

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.

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

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

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:

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.

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