

REPORT TO: STANDARDS AND PERSONNEL APPEALS COMMITTEE **DATE:** 14 MARCH 2016

HEADING: ANNUAL REVIEW

PORTFOLIO HOLDER: N/A

KEY DECISION: NO **SUBJECT TO CALL-IN:** NO

1. PURPOSE OF REPORT

This report provides:

- a) an update in respect of the recommendations of the Local Government Association (LGA) as a result of their ethical governance review;
- b) an overview of the complaints history of the Authority to identify trends;
- c) an update regarding Member training.

2. RECOMMENDATION(S)

- a) The Committee is requested to note the updated position in respect of the recommendations of the Local Government Association (LGA) as a result of their ethical governance review and any outstanding issues.
- b) The Committee is asked to consider whether it wishes to recommend further actions and whether the Committee would like a further update report.
- c) The Committee is asked to note the complaints overview data and make recommendations as appropriate.
- d) The Committee is asked to note the training update and make recommendations as appropriate.

3. REASONS FOR RECOMMENDATION(S)

To enable the Committee to monitor the implementation of the LGA's recommendations and the impact of the changes.

To carry out its role in monitoring ethical governance.

4. ALTERNATIVE OPTIONS CONSIDERED (with reasons why not adopted)

No alternative options are considered appropriate.

5. BACKGROUND

LGA's Ethical Governance Review

The LGA's findings were reported to Council on 9 October 2014. In summary, the LGA's perception was that relationships and behaviours between some Members, and between some Members and Officers, were below the standard expected in a well-functioning council. It believed that if behaviour and attitudes were not addressed through direct and rapid action, with Members taking clearer responsibility for adhering to the highest standards of ethics and integrity, then the situation would continue to deteriorate, Officers' capacity will be drained further and the Council's functioning and reputation will be damaged. It further concluded that more effort needs to be made to respect political difference and to find areas of mutual agreement.

The LGA recommended as follows:

- Develop a protocol so that the Chief Executive and his officers at all levels can and should challenge unreasonable behaviours of Members as and when they occur.
- Consider new opportunities for Group Leaders to meet, outside of Full Council meetings.
- Remind Group Leaders of their responsibilities in ensuring their Members behave courteously and reasonably to Officers.
- Review the local Code of Conduct.
- Consider a local sanctions approach.
- Introduce regular compulsory training for all Members on the local Code of Conduct.
- Clarify the arrangements for Members' access to information to ensure that reasonable expectations are met.
- Revisit the composition of the Standards and Personnel Appeals Committee and consider whether perceptions of greater impartiality would be achieved by an independent external chair or vice-chair.
- Ensure there is clarity about Standards and Personnel Appeals Committee processes and that it is understood that these processes are equally applicable to all Members.
- Speed up the process of investigating complaints against Members and ensure that timescales are communicated to Members.

In response to the LGA's recommendations, the Standards and Personnel Appeals Committee, at its meeting on 16 March 2015 approved a revised Member/Officer Protocol, an amended Members' Code of Conduct, and revised Complaints and Hearing processes for approval by Council.

The Standards and Personnel Appeals Committee's recommendations and revised documentation were presented to and approved at the Council AGM on 21 May 2015.

A progress update was presented to this Committee on 20 July 2016. Members noted the status of the recommendations and the outstanding issues and requested that a report assessing the outcomes of the implementation of the LGA recommendations be presented to its meeting in March 2016 (Minute SP.4 refers).

A table setting out the progress made in relation to the LGA's recommendations including the work carried out since July 2015 is attached to the report as Appendix 1.

Members will note that all recommendations have been actioned. In particular, Committee is asked to note that the Group Leaders have met a number of times since the last report in July 2015. The meeting is to become the "Cross Party Update Meeting" to enable the single non-aligned Member to attend.

The Group will meet every three months (or additionally as required). The next meeting is due to take place on 7 March 2016 and will consider the adoption of a Terms of Reference. The draft Terms of Reference includes a provision for the meeting to informally discuss and monitor the ethical conduct of Members.

There are two recommendations which are not yet complete. The first relates to training which is dealt with later in the report, the second relates to the recruitment of co-optees. The Committee on 11 January 2016 confirmed that a further recruitment process should be carried out. Preparations are underway for the interviews to be held on 7 April 2016 in the event that suitable applicants come forward.

Assessing the Impact of the Implementation of the LGA's Recommendations

Since the introduction of the new Member/Officer Protocol, no complaints regarding Member conduct have been received from Officers.

General feedback from Officers is positive and there is a belief that relationships and behaviours between Officers and Members has improved. A staff survey carried out during the summer of 2015 appears to bear this out: 29% of Officers completing the survey were of the opinion that officers are treated fairly and respectfully, compared to 23% in a comparable survey in 2013, this shows an increase of 6%. Additionally, the survey carried out in 2013 saw 30% of responding Officers saying they felt Members did not treat them fairly and with respect, but by 2015 it is pleasing to note that this had reduced to 20%, a drop of 10%.

The Trade Unions contributed their comments to the Committee Report in March 2015. The redrafted Member/Officer Protocol was welcomed by the Trade Unions. The Unions were pleased to see the redrafted Protocol and believed the guidelines would offer increased assistance and support to officers faced with addressing incidences of unacceptable behaviour by Members, towards them, in the workplace

The Unions have been asked for their comments in relation to the impact of the implementation of the LGA's recommendations. The comments of UNISON are set out below:

"Thank you for consulting the trade union on Ethical Governance.

The trade union welcomed the proposals when they were introduced.

The Trade Union commented at the time that whilst some officers had felt intimidated by the behaviour of some members, most officers have a good working relationship with members and that meetings were conducted with mutual respect and courtesy.

We are unaware of any recent incidents of unacceptable behaviour and we believe that the Code of Conduct adopted, together with the introduction of access protocols has created a more structured relationship between officers and members, which has been beneficial and that mutual respect and courtesy prevails."

The re-introduction of a Cross Party Members meeting is a positive step forward to encourage respect for political differences between Members and a means of ensuring greater information sharing is in place.

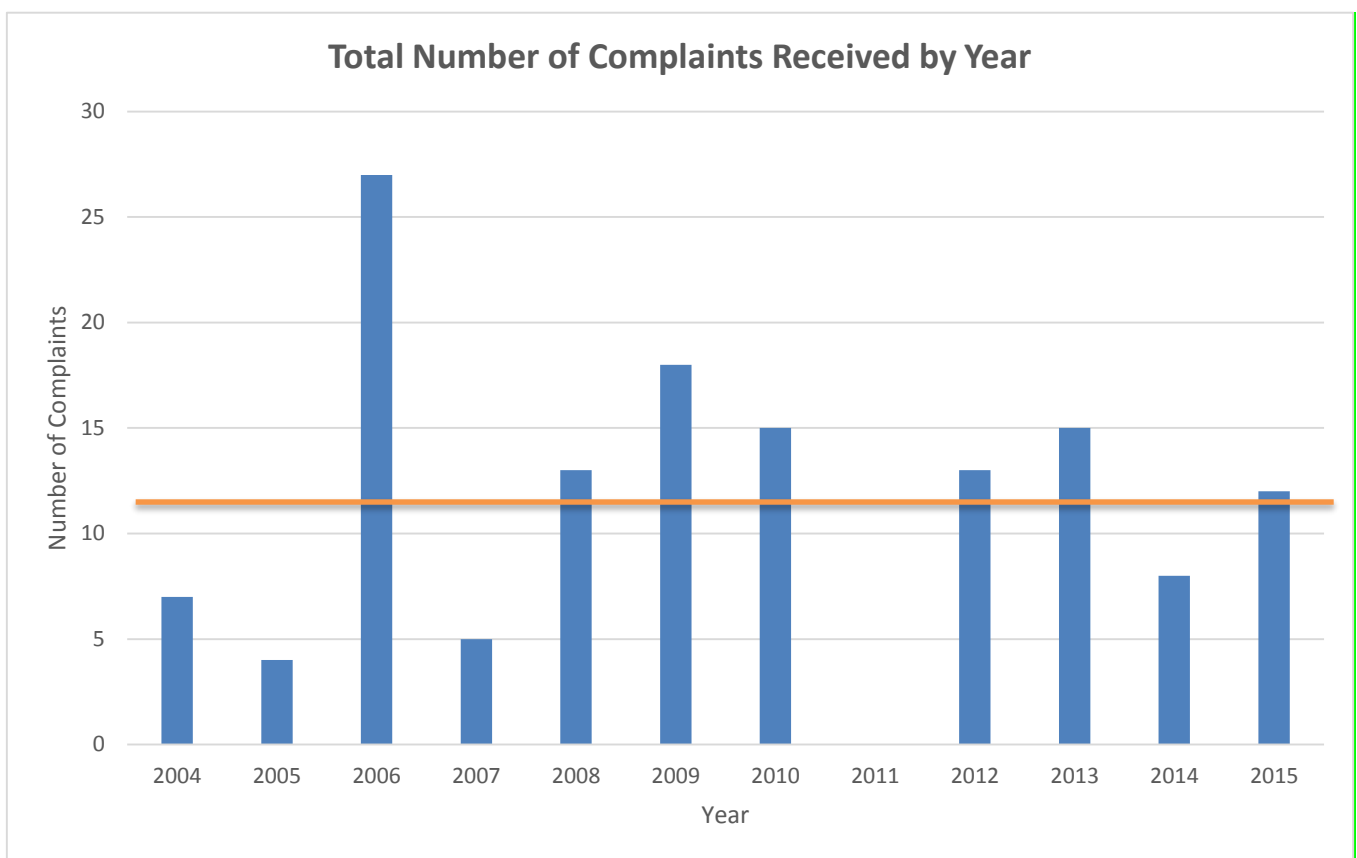
Complaint History

In light of the fact that the Standards and Personnel Appeals Committee has a large number of new Councillors sitting on it, the Committee also previously requested some more detailed information relating to the history of Code of Conduct complaints at the Council.

The following charts pull together the information available to give Members a better understanding of the volume and outcomes of complaints made against Councillors from 2004 to the present time.

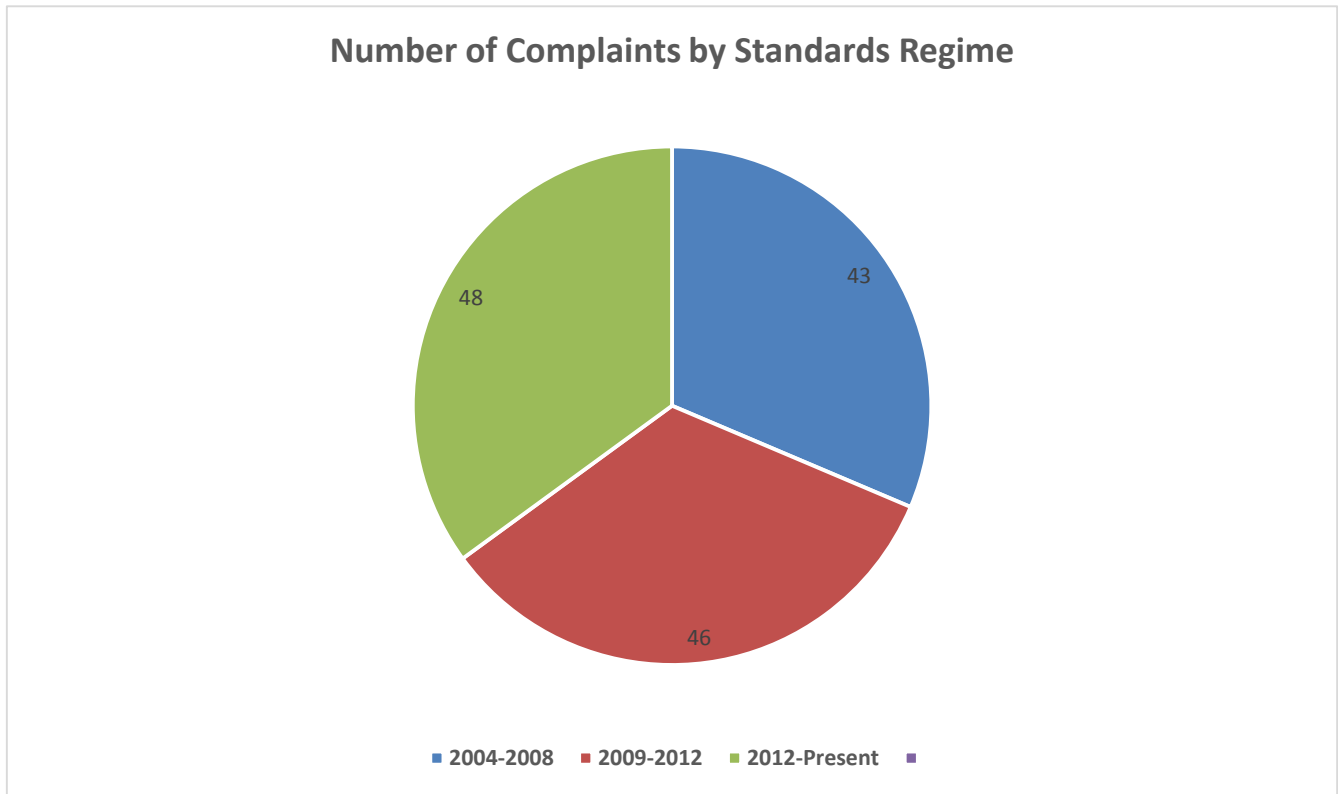
Table 1 below, shows the number of complaints received per year during the period 2004 – 2015. Members will note that the only year that no complaints were made about Member behaviour was 2011. There was a spike in 2006 of 27 complaints. The average over the period is 11.4 complaints per year.

Table 1 – Total Number of Complaints Received by Year.



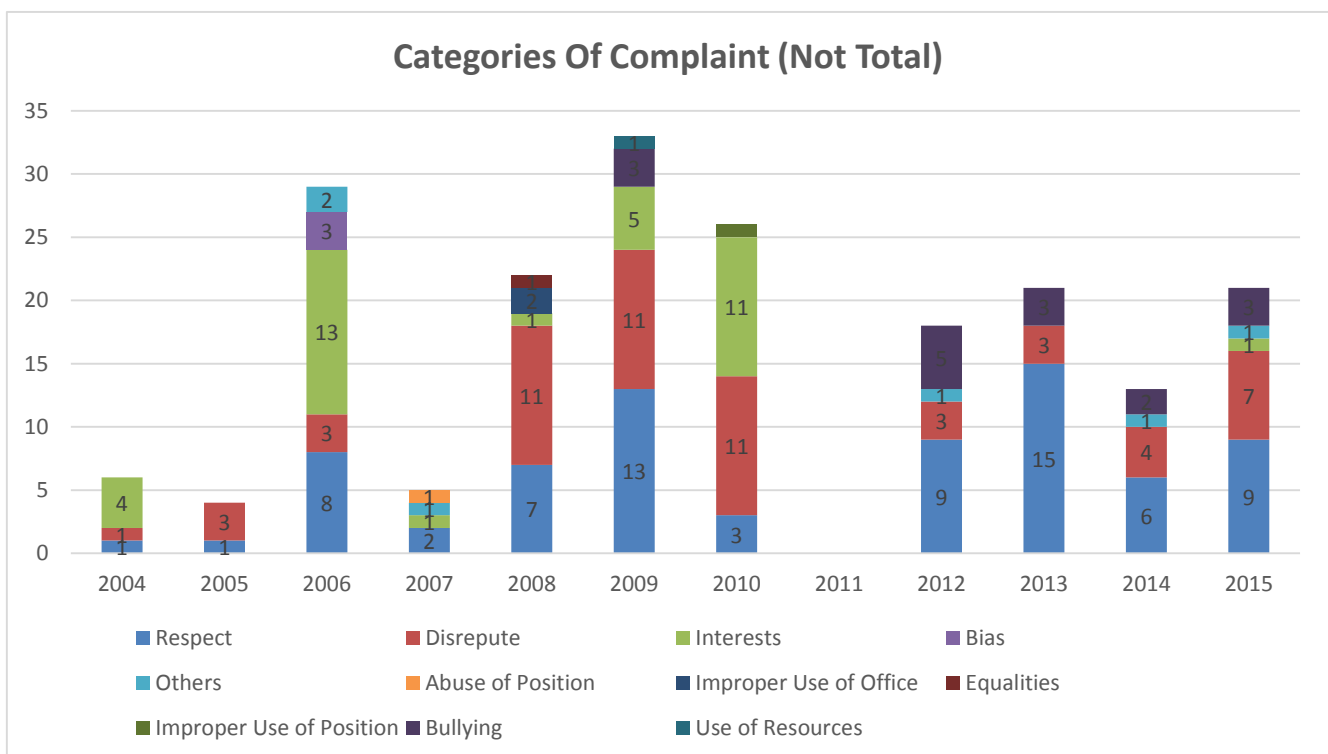
The Member complaints system has been through three statutory changes over the years. The initial system introduced by the Local Government Act 2000 saw complaints made to and dealt with by the Standards Board for England (SBE). In 2008 this changed so that complaints were dealt with locally and only in serious situations would the SBE carry out an investigation. From 2012 (following the Localism Act 2011) there has been a fully devolved system in place where the Code of Conduct and systems are all set locally and crucially the statutory sanctions (including suspension and disqualification) were repealed. The data for Ashfield shows no appreciable difference in complaint levels during any of these different systems, the level of complaints is largely the same throughout.

Table 2 – Number of Complaints by Standards Regime



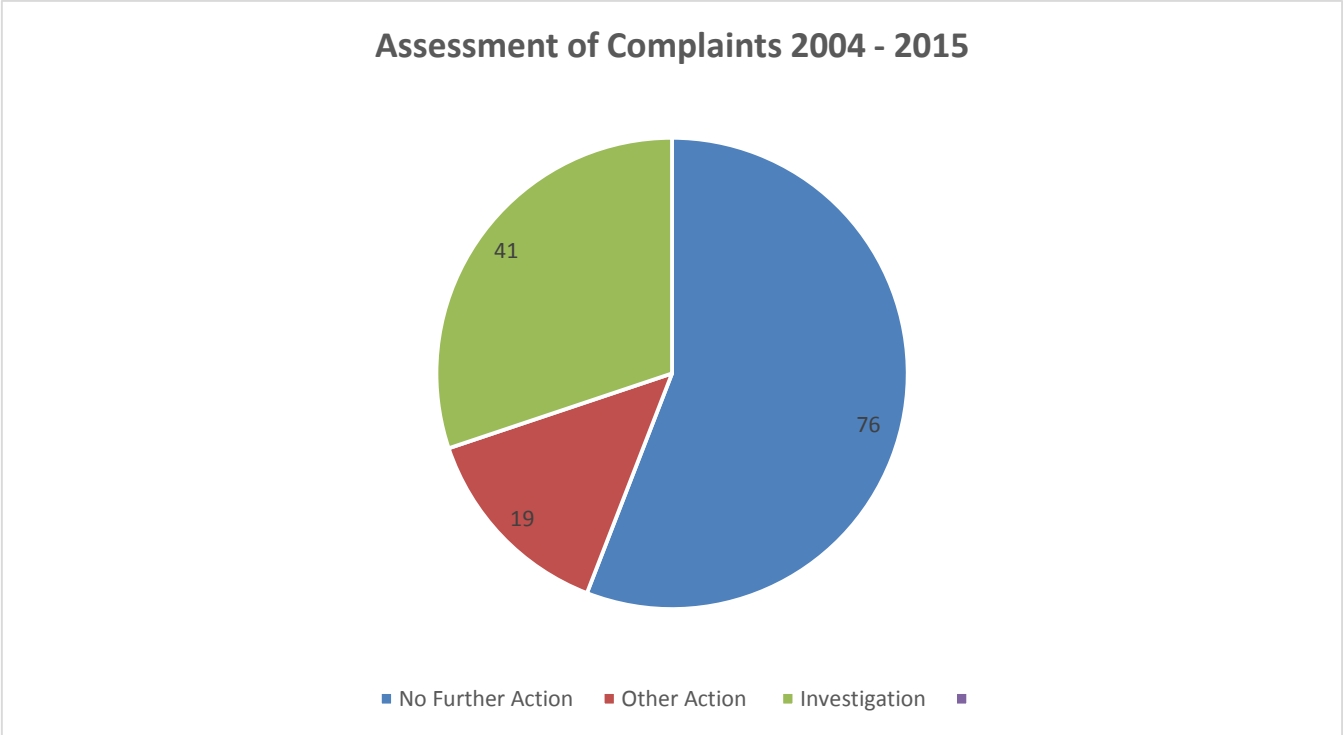
In order to try to identify a trend in the types of complaints being made, Table 3 below shows the categories of complaints received. Complaints often involve multiple categories of complaint. The categories relate to the breaches of the Code of Conduct which were alleged. During the years 2004-2010 there were significant numbers of complaints relating to alleged failure to declare interests, in recent years, this does not appear to be a continuing problem. Complaints relating to disrespect and disrepute have been made through out.

Table 3 – Categories of Complaint



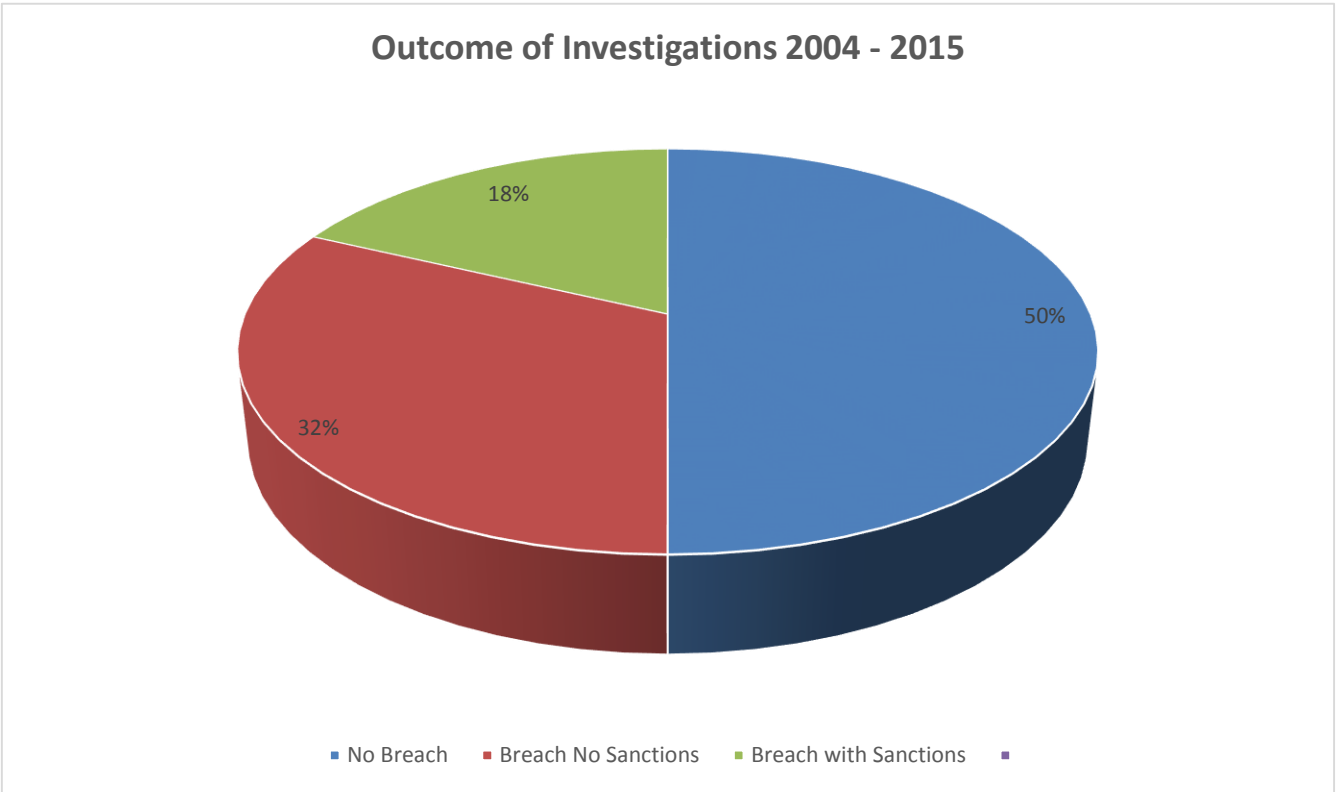
When a complaint is received an assessment decision is made relating to what action, if any, to take regarding the complaint. There are three options available, to take no action, to take other action (such as mediation, guidance) or to carry out an investigation. Table 4 below shows that over half of the complaints made are not taken forward to an investigation (56% - no further action); 30% of complaints have been investigated.

Table 4 – Assessment of Complaints



Of the investigations concluded, 50% found that there has been no breach of the Code of Conduct by the Member. Of those where a breach was found, the majority saw no sanctions being given.

Table 5 – Outcome of Investigations



Training Update

An update report regarding training was presented to the Committee in October 2015.

The Council approved the Committee's recommendation to amend the Code of Conduct to identify safeguarding training as mandatory. A further safeguarding session was held on 10 February 2016; 17 Members have still not undertaken safeguarding training after two opportunities to attend.

A report was taken to the Group Leaders (now Cross Party Update Meeting) on 12 November 2015. They confirmed that training sessions with low confirmed attendance (below 10) should generally be cancelled – as a result sessions have been cancelled on two occasions. The Group Leaders also asked that a link between attendance at training and an element of the Members' Allowance be explored as part of the review of allowances which will be undertaken this year.

The Monitoring Officer has been asked to explore the possibility of dual hatted Members attending training at just one Authority where there is a requirement to attend the same training at both Authorities (for example, equalities and safeguarding). The Monitoring Officer will explore this as part of a wider piece of work to introduce a Members' Training Strategy and new training programme over the next six months.

Mandatory Training

Mandatory training remains outstanding on the following Committees:

- Code of Conduct and Ethical Governance Training
- Equalities and Diversity Training
- Chairs Training
- Licensing Training
- Standards Committee Training
- Safeguarding - training for 17 Members remains outstanding following a second session held on 10 February 2016.

Officers will be arranging sessions to ensure all Members have a further opportunity to attend the mandatory training elements.

All Councillors on the Planning Committee have been trained. A number of Councillors who are not currently members of the Committee have also attended training to enable them to attend the Committee as a substitute if required.

Non-Mandatory Training

As set out above, two training sessions have been cancelled due to less than 10 Members confirming their attendance in advance. Media skills training was attended by 12 Members and the Finance and Budgets session was attended by 10 Members.

6. IMPLICATIONS

Corporate Plan:

Effective working relationships within and across the organisation are fundamental to the delivery of the Corporate Plan.

Legal:

The local Code of Conduct and any related processes must comply with relevant legislation, including the Localism Act 2011, Local Government Acts and Access to Information legislation.

Financial:

There are financial implications relating to the provision of training for Elected Members, the costs of which can be contained within existing budgets.

Health and Well-Being / Environmental Management and Sustainability:

There are no Health and Well-Being or Environmental Management and Sustainability implications associated with this monitoring report.

Human Resources:

The Council must be mindful of the Duty of Care owed to Members and Officers.

Diversity/Equality:

The various processes and policies take account of diversity and equality requirements and reasonable adjustment or assistance will be given as needed.

Community Safety:

There are no Community Safety implications associated with this report.

Other Implications:

Trade Union comments are incorporated into the body of the report above.

BACKGROUND PAPERS

None

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