches of the Members Code of Conduct or the Protocol for Member / Officer Relations or any Code or Protocol applying to Members and Co-opted Members;
- (i) supporting the Council's Monitoring Officer in discharging his/her role;

- (j) granting dispensations to councillors and co-opted members, including church and parent governor representatives, arising from requests relating to interests set out in the Members Code of Conduct and/or under section 33 of the Localism Act 2011;
- (k) exercising (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (l) ensuring the Council's Customer Feedback Policy operates effectively in relation to standards of conduct and behaviour of staff and in particular the Standards Committee may
 - receive an annual report on its operation
 - receive monitoring reports on complaints in relation to standards of conduct and behaviour that have resulted in a final warning to a member of staff
 - adjudicate upon all complaints which remain unresolved
 - require Service Managers to report upon any areas of activity which may have been the subject of criticism in respect of standards of conduct and behaviour;
- (m) reporting to the Council when it considers:-
 - standards of conduct and behaviour in a particular area need reviewing, and
 - the level of commitment necessary to resolve these difficulties should be greater;
- (n) approving the Council's anti-fraud strategy and whistle-blowing procedures and ensure they operate effectively;
- (o) recommending to the Council the payment of compensation or the taking of any other action relating to standards of conduct and behaviour where this is considered appropriate;
- (p) reporting to the Council, should it deem it necessary, on the result of any investigation into the standards of conduct and behaviour of a Member; and
- (q) approving procedures associated with the appointment of an independent remuneration panel for Councillors' Allowances.

STANDARDS COMMITTEE

MONDAY, 12 OCTOBER 2015

PRESENT:- Councillors David Wood (Chair), Michael Bray, Fay Howard, Richard Hurley, Maureen Penny, Eric Shaw and Carol Shelley. Messrs Keith Strickland, Paul Morris, Trevor Davies, David Dawson, Richard Hailstone and Mike Compton.

An apology for absence was received from Councillor Vera Tomlinson.

9. Declarations of Interest

The Chair reminded members of the need to declare known interests in any matters to be considered at the meeting.

No declarations of interest were made.

10. Minutes

Resolved – That the minutes of the meeting held on 6th July be confirmed and signed as a correct record.

11. Public Question Time

There were no public questions.

12. Exempt Items - Exclusion of Press and Public

Resolved - That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below on the grounds that they involved the likely disclosure of exempt information as defined in the respective paragraphs of Part 1 of Schedule 12A of the Act.

<u>Item No.</u>	<u>Paragraph Nos.</u>	<u>Minute No.</u>
8	1 and 2	15

13. Independent Remuneration Panel on Councillors' Allowances: Membership

The Committee received a report from the Director of Law and Democratic Services seeking members' endorsement of the appointment of a representative of the (Higher) Education Sector to serve on the Independent Remuneration Panel on Councillors' Allowances. It was noted that, under Article 9 of the Council's Constitution, the Standards Committee was responsible for approving procedures associated with the appointment of the Independent Remuneration Panel on Councillors' Allowances.

The report also provided members with an update the Committee on the current membership of the Panel.

Resolved – That the membership of the Independent Remuneration Panel on Councillors' Allowances, and the appointment of Mr. Angus (Gus) Strang, as a representative of the Education Sector on the Panel, be noted and endorsed.

14. Ethical Framework Update

The Committee received a report from the Director of Law and Democratic Services providing an update on matters relating to the Ethical Framework, including:

- Dispensations.
- Code of Conduct Complaints.
- The Council's Codes and Protocols.
- The Annual Ethical Audit Self- Assessment.
- Member Training and General Training issues.
- Workshop on the role of the Independent Person.

Resolved – (1) That the Ethical Framework update be noted.

(2) That, in order to facilitate the Standards Committee's consideration of the Council's Codes and Protocols, and in line with the procedure utilised for previous reviews, the Monitoring Officer consult on each of the Codes and Protocols with relevant officers, the political groups on the Council and with Parish Councils, and recommend any valid changes to the Standards Committee at its meeting in January 2016.

(3) That, further to (2) above, members of the Committee be invited to submit to the Monitoring Officer the details of any particular issues that they would wish to be considered as part of the annual review of the codes and protocols.

(4) That members' comments regarding training for members of the Education Transport Appeals Sub-Committee, in relation to legislative changes pending for the 2016/17 Academic Year, be noted.

15. Ethical Compliance Report

The Committee considered a report of the Director of Law and Democratic Services regarding the outcome of various ethical framework compliance matters, including the details of Whistleblowing cases, breaches of the member/officer relations protocol and Code of Conduct Complaints received since the last Committee and the outcome of any completed investigations in relation to these.

Resolved – (1) That the Ethical Framework Compliance report be noted.

(2) That, in order to promote the whistleblowing policy amongst staff, the Monitoring Officer and the Head of Internal Audit consider the Committee's suggestion that successful outcomes of whistleblowing cases be publicised. That consideration also be given to the issue of anonymous allegations and how it might be communicated to staff that an individual putting his or her name to an allegation can present a much more powerful statement for consideration.

(3) That the Head of Internal Audit be invited to attend the next meeting of the Committee to discuss with members the issues raised in (2) above and also the possibility of providing a greater level of information in relation to the individual whistleblowing cases reported to each Standards Committee meeting.

**Question and Answer Session –
Leader of the Council, and Interim Chief Executive**

Standards Committee

Date: 25th January 2016

Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To receive a report from the Leader of the Council and the Interim Chief Executive on matters relating to the Council's ethical governance framework and issues of probity.
- 1.2 To discuss with the Leader and the Interim Chief Executive, the Authority's approach to ethical governance and the key priorities in ensuring that high ethical standards continue to be promoted and maintained within the Council.

2. Recommendations

The Committee is recommended to:

- 2.1 Welcome this opportunity for discussion with the Leader and Interim Chief Executive, and to recommend any actions that the Committee feels would support continued improvement in the Council's approach to ethical governance.

3. Detail

- 3.1 The Committee includes in its annual work programme a regular opportunity to discuss with the Leader, and Interim Chief Executive, the ethical governance of the Council.
- 3.2 As background to this discussion, a copy of the latest ethical desktop audit, completed in October 2015, is attached at Appendix '1'. For the information of the Committee, attached at Appendix '2' are the minutes of the last meeting with the Leader and the, then, Chief Executive.

4. Alternative Options

- 4.1 No alternative options are presented.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no specific financial implications arising from this report.

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

**Question and Answer Session –
Leader of the Council, and Interim Chief Executive**

Standards Committee

Date: 25th January 2016

Legal and Human Rights Implications

- 5.2 There are no specific legal or Human Rights implications arising from this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications that have been identified as important for this report.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report, as it does not recommend a change in Council policy or service.

Risk Management

- 5.5 A risk assessment has not been completed in relation this report, as it does as it does not recommend a change in Council policy or service.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – Ethical Desktop Audit – October 2015
- 8.2 Appendix 2 - Minutes of the last meeting with the Leader and the then Chief Executive.

Ethical Audit Desktop Analysis
Matrix of Key Information held by Swindon Borough Council
October 2015

	Key Information	Held	Current position, including action taken since the last review in October 2014.	Area of Review or Action to be identified by the Standards Committee.
1	Constitutions/ Current Decision Making Framework (ie the committees and sub-committees)	Yes	<p>The Constitution is reviewed and updated at least annually and was last adopted in May 2015.</p> <p>The Constitution's operation is monitored by the Monitoring Officer and also by the Corporate Governance Review Working Group whose recommendations feed into the review process.</p> <p>The Council's Audit Committee was first established in May 2006 and continues to operate effectively. It receives assurances from the Standards Committee in relation to matters of internal control such as the operation of the Whistleblowing Policy.</p> <p>The Annual Audit letter summarises the key findings arising from the work carried out by the External Auditor. The Annual Audit Letter for 2014/15 confirmed unqualified opinions for the year ended 31 March 2014 in relation to the Council's financial statements and its VFM conclusion in relation to the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2014, The Council is increasingly working with external partners and stakeholders. Many of the Council's partnership relationships are now managed through the One Swindon Leadership Board. Appropriate governance arrangements are in place.</p>	

2	Procedural Standing Orders	Yes	Updated in Constitution – May 2015	
3	Contracts Standing Orders	Yes	Updated in Constitution – May 2015	
4	Employees' Code Of Conduct	Yes	<p>Following consultation with Council employees and unions, the Employee Code of Conduct was initially approved by the Standards Committee in July 2006. The Code of Conduct is issued to all Council employees, who are required to sign to confirm that they have read and will act in accordance with the Code.</p> <p>The Code of Conduct is intended to:</p> <ul style="list-style-type: none"> • help officers to understand how they can fulfil their ethical obligations in performing their role • set clear expectations for their conduct as a public employee in the Council and • provide guidance to help you deal properly with ethical issues you may encounter in your work. <p>The Code is submitted to Council annually for approval.</p>	
5	Members' Code Of Conduct plus Local Guidance	Yes	<p>The new Members Code of Conduct was adopted in June 2012, taking effect on 1 July 2012, under the Localism Act 2011. The Code is reviewed annually. It was last reviewed in January 2015 and subsequently adopted at the Annual Council meeting in May 2015.</p> <p>Procedures for determining complaints against councillors were the subject of review during the 2013/14 Municipal Year. A number of changes to the "Arrangements for dealing with member Code of Conduct complaints" were agreed by Standards Committee at its meeting on 21 July 2014 and these have now been incorporated into the process.</p> <p>The Monitoring Officer has provided guidance and training on the Members Code of Conduct to Officers and Members, together with Parish Clerks and Parish</p>	.

			Councillors. Refresher training is also regularly provided.	
6	Confidential Reporting Procedure	Yes	<p>The Whistleblowing Policy was first approved in November 2001 and is kept under regular review.</p> <p>Complaints received are investigated and the outcome reported to the Standards Committee. Employees are reminded about the procedure via staff communications, including Team Briefings.</p> <p>In September 2005, the Committee approved the Council's subscription to the Public Concern at Work Helpline to provide a formal method of confidential reporting for staff who do not feel able to raise issues directly with the Council. The Council has maintained this provision, but also makes available the following support via a contract with Care First, the Council's employee assistance programme:</p> <ul style="list-style-type: none"> • An advice and information service • A counselling service • On-line information • A manager support service 	
7	Terms Of Reference of the Standards Committee	Yes	The current Standards Committee was established in July 2012, under the terms of the Localism Act 2011, giving Councils the option of whether to retain a Standards Committee or nominate another Committee to oversee the determination of Code of Conduct complaints. The Borough Council's Standards Committee retained much of its extended terms of reference, beyond the determination of complaints, in particular in relation to its monitoring of Anti-Fraud and Corruption Strategy and Whistleblowing Complaints.	
8	Scheme Of Delegation	Yes	This was updated in April 2015 to take account of the revised management structures and subsequently approved as part of the 2015/2016 Constitution at the	

			meeting of Annual Council meeting in May 2015.	
9	Members' Register Of Interests	Yes	<p>Held on file and on the Council's website. Regular reminders are issued.</p> <p>In accordance with the requirements of the Localism Act the Council also now publishes Register of Interest forms for all Parish Councillors in the Borough Area.</p>	
10	Recorded Declaration Of Interests	Yes	Interests are recorded at meetings and are recorded on the website.	
11	Members' Induction Process	Yes	<p>All new Councillors are provided with a comprehensive induction programme in relation to the ethical framework and the decision-making process, as well as service specific issues.</p> <p>New Councillors elected in by-elections attend Induction training following their election.</p>	
12	Officers' Induction Process	Yes	<p>A Corporate induction process is in place and departmental induction processes are also in place.</p> <p>Reference is included in the Officers' Induction Process to the ethical framework. During staff induction it is checked that staff have received a copy of the code of conduct (which they usually have with their contracts) and they are reminded that it is their responsibility to read it and speak with their manager if they have any concerns. Staff are also advised of the disclosure of gifts etc information, and are also advised to contact their managers with any concerns regarding this, or any special arrangements made (for example, working in a care home at Christmas where people may buy them lots of gifts/goodies).</p> <p>It is the responsibility of managers to enforce the code of conduct and ethics and probity issues with staff.</p>	

			The Monitoring Officer liaises with the Head of People, Performance and Engagement on evaluating the implementation across departments of training on the ethical framework within the Officers' Induction Programme and on the monitoring of the officer induction process.	
13 / 14	Members' Continuing Development and Training	Yes	<p>A range of development / training opportunities are offered and a record of attendance kept.</p> <p>Training for Councillors is facilitated by Committee and Member Services, in consultation with a cross-party Member Development Advisory Group. This agrees the programme for training at the beginning of each year and monitors the success of each course and the uptake from Councillors.</p>	
15	Officers' Continuing Development	Yes	The Council's behaviour framework sets out the values and behaviours expected from officers and members. This currently forms part of the annual appraisal in place across the Council, and identifies development needs and provides structured options to accessing appropriate training.	
16	Officers' Training	Yes	A Learning & Development online resource has been launched, which provides practical learning and development materials. There is also a Learning Zone with links to coaching and networking e-learning modules developed by Good Practice. Other courses are available direct.	
17	Other Council Specific Additional Codes And Protocols		<p><u>Monitoring Officer Protocol</u> - last reviewed in January 2015. Approved by the Council at its Annual Meeting in May 2015.</p> <p><u>Guidance to Councillors on Dealing with the Media</u> – first adopted February 2002, and last reviewed and updated</p>	

		<p>by the Committee in January 2015. Approved by the Council at its Annual Meeting in May 2015.</p> <p><u>Protocol on Member / Officer Relations</u> - Introduced September 2002 and regularly reviewed and updated. This was last updated in January 2015. Approved by the Council at its Annual Meeting in May 2015. The Association of Secretaries and Solicitors (ACSeS) produced a model code, some of which is based on this Council's protocol.</p> <p><u>Members' Planning Code of Good Practice</u> - adopted February 2004, and regularly reviewed and updated. This was last reviewed in February 2015 and subsequently approved by the Council at its Annual Meeting in May 2015. .</p> <p><u>Anti-Fraud and Bribery Strategy</u> – adopted November 2001 and regularly reviewed and updated. The strategy is reviewed annually to ensure that it sets out best practice and complies with relevant legislation. A Fraud Response plan was developed by Internal Audit at the same time to assist managers in knowing how to deal with allegations of wrongdoing. The outcome of investigations are reported to the Standards Committee.</p> <p>A Swindon Internal Audit Services Bulletin is issued to Members and Officers approximately twice a year to promote fraud awareness by communicating information on frauds elsewhere to officers and Members, and enable similar frauds to be prevented.</p>	
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**EXTRACT FROM THE MINUTES OF THE MEETING OF THE STANDARDS
COMMITTEE HELD ON 3RD FEBRUARY 2015**

20. Question and Answer Session - Leader of the Council and Chief Executive

Councillor David Renard, the Leader of the Council, and Gavin Jones, Chief Executive, were in attendance to report to the Committee on matters relating to the Council's ethical governance framework and issues of probity and to discuss with members the key priorities for ensuring that high ethical standards continue to be promoted and maintained within the Council.

The Leader referred to specific matters raised during the course of the previous question and answer session, as recorded in the minutes of the meeting held on 27 January 2014, and confirmed that these had been addressed, where necessary, via amendments to the Council's Constitution and/or its Standards arrangements. It was his view that Council's new ethical framework had become firmly embedded in the organisation, since its introduction from July 2012, and was proving very effective.

The Chief Executive commented that the Council continued to have to contend with the implications of the combined pressures of continuing austerity and reduced financial resources, perhaps, unfortunately, for some time to come. However, he was pleased to report that, whilst the pressure on the organisation continued, and there existed the potential for organisational and relationship stress as a consequence of that pressure, there had been few, if any, significant manifestations of problems in terms of strained member/officer relationships and/or inappropriate behaviours. He advised that, since the last question and answer session with the Standards Committee, the Monitoring Officer had joined Corporate Board, and that his expertise was extremely valuable to the operation of that senior officer forum, particularly in the context of matters of ethical governance and corporate behaviours.

The Chief Executive commented on the Council's Organisational strategy, particularly in relation to expected officer behaviours and values, as articulated through the "Stronger Together" organisational vision and feeding through the appraisal and performance management systems. He was pleased with how this strategy had been adopted across the Corporate Council whilst recognising that, as with any organisational strategy, there remained room for improvement. Overall, he felt the Council had established a strong set of organisational values against which it might be held to account and that the strategy was working very well.

Following their opening remarks, the Leader and Chief Executive responded to members' questions on the following issues:

- The continuing demand on services and pressure on staff resources and the recognition and management of stress in the workplace environment.
- The success of the Council's Localities function in working alongside Ward Members to engage with local people and communities to resolve community based problems and influence corporate policies.

- The necessary contraction of service provision in response to on-going resource pressures and the management of community and individual service expectations.

Resolved – That Councillor David Renard, the Leader of the Council, and the Chief Executive be thanked for attending the meeting and for their full and open responses to members questions on matters relating to the Council's ethical governance framework and issues of probity.

Ethical Framework Update

Standards Committee

Date: 25th January 2016

Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To provide an update on various matters related to the Ethical Framework, to keep the Committee informed of issues of probity in the Council.

2. Recommendations

The Committee is recommended to:

- 2.1 Note the Ethical Framework update.

3. Detail

Dispensations

- 3.1 Section 33 of the Localism Act 2011 enables members who consider that they may have a disclosable pecuniary interest (DPI) to apply for a dispensation to allow them to speak and vote.
- 3.2 At its meeting on 12th December 2012, the Standards Committee authorised the Director of Law and Democratic Services to grant any applications for a dispensation in relation to any meeting at which any matter which has a bearing on the setting of the discounts and exemptions for Council Tax is being or is due to be considered for a four year period. Dispensations are granted in conjunction with the Chair or the Standards Committee and are reported back to the next available meeting.
- 3.3 No dispensations have been granted by the Monitoring Officer, in consultation with the Chair of the Standards Committee, since the last meeting.

Summary of Code of Conduct Complaints

- 3.4 At its meeting on 21 July 2014, the Committee agreed that, in response to a suggestion put forward by a member of the public during the consultation on the Council's Standards arrangements, a summary of Code of Conduct complaints, including details of complaints received during the year and comparative data for preceding years, be made to each meeting of the Committee. This information is set out below.

Further information on the subject of this report can be obtained from Steve Jones, 01793 463602, stevejones@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 25th January 2016

Year	Complaints	No Further Action	Referred for Monitoring Officer or other Action	Referred for Investigation	Breach following hearing	No action following referral	Local Resolution
2008/09	14	13	0	1	1	0	N/A
2009/10	7	4	1	2	1	1	N/A
2010/11	12	4	4	4	0	4	N/A
2011/12	10	6	2	2	0	2	N/A
2012/13	5	5	0	0	0	0	N/A
2013/14	14	10	1	3	0	1	2
2014/15	5	5	0	0	0	0	0
2015/16	2	2	0	0	0	0	0

Member Training

- 3.1 Attached at Appendix 1 are the details of the training and development events planned for the 2015-16 Municipal Year. A log of member attendance at these events will be kept and reported to this Committee at a future meeting.
- 3.2 The Member Development Advisory Group has refreshed the Member Development Strategy as part of its work programme for the 2015/16 year, and has agreed to the implementation and monitoring of feedback forms following member training events. Training events offered by external organisations such as the Local Government Information Unit are now made available to all members through the Member's Bulletin and there has been an increase in expressions of interest from councillors to attend these events. Work is also progressing on enhancing the Overview and Scrutiny training on offer prior to the 2016 election, which will involve consultation with the current Chairs of the Overview and Scrutiny Committees, and on the alternative training options available to members such as online modules.
- 3.3 The Committee is reminded that, at present, a number of sessions are held by the Monitoring Officer each year around the parishes to train parish councillors on the ethical framework, and chairing skills. Borough Councillors who are also

Further information on the subject of this report can be obtained from Steve Jones, 01793 463602, stevejones@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 25th January 2016

parish councillors attend. As usual, attendance at these events will be logged and reported to this Committee at a future meeting.

- 3.4 The Monitoring Officer has conducted three sessions since the last meeting of this committee; namely, on 30th July at Wroughton (19 attended including 2 clerks), on 18th August at Haydon Wick (15 attended including 2 clerks) and on 2nd November 2015 at Haydon Wick (11 attended including the Clerk).

Effectiveness of training and development

- 3.5 At its meeting on 6th July 2015, the Standards Committee, in considering specific references in the draft Annual Governance Statement, enquired as to the effectiveness of member training and development, and the need to clarify the member functions and roles, and agreed that the Member Development Advisory Group (MDAG) be invited to consider these issues.
- 3.6 The Committee also agreed that the MDAG be asked to consider the practicalities and possibility of extending some member training events to include Parish Councils, where such training might be of benefit to Parish Councillors in fulfilling their role, particularly in relation to their interactions with the Borough Council. (Minute 7 refers).
- 3.7 The above issues were considered by the MDAG at its meeting on 15th October 2015, when it resolved:
- (1) The thanks of the Member Development Advisory Group be passed on to the Standards Committee for bringing these concerns to their attention, and for the opportunity to address those concerns.
 - (2) The Advisory Group is assured that the training and development offer to Councillors at Swindon Borough Council is varied and relevant, that the levels of attendance at sessions is improving, and that the role this Group plays in monitoring and reviewing the Programme ensures that any actions implemented continues to enhance the effectiveness of member training and development.
 - (3) The Standards Committee be asked to note that all Councillor Role Definitions are set out in detail in Part 5 Section 4 of the Constitution which is reviewed on an annual basis at Council. The Director of Law and Democratic Services also references key aspects of a councillors role as part of his induction training for newly elected councillors each year.
 - (4) The Standards Committee be asked to note that the Members Bulletin contains a list of forthcoming training events hosted by Swindon Borough Council for its members. The header for this list already contains an open invitation to all Parish and Town Councillors to express an interest in a

Further information on the subject of this report can be obtained from Steve Jones, 01793 463602, stevejones@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 25th January 2016

session, and events not suitable for them are clearly marked. The Bulletin is circulated to all Parish and Town Councils each week.

- 3.8 The Member Support Officer will attend this meeting to address any questions members might have regarding the MDAG response to the issues previously raised by Standards Committee.

Whistleblowing – NSPCC helpline

- 3.9 The NSPCC will be launching a national whistleblowing helpline for employees wishing to raise concerns about a child at risk of abuse. Employees are encouraged in the first instance to raise any concerns through internal routes where possible.
- 3.10 The purpose of the helpline is to establish another route for employees to blow the whistle alongside existing mechanisms via an easily accessible, national whistleblowing portal for an employee. A child abuse concern will be referred by NSPCC to a local authority's Designated Officer for investigation or action, as now under statutory guidance.
- 3.11 The Council's whistleblowing policy will be updated once the helpline has been formally launched. It is planned for January 2016

Promotion of the Council's Whistleblowing Policy

- 3.12 At its meeting on 12th October 2015, in considering the ethical compliance report, members considered the recognition by, and promotion amongst, staff of the Council's Whistleblowing Policy. The Committee agreed that, in order to promote the whistleblowing policy, the Monitoring Officer and the Head of Internal Audit consider the Committee's suggestion that successful outcomes of whistleblowing cases be publicised. The Committee also agreed that consideration be given to the issue of anonymous allegations and how it might be communicated to staff that an individual putting his or her name to an allegation can present a much more powerful statement for consideration.
- 3.13 In accordance with the Committee's wishes, the Head of Internal Audit will be in attendance to discuss with members the issues raised in 3.9 above and also the possibility of providing a greater level of information in relation to the individual whistleblowing cases reported to each Standards Committee meeting.

CIPFA – Online guidance on ethical standards for public service providers

- 3.14 The CIPFA e-newsletter for 4 December 2015 included reference to a new online guide for providers of public services to promote high ethical standards.
- 3.15 A copy of the guidance is attached at Appendix 2 for members' information. The guidance can also be viewed online via the following link:

Further information on the subject of this report can be obtained from Steve Jones, 01793 463602, stevejones@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 25th January 2016

<https://www.gov.uk/government/publications/online-guidance-on-ethical-standards-for-public-service-providers>

The Role of the Independent Person - Workshop

- 3.16 Hoey Ainscough have conducted a series of half-day workshops, at various venues throughout the region, on the role of the Independent Person (IP). This has given IPs and those who work on standards issues, an opportunity to explore the role in depth, discuss key developments through the year and share experiences with other IPs and officers from across the country.
- 3.17 This year's workshops covered two key areas in particular – a discussion about the new role IPs will have in the process for dismissal of statutory officers, and an in-depth look at what IPs should be looking for and commenting on when considering the outcome of a local investigation.
- 3.18 Both the Council's Independent Persons were given the opportunity to attend one of the workshops. Unfortunately, Mr Morris was unable to attend but Mr Strickland attended the workshop held at Taunton Deane Borough Council on the Tuesday 17th November and will report back to this meeting on the discussions.

4. Alternative Options

- 4.1 Any alternative options are set out in the body of the report.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Any financial or procurement implications will be contained within the existing budget.

Legal and Human Rights Implications

- 5.2 The legal and human rights implications, where applicable, are set out in the body of the report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications that have been identified as important for this report.

Links to One Swindon, Plans and Policies

- 5.4 Monitoring of issues of probity in the Council underpins the Council's plans and policies and the delivery of One Swindon objectives.

Further information on the subject of this report can be obtained from Steve Jones, 01793 463602, stevejones@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 25th January 2016

Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment has not been completed for this report, as it does not recommend a change in Council policy or service.

Risk Management

- 5.6 A risk assessment has not been completed in relation this report, as it does as it does not recommend a change in Council policy or service. Arrangements for meeting the requirements of the Localism Act and monitoring probity of the Council, ensures that good governance is maintained and protects the reputation of the organisation.

6. Consultees

- 6.1 The Board Director Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 - Member Training Events
- 8.2 Appendix 2 – Ethical Standards for Providers of Public Services - Guidance

Training and Development Programme for Councillors 2015/2016		
Dates	Subject	Facilitator
11 May 2015 2.00pm Ctte Room 1	Induction (1) for Newly Elected Councillors	Corporate Board Director of Law and Democratic Services The Mayor and Lead Members
14 May 2015 5.00pm Ctte Room 2	Induction (2) for Newly Elected Councillors	Stuart McKellar, Board Director, Resources Communications Officers Karen McMahon, Head of Customer and Business Services Patrick Weir, Head of Localities, Community Involvement and Volunteering Stephen Taylor, Director of Law and Democratic Services
27 May 2015 6.00pm Ctte Room 2	Induction for New Members of the Planning Committee and any councillor with an interest in planning process	Richard Bell, Planning Officer Kehinde Awojobi, Legal Department
Prior to 1st meeting of each Committee	Overview and Scrutiny induction	Scrutiny Officer / Chair
8 June 2015 6.00pm Ctte Room 6	Chairing Skills	Stephen Taylor, Director of Law and Democratic Services
9 July 2015 4.00pm Ctte Room 5	Media Training	Gail Downey, Whirlwind Productions

9 September 2015 5.15pm Ctte Room 1	Induction for New Members of the Licensing Committee	Kathryn Ashton, Licensing Officer
1 October 2015 6.00pm Ctte Room 1	Equality and Diversity	Nick Stephenson, Change Lead, Equality and Diversity
8 October 2015 6.00pm Ctte Room 2	Safeguarding Adults	Doug Bale
11 November 2015 6.00pm Ctte Room 3	New Members Induction – six month review	Stephen Taylor, Director of Law and Democratic Services
19 January 2016 6.00pm Ctte Room 2	Understanding the Capital Budget	Paul Smith, Head of Technical Finance
26 January 2016 9.45am Council Chamber	Project Griffin – awareness training for Members and Managers on Counter Terrorism Issues	Sam Weller, Civil Protection Unit
4 February 2016 6.00pm Ctte Room 6	Chairing Skills	Stephen Taylor, Director of Law and Democratic Services
8 February 2016 6.00pm Ctte Room 6	Key things you need to know about our services relating to child protection and children looked after in your role as a Councillor	Karen Reeve
1 March 2016 6.00pm Council Chamber	Future role of the Dorset and Wiltshire Fire and Rescue Service	Darran Gunter, Chief Fire Officer (Designate)

TBC	Swindon Building Control	Liz Burton, Technical Support and Improvement Officer
TBC	Education Transport Appeals Sub-Committee	Rebecca Mathis / Ann Crowley
Ad-hoc – organised at request of member	Customer Services and the Members Hotline process	Lisa Pittard, Operations Manager

External providers

Information on training and events provided by external organisations such as the LGA and LGiU are circulated on a weekly basis in the Member's Bulletin. Members are then invited to apply, and attendance approved through a Cabinet Member Briefing Note.

Dates for member training

Potential dates earmarked for future member training (all 6pm start time):

2016
3 March
21 April

Potential subjects for member training – delivered by officers

- Public Health and the mandated public health responsibilities that the council now has.
- Maximising the benefits of Swindon Borough Council's property portfolio.
- The role of Swindon Borough Council in the economic development of the Borough.
- Improving skills and increasing employment.
- Child Protection Level 1 – on line.
- CSE - on line (has been sent to all councillors for completion)

- Understanding how to make a referral to children's social care - direct training. 2 hours anytime in year.
- General awareness-raising of Adult Services.
- An introduction to housing services.

Learning Zone Modules

- Data Protection.
- Freedom of Information and Information Security.
- Officer training sessions also suitable for members.



Committee on
Standards in
Public Life

December 2015

Ethical Standards for Providers of Public Services - guidance

Contents



Foreword



In June 2014 CSPL published a report on Ethical Standards for Providers of Public Services.¹ The government has made clear that the Seven Principles of Public Life first set down by Lord Nolan - honesty, integrity, accountability, leadership, openness, selflessness and objectivity - should apply to all those delivering services to the public. The definition of each of these Principles is set out at the end of this document. Our report considered how these Principles were being built into the public service commissioning and contracting and drew on research conducted for the Committee by Ipsos MORI with commissioners of services, providers of those services and members of the public.

It was clear from our research that the public want all providers of public services to adhere to and operate by common ethical standards, regardless of whether those services are provided by the private, public or voluntary sectors. For the public “how” things are done is as important as “what” is done. The report made a number of recommendations to government to ensure that proportionate ethical standards are made explicit in commissioning, contracting and monitoring and that these standards apply to anyone delivering public services on

behalf of the taxpayer. It also recommended that providers ensure they have a high level ethical framework and ethical capability, encompassing principled leadership and governance, clear lines of accountability and encouraging a culture of dialogue, challenge and transparency. I was delighted by the positive response the report received from commissioners and providers including from the business community.

The purpose of this document is to emphasise the key messages from our report and build on its research and conclusions by providing short practical guidance to both providers of public services in building and embedding ethical standards in an organisation, and to commissioners in setting ethical expectations for the delivery of public services as well as ensuring those standards are met. The Committee recognises the efforts and investments which many providers have already made in enhancing awareness of, and adherence to high ethical standards. The Committee recognises the challenges faced by any organisation large or small in ensuring that all employees adhere to high ethical standards of behaviour. We know that standards failures represent a significant

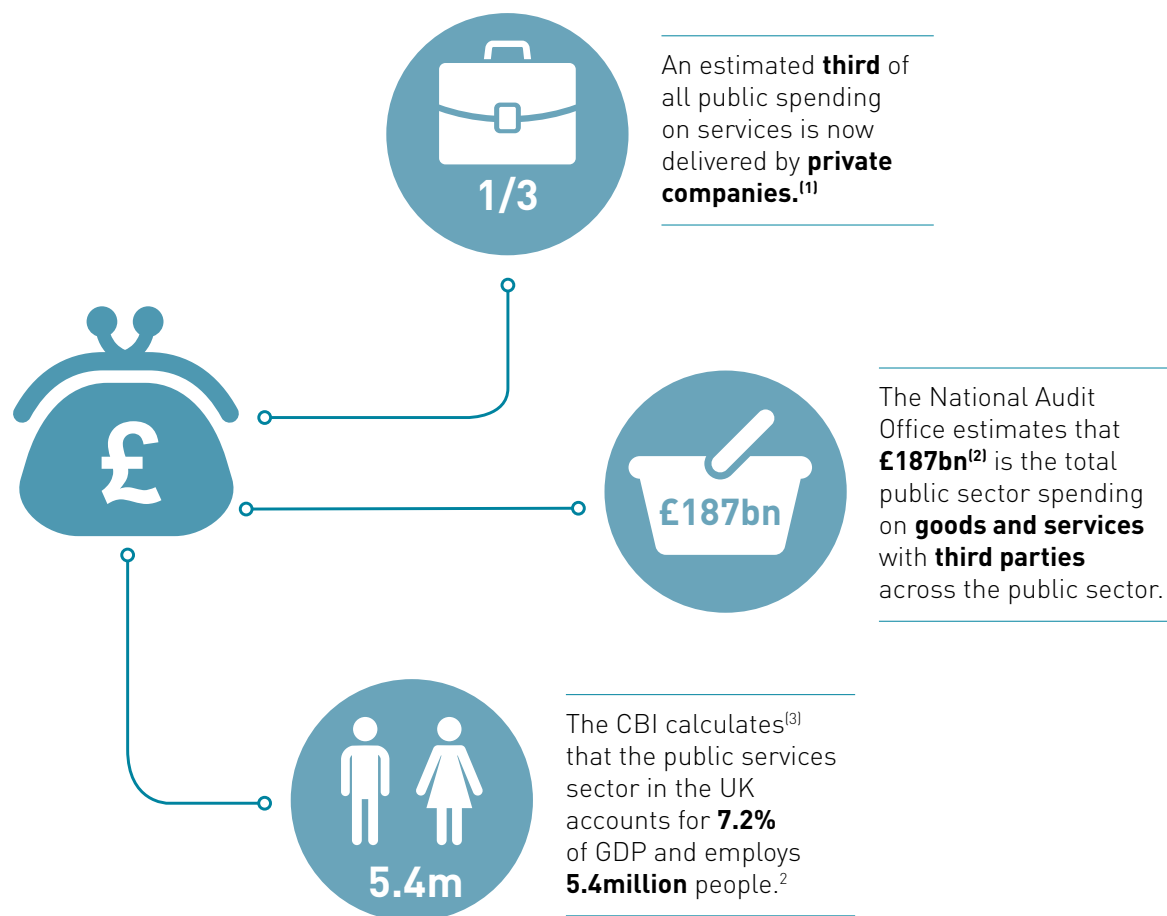
organisational risk which is why the Committee supports the development and use of appropriate systems and processes to encourage and reinforce ethical behaviour.

We have included some examples of mechanisms used by commissioners and providers to build high ethical standards but are always keen to learn more, so if you know what works please get in touch.

Ethics matter. This is increasingly recognised by the business community as a necessary part of winning trust and building confidence in the public service markets. Ethical standards should not be taken for granted. Commissioners and providers need to be explicit with each other and the public as to the standards expected in the services which are being delivered.

Lord Bew, Chair of the Committee
December 2015

Background to the report



It makes good business sense to heighten awareness of ethical standards and encourage their staff to adhere to them. Whilst this may involve a cost, organisations need to invest in this aspect of their business. Ethical failures by banks, the press, and most recently in parts of the car manufacturing industry, carry a heavy price. Ethical failures in the NHS, the police and in the public service market more generally have all demonstrated that the damage to reputation and trust, and the financial cost to the business or provider concerned, can be high. Ethical failure by a significant provider of public services can be a major risk to the Government, and can have broader implications for the level of public trust and confidence in the Government and its ability to deliver public services.

About our report

In our report, Ethical Standards for Providers of Public Services, we proposed a high level framework to support and embed high ethical standards in the provision of public services and to provide the necessary assurance to the public and the government that ethical standards are part of service delivery standards. This framework was based around principled leadership and governance including a code of conduct, a culture of dialogue and challenge, clarity of accountability and ethical capability and transparency.

The CBI:

“200 000 charities and companies of all sizes help government provide the public services that we depend on all over the country. This can generate innovation, investment and efficiency, but also requires standards of conduct that are appropriate for organisations funded by and working for taxpayers.”

For the full report: www.gov.uk/government/publications/ethical-standards-for-providers-of-public-services

High ethical standards are important for society as a whole. They are particularly important where public money is being spent on public services or public functions as commissioning and procurement decisions can have a major impact on the user's daily lives and their quality of life. When a provider fails to deliver to the standards expected, and particularly where the user may have no other choice, it may have profound consequences for the individual user and damage public trust more generally.

High ethical standards are important for society as a whole. They are particularly important where public money is being spent on public services or public functions. Commissioning and procurement decisions can have a major impact on the users daily lives and their quality of life. When a provider fails to deliver to the standards expected, particularly where the user may have no other choice, it may have profound consequences for the individual user and damage public trust more generally.

Public Accounts Committee:

“Contractors have not shown an appropriate duty of care in the use of public funds. Too often the ethical standards of contractors have been found wanting. It seems that some suppliers have lost sight of the fact that they are delivering public services, and that brings with it an expectation to do so in accordance with public service standards. The legitimate pursuit of profit does not justify the illegitimate failure to conduct business in an ethical manner.”³

Mark Galloway, Executive Vice President, Skanska UK:

“It has to be recognised that our approach to ethics and embedding ethical behaviours in our business is a journey. We are not the finished article, so we always have more to do.

The benefits, however, are significant. It helps us to attract employees who want to work for an ethically driven business, build long and lasting relationships with our supply chain partners and, ultimately, to win work. Being a leader in ethics makes good business sense.

It is by putting the right framework in place, setting the highest standards and encouraging our employees to become role models for ethics that we can establish a best in class ethical culture.”

It is therefore incumbent on those bodies commissioning and procuring public services, and those who are ultimately responsible and accountable for those services, to obtain assurance that high ethical standards are being met. Accountability does not end and should not dissipate on the commissioning or contracting out of public services.

Whilst many of the requirements for high standards require action at an organisational level, high standards also require individuals to take personal responsibility - by observing high standards themselves, by demonstrating high standards to others through their own behaviour and by challenging inadequate standards when they see them.

In an earlier report, Standards Matter, (14th Report January 2013 Cm 8519), the Committee stated that high standards of behaviour need to be seen as a matter of personal responsibility, embedded in organisational processes and actively and consistently demonstrated, especially by those in leadership positions. One of that report's conclusions was that permanent secretaries and chief executives of all organisations delivering public services should take personal responsibility for ethical standards in their organisations and certify in their annual report or equivalent document that they have satisfied themselves about the adequacy of their organisation's arrangements for safeguarding high standards.

The need for leaders and managers within an organisation to model high ethical standards and to take personal responsibility for their behaviour means that high ethical standards may take time to become established within an organisation. Ethical standards cannot be “fixed” onto an organisation overnight and then forgotten. It takes time for an ethical culture to become the norm and requires regular communications to staff to reaffirm ethical practice and behaviours.

Key conclusions from the report

The research conducted for the Ethical Standards for Providers of Public Services report found that:

- the public want the same ethical standards upheld by any organisation providing public services regardless of sector and supported by a code of conduct
- public and stakeholder views of what should constitute ethical standards are broadly in line with the Seven Principles of Public Life
- “how” the service is delivered is as important to the public as “what” is delivered
- the public felt good outcomes and quality of user/provider interaction - particularly from front line staff behaving with integrity and objectivity - were crucial to ethical service delivery

Quotes from the public

“If it’s taxpayers’ money, the principles are the guidance and all providers should follow them.”

“(They should have) end users’ best interests in mind”

- commissioners expect providers to conform to ethical standards but rarely explicitly articulate ethical standards to providers explicitly;
- commissioners want guidance on how to embed ethical standards in the commissioning and procurement process.

It was also evident from the research that currently there are no consistent structures or arrangements within the commissioning process to promote actively the right ethical culture and behaviours in providers of public services.

The report therefore recommended that ethical standards need to be proportionately addressed within existing commissioning, contractual and monitoring arrangements, as part of the process for securing the regularity and propriety of public services.

Quotes from Commissioners and Providers

“It is up to commissioners to be clear about what they want and expect from suppliers, otherwise the contract is won on price”

“As things stand now, contractors see that they are not being watched and become complacent.”

There has been much debate about increasing transparency in public service contracts. Whilst we agree that one route to improving public service standards is through greater transparency and, particularly in the case of larger service providers, the application of the Freedom of Information Act, transparency of itself is not sufficient. Transparency needs to be underpinned by a culture of high ethical standards in public service contracts.

Follow on work

Following our report we undertook further work, including workshops and discussions with commissioners and providers, to review how they are adapting their procedures and practices to ensure the highest possible ethical standards are adopted and adhered to by staff in their organisations delivering public services.

In addition, we have also identified more extensive examples of good practice in a range of commissioners and providers which might be applied more widely. These organisations recognise the challenge of encouraging their employees to behave with high ethical standards at all times and have adopted a variety of systems and processes to support their employees. And they recognise that an

ethical culture is not achieved by a one-off effort, but through the continuing attention to the importance of ethical behaviour.

This guidance document is intended to provide practical guidance and examples to commissioners and providers in setting and embedding those standards of conduct and agreeing the ethical expectations for the delivery public services. Any ethical framework should be risk-based, flexible and proportionate. How it is implemented in practice will depend on the nature of the public service being provided, the model of delivery and the kind of provider.

The National Audit Office has recommended that government should get “*written representation from contractors on the integrity of the services they supply, covering the control environment for maintaining ethical behaviour and public service standards. Such statements, while not necessarily carrying additional legal implications, would have symbolic and reputational importance, and give Parliament clear accountability.*”⁴

Ruby McGregor Smith
Chair of the Public Services
Network CBI:

“Every organisation has a process around governance, around the controls it exhibits and around its behaviours. It can be done, it just needs to be done and clearly laid out in contracts we are asked to sign, so that everyone does it.”⁵

Melanie Maxwell Scott
Business Services Association:

“High ethical standards can and should be achieved by any public service provider. The sector they come from is not material as long as expectations are made clear and there exists a culture which supports good behaviour and promotes prompt action whenever people fall short.

Procurement and contract-management processes are vital to aligning the values of the public sector client with any supplier. If a contract is poorly written, the wrong type of behaviour can occur or even be encouraged. If the contract is poorly managed, sub-standard performance can go unnoticed. That is in no-one’s best interests, least of all the service user.”⁶

Suggested Measures

Set out below are examples of measures which could be expected of, implemented and embedded by providers of public services and monitored and evaluated by commissioners to provide assurance of ethical standards - how does the organisation do its

business and how do individuals within it carry out their roles?

It is not intended as a burdensome checklist to be ticked and regarded as complete; rather it should

be used to encourage not only commissioners to be explicit about their expectations on ethical standards, but also providers to reflect on their capacity and capability to meet those standards.

Evidence of leadership commitment to ethical standards - What is the tone from the top and how is this lived out throughout the organisation? What are the values and behaviours this organisation is encouraging and discouraging?

Public statements and day-to-day behaviour that demonstrate visible commitment to ethical standards and taking responsibility – being publicly accountable – for ethical standards.

In a small organisation this could be as simple as telling all staff about the ethical expectations of those in the organisation delivering public services.

Evidence of board and individual responsibility for ethical standards - how are employees and (if applicable) board members held to account collectively and individually for ethical issues?

Board level oversight of ethical matters and board level responsibility for or championing of ethical compliance.

Ethics committees can be used as a mechanism to improve and scrutinise ethical decision making but they should be integrated to the governance arrangements and not a “bolt-on”.

Annual attestations - individual annual sign off of compliance with the company’s Code of Conduct and compliance regulations or policies.

Employees are aware of the code of conduct and the consequences of failing to adhere to the Code.

<p>Evidence of internal control and accountability measures - what is the internal control environment for maintaining ethical behaviour and standards in the organisation?</p>	<p>A suitable code of conduct - typically a series of Do's and Don'ts, publically available and adherence to the code monitored.</p> <p>Identification of key indicators or measures of an ethical culture within the organisation and periodic reviews of their effectiveness.</p> <p>Existence of and adherence to whistleblowing policy or speak up mechanisms, gifts and hospitality registers, anti-bribery and corruption, declarations of interests requirements, procedures for dealing with conflicts of interest, which are regularly reviewed.</p> <p>Ethical risks captured and controlled in the risk management process and evidence they have been identified, assessed and where required mitigated.</p> <p>Transparency and reporting arrangements which encourages "intelligent accountability" putting out good quality information in intelligible and adaptable formats creating a genuine dialogue with stakeholders.</p>
<p>Evidence of establishing an ethical awareness and capability in recruitment, induction, progression, training and professional development - how is ethical awareness embedded in the organisation?</p>	<p>Recruitment procedures that take account of values and ethics alongside other skills.</p> <p>Induction processes that give new starters an understanding of the ethical expectations of them, the Codes of Conduct and ethical framework operating in the organisation.</p> <p>Training and guidance on ethical standards generally through ethical and values based training online and face to face.</p> <p>Self-assessment often web based tools.</p> <p>Employees encouraged to demonstrate achievement of e.g. ethical component of commercial capability requirements such as Chartered Institute of Purchasing and Supply's ethical procurement and supply e-learning module.⁷</p>

<p>Evidence of appraisal, promotion and reward procedures that take account of values and ethical behaviour - how does the organisation encourage (or not) its intended values and behaviours?</p>	<p>Codes of conduct linked to performance incentives.</p> <p>Assessing staff on behaviour based criteria the “how” as well “what” they have achieved. Assessing behaviours against core values - e.g. do they role model behaviours consistently, do they coach and encourage others to achieve similar high standards, for leaders do they develop a working culture which emphasises integrity and ethics? do they champion the company values?</p> <p>Including questions on ethical matters in employees surveys.</p>
<p>Evidence of commissioner-provider and user-provider dialogue - what is the success or failure for this contract including the supply chain and what are the essential behaviours to deliver success? how does the organisation learn from criticism and compliments?</p>	<p>Use of staff feedback surveys and self-assessment.</p> <p>Responding to and acting on feedback.</p> <p>Robust complaints system and evidence of good complaints handling; the effective use of complaints data to evaluate how well standards are being achieved and to help deliver service improvements.</p> <p>Setting out clear expectations and standards throughout the supply chain, monitoring compliance with them and clear explanation provided as to the consequences of failing to meet the standards expected.</p>

Practical examples and case studies

We set out below some further practical examples and case studies of measures or ethical frameworks some organisations have put in place in an attempt to build awareness of and adherence to high ethical standards. These examples were shared with us by the relevant organisations, are illustrative and correct at the time of publication of our reports. We expect that as experience of these arrangements grows they will be further developed.

Case study - Mitie example of tone from the top

As part of their wider ethical business framework Mitie launched a [new] Code of Conduct in 2014. The Code was designed to help employees understand the core values and responsible behaviours enabling them to “do the right thing”. In addition to setting our core company policies and procedures, the Code aims to bring to life through scenarios some of the ethical dilemmas faced by those working in Mitie and to provide a set of guiding principles to follow.

The Code, core values and responsible behaviour have been visibly championed by the Chief Executive and the Group Finance Director. The Code’s importance was reinforced through a series of initiatives such as:

- The launch of the Code at an Executive Board workshop
- Risk management leadership workshops
- Monthly roadshows across the business attended by the CEO and CFO
- the promotion of the confidential Speak Up service

- The use of all staff emails from the CEO emphasising the importance of core values and responsible behaviours and what it means for the company
- Open lines of communication between CEO and employees such as twitter

The NCVO and Good Governance Code for the voluntary and community sector

This code sets out the principles and practices that should be adopted in those sectors for good governance. It can be applied in a flexible way depending on the type and size of the organisation. It covers behavioural governance including the effective board behaving with integrity and being open and accountable. It recognises the applicability of the seven principles of public life to the sector as recognised good practice and complementary to those principles.

www.governancecode.org

Case study – Skanska's ethical business practices

Skanska, one of the UK's leading contractors, is an inclusive and responsible business that is helping to build a better society. Known for major projects, such as the Gherkin and Crossrail, it is building, upgrading and maintaining the country's infrastructure – delivering projects in healthcare, education, defence, transportation and municipal services. Drawing on its Scandinavian heritage, it is green, innovative and progressive. Bringing together people and technology, it is working to make construction a safer and more collaborative industry.

Ethics is a core value for Skanska, which is placed at the heart of its business. It has an aim to be recognised for its commitment to doing the right thing, everywhere that it works.

To make this a reality, it has a range of tools that help to bring ethics to life, demonstrating what it means for its employees.

Ethics Roadmap

Launched as a global tool, the Ethics Roadmap is designed as a practical document that helps

Skanska's national operations to develop an internal culture and behaviour in the market that is best in class.

Ethics Scorecard

Used to monitor the progress of ethics in national Business Units and throughout Skanska. The Ethics Scorecard is published twice a year with the latest data and examples of best practice to share across the organisation.

Ethics champions

Each global business unit has appointed a senior-level Ethics Champion responsible for driving ethical behaviour and implementation of the Ethics Roadmap. This includes development of an annual ethics plan, which sets out the actions which will be taken over the coming year to help build an ethical culture.

Code of Conduct

Skanska's Code of Conduct applies to all employees and the principles bind Skanska's supply chain too. All employees participate in Code of Conduct training every two years, and new recruits within three months of joining. <http://www.skanska.co.uk/About-Skanska/Our-Code-of-Conduct/>

Ethical dilemmas

at least four times a year, all employees take part in informal ethical debates. There are no right or wrong answers, the aim is to facilitate discussion

and encourage employees to feel comfortable discussing ethical dilemmas in business. The 'notice-board test' is often referenced – if your decision was posted on a public notice-board, would you stand by your actions?

Annual employee survey

All employees are asked two ethics-related questions as part of the annual employee survey, so understanding and attitudes can be effectively monitored.

Given that ethical issues are often not black and white, deciding what to do when you have a tough decision can be difficult. Mark Galloway, Executive Vice President Skanska UK recommends the 'noticeboard' test.

Its an excellent lens through which to consider those tricky situations," Marks said.

"Imagine placing the decision you made on a public noticeboard. How would others view it, whether that's your colleagues, clients, supply chain or members of the public. If you feel it stands up to scrutiny then you've probably made the right decision.

Code of Conduct Hotline

An independent Code of Conduct hotline has been set up, which enables employees to report concerns about ethical behaviour, anonymously if they wish.

Governance

Two groups have been created to govern ethics in Skanska's UK business. The Ethics Committee, which drives policy development and provides advice, and the Ethics Representatives, which helps to communicate ethics ideas and messages across the business.

Defra's Ethical Procurement Policy Statement

This statement sets out that Defra's expectation that its suppliers will maintain high standards of integrity, professionalism and transparency and how working in partnership with suppliers it will address wider ethical issues outside the public procurement process. These issues include working conditions, employee health and training, discrimination and child labour.⁸ The policy aims to achieve wider societal benefits

through ethical principles such as requiring "suppliers [to] have systems in place to ensure high standards of propriety which make sure public money is used for the purpose it is intended." Defra was able to point more easily than some Departments, to mechanisms which existed throughout the commissioning and procurement process including pre and post award stages.

Case study – Embedding the College of Policing's Code of Ethics

The College of Policing's Code of Ethics is applicable to all members of the police force and places an additional responsibility on chief officers and leaders to promote and reinforce the Code amongst the wider police force. In its recent report on local police accountability - *Tone from the top - leadership, ethics and accountability in policing?*, the Police Superintendents Association of England and Wales, shared with the Committee evidence from the Thames Valley police force about their experience embedding the Code of Ethics. The research found that the most effective code was part of a broader programme of culture change and should be regularly reinforced and monitored.

Thames Valley Police Force research - Code of Ethics	
What works	What hurts
Value-based approach to ethics programmes	
Ethical culture, supported by ethical programme	Standalone ethical programme
Ethical discussion and rewarding ethical behaviour	Too much focus on punishing lack of compliance to the code Unquestioning obedience
Focus on colleagues or society	Focus on self-interest
More time for decision-making promotes ethical behaviour	Rushed decision-making encourages unethical behaviour
Challenging unethical practice	Ignoring unethical practice
Peer influence (positive)	Peer influence (negative)
Thoughtful implementation of goals and targets	Carelessly implemented goals and targets
Regularly reinforcing ethical behaviours Immersive ethical training	

More important for people to know that the organisation is fully committed to code, rather than knowing all the content of the Code of Ethics	
Moral reasoning by leaders	
Fairness and respect	

PWC ethical decision making

Tina Hallett
PwC Partner, Government and
Public Sector Leader:

High ethical standards can and should be achieved by any public service provider. The sector they come from is not material as long as expectations are made clear and there exists a culture which supports good behaviour and promotes prompt action whenever people fall short.

PwC the professional services network reinforces the messages of induction by making it clear that ethics is integral to the operation of the firm. PwC has a dedicated Ethics and Business Conduct section on its website, which includes a code and a framework for ethical decision making, as well as a list of ethics questions to consider when making day-to-day decisions.¹⁰ There is a clear narrative that ethical standards are integral and important, which in turn make the messages of induction that much more likely to be absorbed and taken seriously.

Summary of ethics questions to consider

1. Is it against PwC or professional standards?
2. Does it feel right?
3. Is it legal?
4. Will it reflect negatively on you or PwC?
5. Who else could be affected by this (others in PwC, clients, you, etc.)?
6. Would you be embarrassed if others knew you took this course of action?
7. Is there an alternative action that does not pose an ethical conflict?
8. How would it look in the newspapers?
9. What would a reasonable person think?
10. Can you sleep at night?

Case study – Network Rail

**‘Our reputation and future depends on us all
behaving with integrity in everything we do’**

Mark Carne, CEO

On the 1st September 2014 Network Rail was reclassified as a public sector body. While passengers won’t have noticed a difference to the running of the railway, the impact on some areas of our work has been more pronounced.

One consequence of our new status is that we are now subject to the principles of public life. These are an important reminder to everyone who works for or does business with Network Rail of the importance of acting with the highest possible levels of integrity. We welcome the scrutiny and accountability that comes with being part of the public sector, and strongly believe that an open, ethical and fair culture is fundamental to how we operate, every day.

But our work to drive the highest levels of business behaviour is not a knee jerk response to reclassification. We have had a Code of Business Ethics for a long time, and it is complemented by a busy business ethics programme. Our priority this year is delivering ethics training to all our staff – our training packages all have the principles of public life running through them. The Code is supported by a number of policies including anti bribery, gifts & hospitality, conflict of interests, social media and speak out (whistleblowing). We have also set up a register for gifts, hospitality and conflicts of interests called iEthics, and a confidential whistleblowing service, Speak Out.

We launched Speak Out in its current form in 2012 to help our employees and contractors report ethical misconduct. They can do so over the phone or through a secure website. Use of the service has increased steadily over its lifetime, and we have also seen a gradual decrease in the proportion of users who choose to report anonymously. We think this shows that people are beginning to feel more comfortable speaking out about suspected wrongdoing, which is an important indicator of our progress towards the culture we want across the company.

We still have work to do to change the culture of our organisation, but we think we are on the right path. Network Rail has a responsibility to the nation to run a safe, reliable railway, and ethical values like openness, integrity and accountability are at the core of our ability to do so.

Case study – Dudley Metropolitan Borough Council “Supplier Code of Practice”

“Supplier Code of Practice” sets out the values, principles and standards Dudley Council expects of itself and its suppliers. It covers the Seven Principles of Public Life and their application to employees and suppliers, and specific expectations in relation to bribery and corruption, gifts and hospitality, conflicts of interest, fraud, deception and dishonesty, false claims, unfair trading and competition and environmental issues. It also provides details of how to raise any concerns that the code is not being complied with.

<http://www.dudley.gov.uk/business/do-business-with-the-council/tenders-and-contracts/trade-with-dudley/>

Councillor Pete Lowe:

“As Leader of Dudley Metropolitan Borough Council I want everyone to help us work in partnership to deliver high quality services which recognise our commitment to the highest standards of ethics and conduct. Our Council Plan reflects on this by including a key message of everyone articulating and living up to a set of values and behaviours that support good governance.

The public expect the highest standards of ethics from all suppliers of public services and our message to staff and suppliers is clearly articulated in our “Supplier Code of Practice”. We will be asking major suppliers to confirm that they adhere to the Code in all their dealings with the Council and residents of Dudley. We have a Code of Conduct for employees and councillors which also set out our requirement for them to demonstrate the highest standards of conduct”



Case study – Sodexo Public Sector Pledge

In the UK and Ireland, Sodexo employs around 34,000 people across 1,850 locations in the corporate, healthcare, education, leisure, justice and defence sectors. Sodexo delivers a range of services, from catering and hospitality, cleaning, reception to asset management, security, laboratory and grounds maintenance services.

As a company with half its business in the public sector, in 2015 Sodexo published its Public Sector Pledge. The aim of the Pledge is to be an 'ethical manifesto' identifying key public service areas and initiatives which Sodexo will publicly measure and report on annually. Areas covered by the Pledge include client satisfaction reviews, outcome based contracts, business integrity codes and adoption of the living wage.

The pledge focuses on three key themes:

1. fully committed to consistent delivery of our promises, your outcomes, and your value for money;
2. Transparent and truly ethical in how we deliver in our use of public money, and in our conduct;
3. Enhancing quality of life and social justice in our communities through a genuine social conscience.

Through this pledge Sodexo states it hopes to achieve better public services, end stereotypes, to grow and succeed as a business and to do the right thing.

In June 2015, Sodexo joined the Living Wage Foundation's Recognised Service Provider scheme, committing to implement the UK and London Living Wage for all employees working in its head offices in London, Glasgow, Stevenage, Leeds, Salford and Swindon. the commitment also means that Sodexo will, wherever permitted, submit a Living Wage alternative in all its bids and will promote the adoption of the living wage to its clients.

Sodexo intends to publish the progress it has made with each of the commitments within the Pledge around the middle of 2016.

<http://uk.sodexo.com/uk/en/corporate-responsibility/responsible-employer/public-service-pledge.aspx>

Merlin Standard is designed to recognise and promote sustainable excellence within supply chains. Its aim is to encourage excellent supply chain management and to ensure fair treatments of partners and subcontractors by the Prime Contractor. The principles on which it is built include Conduct and elements of the assessment of the organisation validated by supply chain partners includes such criteria as "culture in which communication is open, honest and without unreasonable constraint", "procurement processes are fair and transparent", it "actively seeks users feedback...to inform and improve practices."

www.merlinstandard.co.uk



About the Committee on Standards in Public Life

1. The Committee on Standards in Public Life is an advisory Non-Departmental Public Body (NDPB) sponsored by the Cabinet Office. The Chair and members are appointed by the Prime Minister. The Committee was established in October 1994, by the then Prime Minister, with the following terms of reference:

"To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life."

2. The remit of the Committee excludes investigation of individual allegations of misconduct.
3. On 12 November 1997 the terms of reference were extended by the then Prime Minister:

"To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements."

4. A triennial review of the Committee was carried out in 2012, the report of which was published by the Government in February 2013. As a result, on 5 February 2013, the terms of reference of the Committee were clarified in two respects: '... in future the Committee should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies' and '...the Committee's remit to examine "standards of conduct of all holders of public office" [encompasses] all those involved in the delivery of public services, not solely those appointed or elected to public office.'

Membership of the Committee

The Lord Bew (Chair)
The Lord Alderdice
The Rt Hon Dame Margaret Beckett DBE MP

Sheila Drew Smith OBE
Patricia Moberly
Richard Thomas CBE
Dame Angela Watkinson DBE MP
Monisha Shah

The Committee's previous reports

5. The Committee has previously published the following reports.
 - Tone from the Top - leadership, ethics and accountability in policing, June 2015
 - Ethical standards for providers of public services, June 2014
 - Strengthening Transparency Around Lobbying, November 2013
 - Standards Matter: A review of best practice in promoting good behaviour in public life (Fourteenth Report), Cm 8519, January 2013

- Political party finance: Ending the big donor culture (Thirteenth Report), Cm 8208, November 2011
 - MPs' expenses and allowances: Supporting Parliament, safeguarding the taxpayer (Twelfth Report), Cm 7724, November 2009
 - Review of the Electoral Commission (Eleventh Report), Cm 7006, January 2007
 - Getting the balance right: Implementing standards of conduct in public life (Tenth Report), Cm 6407, January 2005
 - Defining the boundaries within the Executive: Ministers, special advisers and the permanent civil service (Ninth Report), Cm 5775, April 2003
 - Standards of conduct in the House of Commons (Eighth Report), Cm 5663, November 2002
 - Standards of conduct in the House of Lords (Seventh Report), Cm 4903, November 2000
 - Reinforcing standards: Review of the First Report of the Committee on Standards in Public Life (Sixth Report), Cm 4557, January 2000
 - The funding of political parties in the United Kingdom (Fifth Report), Cm 4057, October 1998)
 - Review of standards of conduct in executive NDPBs, NHS trusts and local public spending bodies (Fourth Report), November 1997
 - Local government in England, Scotland and Wales (Third Report), Cm 3702, July 1997
 - Local public spending bodies (Second Report), Cm 3207, June 1996
 - Members of Parliament, ministers, civil servants and quangos (First Report), Cm 2850, May 1995
6. The Committee is a standing Committee. It can not only conduct inquiries into areas of concern about standards in public life, but can also revisit those areas and monitor whether and how well its recommendations have been put into effect.

Seven principles of public life

The Seven Principles of Public Life¹¹ apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The Principles also have application to all those in other sectors delivering public services.

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Committee on Standards in Public Life

GC05 1 Horse Guards Road, London, SW1A 2HQ
<https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>

References

¹ <https://www.gov.uk/government/publications/ethical-standards-for-providers-of-public-services>

² [1] Julius, D., *Public Services Industry Review*, 2008, Retrieved 15 July 2013: <http://www.bis.gov.uk/files/file46965.pdf>. Note that this estimate includes services procured by government to support service delivery cited in Institute for Government 2012 Testing New Commissioning Models A guide to help policy makers learn about publically funded markets.

[2] *The role of major contractors in the delivery of public services*. National Audit Office HC 810 Session 2013-14 12 November 2013.

[3] CBI, *A Value Driven Public Services Sector* page 6 Oxford Economics analysis for CBI.

³ Committee of Public Accounts Transforming contract management Twenty-third report of Session 2014-15 HC 585 10 December 2014

⁴ National Audit Office Report, Cabinet Office, Transforming government's contract management, para 3.17. HC 269 Session 2013-14, 4 September 2014.

⁵ Oral evidence: Contract management within central Government Wednesday 10 September 2014 HC 586 p, 6.

⁶ CSPL Blog 26 March 2015 <https://cspl.blog.gov.uk/2015/03/26/commissioners-and-businesses-can-achieve-high-ethical-standards-by-working-together/>

⁷ <https://www.cips.org/en-GB/training-courses/Ethical-Procurement-and-Supply-/>

⁸ Ethical Procurement Policy Statement March 2011. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69421/ethical-procurement-policy-statement.pdf

⁹ <https://www.gov.uk/government/publications/tone-from-the-top-leadership-ethics-and-accountability-in-policing>

¹⁰ See <http://www.pwc.com/gx/en/ethics-business-conduct/code-of-conduct.jhtml>, and <http://www.pwc.com/gx/en/ethics-business-conduct/ethics-questions.jhtml>

¹¹ The Seven Principles were established in the Committee's First Report in 1995; the accompanying descriptors were revised following a review in the Fourteenth Report, published in January 2013.

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Review of Codes and Protocols

Standards Committee

Date: 25th January 2016

Author: Director of Law and Democratic Services
Wards: All
Locality Affected: All
Parishes Affected: All

1. Purpose and Reasons

- 1.1 To present to the Committee the Council's current Codes and Protocols for review.
- 1.2 The regular review of the Codes and Protocols is necessary to ensure that these remain appropriate and up to date.

2. Recommendations

The Committee is recommended to:

- 2.1 To review the following Codes and Protocols, in the light of submissions for amendment put forward by members of the Committee, relevant officers and Parish Councils, following consultation, and to determine whether any changes should be made. *(Copies of the codes and protocols have been circulated to members previously. These are also contained within the Council's Constitution and can be inspected on the website. Further copies can be provided via Committee and Member Services on request).*
 - Members' Code of Conduct.
 - Officers' Code of Conduct.
 - Monitoring Officer Protocol.
 - Councillor Role Definitions.
 - Guidance to Councillors on dealings with the media.
 - Protocol of Member/Officer Relationships.
 - Local Code of Governance.
 - Members Planning Code of Good Practice.
 - Public Question Time at Council Meetings.
 - Recording, Photography and use of social media.

3. Detail

- 3.1 The Standards Committee regularly reviews the Council's Codes and Protocols to ensure that these remain appropriate and up to date. At its meeting on 12th October 2015, members' views were sought regarding the effectiveness of the codes and protocols and whether changes were required to ensure these remain fit for purpose.

Further information on the subject of this report can be obtained from Steve Jones, Direct Dial Telephone Number 01793 463602, stevejones@swindon.gov.uk.

Review of Codes and Protocols

Standards Committee

Date: 25th January 2016

- 3.2 The Committee resolved that, in order to facilitate the Standards Committee's consideration of the Council's Codes and Protocols, and in line with the procedure utilised for previous reviews, the Monitoring Officer consult on each of the Codes and Protocols with relevant officers, the political groups on the Council, and also with Parish Councils, and recommend any valid changes to the Standards Committee at its meeting in January 2016.
- 3.3 In accordance with the Committee's instruction, a consultation process was commenced in November 2015. The following were consulted with responses requested by 22nd December 2015:
- Members of the Standards Committee.
 - All Parish Councils.
 - The Political Groups on the Council (via the Political Assistants and Councillor Stan Pajak (on behalf of the Liberal Democrat Group)).
 - Board Directors and Heads of Service.
- 3.4 Members of the Committee, themselves, were also invited to submit to the Monitoring Officer the details of any particular issues that they would wish to be considered as part of the review of the codes and protocols.
- 3.5 No submissions have been received.

4. Alternative Options

- 4.1 No alternative options to carrying out this review are being put forward. The Committee can, of course, choose not to consider the report.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 This report has no specific financial or procurement implications.

Legal and Human Rights Implications

- 5.2 Legal and human rights considerations have been taken fully into account in compiling this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 No other implications have been identified.

Further information on the subject of this report can be obtained from Steve Jones, Direct Dial Telephone Number 01793 463602, stevejones@swindon.gov.uk.

Review of Codes and Protocols

Standards Committee

Date: 25th January 2016

Links to One Swindon, Strategic Objectives, Plans and Policies

- 5.4 Ensuring that its codes and protocols are regularly updated and remain fit for purpose will aid the Council's operational and decision-making processes and help in the achievement of corporate objectives and priorities.

Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment has not been completed as the report is not recommending any changes in policy.

Risk Management

- 5.6 A Risk Assessment has not been completed as the report is not recommending any changes in policy.

6. Consultees

- 6.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 Other consultees are as listed in the report.

7. Background Papers

- 7.1 The Council's Current Codes and Protocols (as set out in the Swindon Borough Council Constitution 2013/14)

8. Appendices

- 8.1 None

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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