

# Ethical Framework Update

Standards Committee

Date: 20 October 2008

---

**Author:** Director of Law and Democratic Services (Monitoring Officer)

**Wards Affected:** All

## Purpose

- To provide an update on various matters related to the Ethical Framework.

## Recommendation

- That the Ethical Framework update be noted.
- That the Committee determines how it wishes to respond to the DCLG Consultation Paper on a revised Code of Conduct for local authority members and the introduction of a model code of conduct for local authority employees, and whether it wishes to hold a special meeting to respond formally, or to authorise the Monitoring Officer to respond on its behalf in consultation with the Chair.
- That the Committee determine any amendments or actions arising from the Desktop Ethical Audit.

## 1. Reasons

- 1.1 To keep the Standards Committee informed of issues of probity in the Council.

## 2. Detail

*Communities in control: real people, real power: Codes of conduct for local authority members and employees*

- 2.1 Attached at Appendix '1' is the Consultation on Codes of Conduct for Local Authority Members and Employees issued by the Department of Communities and Local Government (DCLG) on 1<sup>st</sup> October 2008. A response is required by 24<sup>th</sup> December, prior to the next scheduled meeting of the Committee. The timing of receipt of this paper has not permitted a full report on the consultation to be prepared.
- 2.2 The Consultation Paper includes proposed revisions to the Members Code of Conduct and seeks comments on the introduction of a requirement for authorities to incorporate a code of conduct for employees, based on a statutory model code of conduct, into the terms and conditions of employment of their employees ("the employees code").
- 2.3 So far as the employees code is concerned, the Monitoring Officer is discussing with the Director of Human Resources and Change how this

---

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

# Ethical Framework Update

**Standards Committee**

**Date: 20 October 2008**

---

should be dealt with and the Monitoring Officer will update members at the meeting.

- 2.4 The Committee is asked to consider if it wishes to convene a special meeting to consider the consultation paper in detail and respond formally to the consultation, or whether it wishes to delegate authority to the Monitoring Officer to respond, in consultation with the Chair.

## *Desktop Ethical Audit*

- 2.5 Since January 2005, the Committee has carried out a regular desktop ethical audit of the Council against the criteria set out in an Ethical Audit Toolkit prepared by the IDeA (Improvement and Development Agency), to demonstrate compliance with all the elements required for the ethical framework and that all the necessary processes and procedures are in place.
- 2.6 The Ethical Audit Matrix has been updated with actions carried out since its last review in July 2007, and is attached at Appendix '2'. The Committee is invited to identify any key areas for action and review.
- 2.7 The IDeA in conjunction with the Standards Board and Audit Commission have recently updated the ethical governance toolkit, to reflect changes brought about by the Local Government and Public Involvement in Health Act 2007. This can be used as the basis of a formal review of the Council, at a number of different cost levels, including Peer Review. The Monitoring Officer has acted as a Peer Reviewer for two Councils during the last two years as part of this programme. The cost levels range from £1,800 for workshops, up to £15,000 for a complete review.
- 2.8 Attached at Appendix '3', are the new categories within the Ethical Audit Toolkit. The Committee is asked to determine if it wishes the Monitoring Officer to report back on any of these additional categories as part of an update of the Ethical Desktop Audit to a future meeting.
- 2.9 So far as a formal review under this new procedure is concerned, it is not recommended that this be undertaken at this time. Without wishing in any way to be complacent, so far as current compliance with the relevant elements of the IDeA toolkit are concerned, the Council achieved level 4 (the top category - 'well above minimum requirements – performing strongly') in its Use of Resources assessment last year for 'conduct and anti-fraud and corruption'. Hopefully, the Council will retain that level in the forthcoming assessment. Moreover, the Ethical Desktop Audit does not reveal any particular matters of concern, and there are regular reports to the Standards Committee on compliance with the various elements of the ethical framework, which indicates the necessary checks and balances

# Ethical Framework Update

Standards Committee

Date: 20 October 2008

---

are in place. If the Committee was minded to pursue an IDeA review, then this would need to be considered by Cabinet and Council when the 2009/10 budget is set.

## *National Fraud Initiative*

- 2.10 The Council is currently taking part in the Audit Commission's National Fraud Initiative, designed to prevent and detect fraud. The initiative involves comparing electronic data held by the council and other organisations including police authorities, local probation boards, NHS bodies and fire and rescue authorities.
- 2.11 The aim is to spot potentially fraudulent claims and payments or those made in error, which can then be investigated. Data from the following systems have been submitted: housing register, housing benefits, insurance, private care home residents, residents parking, blue badges and concessionary travel, licences, creditor payments, student loans and the Council's payroll.
- 2.12 The scheme has identified around £450million of fraud and overpayments nationally since 1996. More information can be obtained at: [www.audit-commission.gov.uk/nfi](http://www.audit-commission.gov.uk/nfi) or from the Head of Internal Audit.

## *Swindon Standards Conference*

- 2.13 At the last meeting the Committee supported the proposal for a conference to be held focused on 'Standards in Partnership'. The Monitoring Officer will give an update to the meeting on the matter.

## *Parish Councils*

- 2.14 Mike Compton has been visiting Parish Councils as discussed at a previous meetings of the Standards Committee, to give a brief introduction to the work of the Committee, to discuss with Parishes how they are managing with the implementation of the New Code of Conduct, to discuss any issues or queries that have arisen, and to ask if the Council or Standards Committee can provide additional help or support. All 14 Parish Councils within the Swindon area have received a visit, with the exception of Castle Eaton, which is scheduled for November 2008. Mike Compton will report back to the Committee on the visits undertaken since the last meeting.

## *Standards Board Publications*

- 2.15 Attached at Appendix '4' is the Standards Board Bulletin for August 2008 (Issue 40). This focuses upon guidance on the local standards

# Ethical Framework Update

**Standards Committee**

**Date: 20 October 2008**

---

framework, an analysis of the first quarter of monitoring returns, information on new Standards Board members and information on the new IDeA Ethical Toolkit (see paragraph 2.5 above).

- 2.16 If any member of the Committee has any queries on any issue raised in the Bulletin, these can be raised at the Committee meeting and prior notice thereof to the Monitoring Officer would be helpful.

## *Berkshire, Oxfordshire and Wiltshire Independent Standards Committee Members' Forum*

- 2.17 The last meeting of the Forum took place at Cherwell District Council on Friday 26<sup>th</sup> September. A copy of the formal minutes are attached at Appendix '5', together with notes of the meeting provided by Trevor Davies. Trevor Davies and David Dawson, who attended the meeting, are invited to report back on any matters of interest to the Committee.

## *Seventh Annual Assembly of Standards Committees – 13<sup>th</sup> -14<sup>th</sup> October 2008*

- 2.18 The Seventh Annual Assembly of Standards Committees was held on 13<sup>th</sup>-14<sup>th</sup> October 2008 in Birmingham. Trevor Davies (Vice-Chair) and Stephen Taylor (Monitoring Officer) attended and will report back on the various sessions held, and lessons to be learned.

## **Alternative Options**

- Alternative Options, where applicable, are set out above.

### **Risk Management**

#### *Financial and Procurement Implications*

- There are no direct financial implications

#### *Legal / Human Rights Implications*

- There are no direct legal or human rights implications

#### *Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)*

- Monitoring of issues of probity in the Council underpins the Council's plans and policies and to the delivery of the 2010 objectives.

## **Consultees**

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- Chief Executive
- Group Director, Business Transformation
- Head of Internal Audit

---

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

# Ethical Framework Update

Standards Committee

Date: 20 October 2008

---

## Background Papers and Appendices

- Appendix 1 – DCLG Consultation Paper on Members and Employees Codes of Conduct
- Appendix 2 – Updated Ethical Audit Matrix, October 2008
- Appendix 3 – Revised Ethical Audit Categories
- Appendix 4 – Standards Board Bulletin for August 2008 (Issue 40)
- Appendix 5 – Berkshire, Oxfordshire and Wiltshire Independent Standards Committee Members' Forum Minutes and Informal Notes – 26th September 2008