

## Swindon Borough Council

# Standards Committee

**Monday, 27 January 2014**

Committee Room 1, Civic Offices

**At 5.00 p.m.**

### Councillors

Michael Bray  
Roderick Bluh  
Brian Ford  
Toby Elliott (Deputy)  
(Conservative)

Fay Howard  
Teresa Page  
(Labour)

Dave Wood (Chair)  
(Liberal Democrat)

### Co-opted Representatives

Mr Trevor Davies (Lay Member)  
Mr David Dawson (Lay Member)  
Mr Mike Compton (Parish Rep)  
Mr Richard Hailstone (Parish Rep)

### Independent Persons for Information:

Paul Morris  
Peter Morgans

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

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## 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 1 - 4)

### 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.)*

**5. 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>
<b>8</b>	<b>1 and 2</b>

**6. Question and Answer Session - Leader of the Council and Chief Executive**  
DLDS (Pages 5 - 20)

**7. Ethical Framework Update** DLDS (Pages 21 - 74)

**8. Ethical Compliance Report** DLDS (Pages 75 - 78)

17 January 2014 (being date of agenda despatch)

**Key:**

DLDS - Director of Law and Democratic Services

**Public Question Time** - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

**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) recommend training on any aspects 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 the Standards Board for England, or which may arise under the 'local filtering' arrangements for complaints as to breaches of the Members Code of Conduct;
- (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, from requests relating to interests set out in the Members Code of Conduct;
- (k) to also exercise (a) to (j) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (l) to grant and supervise exemptions in relation to those politically restricted posts for which it is responsible
- (m) ensure the Council's Customer Feedback Policy operates effectively in relation to standards of conduct and behaviour of staff and in particular
  - receive annual reports on its operation
  - receive regular 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
  - approve and publish an annual report upon the operation of the system;
- (n) report 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;

- (o) approve the Council's anti-fraud strategy and whistle-blowing procedures and ensure they operate effectively;
- (p) recommend 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;
- (q) report to the Council on the result of any investigation into the standards of conduct and behaviour of a Member; and
- (r) approve procedures associated with the appointment of an independent remuneration panel for Councillors' Allowances.

## STANDARDS COMMITTEE

**MONDAY, 7 OCTOBER 2013**

PRESENT:- Councillor David Wood (Chair), Councillor Fay Howard, Councillor Teresa Page, Mr Trevor Davies, Mr Mike Compton, Mr Richard Hailstone, Councillor Brian Ford and Councillor Toby Elliott (Deputy)

Apologies for absence were received from Councillors Rod Bluh and Mick Bray and Mr. Paul Morris.

### **11. 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 were made.

### **12. Minutes**

Resolved - That the minutes of the meeting held on 15 July 2013 be confirmed and signed.

### **13. Public Question Time**

Ms Karen Boyd, a resident of Hesketh Crescent, Swindon, put questions regarding:

- the Council's process for dealing with complaints against officers
- the consequences of the failure of members or officers to comply with governance guidelines
- the maximum sanctions against members or officers in the event of a breach of the Code of Conduct.

The Chair advised Ms Boyd that written responses would be provided to her questions.

Ms Carole Bent, a resident of Old Town, Swindon, put questions regarding

- the Committee's perception of public confidence in the Council's complaints procedure
- the distribution to members of the Standards Committee of her correspondence with officers and the Chair on the issue of the Council's standards procedures and its practice in relation to the recording of public questions in the minutes of meetings
- the timeframe for the Committee's review of the Council's standards procedures

The Chair responded to Ms Bent's questions.

Mr Arthur Beltrami, a resident of Spencer Close, Swindon, put a question regarding support available to members of the public in submitting Code of Conduct complaints. At the Chair's invitation, the Director of Law and Democratic Services responded to Mr Beltrami's question.

Ms Claire Bouverie-Brine, a local resident, asked about the process for re-opening a complaint she had previously made about a member of the Council, in the light of what she saw as new evidence. The Chair advised Ms Bouverie-Brine that she would be provided with a written response to her question. The Chair, with the assistance of the Director of Law and Democratic Services, also responded to further questions put by Ms Bouverie-Brine regarding:

- her right of challenge in the event that she felt the answer to her initial question to be unsatisfactory
- support available to members of the public in submitting Code of Conduct complaints

#### **14. Exempt Items - Exclusion of Press and Public**

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 paragraphs of Part 1 of Schedule 12A of the Act.

<u>Item No.</u>	<u>Paragraph No.</u>	<u>Minute No.</u>
7	1 and 2	16

#### **15. 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:

- a reference from the Council's Children and Young People Overview and Scrutiny Committee
- dispensations
- the Independent Persons Protocol
- the membership of the Standards Committee
- updates to codes and protocols
- the Council's updated Ethical Audit Self-Assessment
- the Department for Communities and Local Government's revised Plain English Guide for Councillors; and
- training issues.

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

(2) That the Independent Persons Protocol, attached at Appendix 1 to the report, be adopted.

(3) That the Ethical Audit Desktop Analysis, attached at Appendix 2 to the report, be endorsed.

#### **16. 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 received since the last Committee and the outcome of any completed investigations in relation to these, the whistleblowing protocol and the sources of allegations over the past few years, and the details of

Code of Conduct Complaints received since the last meeting.

Resolved – That the Ethical Framework Compliance report be noted.

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

**Standards Committee**

**Date: 27<sup>th</sup> January 2014**

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

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**1. Purpose and Reasons**

- 1.1 To provide the Committee with an opportunity to discuss with the Leader of the Council, and Chief Executive, the authority's approach to ethical governance.
- 1.2 To enable the Standards Committee to be informed of issues of probity in the Council.

**2. Recommendations**

The Committee is recommended to:

- 2.1 Welcome the discussion with the Leader and Chief Executive, and recommend any actions to support continued improvement in the Council's approach to ethical governance.

**3. Detail**

- 3.1 The Committee includes in its work programme a regular opportunity to discuss with the Leader, and Chief Executive, the ethical governance of the Council.
- 3.2 As background to this discussion is attached at Appendix '1', a copy of the latest ethical desktop audit, which was completed in October 2013, and a copy of the Ethical Audit Toolkit categories published by the IDeA in 2007 (Appendix 2), which provide a useful checklist against which to assess ethical governance. For the information of the Committee, attached at Appendix '3' are the minutes of the last meeting with the Leader and the Chief Executive.
- 3.3 Since the last meeting with the Leader and the Chief Executive, the Council has had further experience of the current ethical framework and members may wish to seek their views on how it is working. The Chief Executive will also update the Committee as to how the Council is continuing to develop its engagements with local people and communities, as requested at the last meeting with the Standards Committee.

**4. Alternative Options**

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

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

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

**Standards Committee**

**Date: 27<sup>th</sup> January 2014**

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**5. Implications, Diversity Impact Assessment and Risk Management**

Financial and Procurement Implications

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

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.

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.

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.

**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 2013
- 8.2 Appendix 2 - IDeA Ethical Audit Toolkit categories
- 8.3 Appendix 3 – Minutes of the last meeting with the Leader and the Chief Executive.

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

Ethical Audit Desktop Analysis  
Matrix of Key Information held by Swindon Borough Council  
October 2013

	<b>Key Information</b>	<b>Held</b>	<b>Current position, including action taken since the last review in October 2012.</b>	<b>Area of Review or Action to be identified by the Standards Committee.</b>
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 2013.</p> <p>The Constitution's operation is monitored by the Monitoring Officer and also by the Corporate Governance Working Party 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 for 2008/09 confirmed that the 'Governance arrangements' of the Council were sound with 'examples of notable practice identified'.</p> <p>The Council is increasingly working with external partners and stakeholders. Many of the Council's partnership relationships are now managed through the One Swindon Board, with appropriate governance arrangements in place.</p>	
2	Procedural Standing Orders	Yes	Updated in Constitution – May 2013	
3	Contracts Standing Orders	Yes	Updated in Constitution – May 2013	
4	Employees' Code Of Conduct	Yes	Following consultation with Council employees and	

			<p>unions, the Employee Code of Conduct was approved by the Standards Committee in July 2006. The Code of Conduct was been issued to all Council employees, who were required to sign to confirm that they have read and will act in accordance with the Code.</p> <p>A statutory Code was consulted on in October 2008 by the Department of Communities and Local Government, but no further action has been taken on this matter.</p>	
5	Members' Code Of Conduct plus Local Guidance	Yes	<p>The new Members Code of Conduct and procedures for determining complaints was adopted in June 2012, taking effect on 1 July 2012, under the Localism Act 2011.</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 Councillors. Refresher training is also regularly provided.</p>	.
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 in the Team Brief.</p> <p>The Committee first approved in September 2005 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 support via a contract with Care First, the Council's employee assistance programme.</p>	
7	Terms Of Reference of the	Yes	The new Standards Committee was put in place in July	

	Standards Committee		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 new Committee has 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 by 1 April 2013 to take account of the revised management structures under Stronger Together which came into effect on that date. It has subsequently been approved again as part of the 2013/14 Constitution at the meeting of Annual Council meeting in May 2013.	
9	Members' Register Of Interests	Yes	Held on file and on the Council's website. Regular reminders are issued.  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.	
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.</p> <p>New Councillors elected in by elections have attended Induction training following their election.</p> <p>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> <p>The Monitoring Officer liaises with the Head of People and Change 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.</p>	
12	Officers' Induction Process	Yes		
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 the Members Services Officer, in consultation with a cross-party Member Development Steering Group. This agrees the programme for training at the beginning of each year,</p>	

			and monitors the success of each course and the uptake from Councillors.	
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 <a href="#">Learning Zone</a> 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> - Adopted in December 2003 and last updated in May 2012 to reflect the changes in the management structure under Stronger Together.</p> <p><u>Guidance to Councillors on Dealing with the Media</u> – first adopted February 2002, and last reviewed and updated by the Committee in October 2010, following detailed consultation with members, to include in particular new provisions in relation to blogging and use of social media.</p> <p><u>Protocol on Member / Officer Relations</u> - Introduced September 2002 and regularly reviewed and updated. This was last updated in February 2010 to refer to the Council's Intouch programme. 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 amended in January 2012 to reflect the new rules in relation to Pre-Determination of Decisions under the Localism Act 2011.</p> <p><u>Anti-Fraud and Corruption Strategy</u> – adopted November 2001 and regularly reviewed and updated. This was last updated in October 2011, together with the Whistleblowing Policy, to take account of the Bribery Act 2010. 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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### leadership behaviour and styles

#### questions and probes

1. What role does the chief executive play in ensuring that ethical standards are upheld?
2. What profile do the standards committee and monitoring officer have within the council?
3. To what extent are the diverse needs of the communities are taken into account when setting priorities?
4. Do council members and officers demonstrate that they mediate fairly between people with conflicting needs? Give examples of how they do/don't mediate fairly.
5. To what extent does the council follow legal process when balancing public need and council policy?
6. To what extent do senior members and officers display effective leadership in this council? Do you think they are a catalyst for change where necessary? Give examples.
7. Do members and officers show appropriate dignity and respect for all their colleagues and citizens of the area? Give examples of appropriate/inappropriate behaviours.

### communications

what will we look for in a review?  
probes and evidence

1. Do you feel there is sufficient guidance/advice available on ethical standards? Provide examples. Where would you go to obtain guidance/advice?
2. What are the standards committee and monitoring officer doing to promote high ethical standards? Can you give examples of where you feel the work of the standards committee has had a positive effect on the work of the council?
3. Do you think the public understand the ethical values of the council? If so how is this communicated to them?
4. Do you think that the stakeholders and or suppliers and contractors to the council understand its ethical values? How are the councils ethical values communicated to other partnership members?
5. What do you think the perception of the wider public is of the ethical standards in the council? Do you think they differentiate between members and officers?
6. How do you think the council responds to criticism?
7. Do you think that communication between members is generally open and honest? Provide examples of when the communication is/is not open and honest.
8. Do you think communication between members and officers is open and honest? Provide examples of when the communication is/is not open and honest.
9. To what extent do you think members and officers respect confidentiality?

### relationships

roles and responsibilities  
what will we look for in a review?  
questions and probes

1. How would you describe the relationship between the executive (cabinet) and the standards committee?
2. How would you describe the relationship between the standards committee and monitoring officer?
3. How would you describe the relationship between the chief executive and the standards committee and monitoring officer?
4. What do you think the public perception of ethics in the council might be?
5. What do you perceive the image of the standards committee to be in this council?
6. How are ethical issues reported to the executive?
7. What is the frequency of reporting to the executive?
8. In your view is there clarity between the roles and responsibilities of members and senior officers? Can you give examples of when there has/has not been clarity?
9. Are roles and responsibilities for members and officers clearly defined and does their behaviour indicate this?
10. Is there trust between members and officers? Can you give examples of where there has/has not been trust?

### accountability

decision making  
what will we look for in a review?  
questions and probes

1. Do you think that by their behaviour the majority of members and officers display an understanding of the importance of ethical standards in this council? Can you give examples?
2. Do you think there is a common understanding for members of the ethical values of this council? Can you give examples?
3. Do you think there is a common understanding for officers of the ethical values of this council? Can you give examples?
4. Do you think that the appointment of representatives of the council to outside bodies is carried out in an open and transparent manner? Can you give examples?
5. To what extent do non executive members feel they can hold the executive to be accountable?
6. To what extent do members and officers understand the need for a register of interests?
7. To what extent do members of the public understand who is responsible for what in the council?
8. Do you think that the use of 'exempt information' is constructive or is it used to shield and hide debate?
9. Does the council maximise the opportunity to hold meetings in publicly accessible venues e.g. away from the guildhall? Can you give examples?
10. To what extent do members understand the roles of the statutory officers and know who they are?
11. Do you think that senior officers are accountable for the decisions they take? Can you give examples?

management of standards

ethical standards constitution, design and culture  
what will we look for in a review?  
questions and probes

1. Do you feel that members and officers have access to all the relevant information/guidance that they need to do the job properly? Can you give examples?
2. How easy is it to:
  - i. Declare an interest
  - ii. Register an interest
  - iii. Claim expenses
  - iv. Offer and/or receive hospitalityHow clear are you clear about the systems and processes involved?
3. To what extent are ethics in the council assessed or monitored?
4. To what extent are members/officers aware of any protocols, for example member/officer protocols, IT, allowances and expenses?
5. Can you give examples of where a lack of guidance may have led people to fail to follow set procedures?
6. To what extent do you think that the council makes it clear to all of its suppliers/contractors the level of ethical behaviour expected from their employees?
7. To what extent do you think that suppliers/contractors are aware of the standards of behaviour expected of council officers and members?
8. Do all members and officers have a role to play in maintaining high ethical standards or is it just the responsibility of just the standards committee?
9. How easy is it for members or staff to invoke the whistle blowing policy?

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**STANDARDS COMMITTEE**

**TUESDAY, 29 JANUARY 2013**

**PRESENT:-** Councillor David Wood (Chair), Councillor Richard Hurley (Vice-Chair), Councillor Mary Friend, Councillor Fay Howard, Councillor Teresa Page, Mr Trevor Davies, Mr David Dawson, Mr Mike Compton and Mr Richard Hailstone.

Mr Peter Morgan (Independent Person) was also in attendance.

Apologies for absence were received from Councillor Rex Barnett and Mr Paul Morris (Independent Person).

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

The Leader of the Council, and the Chief Executive, attended the meeting to discuss the Council's approach to ethical governance, and their key priorities in relation to ensuring that high ethical standards were promoted and maintained within the Council.

It was appreciated that it had been an interesting year with implementation of the Localism Act 2011, and the adoption of a local Members Code of Conduct and arrangements for dealing with complaints under the Code. The Leader and Chief Executive agreed that the new local arrangements were working well in Swindon, and that this was not the experience across the country.

At the last question and answer session, the continuing growth of social media had been discussed, together with the difficulties that presents for Councillors knowing how and when to engage, and ensuring that their contributions are compliant with the Media Guidelines for Councillors and the Members Code of Conduct. It was noted that the Media Guidelines had been updated after the last meeting, with a specific requirements to comply with those Guidelines included in the Members Code of Conduct. This had reinforced that the Code applied to Councillors when using Social Media, and that Councillors were strongly advised not to use pseudonyms when using social media, although it was recognised that this was more difficult to track.

The Chief Executive and Leader confirmed that they considered the relationships and interactions between Officers and Members to be good and respectful, with the appropriate level of challenge. In a similar way, Member to Member interactions were generally good, even when robust in a political context, but the exchanges were generally respectful and self-regulating. It was recognised that the Group Leaders had a key role to play in asking their Councillors to make sure that political attacks were directed at policy and not personal.

The Chief Executive and Leader praised the excellent work carried out by the

Monitoring Officer during the last year, in his robust professionalism in dealing with difficult and complex situations.

A question was asked about the Leader and Chief Executive's view on how the Council was perceived, which had implications for an assessment of its governance, and the role of consultation in setting that view. In response, it was stated that it was important to be prepared to listen to different views from local people and the community. It was recognised that there was a sometimes a perception that the Council did not listen to the results of consultation. The Leader and Chief Executive were of the view that the Council did listen, but it was not always possible to please everyone, when balancing the views of some against the general need.

It was agreed that there could be improvements in distinguishing between different types of consultation, so that it was clear what was being asked, and what options were available. The Leader advised that the 'Big Conversation' initiative was intended to bring about a different form of engagement, but that this was different to formal statutory consultations on proposals, such as on the Local Plan. The Chief Executive suggested that he report back to the Committee at a future meeting on how the Council was continuing to develop its engagement with local people and communities.

Resolved -

- 1) That the Leader of the Council and the Chief Executive be thanked for attending the Committee and answering the questions of the Committee.
- 2) That the Chief Executive report back to a future meeting of the Committee on how the Council was continuing to develop its engagement with local people and communities.



## Ethical Framework Update

**Standards Committee**

**Date: 27<sup>th</sup> January 2014**

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

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### **1. Purpose and Reasons**

- 1.1 To provide an update on various matters related to the Ethical Framework and 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.
- 2.2 Consider the Council's existing Codes and Protocols, in the light of submissions received following consultation, and determine whether any changes should be made;
- 2.3 Authorise the Monitoring Officer to conduct the appointment of Independent Persons as set out in the report;
- 2.4 Endorse the re-appointment of the current co-opted lay members at the Annual Meeting of Council in June 2014 for a further year; and
- 2.5 Authorise the Monitoring Officer to conduct the appointment of future co-opted lay members as set out in the report.

### **3. Detail**

Review of Codes and Protocols

- 3.1 The Standards Committee has previously agreed to regularly review the following Codes and Protocols to ensure that these remain appropriate and up to date:
- 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
- 3.2 In accordance with the Committee's previously utilised review process, the Monitoring Officer has consulted on the above Codes and Protocols with relevant

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Ethical Framework Update

**Standards Committee**

**Date: 27<sup>th</sup> January 2014**

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officers, each of the political groups on the Council, and also with Parish Councils.

- 3.3 Members are asked to note that several Parish Councils have been unable to meet within the timeframe suggested for submissions and that, consequently, any submissions received after the agenda despatch date (17<sup>th</sup> January 2014) will be reported to the meeting.
- 3.4 The various suggestions, questions and proposed amendments to the codes and protocols received in response to the consultation are set out in Appendix 1 to the report.
- 3.5 Having carefully considered the comments resulting from the consultation which, in the main do not relate to standards or probity issues or matters within the purview of the Standards Committee, I am not recommending any changes be made at this time to the various Codes and Protocols under consideration other than a minor change to the 'Guidance to Councillors on dealings with the media' as shown track changed in Appendix 2.
- 3.6 I will, however, will be consulting with the Corporate Governance Working Party in relation to some of the suggestions made in relation to governance issues. In particular, those suggestions relating to Councillor Role Definitions, and reference to the Health and Well Being Board.
- 3.7 The Committee is asked to review the Council's codes and protocols in the light of responses to the consultation exercise and determine whether any changes are required.

## Dispensations

- 3.8 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. No such dispensations have been granted by the Monitoring Officer in consultation with the Chair of the Standards Committee, since the last meeting.

## Membership of the Standards Committee – Independent Persons

- 3.9 It was agreed at the Council meeting on 20<sup>th</sup> June 2012 that the Independent Persons appointed to the Standards Committee (Mr Paul Morris and Mr Peter Morgans) should "hold office from 1st July 2012 until the date of the Annual Council meeting in 2013, with an option to extend for a further period until the date of the Annual Council meeting in 2014, subject to the agreement of the Council and the Independent Person".
- 3.10 Mr Morris and Mr Morgans were subsequently re-appointed, for a further term of 1 year, at the Annual Meeting of the Council on 17<sup>th</sup> May 2013. Consequently,

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Ethical Framework Update

**Standards Committee**

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the appointment of the Independent Persons will need to be reviewed and appointments made at the Annual Council meeting in June 2014.

- 3.11 In order to progress the appointment of Independent Persons, as required under section 28 of the Localism Act 2011, the Standards Committee is invited to authorise the Monitoring Officer to advertise the vacancies and conduct the appointments process in accordance with the previously agreed appointment process as referred to in paragraph 3.12 below.
- 3.12 The current agreed process for the appointment of Independent Persons following receipt of applications is that the Monitoring Officer will circulate those applications to the Group Leaders for comment, following which a short list will be drawn up by the Monitoring Officer and interviews held. The Monitoring Officer will then recommend the appointment of the Independent Persons to the Annual Meeting of the Council on 6<sup>th</sup> June 2014.
- 3.13 It is suggested that the appointment not be held for an indeterminate duration and it is recommended that the Independent Persons be appointed to hold the appointment for a period of one year with an option to extend for a further year. Alternatively, members may wish for the positions to be held for a period of two years with an option to extend for a further two years. Members views are sought.

## Membership of the Standards Committee – Co-opted Lay Members

- 3.14 Mr Trevor Davies and Mr David Dawson were appointed as the co-opted lay members at Council on 20<sup>th</sup> June 2012 but no term of office was specified. In order to ensure continuity, and to take full advantage of the experience gained by each of them, and yet to ensure a regular review of membership, it is suggested that Mr Davies and Mr Dawson be invited to continue their membership for a further year with effect from the Annual Meeting of Council in June 2014.
- 3.15 It is also suggested that future appointments be made, following advertisement and the same process as outlined above in relation to the appointments for Independent Persons, for a period of one year with an option to extend for a further year. Alternatively, members may wish for the positions to be held for a period of two years with an option to extend for a further two years. Members views are sought.

## Member Code of Conduct

- 3.16 The Standards Committee has previously requested, and included in its work programme for 2103/14, a review of how the council currently handles complaints against elected members in order to improve transparency, ensure the Council is open to hearing the views of residents and also to learn from existing good practice elsewhere. Members will be aware that some concerns have been expressed by some local residents about current arrangements and it is the

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Ethical Framework Update

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intention that this independent review will address these concerns and enable the council to achieve its aim of becoming “best in class” in this field.

- 3.17 Members are advised that it is proposed that Hoey Ainscough Associates Limited be formally appointed to carry out this work subject to consultation with Group Leaders, the outcome of which will be reported to the meeting. It is anticipated that Hoey Ainscough’s report will be available to be presented to the Committee meeting on 24<sup>th</sup> March 2014 in accordance with the agreed Work Programme.
- 3.18 So far as the operation nationally of the current Ethical Framework is concerned following the Localism Act, Hoey Ainscough have produced the following two discussion papers which may be of interest and value to the Committee:
- Codes of Conduct – conclusions on the way local codes have been implemented
  - Case handling – examples of current practice in relation to Councils’ experiences of the new complaints process
- 3.19 Copies of the discussion papers are attached at Appendix 3.

## Training

- 3.20 Attached at Appendix 4 is a record of all the member training events that have taken place so far this Municipal Year and details of proposed training events to be held over the remaining period of the year.
- 3.21 Members have previously been advised that discussions have taken place on the potential for additional training for Councillors. A report was considered by the Member Development Advisory Group at its meeting in October 2013 on specific proposals for Member Training and Development to support Councillors in carrying out their various roles, and revised induction proposals for newly appointed members. These matters are being progressed and the revised induction process will include the necessary training in respect of ethical standards.
- 3.22 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 parish councillors attend. Parish Councillors have also been specifically invited to some planning training provided for borough councillors. In addition, parish councillors have attended training sessions they have seen advertised in the Members Bulletin.
- 3.23 A copy of the summary of training provided for Town and Parish Councillors is attached at Appendix 5.

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Ethical Framework Update

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## **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.

### 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

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# **Ethical Framework Update**

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## **8. Appendices**

- 8.1 Appendix 1 – Questions and proposed amendments to the codes and protocols received in response to the consultation
- 8.2 Appendix 2 – Guidance to Councillors on dealings with the media
- 8.3 Appendix 3 – Ethical Framework Discussion Papers
- 8.4 Appendix 4 - Member training events - 2013/14
- 8.5 Appendix 5 - Summary of training provided for Town and Parish Councillors

## **AGENDA ITEM NO. 6 – ETHICAL FRAMEWORK UPDATE**

Questions and proposed amendments to the codes and protocols received in  
response to the consultation

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03 January 2014

## **Response to the 'Review of Council Codes and Protocols' Consultation**

### **Swindon Borough Council's Local Code of Corporate Governance**

#### *Section 3.4*

*Bullet point three "Developing effective relationships and partnerships with ..."*

Insert new item to the bulleted list as follows:

"Parish Council's in parished areas".

#### *Section 3.5*

Bullet point ten should be reworded to read "Ensuring partnerships and contracts with other public bodies, Parish Councils, voluntary and community organisations, and the private sector have clear governance accountabilities, including effective and equitable financial arrangements".

#### *Section 3.14*

*"The Council is committed to increasing public involvement in decision-making ... the Council will do this by:"*

Bullet point one should be reworded to read "Forming and maintaining relationships with Parish Councils and the leaders of other organisations".

### **Monitoring Officer Protocol**

#### *Section 2 g)*

It does not make clear whether this will includes the same service for Parish Councils as well.

### **Media Guidelines**

#### *Section 4.2*

The last sentence should be reworded to read "Members should not make public comment on issues not formally in the public domain, such as would bring the Council into disrepute, nor claim to represent the Council unless authorised to do so."

### **Councillor Role Definitions**

#### *Section – Councillor Role Definition Non-Executive (Backbench) Councillor: Duties and Responsibilities*

Insert new item under numbered list as follows:

"All Councillors have the duty to seek to represent the overall interest of the whole Swindon community without distinction of political party or geographical location.

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Blunsdon Parish Council response to consultation on the Council's Codes and Protocols

- Ward members relationships with Parish Councils are not mentioned in any detail in the Protocols or Codes of Practice. Localities are mentioned but Parish Councils seem neglected.
- In your (the borough Council's) Members Planning Code of Practice the 'Dos' and 'Don'ts' are mixed together rather than set out separately. As some members in the past have sometimes mixed them up, for clarity, it would be better to separate them into clear 'Dos' and then 'Don'ts'.

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## Consultation on the Council's Codes and Protocols

### Response of the Council's Acting Director of Public Health and the Council's Head of Housing

#### Acting Director of Public Health

##### Local Code of Governance

#### The Principles of Corporate Governance

Focusing on the Council's purpose and on outcomes for the community and creating and implementing a vision for the local area

3.1 We are committed to an ambitious strategy of achieving excellence for our residents and their communities. We demonstrate this by publishing:

- Our Corporate Plan and One Swindon Delivery Plan. *Should this also include reference to the Swindon Health and Wellbeing Strategy?*

3.2 We will regularly review the vision for our local communities, as it is set out in these documents, and its implications for the Council's governance arrangements.

3.3 We will ensure that this vision is shared with our partners through the One Swindon Partnership Board, the Swindon Strategic Partnership (*I thought that the One Swindon Partnership Board was the Swindon Strategic Partnership?*), and the Community Strategy. *should this include the Health and Wellbeing Board?*

3.4 The Council will aim to deliver high quality services that make the best use of resources and are value for money. The Council will do this by:

- Delivering services to meet the needs of the local community, and put in place processes to ensure that they operate effectively in practice.
- Determining local needs and targeting resources according to the Corporate Plan *and the Swindon Joint Strategic Needs Assessment.*
- Developing effective relationships and.....

##### Councillor Role Definitions\*

#### COUNCILLOR ROLE DEFINITION

#### CHAIR OF HEALTH AND WELLBEING BOARD

**To work with other Councillors and officers of the Council and strategic partners to:-**

1. Ensure the Board provides strategic leadership to improve the health and wellbeing of people of all ages in Swindon and to reduce health inequalities in Swindon.
2. Ensure the Board develops the Swindon *Joint Strategic Needs Assessment and the Swindon* Joint Health and Wellbeing Strategy.
3. Fulfil the role of.....

## **Head of Housing**

### Monitoring Officer Protocol

*Para 2a suggest reword - to make a little clearer.*

### Guidance to Councillors on dealings with the media

*It may not be relevant to this policy but I do think officers are often vulnerable when dealing with MPs and Ministers of State - some thought on this would be appreciated - happy to discuss as I have involvement with both.*

*Finally - all documents refer to the Monitoring Officer - suggest the post should be identified in brackets (Director of Law and Democratic Services). This is consistent to references to Head of Paid Service (Chief Executive) and Chief Finance Officer/Section 151 Officer (Board Director, Resources)*

### Local Code of Governance

*Often there are a number of Cabinet Member Advisory Groups/Forums. The role and remit of these would be helped by some constitutional clarification. E.g. Housing Advisory Forum.*

## **Consultation on the Council's Codes and Protocols**

### Response of the Council's Board Director Commissioning (DCS/ DASS)

I attach a report re. the national 'Statutory Guidance' around the Lead Member role for Children Services, (updated in September 2013), which may have a different emphasis on Councillor Role Definitions, which perhaps needs to be considered alongside the definitions set out in the current version of the Constitution.

A copy of the report referred to by the Director is attached.

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Department  
for Education

# **Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services**

**For local authorities**

**April 2013**

# Contents

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# Summary

## About this guidance

This is statutory guidance issued by the Secretary of State for Education. Local authorities in England<sup>1</sup> must have regard to it in relation to the appointment of the Director of Children's Services (DCS) and the designation of the Lead Member for Children's Services (LMCS). This guidance covers the legislative basis for the two appointments, roles and responsibilities of the post holders, and how this relates to Government expectations about local authorities' role in education and children and young people's services.

## Review date

This guidance replaces the previous versions issued in 2005, 2009 and 2012. This guidance will next be reviewed on an annual basis to check whether it is still fit for purpose: but it will only be revised if it is no longer considered fit for purpose. Annex A lists other sources of information and guidance and will be updated regularly.

## What legislation does this guidance refer to?

- Sections 18(7) (Director of Children's Services) and 19(2) (Lead Member for Children's Services) of the Children Act 2004. This means that local authorities must have regard to it and, if they decide to depart from it, they will need to have clear reasons for doing so.

## Who is this guidance for?

This guidance is for:

- Local authorities in England with responsibility for education and children's social services functions.

## Key points

- The *Children Act 2004* requires every upper tier local authority to appoint a Director of Children's Services and designate a Lead Member for Children's Services.

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<sup>1</sup> References in this guidance to local authority 'education' functions do not include further and higher education functions listed at section 18(3) of the Children Act 2004

- The DCS and LMCS are appointed for the purposes of discharging the education and children's social services functions of the local authority. The functions for which they are responsible are set out in section 18(2) of the Children Act 2004. This includes (but is not limited to) responsibility for children and young people receiving education or children's social care services in their area and all children looked after by the local authority or in custody (regardless of where they are placed).
- Within this legal framework, it is for individual local authorities to determine their own organisational structures in the light of their local circumstances. However, local authorities must ensure that there is both a single officer and a single elected member each responsible for both education and children's social care. The DCS and LMCS should each have an integrated children's services brief, ensuring that the safety and the educational, social and emotional needs of children and young people are central to the local vision. Between them, the DCS and LMCS provide a clear and unambiguous line of local accountability.
- The DCS has professional responsibility for children's services, including operational matters; the LMCS has political responsibility for children's services. Together with the Chief Executive and Leader or Mayor<sup>2</sup> the DCS and LMCS have a key leadership role both within the local authority and working with other local agencies to improve outcomes for children and young people.
- The DCS is a politically restricted statutory chief officer post; they should be a first tier officer and report directly to the Chief Executive.
- Local authorities should, as a matter of course, assure themselves that their arrangements enable them to discharge their education and children's social care functions effectively.
- Given the breadth and importance of children's services functions that the DCS and LMCS cover, local authorities should give due consideration to protecting the discrete roles and responsibilities of the DCS and LMCS before allocating to them any additional functions other than children's services.

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<sup>2</sup> Local authorities that are considering adopting the committee system should take into account and implications for the DCS and LMCS roles

# **The Director of Children's Services and Lead Member for Children's Services**

## **The Director of Children's Services (DCS)**

- 1) Section 18 of the Children Act 2004 requires every top tier local authority to appoint a Director of Children's Services. The DCS has professional responsibility for the leadership, strategy and effectiveness of local authority children's services and, as such, this post should be at first tier officer level. The DCS is responsible for securing the provision of services which address the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers. In discharging these responsibilities, the DCS will work closely with other local partners to improve the outcomes and well-being of children and young people. The DCS is responsible for the performance of local authority functions relating to the education and social care of children and young people. The DCS is responsible for ensuring that effective systems are in place for discharging these functions, including where a local authority has commissioned any services from another provider rather than delivering them itself. The DCS should have regard to the General Principles of the United Nations Convention on the Rights of the Child (UNCRC) and ensure that children and young people are involved in the development and delivery of local services.
- 2) The DCS is a politically restricted statutory chief officer post.<sup>3</sup> This means the post holder is prevented from taking part in certain political activities. In particular, the DCS is disqualified from being an elected member of the local authority. The DCS should report directly to the Chief Executive (Head of Paid Service), who in turn is accountable to the Council for the performance of its chief officers<sup>4</sup> Local authorities are strongly encouraged to involve children and young people in the appointment of the DCS.

## **The Lead Member for Children's Services (LMCS)**

- 3) Section 19 of the Children Act 2004 requires every top tier local authority to designate one of its members as Lead Member for Children's Services. The LMCS will be a local Councillor with delegated responsibility from the Council, through the Leader or Mayor<sup>5</sup>, for children's services. The LMCS, as a member of the Council Executive, has political responsibility for the leadership, strategy and effectiveness of local authority children's services. The LMCS is also democratically accountable to local

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<sup>3</sup> Under section 2 of the Local Government and Housing Act (as amended)

<sup>4</sup> See Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001 SI 3384

<sup>5</sup> In Local authorities with governance models

communities and has a key role in defining the local vision and setting political priorities for children's services within the broader political context of the Council.

- 4) The LMCS is responsible for ensuring that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed. In doing so, the LMCS will work closely with other local partners to improve the outcomes and well-being of children and young people. The LMCS should have regard to the UNCRC and ensure that children and young people are involved in the development and delivery of local services. As politicians, LMCSs should not get drawn into the detailed day-to-day operational management of education and children's services. They should, however, provide strong, strategic leadership and support and challenge to the DCS and relevant members of their senior team as appropriate.

## **Ensuring a clear line of accountability**

- 5) Integrating education and children's social care services under a single officer and a single member provides both a strategic and professional framework within which the safety and the educational, social and emotional needs of children and young people are considered together. The DCS and LMCS roles provide a clear and unambiguous line of political and professional accountability for children's well-being. The DCS and LMCS should report to the Chief Executive and to the Council Leader or Mayor respectively as the post holders with ultimate responsibility for the political and corporate leadership of the Council and accountability for ensuring that the effectiveness of steps taken and capacity to improve outcomes for all children and young people is reflected across the full range of the Council's business. The DCS and LMCS (in their respective roles) will also need to work closely with the Director of Public Health as the principal adviser on health to officials and members.

## **Additional functions not related to local authority children's services**

- 6) It is legally permissible for the DCS and LMCS roles to be combined with other operational and political functions of the local authority. However, given the breadth and importance of children's services functions that the DCS and LMCS cover, local authorities should give due consideration to protecting the discrete roles and responsibilities of the DCS and LMCS before allocating any additional functions to individuals performing these roles. In particular, local authorities should undertake a local test of assurance so that the focus on outcomes for children and young people will not be weakened or diluted as a result of adding such other responsibilities (see paras 13-16 below). Given the demanding nature of the DCS and LMCS roles, local authorities should consider *all* aspects of any combined posts (e.g. the impact on both

children and adult services where there is a joint DCS and Director of Adult Social Services post).

- 7) The DCS should report directly to the Chief Executive, so it is not appropriate for the Chief Executive also to hold the statutory role of DCS (except possibly as a temporary measure whilst the Council actively takes steps to fill a vacant DCS post and an alternative interim DCS appointment is not considered appropriate).

## **Joint DCS appointments**

- 8) It is legally permissible for two or more local authorities to appoint a single joint DCS to cover children's services responsibilities across all the local authority areas concerned.

## **Local assurance**

- 9) Local authorities will, as a matter of course, want to ensure their structures and organisational arrangements enable them to:
- fulfil their statutory duties effectively (including ensuring that children, young people and families receive effective help and benefit from high educational standards locally);
  - be transparent about responsibilities and accountabilities,
  - support effective interagency and partnership working.
- 10) A local authority should carry out effective assurance checks, integrated as part of their usual decision-making and scrutiny work, of their structures and organisational arrangements. Once any new arrangements are in place, local authorities should review their arrangements regularly to satisfy themselves that they continue to be effective.
- 11) These assurances should be agreed within the Council. They should be subject to self-assessment within the local authority, and to peer challenge and review, as part of the process of securing continuous sector-led improvement in the quality of services. Where, as part of Ofsted's assessment of the quality and effectiveness of local authority leadership and management, inspectors identify an issue arising from the local authority's arrangements for discharging the DCS and LMCS functions, they may decide to look at the quality and effectiveness of the authority's assurance process.
- 12) It is for each local authority to determine the precise nature of its own assurance process and how to provide transparency for local communities about which individuals are fulfilling the statutory roles of DCS and LMCS, taking account of local

circumstances. However, in doing so, the following elements are likely to be essential in assuring that effective arrangements are in place:

- clarity about how senior management arrangements ensure that the safety and the educational, social and emotional needs of children and young people are given due priority and how they enable staff to help the local authority discharge its statutory duties in an integrated and coherent way;
- clarity about how the local authority intends to discharge its children's services functions and be held accountable for them from political, professional, legal and corporate perspectives (including where, for example, services are commissioned from external providers or mutualised in an arm's length body);
- the seniority of and breadth of responsibilities allocated to individual post holders and how this impacts on their ability to undertake those responsibilities (especially where a local authority is considering allocating any additional functions to the DCS and LMCS posts);
- the involvement and experiences of children and young people in relation to local services;
- clarity about child protection systems, ensuring that professional leadership and practice is robust and can be challenged on a regular basis, including an appropriate focus on offering early help and working with other agencies in doing so; and
- the adequacy and effectiveness of local partnership arrangements (e.g. the local authority's relationship with schools, the courts, children's trust co-operation arrangements, Community Safety Partnerships, health and wellbeing boards, Youth Offending Team partnerships, police, probation, Multi-Agency Public Protection Arrangements and Multi-Agency Risk Assessment Conferences) and their respective accountabilities.



## Roles and Responsibilities of the DCS and LMCS

13) Local authorities are bound by some 200 statutory duties covering education and children's social care. The way in which the roles and responsibilities of the DCS and LMCS are fulfilled will vary between different places and change over time. This guidance does not attempt to cover all these duties in detail but the key aspects of those roles are outlined below.

### Leadership and partnership

14) The DCS and LMCS work together to provide strong, strategic local leadership and development of an increasingly autonomous and diverse education and children's services sector. Working with headteachers, school governors and academy sponsors and principals, the DCS and LMCS should support the drive for high educational standards for all children and young people, paying particular attention to the most disadvantaged groups. They should also ensure that children's services are integrated across the council, for example to support a smooth transition from children's to adults' services. The DCS and LMCS should involve and listen to parents, carers, children and young people. The DCS and LMCS have a key role in ensuring that the local voluntary and community sector, charities, social enterprises, the private sector and children and young people themselves are included in the scope of local authority planning, commissioning and delivery of children's services where appropriate.

15) Section 10 of the Children Act 2004 places a duty on local authorities and certain named partners (including health) to co-operate to improve children's well-being. The DCS and LMCS must lead, promote and create opportunities for co-operation with local partners (for example, health, police, schools, housing services, early years, youth justice, probation, higher and further education, and employers) to improve the well-being of children and young people. Local authorities must also (by virtue of the Child Poverty Act 2010 <sup>6</sup>) establish local co-operation arrangements to reduce child poverty, prepare and publish a local child poverty needs assessment, and prepare a local child poverty strategy.

16) As a statutory member of local health and wellbeing boards, the DCS will have a clear role in driving the development of the local Joint Strategic Needs Assessment (JSNA) and joint health and wellbeing strategy. The DCS will promote the interests of children, young people and their families. The DCS will also help join up local commissioning plans for clinical and public health services with children's social care and education, where appropriate, to address the identified local needs through the

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<sup>6</sup> Although the local authority duties under the Child Poverty Act 2010 are not included in the Section 18(2) definition of functions for which the DCS / LMCS are automatically responsible, local authorities may nonetheless consider it appropriate to assign them to the DCS LMCS

JSNA and Joint Health and Wellbeing Strategy. The DCS will make a key contribution to ensuring effective working relationships between the health and wellbeing board and the LSCB. The DCS is responsible for any agreements made under section 75 of the National Health Service (NHS) Act 2006 between the local authority and NHS relating to children and young people – for example, pooled budgets for commissioning and/or delivering integrated services covering children's health, social care and education.

- 17) Local authorities must comply with the duties set out in the Equality Act 2010, which means that, as well as ensuring that they do not discriminate unlawfully, DCSs LMCSs must take into account the likely impact of their policies and decisions on specified groups. In doing so, particular consideration should be given to Article 2 of the UNCRC. Local authorities should also maintain an audit trail to demonstrate how equalities matters were considered as part of the decision-making process.

## Safeguarding

- 18) Section 11 of the Children Act 2004 requires local authorities and other named statutory partners to make arrangements to ensure that their functions are discharged with a view to safeguarding and promoting the welfare of children. There is a similar requirement imposed on schools<sup>7</sup>. This should ensure that safeguarding is integral to all that local authorities, schools and other named partners do. The DCS and LMCS should ensure that there are clear and effective arrangements to protect children and young people from harm (including those attending independent schools). Local authorities are also required to set up a LSCB to coordinate the effectiveness of arrangements to safeguard and promote the welfare of children and young people in that area.
- 19) The DCS has the responsibility within the local authority for improving outcomes for children and young people, children's social care functions and local cooperation arrangements for children's services.<sup>8</sup> The DCS should always be a member of the LSCB. However, it is the responsibility of the Chief Executive (Head of Paid Service) to appoint or remove the LSCB chair, with an appointment panel involving Board members and lay members. The Chief Executive, drawing on other Board partners and, where appropriate, the Lead Member will hold the Chair to account for the effective working of the LSCB and will be held to account for the effective working of the LSCB<sup>9</sup>.
- 20) The LMCS should be a "participating observer" of the LSCB; they may engage in discussions but not be part of the decision making process in order to provide the LMCS with the independence to challenge the DCS (and others) when necessary. The DCS also has a crucial role in ensuring collaboration and dialogue with the family courts so that high quality local authority assessments and other evidence contribute to effective and timely court processes for children.

## Vetting and barring scheme

- 21) DCSs and LMCSs will not be in regulated activity in relation to children just by virtue of undertaking those posts. The Government will publish detailed information about workplace safeguarding in good time for commencement of the new Vetting and Barring Scheme arrangements.

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<sup>7</sup> In accordance with section 175 of the Education Act 2002 if they are maintained or the Independent School Standards set out pursuant to section 157 of that Act if they are independent schools, including Academies and Free Schools

<sup>8</sup> Section 18 of the Children Act 2004. [DfE guidance](#) expands on this role

<sup>9</sup> Working Together to Safeguard Children 3.12 - 3.13

## Vulnerable children and young people

22) Local authorities should work with partners to promote prevention and early intervention and offer early help so that emerging problems are dealt with before they become more serious. This will help to improve educational attainment, narrow the gaps for the most disadvantaged and promote the wider well-being of children and young people, including at key transition points.

23) More specifically, the DCS and LMCS in their respective roles:

- have a shared responsibility with all officers and members of the local authority to act as effective and caring corporate parents for looked after children, with key roles in improving their educational attainment, providing stable and high quality placements and proper planning for when they leave care;
- must ensure that disabled children and those with special educational needs (SEN) can access high quality provision that meets their needs and fund provision for children with statements of SEN;
- must ensure arrangements are in place for alternative provision for children outside mainstream education or missing education (e.g. due to permanent exclusion or illness) to receive suitable full-time education;
- should ensure there is coherent planning between all agencies providing services for children involved in the youth justice system (including those leaving custody), secure the provision of education for young people in custody and ensure that safeguarding responsibilities are effectively carried out; and
- should understand local need and secure provision of services taking account of the benefits of prevention and early intervention and the importance of co-operating with other agencies to offer early help to children, young people and families.

## Fair access to services

24) Local authorities should promote the interests of children, young people, parents and families and work with local communities to stimulate and support a diversity of school, early years and 16-19 provision that meets local needs. More specifically, the DCS and LMCS in their respective roles:

- must ensure fair access to all schools for every child in accordance with the statutory School Admissions and School Admissions Appeal Codes and ensure appropriate information is provided to parents;
- must ensure provision for suitable home to school transport arrangements;
- should actively promote a diverse supply of strong schools, including by encouraging good schools to expand and, where there is a need for a new school, seeking proposals for an Academy or Free School;
- should promote high quality early years provision, including helping to develop the market, securing free early education for all three and four year olds and for all disadvantaged two year olds<sup>10</sup>, providing information, advice and assistance to parents and prospective parents, and ensuring there are sufficient Sure Start children's centre services to meet local need and sufficient childcare for working parents;
- must secure access for young people to sufficient educational and recreational leisure-time activities and facilities for the improvement of their well-being and personal and social development;
- should promote children's and young people's participation in public decision-making so they can influence local commissioners; and
- should promote participation in education or training of young people, including by securing provision for young people aged 16-19 (or 25 for those with learning difficulties/disabilities).

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<sup>10</sup> The free entitlement to early education for disadvantaged two year olds became statutory in 2013

## Educational excellence

25) Working with headteachers, school governors and academy sponsors and principals, local authorities should promote educational excellence for all children and young people and be ambitious in tackling underperformance. More specifically, the DCS and LMCS should in their respective roles:

- take rapid and decisive action in relation to poorly performing schools, including using their intervention powers with regard to maintained schools and considering alternative structural and operational solutions;
- develop robust school improvement strategies, including choosing whether to offer such services in a competitive and open school improvement market, working beyond local authority boundaries;
- promote high standards in education by supporting effective school to school collaboration and providing local leadership for tackling issues needing attention which cut across more than one school, such as poor performance in a particular subject area across a cluster of schools;
- support maintained schools in delivering an appropriate National Curriculum and early years providers in meeting the requirements of the Early Years Foundation Stage (as outlined in the EYFS Statutory Framework);
- establish a schools forum for their area, maintain a scheme for financing maintained schools and provide financial information; and
- undertake specified responsibilities in relation to staffing and governance of maintained schools.

## Further sources of information

### Associated resources (external links)

- [Association of Directors of Children's Services](#)
- [Centre for Excellence and Outcomes in Children and Young People's Services](#)
- [Child Health Profiles](#)
- [Local Government Group](#)
- [National College for School Leadership](#)  
[Office for Standards in Education, Children's Services and Skills](#)
- [Society of Local Authority Chief Executives](#)
- [United Nations Convention on the Rights of the Child](#)
- [Virtual Staff College](#)

### Other departmental advice and guidance you may be interested in

- [Code of Practice for Local Authorities on Delivery of Free Early Years Provision for 3 & 4 year olds](#)
- [Early identification, assessment of needs and intervention – The Common Assessment Framework \(CAF\) for children and young people: A guide for managers](#)
- [Equality Act 2010: Public sector equality duty what do I need to know? A quick start guide for public sector organisations](#)
- [Legal framework for working with looked after children: regulations and guidance](#)
- [School Admissions Code](#)
- [School Admission Appeals Code](#)
- [Special Educational Needs Code of Practice](#)
- [Statutory Framework for the Early Years Foundation Stage](#)
- [Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children](#)



Department  
for Education

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Reference: DFE-00033-2013



**AGENDA ITEM NO. 6 – ETHICAL FRAMEWORK UPDATE**

‘Guidance to Councillors on dealings with the media’

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## **Swindon Borough Council**

### **Media Guidelines for Councillors**

(First approved by Standards Committee on 23 July 2007)

#### **1. Background**

- 1.1 The role of the Communications Service for the Council is to promote and inform residents about Council policies, services, decisions and proposals and to invite consultation responses. It is essential that all reporting communications on issues is factual, balanced and not politically biased and complies with the Code of Conduct on local council publicity issued by the Secretary of State under Section 4 of the Local Government Act 1986.

#### **2. Council News Releases**

- 2.1 All news releases and publications issued by the Council should cover the Council's policies and services in a clear, concise and positive manner.
- 2.2 Quotations from elected Members can be included on the following basis:
- That they positively promote the Council's policies and services
  - All quotations by Members should be cleared by the appropriate Cabinet Member and / or Leader of the Council apart from quotes by the Council's committee chairs, including Locality Chairs.
  - Members quoted will always be referred to by name and official title, e.g. Cabinet Member for XXX.
- 2.3 Council publications will feature articles on all Council policies, services and events likely to be of current media interest.
- 2.4 Ministers of State visiting Swindon for an event/support of a Council initiative can be featured in Council releases with pictorial support, subject to the approval of the relevant Government press office and the Leader of the Council.
- 2.5 Reference to local MPs should only be included in releases when they are supporting a specific Council policy or initiative, which is relevant to them. In all instances, the relevant Cabinet Member or Leader of the Council should agree the release before it is issued.
- 2.6 Officers should not be quoted in Council news releases, undertake interviews or respond to media enquiries without clearance from the Communications Service. The Communications Service will make every effort to contact the relevant Cabinet Member before a decision is made.

### 3. Party Political Group Media Releases

- 3.1 Party Groups or Individual Councillors must not use photographs including employees and officers of the Council, in any matter other than as agreed with the employee or officer concerned. Any employee of the Council, who holds a politically restricted post, should not appear in any political document.
- 3.2 The Council's Communications Service welcomes timely copies of releases sent out by the individual political groups for information.

### 4. Comments by Individual Members

- 4.1 As a Councillor or a Committee or Sub-Committee Member, Members will acquire much information that has not yet been made public and is still confidential. The Council's Code of Conduct makes clear that it is a breach of the Code to disclose such confidences, except in limited instances. Members should never disclose or use confidential information for their personal advantage or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else.
- 4.2 Members will also come across confidential information from sources other than the Council. Members should not make public comment on issues not formally in the public domain, such as would bring the Council into disrepute.
- 4.3 Subject to the above, Councillors are free to make whatever comment they may wish in whatever media they choose, but they must ensure the accuracy of the comment and are advised to first clear it with their Group. Any quotation should make clear whether it is the Councillor's own view expressed or whether it is a view expressed on behalf of others.
- 4.4 If a Councillor is misquoted, or his/her views misrepresented, then the Member has a responsibility to seek in writing to correct the matter and, if appropriate, copy to others affected.
- 4.5 The use of blogging and social media technology for networking is increasing and these are very effective methods of interacting with local people. When using blogging or social media sites all of the points 4.1 to 4.4 apply just as in any other form of personal or written statement. Further, in making any comment relating to the Council or its members or officers on any blog or social media site, the Councillor is strongly advised to make such comment in their name. Even where the Councillor chooses to use a pseudonym, they should not publish anything which could bring the Council, its members or officers into disrepute, and should be aware that Freedom of Information requests and computer tracking technology could result in their true identity being traced.

### 5. Complaints

- 5.1 If any political group believes that these guidelines have been broken, this should first be raised immediately with the Monitoring Officer, who will consult as appropriate with the Chief Executive and/or Head of Communications and Insight.

**AGENDA ITEM NO. 6 – ETHICAL FRAMEWORK UPDATE**

‘Ethical Framework Discussion Papers’

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Hoey Ainscough Associates Ltd in association with Weightmans LLP, present

## **STANDARDS: ONE YEAR ON**

A conference for monitoring officers 1-10 Oct 2013

Weightmans LLP

New Fetter Lane

London

[www.hoeyainscough.co.uk](http://www.hoeyainscough.co.uk)

[www.weightmans.com](http://www.weightmans.com)

# **CODES OF CONDUCT DISCUSSION PAPER**

## **Background**

This paper sets out our conclusions on the way local codes have been implemented based on the work we have done with a wide range of authorities and then raises some issues for discussion about the way local codes are working.

## **Types of Code**

- Three model codes were produced by national bodies last year - a DCLG codes; an LGA code and a NALC code.
- The NALC code is a simplified variant of the old code and is largely 'rules-based'
- The DCLG and LGA codes move away from this approach and are more 'principles-based'.
- All of the codes we have seen locally have either been the DCLG/LGA code or a variant of the old code/NALC code
- Some codes have sought to combine both the old code and the DCLG/LGA code into a longer code
- Some counties/areas have adopted what they call a local code, the x shire code, but these vary very little from one of the models
- There tends to have been a uniform approach agreed across an area, either for all authorities within a county (including districts and parishes) to adopt the same code, or else for the district and its parishes to adopt one code, with the County adopting another

## **Provisions within the code**

- Where councils have adopted a code based on the old code, they have generally kept it 'as is' but with the addition of statutory provisions relating to DPIs
- Where councils have trimmed down the old code, typically they have removed provisions relating to disrepute and disrespect as these were seen as the cause of trivial or vexatious complaints
- Where councils have adopted the DCLG/LGA code 'disrespectful/bullying' behaviour and provisions relating to confidential information seem to be the areas where gaps are most clearly felt

- Where there are gaps in codes the Nolan Principles are being used instead when assessing whether there has been a breach of the code

## **Interests provisions**

- Most councils have gone beyond the statutory minimum provisions of the DPIs and included a section on 'other interests' in their code
- These tend to reflect the old 'prejudicial interest' tests as to whether you have an interest but there is no standard practice as to what they are called, and sometimes inconsistency can even occur within the same code
- For these 'other interests' there is no consistency across authorities as to whether you merely declare them; declare, speak and withdraw; or declare and withdraw without speaking
- Where councils have not included 'other interests' but have simply adopted the minimal DPI requirements, this is always where the DCLG or LGA code has been adopted
- In these cases, members do not understand the consequences and are surprised that they no longer have to declare interests relating to other family members or friends, but say that they would do so anyway regardless of whether the code requires it
- Provisions on DPIs are interpreted differently from authority to authority
- Members tend still to talk in terms of personal and prejudicial interests regardless of what their code calls them although they are also familiar with the term DPIs
- Many councils have included additional registration requirements beyond DPIs to include membership of outside organisations

## **Issues for discussion**

- Do you recognise this picture?
- Do you think your new code is better/worse/about the same as the old code and why?
- Have you encountered any gaps when it comes to trying to deal with behaviour?
- How aware of the changes are your members? Do they think it better/worse/about the same?
- How is the new code working with regard to parish behaviour?
- Are your interests provisions effective and understood by members?
- Do you expect to revise your code soon?
- If so, do you expect this to be done across your county or do you expect to see greater divergence across the area as people identify different requirements?



Hoey Ainscough Associates Ltd. in association with Weightmans LLP, present

# STANDARDS: ONE YEAR ON

A conference for monitoring officers 1 Oct 2013

Weightmans LLP  
New Fetter Lane  
London  
[www.hoeyainscough.co.uk](http://www.hoeyainscough.co.uk)  
[www.weightmans.com](http://www.weightmans.com)

## CASE HANDLING DISCUSSION PAPER

### Background

The Localism Act standards arrangements have now been in place for just over a year. We have worked with a large number of councils over that period, both in looking at their processes in theory and in helping them with advice on live cases in practice.

This paper reflects our experience of some of the good and bad practice we have seen over that time and raises some points for discussion as to whether it reflects your experience and how you might ensure your processes meet your requirements.

### Assessment of complaints

#### Comments

- Most councils have delegated this decision to the monitoring officer though a small minority have retained a sub-committee to make the decision
- Most MOs consult the Independent Person before reaching a decision even though this is not a legal requirement
- Most MOs who have had the power delegated to them have the power to refer sensitive/high profile cases to a committee – some procedures lay out circumstances, some simply say it is at the MO's discretion
- Most councils have built in three possible outcomes – no further action; investigate; or 'informal resolution'. We have seen one procedure with a 'fourth option' as allowed under the legislation – a finding of breach without investigation.
- Most councils see informal resolution as the preferred route, with some councils saying to us that they expect to investigate nothing or hardly anything
- Informal resolution tends to be just that – more formal mediation between parties is rarely envisaged or budgeted for
- Most councils notify the subject member once a complaint is received, though a few will only tell the member once the assessment decision has been made
- Where the subject member is notified, some councils do it simply 'for information' but others explicitly invite comments before an assessment decision is reached
- The number of complaints does not on the face of it appear to have diminished nor does the type of complaints – some councils report more than in previous years; some fewer; and some about the same
- More cases are being 'filtered out' at this stage and there seem to be far fewer investigations taking place

## Issues

- Where does your council sit against this picture?
- Do you feel your arrangements for filtering cases are working well?
- Where your IP is being consulted, have there been differences of opinion? If so how have these been resolved?
- What sorts of cases have been referred on to the standards committee to take the decision and have they shared your conclusion?
- Where you are telling/not telling the member up front have there been any advantages/disadvantages to this?
- Is informal resolution working well at this point? Are there times when it hasn't worked? Or cases where it is inappropriate?
- Are you treating parish cases the same or are they more/less likely to go down a particular route?

## **'Other action'**

### Comments

- 'Other action' (i.e. not investigating) seems to be most popular route for case handling
- Some councils have it twice in their procedures – once at the initial decision-making stage and then again, after investigation, if it seems a better route than holding a hearing
- In some councils, the complainant is given a say on whether this route is acceptable. This is particularly so when it is considered as an option post-investigation
- In most councils, the IP's views are also sought on the acceptability of this route
- This course often involves working with senior figures in the political group to find a resolution or goes in parallel with party disciplinary action
- Standards committees tend not to be consulted before this course is pursued

## Issues

- Where does your council sit against this picture?
- How effective is other action proving to be?
- Where the views of the complainant or IP are being sought, do they have a 'veto' or are they merely being consulted? How have you dealt with differences of opinions?
- What if the resolution by 'other action' doesn't work or the subject member refuses to cooperate – are you then taking cases to the next stage or closing them down?
- What role have the political groups played in your council in terms of dealing with their own members? Has this course of action been effective where you have an independent councillor?
- Has this course of action proved effective for dealing with parish cases?
- Is the use of other action sufficiently transparent for the public/media? Does it need to be?

## **Investigations**

### **Comments**

- Fewer cases going for formal investigation but there is still a significant number
- Presumption against investigation is partly driven by costs and partly by perception that sanctions are ineffective at the end of the process
- Some councils have said to us informally they don't intend to investigate anything
- Where cases are investigated they naturally tend to be the more serious matters Some processes have two forms of investigation – a quick 'desktop' investigation where views are simply sought from the complainant and subject member; or a more in-depth investigation
- Pressure from councils to minimise costs and do cases more quickly than in the past
- Similar mixture to previously of cases being done in-house or outsourced
- There are few cases of the police looking at DPI cases, but there are some, though none seem to have led to a councillor being formally charged

### **Issues**

- How does your authority look against this picture?
- What types of cases have been investigated?
- Where matters are being investigated, how are you managing expectations and balancing the issues of being cheaper and quicker against the appearance that you are only dealing with more serious matters?

## **Standards committees and hearings**

### **Comments**

- Nearly all councils refer matters to a committee for hearing. We have seen one procedure where the MO can also issue a sanction without reference to the committee at an early stage
- It is a mixed picture as to whether there is a dedicated standards committee or whether the function is performed by a wider committee such as audit and governance
- It is a mixed picture as to whether the committee conforms with political proportionality rules or whether the political proportionality rules have been waived by council to ensure all-party representation
- Some standards committees also have kept 'independent members' although this is not true for the majority of committees. Similarly some have kept parish representatives on.
- The independent standards committee members tend not to be the IPs though they are in a handful of cases and in a handful of cases, the committee is chaired by an independent
- Standards committees have struggled with access to information provisions and some have resorted to having closed hearings which has led to difficulties with the media
- Councils have typically included a similar range of sanctions in their provisions – censure, removal from committee/appointment, withdrawal of resources/access/contact with certain officers. In nearly all cases all sanctions are subject to ratification by full council and/or the political group
- Parishes are struggling to understand that the standards committee is making the finding of fact but is simply making recommendations to them as to sanction and it is for the parish council to sanction

- There have been some cases of parishes wanting tougher sanctions than those recommended and facing legal challenge on their powers
- There has been a big increase in media/public campaigns to get councils to 'sack' members or force members to resign following a finding of censure or an apology
- There has been increased media concerns about the transparency and/or 'politicisation' of the process

## **Issues**

- How does your council compare to the above?
- Why did you keep/not keep independent representation on the committee?
- Where you have independent members, is this proving worthwhile?
- Have sanctions proved effective?
- How have you dealt with 'serial offenders'/parish sanctions?
- Has the issue of hearings in public/private been an issue?
- Has media handling been an issue?

## **The independent person**

### **Comments**

- Most councils have only one or two IPs – usually a lead and substitute - with one IP allocated per case. A minority of councils have several and either work on a rotating principle or allocate them different roles in the process.
- A lot of councils kept an old 'independent member', often working in parallel with a new person as part of transition
- The 'one year cut-off' imposed in regulations last year if they were reappointed after a certain date led to some confusion and was widely seen as unjust
- Most IPs are not on the standards committee
- Most councils involve their IP throughout the process, though a few only involve them where the law requires it
- Some councils allow the complainant equal access as the subject member to the views of the IP.
- IPs generally struggle to know what views they are expected to give to the subject member without being seen to become their advocate or get drawn into the dispute or else simply duplicating the role of the MO.

### **Issues**

- How does your council compare to this picture?
- Has the role of the IP been effective during the year?
- Do you/they have a clear understanding of the role and their relationship to the MO and standards committee?
- How has their role of giving views to the subject member worked in practice?
- Has the complainant been given equal access? What have been the advantages/disadvantages of that approach?

**AGENDA ITEM NO. 6 – ETHICAL FRAMEWORK UPDATE**

‘Member training events - 2013/14’

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<b>Learning and Development Events for Councillors – 2013 /2014</b>		
<b>Subject and Date</b>	<b>Attendance</b>	<b>Faciliator</b>
<b>11 June 2013</b>  <b>Public Speaking and Public Engagement</b>  The session arranged at the request of Cllr Bob Wright and with the agreement of the Steering Group, included a demonstration of good and bad public speaking and how to write/prepare speeches for addressing the public and captivating and keeping an audience. (Maxium of 4 members per session).	Abdul Amin Bob Wright Julie Wright  Apologies Cindy Matthews Teresa Page	Gail Downey and colleague  Whirlwind Productions
<b>27th June 2013</b>  <b>Development Economics &amp; Business Strategy</b>	Junab Ali Abdul Amin Alan Bishop Wayne Crabbe Brian Ford Mary Friend Colin Lovell Nick Martin Brian Mattock Julian Price David Renard Anne Richards Vera Tomlinson Peter Watts	Planning Advisory Service
<b>22 July 2013</b>  <b>Swindon's Energy future – the big opportunities</b>	Steve Allsopp Andrew Bennett Alan Bishop Dale Heenan Richard Hurley Teresa Page  Representatives of Parish Councils  Apologies Colin Lovell Peter Watts Brian Ford	Steve Cains Planning



<b>3 September 2013 –Open Evening for all Members</b> 4.30 pm and 6.00 pm.		
<b>On Line Learning</b> <b>3 September 2013</b> <ul style="list-style-type: none"> <li>Accessing the Council's system remotely – to get help and o get help with any IT related issue.</li> <li>Learning Zone – To find out how to access and what is available on the Learning Zone</li> <li>Safeguarding Children - A demonstration of the on line learning package – essential training for councillors.</li> </ul>	Abdul Amin Oliver Donachie Fay Howard Cindy Matthews David Renard Ann Richards Nadine Watts	John Baker Learning Advisor & E-Learning Author  Ian Durnin-Duffy Planning and Development Manager – Safeguarding
<b>Chairing/Meeting Skills and the Code of Conduct</b> <b>3 September 2013</b>	Abdul Amin Alan Bishop Oliver Donachie Claire Ellis Fay Howard Cindy Matthews David Renard Julie Wright	Stephen Taylor Director of Law and Democratic Services/Monitoring Officer
<b>2 October 2013</b> <b>Safeguarding Adults</b>	Junab Ali Andrew Bennett Ray Ballman (Member of LSAB) Alan Bishop Fay Howard Cindy Matthews Brian Mattock (Lead member of ASC and member of LSAB) Nick Martin Teresa Page Stan Pajak Ann Richards Peter Watts  Apologies Michael Dickinson Brian Ford Nadine Watts	Doug Bale Head of Service Adult Social Care
<b>29th October 2013</b> <b>Policy update / NPPF</b>	Steve Allsopp Andrew Bennett Toby Elliott Mary Friend Richard Hurley	Phil Smith Strategic Planning Policy Manager Delivery - Planning



	Nick Martin Vera Tomlinson Peter Watts  Parish Councils represented Blunsdon Chiseldon Haydon Wick Wanborough Stratton St Margaret	
<b>11 November 2013</b>  <b>Standards Committee Training</b>	Mick Bray Rod Bluh Dave Woods Fay Howard Brian Ford Paul Morris Peter Morgans Trevor Davies David Dawson Mick Compton Richard Hailstone	Director of Law and Democratic Services
<b>4 December 2013</b>  <b>Corporate Parenting</b>	Alan Bishop Mick Bray Fionuala Foley Fay Howard Julian Price Ann Richards Nadine Watts Steve Weisinger	Valerie Williams Strategic Planning Manager CHN - Strategy and Commissioning Victoria Guillaume  Valerie Williams Head of Corporate Parenting
<b>6th February 2014</b>  <b>'Sustainable Drainage and Flood Risk Management'</b>		Tim Price Simon Masters Russell Weymouth
<b>20th March 2014</b>  <b>The 'emerging design tool kit'</b> <b>Or possibly</b> <b>'Inclusive Design for All'</b>		Peter Garitsis / Liz Smith-Gibbons  Cindy Carter

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**AGENDA ITEM NO. 6 – ETHICAL FRAMEWORK UPDATE**

‘Summary of training provided for Town and Parish Councillors’

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**Swindon Borough Council**  
**Town and Parish Councils Summary of Training as at 16 January 2014**

Town/Parish Council	Total No. of Parish Cllrs	Current Vacancies	No. of Parish Cllrs having received ethical training	Of Total training – Numbers of Sessions attended		Current Clerk Received training
				Facilitated by Monitoring Officer	Facilitated/arranged by Parish Clerk	
<b>Bishopstone</b>	9	0	8 of 9	0	8 (issued with booklet on code to all members)	Yes
<b>Blunsdon</b>	17	3	12 out of 14	17	3 (walc)	Yes (various WAIC & SCC)
<b>Castle Eaton</b>	5	0	3 out of 5	4	(1 planning training facilitated by SBC)	yes
<b>Chiseldon</b>	15	2	8 out of 13	15	0	Various
<b>Covingham</b>	15	2	2 out of 13	0	2	WALC Accounts and Audit Training
<b>Hannington</b>	5	0	0	0	(all 5 attended planning training facilitated by SBC)	Yes
<b>Haydon Wick</b>	18	0	9 out of 18	13	3	Yes
<b>Highworth</b>	15	0	6 out of 15	9	13	yes
<b>Liddington</b>	7	2	2 out of 5	2	0	yes
<b>South Marston</b>	8	1	3 out of 8	3	0	yes
<b>Stanton Fitzwarren</b>	5	3	0	0	0	No
<b>Stratton St Margaret</b>	23	0	11 out of 23	11	5	Yes
<b>Wanborough</b>	11	1	8 out of 10	11	0	Yes
<b>Wroughton</b>	15	1	14 out of 14	41	5	yes



## Agenda Item 8

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

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