

Swindon Borough Council

Standards Committee

Annual Report

1st June 2015 – 31st May 2016

Introduction

The Council adopted a new Members Code of Conduct with effect from 1 July 2012 and, at that time, appointed a non-statutory Standards Committee to be responsible for maintaining the Council's profile of probity and conduct through the promotion and maintenance of high standards of conduct by councillors and to assist them in observing their Code of Conduct.

The specific roles and functions of the Standards Committee are set out in Article 9 of the Council's Constitution (attached to this report at Appendix 1).

This Annual Report is a record of the work of the statutory Standards Committee in the period June 2015 to May 2016.

Membership of the Committee for 2015/16:

Councillors	Parish Representatives	Lay Members	Independent Persons
Cllr David Wood (Chair) Cllr Mick Bray Cllr Fay Howard Cllr Richard Hurley Cllr Teresa Page Cllr Maureen penny Cllr Eric Shaw Cllr Carol Shelley Cllr Vera Tomlinson Cllr Mark Edwards (Deputy) Cllr Kevin Parry (deputy)	Mr Mike Compton Mr Richard Hailstone	Mr Trevor Davies Mr David Dawson	Mr Keith Strickland Mr Paul Morris

Independent Persons and the Independent Persons Protocol

Under the Localism Act 2011, the Council has appointed two Independent Persons (IPs) for 2015/16, Messrs Paul Morris and Keith Strickland, to carry out the functions set out in the Act in respect of providing their views to complainants, Councillors and the Assessment Panel on complaints and the complaints process. The period of these appointments (including an option to extend for a further year, which was exercised) expired on the date of the Annual Council meeting in 2014. At that meeting, following the advertising of the two vacancies, both Mr Morris and Mr Strickland were re-appointed for a further 4 years.

In November 2015, Mr Strickland attended regional training, conducted by Hoey Ainscough, on the role of the Independent Person. Mr Morris was unable to attend that training event but has

attended previous workshops for Independent Persons and the officers they work alongside on standards issues. A Protocol for the Independent Persons, setting out the parameters of their work with, and on behalf of, the Council and its Standards Committee was approved and adopted on 7 October 2013.

Annual Report and Work Programme

At its first meeting in the 2015/16 Municipal year, the Committee received, and approved, its Annual Report for the preceding year and also agreed a work programme for the year ahead. As in the previous year, the Standards Committee, via its Standards Assessment Panel, continued to be the arbiter of Complaints under the Council's Members' Code of Conduct and was also responsible for the review of the Council's other Codes and Protocols and the monitoring of Whistleblowing Complaints. The Standards Committee met on four occasions in the 2015/16 Municipal Year.

Summary of Members Code of Conduct Complaints

The Standards Assessment Panel is charged with making an initial assessment decision in relation to all Member Code of Conduct complaints. In 2015/16 3 complaints were received. The Panel met on 1 occasion to review 2 of the complaints. The third complaint was resolved in 2016/17*. The following table provides a summary of the complaints received during the course of the year, and the outcomes, and also provides comparative data for the previous 7 years.

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	3	3*	0	0	0	0	0

Type of Complaints

The three Code of Conduct complaints received during 2015/16 all related to allegations about

the conduct of Parish Councillors.

The three complaints received were made by members of the public.

Processing of Complaints

The Standards Assessment Panel carried out the first stage assessment of 3 separate complaints received in accordance with the Standard Committee's agreed process for the initial assessment of complaints. When measured against its criteria to determine whether a complaint merited further action being taken, however, the Panel felt that, although there was the potential in 2 of the complaints to constitute a breach of the Code of Conduct, neither of the complaints was sufficiently serious, nor was it in the public interest, to refer the matter for further investigation as this would be disproportionate to the seriousness of the complaint. As regards the third complaint, the Panel was of the view that there did not appear to be a potential breach of the Code of Conduct and determined that no further action be taken.

Monitoring of Complaints

The Standards Committee received a summary of the progress of Code of Conduct complaints at each meeting during the year, as part of the ethical compliance update report.

Breaches of the Member / Officer Protocol

At each meeting of the Committee, the Monitoring Officer also reported as to whether or not any complaints had been received under the Member / Officer protocol. No complaints were received under the Protocol of Member / Officer relations during 2015/ 2016.

The Monitoring Officer has continued to work behind the scenes in discussion with senior officers and political groups, in relation to any incident, which he has been made aware of informally.

Monitoring of Whistleblowing Complaints

Throughout the year, the Standards Committee has continued to monitor complaints received under the Council's Whistleblowing policy and were notified of new complaints and the progress and outcomes of investigations, and considering learning points which arise.

During 2015/16, the Standards Committee was advised of the receipt by the Council of 11 new whistleblowing cases. These were all the subject of investigation by Internal Audit or, where appropriate, were referred for investigation by the appropriate Head of Service.

Of the 11 cases reported to the Standards Committee:

- 3 were unsubstantiated and no further action was taken
- 1 was unsubstantiated but a number of improvements were made to management processes as a result of the Internal Audit investigation

- 4 were referred to management with recommendations that existing working arrangements be amended and, where appropriate, for disciplinary to be taken.
- The other three cases remain to be concluded.

Annual Governance Statement

At its first meeting in the year, the Standards Committee was invited to review the Council's Annual Governance Statement (AGS) and to identify any additional significant control issues that it would like to be included. The AGS is a formal statement that recognises records and publishes an authority's governance arrangements and is designed not only to give an opportunity for authorities to consider the robustness of their governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.

The guidance for the AGS requires the Council to set out its governance arrangements and key elements of internal control and the sources of assurance; a review of the effectiveness of those governance and internal controls and a requirement to identify significant governance issues.

The Committee noted that the AGS had been revised following discussion at Corporate Board, to include the following additional areas in the statement for 2014/15:

- Supporting Vulnerable Children
- Licensing: Taxis and Private Hire
- Isambard Community School
- Corporate buildings: statutory compliance
- Waterside Depot improvement plan
- GCSE attainment
- IT Service

The Committee reviewed the draft Annual Governance Statement, and agreed that it be approved to be signed off by the Leader and Chief Executive in September 2015, following its formal approval by the Council's Audit Committee.

The Council's Whistleblowing Policy

At its meeting in July 2015, the Standards Committee was also able to review the Council's Whistleblowing Policy to ensure that it complied with legislation and best practice. It was noted that, since last considered by the Committee, the policy had been updated to include:

- A 'front sheet' on the intranet that provides key contact numbers including the Council's confidential whistleblowing number and contact details for the Director of Law and Democratic Services; Head of Internal Audit; Head of Children, Families and Community Health and the Head of Commissioning: Children and Adults, as sources of advice.
- Specific reference to the abuse of a child or adult as being an example of a concern that can be raised under whistleblowing

- The inclusion of both the Head of Children, Families and Community Health and the Head of Commissioning: Children and Adults in relation to advice regarding vulnerable children or adults (contact numbers are provided on the front sheet)
- Reference to the Enterprise and Regulatory Reform Act 2013

The Standards Committee approved the updated version of the Council's Whistleblowing Policy. Members also acknowledged that the effectiveness of such policy was very dependent on the level to which the information was broadcast and asked that the policy be publicised through the Council's Core Brief and Manager's Bulletin and other publications as appropriate.

New Regulations relating to the dismissal of a statutory officer

At its July meeting, the Standards Committee considered new Regulations made on 25th March in relation to changes to the framework for dismissal of statutory officers. These changes were incorporated into the Council's Standing Orders at its Annual Meeting on 22nd May 2015.

Independent Remuneration Panel on Councillors' Allowances: Membership

Under Article 9 of the Council's Constitution, the Standards Committee is responsible for approving procedures associated with the appointment of the Independent Remuneration Panel on Councillors' Allowances, established under the provisions of the Local Authorities (Members Allowances) (England) Regulations 2003. The Committee's views were sought on the appointment of a representative of the (Higher) Education Sector to serve on the Independent Remuneration Panel, following the resignation of the former Education Sector representative, and it endorsed the appointment of Mr. Angus (Gus) Strang.

In accordance with additional provisions of Article 9, the Committee also endorsed composition and appointments procedure associated with the establishment and maintenance of the Independent Remuneration Panel.

Desktop Ethical Audit

The Standards Committee has previously agreed to undertake an annual Desktop Ethical Audit, based on the matrix designed by the Institute for Democracy and Electoral Assistance (IDEA), to assess that it has all governance requirements in place.

The annual self-assessment and update was considered and approved by the Committee in October 2015.

In considering the elements of the Audit, members raised the issue of training for members of the Education Transport Appeals Sub-Committee, in relation to legislative changes pending for the 2016/17 Academic Year. It was established subsequently that appropriate training had been arranged for members of the Appeals Sub-Committee.

Leader and Chief Executive ‘Question and Answer’ Session

The Leader of the Council and the Chief Executive are invited annually to meet with the Standards Committee to report 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. This year, the Leader and the newly-appointed Chief Executive, John Gilbert, attended the meeting of the Committee on 25th January 2016.

Matters raised during the course of the discussion included:

- Trends evidenced in feedback from staff surveys and whether continuing austerity and fiscal challenges were having an identifiable effect on staff morale and motivation.
- The accessibility of the Chief Executive by staff, particularly through social media platforms and other informal methods of communication.
 - The Council’s recognition of social media as a valid means of communication and the protocols around such social media usage.
- The officers’ code of conduct and the effectiveness of that ethical framework in establishing standards for workplace behaviour and personal conduct.
- The challenge of ensuring that corporate ethics are maintained in relation to the use by members and officers of a greater diversity of social media platforms and other informal communications options.
- The Leader of the Council’s view of the strength of member/officer relationships in progressing corporate objectives and priorities and whether continuing austerity measures and the fiscal pressures faced by the Council on a daily basis had led to any significant straining of those relationships.
- The members’ planning code of good practice and issues that had been raised by members.
- The future of the localities’ team, its focus going forward and options for enhancing the Council’s engagement with the wider public.
- The noticeable increase in the number of Parish Councillor Code of Conduct complaints and possible implications for ethical training provision for Parish Councils.

Effectiveness of training and development

At its meeting on 6th July 2015, in considering specific references in the draft Annual Governance Statement, members had asked that the Member Development Advisory Group (MDAG) be invited to consider enquired as to the effectiveness of member training and development, and the need to clarify the member functions and roles. 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.

As a result of these specific references from the Standards Committee, MDAG, at its meeting on 15th October 2015, thanked the Committee for bringing these concerns to its attention. MDAG was able to provide assurance that the training and development offer to Councillors at Swindon Borough Council remained varied and relevant, that the levels of attendance at

sessions is improving, and that the Group was continuing to monitor and review the Programme to ensure that any actions implemented continued to enhance the effectiveness of member training and development.

MDAG also advised that (i) all Councillor Role Definitions are set out in detail in Part 5 Section 4 of the Constitution and that this was reviewed on an annual basis at Council, and (ii) 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.

In addition, the Standards Committee was advised that the Members Bulletin, circulated each week to all Parish and Town Councils, contains a list of forthcoming training events hosted by Swindon Borough Council for its members and that there was an open invitation to all Parish and Town Councillors to express an interest in a session (events not suitable for them were clearly marked).

Whistleblowing – NSPCC helpline

At its meeting in January 2016, the Committee was advised of the launch by the NSPCC of a national whistleblowing helpline for employees wishing to raise concerns about a child at risk of abuse. The purpose of the helpline was 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 would be referred by NSPCC to a local authority's Designated Officer for investigation or action, as now under statutory guidance.

The Standards Committee welcomed this initiative to raise concerns about a child at risk of abuse and agreed that the Monitoring Officer be authorised to update the Council's own whistleblowing policy to include the helpline contact telephone number once this is available, and details of the new OFSTED guidance on whistleblowing.

Review of the Council's Codes and Protocols

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 25th January 2016, the Committee received the results of the Annual Review of the following Council Codes and Protocols, undertaken by the Monitoring Officer in accordance with the Committee's established review process and involving consultation with relevant officers, each of the political groups on the Council, and also with Parish Councils.

- 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.

Members' views were sought on the various submissions made in response to the Monitoring Officer's review and whether changes were required to ensure these remain fit for purpose. Subject to minor changes, the Codes and Protocols were approved for re-issue as part of the Council's Constitution 2016/17.

Training

The Committee has continued to assure itself, by receiving regular updates, that appropriate ethical training of Borough Councillors and Parish Councillors is taking place. Reports were made to each of the Committee's meetings in the 2015/16 Municipal Year, providing a record of all the member training events that had taken place, including details of councillor attendance at those events.

Following the Council elections in May 2016, an induction session was held on 9 May 2016 to welcome five Councillors who had not been members of the Council before, as well as one former-Councillor. In addition to affording these six members the opportunity to meet the Chief Executive and other senior officers, they received an introduction to Council finances, and had a session with the Monitoring Officer on the Ethical Framework (covering Ethics and Probity, Code of Conduct and Register of Interests). Individual sessions were held subsequently with the Monitoring Officer on the Ethical Framework for two of the councillors who were unable to make the group session.

Further committee-specific induction sessions have already taken place, with further planned in due course.

Parish Councils

The Standards Committee has continued to monitor training for Parish Councillors and offered assistance where required. The Committee has received an update at each of its meetings on training issues relating to local Parish Councils, including the details of training events held. All but two of Swindon's 15 Parish Councils (Bishopstone and Blunsdon) have adopted the Council's own Members' Code of Conduct. Where a Parish Council has opted to utilise an alternative code, training has been provided via the Wiltshire Association of Local Councils (WALC). The Monitoring Officer has carried out a number of training sessions for Parish Councils during the year. Four sessions have been held on Ethics training, and two sessions have been held on Chairing Skills. 64 Councillors received the Ethics training, and 16 received the Chairing Skills training.

The Monitoring Officer has continued to chair quarterly meetings of Parish Clerks in the Borough throughout the year, and the Ethical Framework is a standing item on the agenda, with any issues arising able to be reported back to the Standards Committee. In addition, quarterly liaison meetings chaired by the Monitoring Officer continued to be held between Parish Councillors and representatives of the Borough Council to promote and maintain the

Borough / Parish Charter, which is an important part of decision-making and proper consultation between the Borough and the Parishes.

Complaints on Ethical Standards

The Council monitors complaints received from members of the public in relation to its operation and decision-making. No complaints were received during the 2015/16 Municipal Year that related to the ethical standards of the authority.

Dispensations

Under the arrangements for implementing the Localism Act 2011, the Council has previously agreed that the role of granting dispensations should be delegated to the Standards Committee. At its meeting on 12 December 2012, the 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 of the Standards Committee.

Following the Local Government election in May 2016, the six newly-elected members applied for dispensation and these were subsequently granted by the Director of Law and Democratic Services in conjunction with the Chair of the Standards Committee. The dispensations will remain valid until 14 October 2016, in line with the period of dispensation made to other members of the Council previously.

Summary

The Standards Committee has continued to use its best endeavours to promote and monitor ethical standards in the authority and within local Parish Councils. It has actively supported a comprehensive review of codes of conduct and behavior and through the promotion of ethical training for Borough and Parish Councillors has undoubtedly enhanced the public perception of the Council's openness, accountability and probity, in its own work and in its joint working with partners and stakeholders.

The Committee has continued to monitor and review the Council's ethical framework, in conjunction with stakeholder and local community groups, to ensure that good governance is maintained and to protect the reputation of the authority.