

**The 7<sup>th</sup> Annual Assembly of Standards Committees  
Birmingham, 13/14 October 2008**

**Report by Lt Col David O'Connor, Independent Member**

1. I attended the above Assembly at the Birmingham International Conference Centre, run under the auspices of the Standards Board for England (ESB). There was a record high attendance of over 800 people. The texts of many of the discussions and lectures have already started to appear on the ESB website and in the regular bulletins and I will not attempt to reproduce them. I give below what I saw as the main thrust of the Assembly and the salient points which arose from discussions.

2. The slogan for the Assembly was "*Delivering the Goods: Local Standards in Action.*" The ESB position put initially by the Minister, Sadiq Khan MP (in post for 8 days), the new Chairman Dr. Robert Chilton (in post for 3 months) and the Chief Executive, Glenys Stacey, was that the introduction of local ownership of standards frameworks earlier this year had been successful. The Board's view was that the established pyramid, with it at the point and the Standards Committees forming the base, had been inverted, and the ESB was now there to give strategic guidance and support and to develop ways of working with authorities which were finding difficulty in maintaining standards. It was eager to hear from the Committees of their experiences in this respect and indeed the questions, doubts and occasional cynicism expressed from the floor formed a most interesting and informative aspect of the Assembly. It was evident that there are clearly problems in devising policies for Standards Committees that have the same aims but are vastly different in size and character. In outlining the ESB's future plans, it was mentioned that work was in progress on two Codes of Conduct for Members, one for Councillors acting in an official capacity and one relating to the standards expected in the private lives of Councillors, this last being a result of the Livingston case. Consideration was also being given to codes for officers and another for employees, though the complications for Standards Committees of employment tribunals and trade unions would seem considerable. Incorporating such standards in the work contract was one possibility. The ESB saw the task now was to ensure that the new local structure made an impact, in terms of higher standards of behaviour and most importantly, improved public confidence in local government.

3. This question of the public's perception of local government was developed by Sir Christopher Kelly, the Chair of the Committee for Standards in Public Life, Dr Richard Cowell of Cardiff University and Mr Ben Page of Ipsos-Mori. It was agreed that standards should be the same at all levels of public life, yet that Parliamentary standards were perceived as lower than those of Local Government, a fact that Sir Christopher characterised as one of the unfortunate down sides of the Sovereign Power of Parliament. Despite this, the public was found to be ignorant of, or uninterested in, the ethical framework and some Councillors placed little value on reputation as an interest in its own right. In some Councils this framework was actually employed as weapon for party or personal ends. Ipsos-Mori research consistently found a massive ignorance among the public as to what services their Council provided. His research indicated that the Councils which spent the most money and time on advertising and communicating their role to the public were invariably seen as providing the best value for money, which factor was seen to be the dominant one guiding public perception. Mr Page recommended that Councils put their logo on everything that they paid for, so that the public realised where their money was going.

4. The existence and purpose of Standards Committees was seen as an important factor in raising public confidence but a commonly held view was that "*You Councillors look after each other*" and the presence of Independent Members, a vital factor in this respect, was largely unknown.

Under the banner of *"Making an Impact"*, Standards Committees were urged to advertise their presence, publicise the ways in which complaints could be made and have their own Communications plan. Opportunities mentioned were the Council website, a note in the annual Council Tax notice, talks to community groups and on local radio and Press briefings. However, this was not easy: local government operated in a generally negative Press environment, which preferred the bad news and was uninterested in the good, unless a human angle could be found. Paradoxically, a really bad case of misconduct was sometimes the best chance of getting Press coverage for a Standards Committee. The advice of, and to, Independent Chairmen was, however, that it was never wise to discuss a matter with the Press, but to refer it to the Press Office. A copy of a volume entitled *"Standards Committees' Guidance"* was displayed by a Communications expert. There is apparently a copy in every Press Office, though none of the Independent Members present had ever seen it. Making an impact extended also to the Council itself; Committees were to be *"firmly embedded"* in the Council and encouraged to *"get close"* to Councillors, which raised doubts in some Members' minds. Additionally, Chairmen were advised to consult with the Chief Executive at least once every three months and to ensure that the Annual Governance Statement included the Standards Committee. Two Councillors identified themselves as the *"Standards Champions"* for their respective Councils, though they did not explain their function. In the closing stage of the Assembly, *"A Higher Level"*, the Chairman advised that Committees should take a leadership role in matters such as whistle-blowing, internal and external audits, Ombudsman procedures, Member/Officer protocols, constitutions and fraud. They should drive changes in everyday behaviour and attitudes and be at the heart of organisational culture. Above all, they should be seen as a friend and not a foe. There were at least some present who thought that an overly pervasive presence by a Standards Committee might have the opposite effect, though this is plainly a matter of judgement.

5. There were two specific areas of concern which arose in discussion :
  - a. Alternative Action. The ruling that once a course of alternative action is opened, an investigation cannot be returned to, was seen by some as a serious bar to sensible and inexpensive methods of settling some cases of misconduct. The Chief Executive of the ESB referred to it as *"a hot topic, and an important tool, but one to be used wisely"*, as indeed are all tools.
  - b. The Parish Perspective. A high percentage of complaints arise from Parishes, a minority of which can be described as dysfunctional. According to those District Councils with large numbers of Parishes, the major problems arise not in the small villages but in the old market towns, the families and grievances of which go back to 1300. There is a gap in Local Government organisation: many Parishes have no constitution or code of conduct and some see no need for them. In Lincolnshire one dysfunctional Parish Council was offered training and promptly took a formal vote not to have any. This is not, I think, a matter of concern for this Committee but an interesting paper given by the Chief Executive of Local Council Clerks highlighted the exposed and lonely position of Parish Clerks when trouble occurs. He requested that Standards Committees should ensure that a channel of communication with Parish Clerks should be made and kept open, so that, if necessary, they know whom to contact for support.

6. In conclusion, the ESB was presenting an ideal of universally high standards, with which no-one can disagree. The devil, as usual, will be in the detail of how their far-reaching programme of work and strategic guidance will be applied. There was some concern among those I met that it was important to maintain a good balance between the regulatory and advisory functions of Standards Committees. The Assembly was impressively well organised and an excellent learning experience.

## **Feedback from Duncan Chittenden – Independent Member**

I attended the conference with 3 particular interests

1. Is there a new or different direction for standards committees in terms of their role, scope or responsibilities?
2. What is the connection with ethical governance?
3. What are the interrelationships with ethical governance and corporate governance and where does the standards committee fit into this framework?

I attended a number of workshops and plenary on the Tuesday and would summarise the position as follows.

1. **Is there a new or different direction for standards committees in terms of their role, scope or responsibilities?**

The standards committee has statutory role in the investigation of complaints and any consequent decisions which the authority has no choice over. Any other role for the standards committee is at the request of the authority and there seems a fairly wide variance.

In the most 'active' situations standards committees are/may be involved in – a list taken from one of the presentations;

- Auditing role, involve the standards committee with the auditing committee.
- Training on Code issues, complaints procedure, register of interests etc.
- Should standards committees have a role in promoting ethics among officers, not just authority members?
- Raising awareness – promoting the remit of the standards committee amongst members, officers and the public.
- Working with an authority's strategy-makers to ensure that the issue of ethics and standards is embedded within the key policies of the authority's constitution and targets.
- Working with authority officers (e.g. Equalities & Diversity Officer)
- Overseeing a whistle blowing policy.
- Respond to reports from Ombudsman, auditors.
- Looking at staff grievances and implementing tribunal decisions relating to suspensions.
- Supporting general, non-Code complaints monitoring.
- Overseeing employee and user satisfaction surveys.
- Considering other protocols (e.g. expenses, use of authority equipment etc).
- Some member appraisal processes
- Remuneration committees
- Sit on police misconduct tribunals

In the least active cases, the committee is merely a function to respond to any complaints and some are shared between authorities. The decisions in relation to the size of committees and whether or not they share functions is very dependant on individual authority circumstances.

There are some 'evangelical' movements within some authorities and committees but this appeared more about individual/local agendas rather than a genuine direction of travel.

The view expressed by the standards board was that current legislation and guidelines are sufficient and the role of the standards committee (beyond statutory functions) is a decision for each authority. There could be situations where a series of events might sufficiently tarnish an authority's reputation that they feel a very active role is required for a period of time to regain public confidence. The decision about the role is therefore a very contextual one.

There was a view that an active role in the annual governance statement might be a sensible and logical role which all standards committees should have.

## **Recommendations**

**Active decision making** - Whatever the scope of activities, it seemed wise that an active decision is made (by the authority) and a statement to that effect periodically revisited as part of a prudent risk management process. That statement could include the basis for the decision and some indication as to the circumstances which might trigger a review or change.

### **2. What is the connection with ethical governance?**

The direction of travel here is away from ethical processes to embedded ethical behaviour in the same way that diversity or environmental agendas have moved in recent years. Away from 'what must we do' to 'what could we do' and a more holistic cultural approach.

The proposition being made was that, whilst chief executives and authorities should be the champions of ethical governance, standards committees had a key role to play. Perhaps the debate is between the roles of 'critical friend' or another role which includes 'thought leadership'. Is the standards committee a part of a framework, or central to new and challenging agendas in the light of public concern?

It would appear there are two points which should be made

- The standards committee can and should only go where it is welcome beyond it's statutory function – the purpose of this report is inform rather than to recommend.
- Some agendas can have the potential to gain momentum. Approaches which appeared fundamentally reasonable can become unsustainable in a new context. That is not to suggest in any way that the authority is not ethical but that approaches sometimes have to move further along the spectrum between passive and active.

**Recommendation** – That the outcomes of any 'ethical audits' that take place, particularly locally, should be considered and the subject kept under review.

### **3. What are the interrelationships with ethical governance and corporate governance and where does the standards committee fit into this framework?**

Different authorities have different structures and responsibilities which can include scrutiny, standards and audit.

Points worth noting were

- Whatever the structure was it needed to be clear, clearly understood and communicated.
- There should be some reflection about the ways in which these various functions should or could work together/add value to each other.
- The increasing number of partnerships were bringing a new dimension to these agendas and raising new challenges. The public expect a seamless and all encompassing standards and ethical approach, not constrained by organisational boundaries

**Recommendation** – That the above points are considered and the committee seeks guidance from the authority.

