NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Your attendance is requested at a meeting to be held at the Jeffery Room on Tuesday, 31 October 2006 at 5:00 pm.

M. McLean
Chief Executive

AGENDA

1. APOLOGIES

2. MINUTES

3. DEPUTATIONS / PUBLIC ADDRESSES

4. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

5. ANNUAL STANDARDS BOARD CONFERENCE 2006
    Chair to report.

    Mrs Roberts

6. CONTRACT COMPLIANCE
    Solicitor to the Council to report.

    F. Fernandes x 7334

7. WORK PLAN ISSUES

    (A) Sixfields
    (B) Outside Bodies Protocol

    Report of Solicitor to the Council (copies herewith)

    F. Fernandes x 7334

8. ETHICAL GOVERNANCE TOOLKIT
    Report of Solicitor to the Council (copy herewith)

    J. Buckler x 7341

9. TRAINING
    Solicitor to the Council to report.

    F. Fernandes x 7334

10. UPDATE ON COUNCILLOR STEWART
    Solicitor to the Council to report.

    F. Fernandes x 7334

11. INDEPENDENT AND PARISH COUNCIL REPRESENTATIVES
    Solicitor to the Council to report.

    F. Fernandes x 7334

12. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:
"THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT."

SUPPLEMENTARY AGENDA

Exempted Under Schedule 12A of L.Govt Act 1972 Para No:-

<TRAILER_SECTION>
A4921

NORTHAMPTON
BOROUGH COUNCIL

Name of Committee	STANDARDS COMMITTEE
Directorate:	Governance, Resources & Improvement
Corporate Manager:	Francis Fernandes
Date:	**31 October 2006**

Report Title	Monitoring Officer Briefing Note – 6 September 2006

Key Decision	NO

1. Recommendations

1. That Committee endorse the advice given by the Monitoring Officer and the approach taken in it.

2. Summary

In light of the extent and range of communication received by Members in relation to Sixfields the Monitoring Officer gave advice, in a written briefing note of 6th September 2006, advice on 'What Councillors can do' in respect of this issue without exposing any decision by Planning Committee, Cabinet and Full Council to challenge or the Council or individual Member to a complaint to the Standards Board for England. This report seeks Standards Committee's endorsement of the advice and the approach taken.

3. Report Background

Sixfields has generated a wide range of communications from developers; fans; the football club; members of the public and the media, which the Council need to respond to. In addition Members need to respond politically on the issue. In both cases the Council's interest needs to be protected in what is a legal minefield. On 6th September 2006 the Monitoring Officer provided Members and senior managers with a written briefing highlighting the legal and standards issues surrounding the matter. The briefing highlighted the potential for legal challenge to any decision taken by Planning Committee, Cabinet and Full Council affecting Sixfields e.g. planning application or planning policy proposals in the Local Development Framework, if the Monitoring Officers advice is not followed.
The briefing adopts the approach of giving specific advice in respect of Members interactions with developers, disentitlement of Members to sit on decision-making committees in certain circumstances and general advice on predetermination, personal and prejudicial interests.

4. Options and Evaluation of Options

1. Endorsement of the briefing and approach taken provides clear evidence of the improving standard of governance within the Council, helps protect the reputation of the Council and Members and provides an a template for future briefings on complex and sensitative subjects
2. Non-endorsement would bring the standard of governance within the Council into question and potentially reduce the Council's protection against legal challenge to decisions made in respect of Sixfields

5. Resource Implications (including Financial Implications)

1. If the recommendations are accepted no additional resources are identifiable.
2. If the recommendations are not accepted Council will face an increased risk of legal challenge or reference to the Standards Board of England. Whilst the exact expenditure for either would depend on the degree of response required e.g. retention of counsel, indicative estimates suggest that either would cost a minimum of five thousand pounds. There is no budget provision for such expenditure at present.

6. Risk and Opportunity Issues

The advice given by the Monitoring Officers, if followed, will reduce the risk of challenge or complaint to the Standards Board for England.

Endorsement of the briefing note and the approach taken presents Standards Committee with an opportunity to provide further evidence of the improvement in the standard of governance within NBC and to adopt the approach taken as a template for future advice from the Monitoring Officer on complex matters.

7. Consultees (Internal and External)

Internal	Finance & Asset Management – Bill Lewis, Finance Manager
External	None

8. Compliance Issues

A: How Proposals Deliver Priority Outcomes

Strategic Improvement Plan/Improvement Delivery Plan
Ensure clear, decisive political leadership Embed new governance arrangements
Corporate Plan
5. Manage the Council's finances effectively 6. Improve our performance to be fit for all our purpose

B: Other Implications

Other Strategies

Finance Comments
There is no current budget provision for responding to legal challenge or complaint to Standards Board for England.

Legal Comments
Report complied by Legal Services

9. Background Papers

Title	Description	Source
Monitoring Officer Briefing Note Sixfields 6th September 2006	Note to Councillors and senior managers	Monitoring Officer

Francis Fernandes
Solicitor to the Council

Ext: 7334

MONITORING OFFICER BRIEFING NOTE
SIXFIELDS
6th September 2006

Dear Councillors

I refer to my e-mail sent out yesterday.

This briefing note is intended to provide Councillors with advice and guidance on how to deal with the various communications on the Sixfields issue.

The communications referred to above have come from a number of different interests and stakeholders. These include: developers; fans; the club itself; members of the public etc.

The need for Councillors to respond politically to the various issues is understandable but this is a legal minefield and great care has to be taken to ensure that any response is appropriate and does not jeopardise the Council's or individual Councillors interests.

Councillors will be aware that the Council is in the process of developing its planning policy documents following the recent changes in planning legislation. To date the only substantial document to have been formally adopted is the Statement of Community Involvement.

This means that at some stage the various planning policy documents that make up the Local Development Framework will have to be agreed by Cabinet and subsequently adopted by Full Council.

Once the planning policy has been adopted Councillors on the planning committee will be involved in making planning decisions. In the context of this briefing note this will involve the main location of the Sixfields District Centre.

Councillors will be involved in the decision-making process in the following ways:

Planning policy documents (Councillors on Cabinet); adoption of planning policy documents (All Councillors); planning decisions (Members of the Planning Committee). This means that at some stage in the process all Councillors could be involved in decision-making- hence the need for this briefing note.

THE DANGERS

Legality

In order to pass the test of legality all decisions made by Councillors must be made on the basis of proper information. They must have regard to relevant matters; disregard irrelevant matters and must act reasonably. An important aspect of this is that any

decision should not be predetermined. In other words a Councillor cannot make a decision with a closed mind. They must genuinely consider the facts, the evidence, the arguments and analysis before reaching a conclusion. **If a Councillor makes public statements supporting a particular stance the law will very likely assume that the Councillor has reached a particular view and predetermined the issue.**

If a Councillor publicly supports the location of the District Centre at this early stage then any decision the Council makes with that Councillor taking part in the decision at a later stage may be challengeable.

Standards

The Councillors Model Code of Conduct requires Councillors to declare personal and prejudicial interests before making decisions. Discussions with developers or other interested parties about the district centre may give rise to a personal and prejudicial interest which will disentitle the Councillors from sitting on any relevant decision making committee. **A breach of this will expose the Councillor to a complaint to the Standards Board of England.**

WHAT CAN COUNCILLORS DO?

Councillors are fully entitled to take a public stance on an issue and to lobby and be lobbied on issues that they feel strongly about. However, if they choose to do this they will NOT be entitled to take part in relevant decisions, because of the predetermination issue referred to above. Further the Councillor will very likely have a clear personal and prejudicial interest which will need to be declared and which will again prevent him/her from taking part in any decision-making.

Councillors are also entitled to meet developers and any other interested parties. However, again there needs to be extreme caution. If the Councillor is on the planning committee that will ultimately determine any planning application then any meeting with developers or other relevant people has to be conducted carefully. The Councillors role here will be to listen, understand and explore, but without giving any views. It would be sensible for Councillors to always have Officers present at such meetings to receive professional advice and to prevent allegations of predetermination. My clear advice is that Councillors should not meet developers alone.

Cabinet members will also need to be cautious. Any stance taken on an issue now may prevent that Councillor from sitting on any Cabinet meeting that will consider relevant planning policies.

All other Councillors need to be aware that at some stage planning policy documents will need to be adopted by Full Council. Councillor interactions on this issue may give rise to a personal and prejudicial interest which will disentitle them from taking part in the decision.

The issues raised by this briefing note are complex. Therefore, if Councillors have any queries please do not hesitate to contact me on extension x7334 and I shall be happy to help.

Circulation:
All Councillors
Chief Executive
Directors
Corporate Managers

NORTHAMPTON
BOROUGH COUNCIL

Name of Committee	**STANDARDS COMMITTEE**
Directorate:	Governance, Resources & Improvement
Corporate Manager:	Francis Fernandes
Date:	**31 October 2006**

Report Title	Draft Protocol for Councillors on Outside Bodies

Key Decision	**NO**

1. Recommendations

That Standards Committee consider the Draft Protocol for Councillors on Outside Bodies and bring comments to the January meeting of the Committee .

2. Summary

Councillors are frequently appointed by the Council to serve on outside bodies. The Protocol for Councillors on Outside Bodies sets out the obligations of Councillors so appointed and gives guidance as to appropriate conduct for such appointees.

3. Report Background

The Model Code of Conduct for Councillors highlights the need for Councillors appointed by the Council to Outside Bodies to be aware of their responsibilities to such bodies and for their conduct when representing the Council. The Draft Protocol brings together the obligations contained in the Model Code, guidance and best practice for Standards Committee to consider.

4. Options and Evaluation of Options

Standards Committee at their next meeting will have the opportunity to consider comments on the draft protocol and to decide on the way forward.

5. Resource Implications (including Financial Implications)

Resource implications will be evaluated following consideration of Members comments at the next meeting of Standards Committee.

6. Risk and Opportunity Issues

The draft protocol offers Councillors the opportunity to comment on the advice and guidance given and for Council to inform Councillors of their responsibilities and obligations when appointed to outside bodies.

The risk to appointee's personal interests and the reputation of the Council and appointees will be reduced by the adoption of and compliance with a protocol in this area.

7. Consultees (Internal and External)

Internal	None
External	None

8. Compliance Issues

A: How Proposals Deliver Priority Outcomes

Strategic Improvement Plan/Improvement Delivery Plan
Ensure clear, decisive political leadership. Embed new governance arrangements
Corporate Plan
6. Improve our performance to be fit for all our purpose

B: Other Implications

Other Strategies
None

Finance Comments

Legal Comments

This report has been compiled by legal services.

9.   Background Papers

Title	Description	Source
A Protocol for Councillors on Outside Bodies (Draft)	Protocol for Councillors appointed by the Council to Outside Bodies	Monitoring Officer

Francis Fernandes
Solicitor to the Council
Ext:7334

NORTHAMPTON
BOROUGH COUNCIL

A PROTOCOL FOR COUNCILLORS ON OUTSIDE BODIES

1. INTRODUCTION

Councillors are frequently appointed by the Council to serve on a range of outside bodies. These include various voluntary bodies, local government associations and companies (this is not an exhaustive list).

In carrying out that role, Councillors should:

- Act according to the rules, constitution and framework set by the outside body

- Make independent and personal judgments in line with their duty of care to the outside body

- Behave ethically and follow that body's code of conduct (if they have one) and as far as applicable act in a way that complies with the Council's Model Code of Conduct

- Take an active and informed role in the outside body's affairs

- Not represent the political party to which Councillors owe their political loyalty but represent the Council's interests

- Take a full and active part in the outside body's discussions and decisions

In essence, if the outside body comes into conflict with the Council and the Councillor is on the Management Committee of the outside body, it is likely that the Councillor's prime duty would be to the outside body in the conduct of the outside body's affairs. However, should such a conflict of interest apply then the Councillor should consider whether he or she can take part in the decision/issue and seek advice from the Council's Monitoring Officer.

2. OUTSIDE ORGANISATIONS

The role of Council's representatives on outside organisations will vary, but essentially will be:

- To help to secure any objectives of the Council in participating in the organisation

- To safeguard the Council's interests on those organisations which are funded from or through the Council

Councillors are advised:

- To clarify the insurance arrangements and assess the possibilities of any implications on themselves as individuals

- To ask about any specific legal responsibilities attached to membership of the organisation

- To read the constitution of the organisation and be aware of its powers, duties and objectives

- To attend meetings regularly

- To ensure that they receive regular reports on the activities of the organisation and its financial position

- Where the organisation is funded by or through the Council, to obtain a copy of the annual Report and Accounts to see that the funds have been spent on the agreed objectives

- To seek advice from the appropriate Council Officers in the event of any doubts or concerns about the running of the organisation

3. COMPANIES

The position of Council Members acting as Company Directors is that although they are Council appointments they have a duty to act in the best interests of the Company.

The legal responsibilities of Company Directors are:

- To ensure that the Company acts within its legal powers

- To act in good faith in the interests of the Company

- To avoid conflicts of interest and not to allow personal interest to influence action as a Director

- To record personal interests in the Company's Register of Directors' Interests

- To act with reasonable competence and care

- Not knowingly to allow the Company to trade fraudulently, recklessly or insolvent

Council appointed Directors are advised:

- To clarify the insurance arrangements and assess the possibilities of any implications on themselves as individuals

- To be familiar with the Articles and Memorandum of Association of the Company

- To ensure that their interests are registered with the Company

- To attend Board meetings regularly, read the agenda in advance and seek briefing where necessary

- To ensure that the Company has proper procedures for reporting performance and financial information to Board members at each meeting

- To seek advice from the appropriate Council Officers in any doubt about the financial viability of the Company or any other aspect of its operation

- The Directorship should be recorded in the Council's Register of Members' Interests

4. CHARITIES

To be a charity an organisation must operate for a charitable purpose.

Trustees' Duties

- Trustees must act in accordance with the constitution of the Charity. Trustees must not make a private profit from their position

- Charitable trustees must ensure that information relating to the charity and trustees is registered with the Charity Commissioners and annual accounts, reports and returns are completed and sent

- Trustees are under a duty to ensure compliance with all relevant legislation (e.g. in relation to tax and land matters).

- Council representatives are advised to clarify the insurance arrangements and assess the possibilities of any implications on themselves as individuals

5. PARTNERSHIPS

The Council will normally only enter into partnerships to help to achieve its Corporate Plan objectives.

The Council representative has three roles:

- To promote the Council's objectives in participating in the Partnership

- To ensure that the Partnership delivers its own objectives

- To safeguard the Council's interests within the Partnership, particularly where the Council is a funding partner or the accountable body for External Funding

Council representatives are advised:

- To be clear on the Council's own objectives in participating in the Partnership

- To read the Constitution of the Partnership and be aware of its objectives and its powers

- To attend Partnership meetings regularly, to read the agenda in advance and seek briefing where necessary

- To ensure that the Partnership has proper procedures for reporting progress and financial information

7. EXPENSES, REMUNERATION AND BENEFITS

As a general rule Members should not benefit personally from their appointment to outside organisations.

- Travel and subsistence expenses should be claimed from the organisation if available, otherwise through the normal Council procedure

- Reasonable hospitality, e.g. lunch after a Board Meeting, and minor promotional gifts may be accepted. Anything worth over £25.00 should be declared to the Council. If in doubt seek advice from the Council's Monitoring Officer

- Other more substantial benefits should not be accepted

- Free access to Company facilities should only be accepted where it is necessary to discharge duties and responsibilities as a Director and should be declared to the Council

- Representatives should not receive any remuneration from the organisation without prior agreement from the Council

8. CONFLICTS OF INTEREST

There may still be occasions where conflicts of interest arise between the Council and the outside body. Some examples are:

- Where the body makes a decision that does not comply with Council policy

- Contracts between the two

- Negotiations on agreements, such as terms of leases

- Applications for Council permission, e.g. planning consent

Where conflicts of interest do apply between the Councillor's role on the outside body and the Council's interests, the Councillor will have to very carefully consider their position in the matter. Advice should be taken from the Council's Monitoring Officer.

Any involvement in such decisions may result in the need for the Councillor to declare a personal and prejudicial interest at any future Council meeting discussion or deciding the issue.

NORTHAMPTON
BOROUGH COUNCIL

Name of Committee	STANDARDS COMMITTEE
Directorate:	Finance, Governance & Citizens
Corporate Manager:	Francis Fernandes
Date:	31 October 2006

Report Title	Ethical Governance Toolkit

Key Decision	No

1. Recommendations

That the Committee consider the report and in the context of the Council's current financial position and requirements, agree to the proposal detailed in Paragraph 5.9; with a view to further exploring the more extensive governance diagnostic tools at a later date when a further report will be presented to the Committee after the May elections.

2. Summary

High ethical standards are a cornerstone of good governance. It is the absence of appropriate behaviour and values amongst members and officers that more often leads to governance failures rather than the absence of frameworks, controls and arrangements. To assist the Council in understanding how well they are meeting the ethical agenda and how they can ensure high ethical standards are sustained and improved upon, the Standards Board have supported the development of various tools with the Audit Commission and Improvement Development Agency (IDeA). This report outlines the diagnostic tools available to the Council to address the issues in relation to the Council's ethical framework.

3.   Report Background

The Audit Commission, the Standards Board and the Improvement Development Agency (IDeA) have developed an Ethical Governance Toolkit which is intended to show Councils how they are meeting the ethical agenda and how to identify ways to improve performance, because high standards are seen to be a significant benefit to Councils and they are seen as an integral part of good governance arrangements thereby promoting confidence in local democracy and services.

The Ethical Governance Toolkit is a practical tool, which can be used by the Standards Committee to fulfil their role in promoting and maintaining high standards of conduct and assisting members to observe the Code of Conduct.

4.   Options

4.1   Members will recall that the structure of the toolkit was presented to the January Committee, however for ease of reference the toolkit's four key elements have been listed below, each of which is administered by either the Audit Commission or the IDeA.   The list identifies the tools and the key issues they address. The four elements can be approached on a 'pick and mix' basis depending on the Council's needs and resources.

4.1.1 Self-assessment survey (Audit Commission)

The self-assessment survey is designed to assess the Council's awareness of ethical issues. It is used to produce a short analysis, recommendations and an action plan. Its target audience is all elected members, senior officers and staff involved in democratic services and it takes 1-4 days depending on the output required.

Target audience: all elected members, senior officers (1st-3rd tier), staff from democratic services
Time: 1-4 days depending on output required
Approximate Cost: £1,500

4.1.2 Full audit (Audit Commission)

In-depth assessment of the Council's:

- compliance with the Code of Conduct
- arrangements for local determinations and investigations
- the roles and responsibilities of standards committees
- monitoring officer roles and responsibilities
- Chief Executive roles and responsibilities
- protocols and constitution
- arrangements for promoting confidence in local democracy
- understanding of ethical issues and behaviours

The audit will produce a full report, recommendations and action plan. It is targeted at corporate leadership, senior management and Standards Committee members and takes 7-10 days.

Target audience: corporate leadership, senior management, Standards Committee members
Time: 7-10 days depending on size of the Council
Approximate Cost: £13,000

The advice from the Audit commission is that the full audit is excessive for District Council's given the time commitment and the costs involved. It might only become cost viable if a group of District Councils were to jointly commission such an assessment across an area.

4.1.3 Light touch health check (IDeA)

A quick assessment of the following behaviours of the Council:

- leadership
- relationships
- communication
- accountability
- management of standards
- team working and cooperation

The Health Check will provide a summary report, action plan and presentation. Its target audience is Standards Committee members, Monitoring Officer, Chief Executive and senior management. It takes 0.5-1 day.

Target a udience: Standards Committee members, Monitoring Officer, Chief Executive, senior management
Time: 0.5-1 day

4.1.4 Developmental workshops (Audit Commission or IDeA)

To improve awareness and understanding of ethical issues facing the Council.

Developmental workshops use 'ethical scenarios' to improve awareness and understanding of ethical issues facing the Council and the Code of Conduct. An action plan is produced. The target audience is the Standards Committee, other Councillors, Monitoring Officer, Chief Executive and senior management. Each workshop takes 1 day.

Target audience: Standards Committee members, Councillors, Monitoring Officer, Chief Executive, senior management
Time: 1 day per workshop
Approximate Cost: enquiries would need to be made of the IDeA

4.1.5 Ethical Governance Audit (IDeA)

The Ethical Governance Audit (a self help tool) has been developed to assist Councils in achieving progress in the promotion and maintenance of high standards of conduct by members and staff and the integration of the ethical framework in the Council's operations.

The audit will help the Council to:

- examine current procedures
- examine current practices
- implement the ethical framework
- check and review progress

It can be used as an initial diagnostic tool, as an aid to implementation of the ethical framework and in ensuring a robust approach to monitoring, reviewing and updating. In effect the audit will enable Councils to test out the reality of their ethical performance and will examine not just the Council's written procedures and protocols but whether and how those procedures are applied in practice.

An external validation could be provided by reciprocal arrangements between Monitoring Officers in neighbouring or comparable authorities.

The detailed Ethical Governance Audit is detailed in Appendix 2 to this report.

Target audience: The Council generally
Approximate Cost: Staff and Committee Members' time

5.   Options Assessment

5.1   Adopting the Code of Conduct, establishing Standards Committee and providing training on the code for members and employees are only steps on the road to ethical governance. The Council now needs to take stock of its current position and adopt an action plan for improvement.

5.2   The Ethical Governance toolkit is a useful diagnostic tool and has been used by a limited number of authorities but there are undoubtedly alternative self assessments and ways to diagnose ethical standards that may better fit the resources and local situation. But whilst self assessment options may require less resources than that of the Audit Commission's/IDeA's there may be a perception that alternatives are not robust enough or do not enable an expert independent viewpoint. Challenge would therefore be more difficult to defend.

5.3   If the Council decides to implement the toolkit it will need to consider which of the methods of diagnoses best address the needs and resources (both staff time and financial). Perhaps it should be pointed out the toolkit offers no guarantees that the results will be considered as valid within the Comprehensive Performance Assessment inspecting framework without an element of external challenge.

5.4   In terms of the Council's needs and requirements the Committee should note the strengths of the two organisations responsible for various elements of the toolkit. The strength of the Audit Commission is in addressing compliance, assurance, improvement and arrangement issues. The IDeA has experience in working with members and officers on cultural and behavioural issues. Accordingly these factors should also be taken into account when assessing the tools.

5.5   The IDeA/Audit Toolkit options can be taken up on a step-by-step basis; one approach would be a light touch health check/self assessment. The action plan provided as part of the IDeA programme would become the template for improvement with a self-assessment facilitated by the Audit Commission built in to the future work plan of Standards Committee, but there would be financial implications that the Council cannot currently address.

5.6   The disadvantage of using the light touch health check (see Appendix 1) is there are no guarantees for improved ethical governance if the Council does not follow through solutions or monitors or reviews the position.

The check could be facilitated in-house but this may mean without external challenge, existing assumptions and cultural aspects of the Council may be difficult to realise and uncover through self-diagnosis. The work carried out may not also be valid within the CPA inspecting framework. It will however bring the issues to the table together with expectations and anticipated outcomes, it will raise awareness and endorse and evidence good practice.

5.7   The Committee will be aware of the resourcing difficulties for the toolkit reported to the last meeting by the Corporate Manager for Legal and Democratic Services and members should note that there will be some resource implications for the light touch health check which will be quantified at the meeting on 31 October 2006.

5.8   The Council do not have the option of doing nothing and ideally a combination of techniques and tools would be an ideal model for diagnosis, which could then be checked and balanced against the IDeA's Audit referred to in paragraph 4.1.5 on a programmed basis (i.e. every two years).

5.9   Given the resourcing difficulties of the Council an option would be to review the Council's Ethical Framework against the IDeA's Audit (see Appendix 2). This would enable the Council to be clear about its current position, its strengths, weaknesses and actions that could be undertaken to improve the ethical performance of the Council. Should the Committee resolve that this would be a useful initial step, the appropriateness of the elements/indicators identified would need to be addressed and amended to ensure that the Audit was relevant to the Council's requirements and best meets its need.

6.   Resource Implications

The resource implications are set out in paragraph 4 of this report.

7.   Risk and Opportunity Issues

Failure to achieve high ethical standards has consequence for members and the Council generally. This could lead to loss of credibility and confidence in local democracy (on an individual or authority-wide basis), an increase in investigation and poor decision making. The implementation of a suitable diagnostic tool will identify how well the members and Council are meeting the ethical agenda, where improvements can be made and address the CPA benchmarks.

8.   Consultees (Internal and External)

Internal	None
External	

Recovery Plan/Corporate Plan

Embeds high ethical standards and underpins governance

B: Other Implications
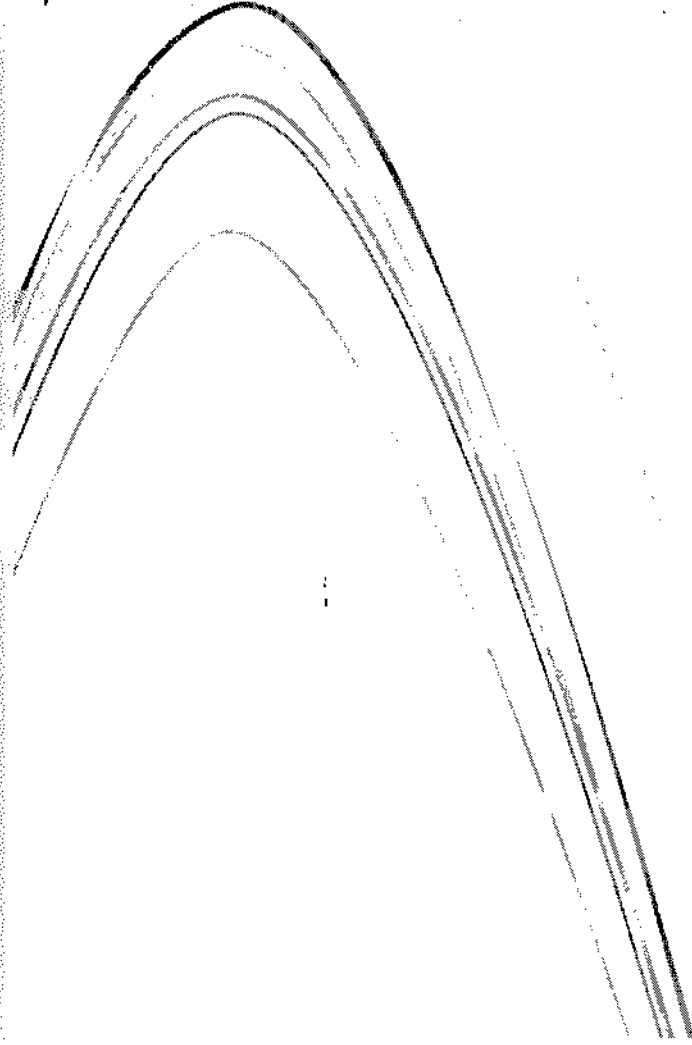
Other Strategies
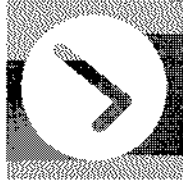
Finance Comments

Legal Comments

9.   Background Papers

Title	Description	Source
Ethical Governance Toolkit	Diagnostic tools for high ethical standards	Audit Commission/IdeA
Ethical Governance Audit	Review of Ethical Framework	IDeA

Jackie Buckler
Procurement & Practice Team Leader
Ext: 7341

IDeA
improvement and development agency

ethical governance toolkit

ethical governance
light touch health check

contents

ethical
governance toolkit

introduction

This document provides:

- 'getting started' guidelines on preparation for the light touch health check

- the various light touch health check materials and guidelines on how to use them.

The health check materials included in this document are:

- a light touch health check focus group programme (the programme)

- PowerPoint presentation – accessible on the website

- an ethical governance benchmark

- an action plan template.

The PowerPoint presentation, the ethical governance benchmark and action plan template are all materials to be used within the programme.

It is important to note that the light touch health check is a mechanism, which can be used to identify and discuss ethical governance issues in your authority, and is also a means for developing solutions. Its use requires significant input from attendees and facilitators. Using the light touch health check will not, in itself, guarantee improved ethical governance. Furthermore, achieving good ethical governance requires following through any solutions and maintaining good ethical governance requires regular monitoring and review.

It is recommended that authorities invest in external facilitators to undertake the light touch health check. This is

to ensure the diagnosis is carried out by a team of trained facilitators who will constructively challenge existing assumptions or cultural aspects within the council that can be difficult to uncover through self-diagnosis and review. Whilst this 'health warning' is important it is recognised that some authorities have well established democratic or member services functions, which could rise to the challenge of applying the health check through internal facilitation and review activity.

If councils use the toolkit internally there is no guarantee that the results of any diagnostic or light touch health check work will be considered as valid within the CPA inspecting framework although, such activity would generally be described as good practice.

Before any diagnostic activity is carried out it is essential that reviewers (whether external or internal) are familiar with the context of ethical governance issues such as the Code of Conduct. We recommend that you read the following Standards Board for England publications, which are available from the IDeA's website and also the Standards Board for England's own website:

- guidance on standards committees

- guide to part III of the Local Government Act 2000

- how do I register and declare interests, and register gifts and hospitality

- how to conduct an investigation

- how to make a complaint

- the case review

- lobby groups, dual-hatted members and the code of conduct

- local investigations

- the code to protect you

- standards committee determinations

- the local authorities (model code of conduct) order 2001.

⊘ getting started

It is likely that the initial impetus to use the light touch health check will come from a referral from the council, for example, the chair of the standards committee, the monitoring officer, the leader or another senior member or manager within the council. Below are a series of stages that could then be followed in preparation for the light touch health check focus group(s).

- Organise an initial meeting, usually with the monitoring officer and/or the chair of the standards committee of the council to discuss the background of the request and agree expectations in terms of the issues covered and anticipated outcomes.

- A degree of judgement must be applied by practitioners using the light touch health check. The programme, PowerPoint presentation, the ethical governance benchmark and action plan template provided here will help you determine the content of the health check. As well as the initial meeting referred to above it is recommended that, in order to identify key issues to be covered in the light touch health check, you do the following:

  » Undertake the Audit Commission self-assessment survey – this is optional but recommended as it would provide information on how the council complies with the Code of Conduct and other ethical governance systems and processes

  » Undertake a desktop research exercise by reviewing key documents such as the council's Code of Conduct, member and officer protocols, registers of interests, member/officer training programmes (is ethics on the training agenda?), other corporate documents that help assess the corporate health of the authority such as a corporate plan or human resources strategy

  » Conduct one-to-one interviews with key stakeholders using the questions under the 'questions and probes' section. A level of judgement needs to be made in terms of 'who are key stakeholders?' This is likely to include the chair of the standards committee, others members of the committee, the monitoring officer, the chief executive, the leader of the council, leaders of opposition groups

- Agree the duration of the light touch health check, including the number of one-to-one interviews and focus groups. The numbers and duration may be dependent on:

  » the seriousness of any ethical governance issues

  » the size of the council

  » resources available

  » any previous diagnosis and results.

- Agree who the audience will be – a list of usual participants is included in the programme example attached but is not exclusive.

- Construct your facilitation team where possible comprising a trained IDeA consultant, a monitoring officer from another council and a member peer (both of whom have been trained to apply the toolkit in local authorities other than their own). You would choose teams based on the type of council, political dynamics and availability.

- Agree and organise circulation of any relevant background documentation such as Code of Conduct, protocols etc.

- Draft a programme and send to key contacts within the council for agreement – sample programme attached.

light touch health check materials

The following materials, for use in a light touch health check, are included in this section:

- a light touch health check focus group programme
- PowerPoint presentation (introduction, the context of ethical governance, facilitated exercise)
- an ethical governance benchmark
- an action plan template.

The PowerPoint presentation, the ethical governance benchmark and action plan template are all materials to be used in sessions within the programme. Information on the materials, including an explanation on how to use them, is given below. This is followed by the materials themselves.

light touch health check focus group programme

An example of a programme for a light touch health check focus group is provided below. The programme is a guidance framework on how to run a light touch health check focus group. Who attends should depend on what has been agreed – in some instances you may have carried out one to one interviews with key stakeholders so would be unlikely include them in this audience.

You may need to have more than one focus group to ensure that all of the necessary people are included in the light touch health check (we recommend between 12 and 20 people per focus group). It is also a matter of choice and judgement whether to restrict the focus group workshop

simply to the collection of data or to include an element of awareness raising. It is crucial however that participants understand what to expect through setting clear objectives at the start of the event.

Further information is provided on each of the sessions within the programme.

powerpoint presentation (sessions 1, 2 and 3)

(The PowerPoint presentation can be accessed via the website on a PDF – you would need to contact the IDeA in order to receive a PowerPoint version)

session 1: introduction

The first three slides outline the objectives of the day and rules of engagement.

session 2: the context of ethical governance

This session provides the context for ethical governance. It covers the recent background leading up to the present arrangements, and highlights the links between ethics and corporate governance.

session 3: facilitated exercise – the 10 principles of conduct in our authority

In this session attendees are asked to get into small groups and consider how the 10 principles of conduct in local government find expression in the authority. This is a warm up exercise getting the audience to think about ethics within the authority.

ethical governance benchmark (session 4)

In session 4 the facilitator should facilitate a discussion using the outcome of any other diagnostic analysis that has been undertaken such as the Audit Commission's self-assessment survey.

If no previous diagnosis has been undertaken, then the facilitator could use questions from the benchmark. The benchmarking exercise will enable you to gain an indication of the extent to which an authority matches up to a range of desired behaviours. The benchmark is comprised of six main behaviours, which follow a similar framework to that of the Audit Commission self-assessment survey, but explores in greater depth the behavioural and roles and relationships aspects of the ethical governance framework. The six behaviours are:

- leadership – behaviour and styles
- communication
- relationships – roles and responsibilities
- accountability
- management of standards – systems, processes and risk management, conflict and whistle blowing
- team-working and co-operation – personal effectiveness and training and development.

action planning template (session 5)

In this session the facilitator should identify, from discussion, the various action points that have emerged from the day. This session could be undertaken at the end of the day or in a further workshop. You need to facilitate agreement and a record of actions in a simple action-planning format.

Many aspects of local authority work can be described as 'ethical' – indeed, the whole public service ethos is based on a wish to do good. In an attempt to define what this means this benchmark offers some positive and negative behaviour indicators that might be observed in an "ideal authority' or an authority that needs development and awareness raising of ethical governance issues.

While some behaviours, such as use of racist language and discrimination, will be wrong in all conceivable circumstances; others will be more dependent on the context. For example, the nature of political debate is such that members will occasionally challenge each other in a way that might be inappropriate in member-officer or member-public interactions. Nothing in this benchmark should be interpreted as a barrier to robust political debate. The benchmark, then, is not meant as a list of golden rules about behaviour, but is designed to:

- promote awareness about ethical behavioural issues
- serve as a basis for discussion in diagnostic workshops or interviews
- provide positive and negative behaviour indicators to compare against.

In the pages that follow, each behaviour is presented in the benchmarking exercise followed by a:

- broad definition of the behaviour

- questions and probes. Facilitators need to exert some judgement in terms of which behaviours and questions to focus. It is optional whether all questions are asked as the health check is designed to gather data to provide an overview of the current situation within the authority. Facilitators may choose to begin with more general questions such as the following:

  » what does your council do well/less well when it comes to ethics?

  » what sort of issues/problems arise that your standards committee has to deal with?

- Positive indicators and negative indicators. There is a section containing positive behaviour indicators in an 'ideal authority' and a section containing negative behaviour indicators in an authority where significant development and awareness raising would be required. Facilitators can use these indicators in two main ways:

  » to benchmark the authority against the behaviour indicators.

  » as a further prompt e.g. does anything like this happen in my/your authority?

- Notes box. Facilitators can make notes which describe the issues being revealed. There is an optional priority weighting column which may help facilitators organise the issues into priorities. Facilitators may prefer to record notes in a note book or on flip chart paper in groups.

light touch health check focus group programme

Audience: standards committee chair and members, monitoring officer and other senior officers such as the chief executive and senior or corporate management teams, executive members, backbench members, relevant staff groups e.g. democratic or member services officers, other manager and staff groups, external partners. Duration: 9.30 – 1.00

timing	session title	content	materials	lead facilitator
9.30–9.45	session 1: introduction	• get people to introduce themselves and to say one thing they expect from the focus group workshop • provide objectives for the session • explain workshop ground rules and domestic arrangements	• tea / coffee • appropriate handouts	• external consultant recommended
9.45–10.15	session 2: the context of ethical governance	• PowerPoint presentation including background and definitions • gain an understanding about the background and development of the ethical governance framework • question and answer session	• handouts	• monitoring officer peer where possible
10.15 – 11.00	session 3: facilitated exercise – the 10 principles of conduct in our authority	• facilitated exercise – definitions of 10 principles of public life, how do they find expression in this authority	• activity PowerPoint slide • flip chart and pens	• member peer where possible
11.00 – 11.15	comfort break			
11.15 – 12.15	session 4: benchmarking exercise/ consideration of any other diagnostic analysis	• if the AC self-assessment survey has been carried out facilitate a discussion around the key themes of findings e.g. staff not aware of standards committee roles etc. • if survey has not been completed facilitate discussion by asking questions that may be directly taken from the benchmark.	• flip chart • pens • post-it notes	• external consultant and member peer
2.15 – 1.00	session 5: action planning to improve ethical governance	• facilitate wider group discussion getting them to suggest next steps which could include: » report from diagnostic findings with recommendations such as: » wider awareness training for all members » training for officers and members on specific topics » development of protocols and the code of practice » more in-depth review, etc.	• flip chart	• external consultant

ethical
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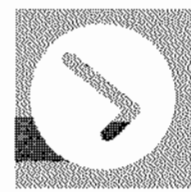
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ethical governance benchmark

☑ leadership, behaviour and styles

what do we mean by leadership behaviour and styles?

Providing visionary and charismatic leadership, being well prepared, able to create a culture of excellence and probity by acting as the public face of the council and a role model for others. Encouraging and promoting high ethical standards across the authority.

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.

what are the key positive indicators of an ideal authority?

members and officers individually and collectively:

- are prepared to give a strong lead when circumstances dictate, but do not maintain personal control by imposing views and being overly directive

- are prepared to take difficult decisions when necessary rather than always courting short-term popularity

- act as a role model for appropriate behaviour, ethical practice and democratic process

- work to inspire trust in others and gain commitment to policies and decisions rather than simply dictating from the centre

- build strong relationships with senior officers and/or cabinet based on open communication, co-operative working and trust, and keep the interests of the community in mind when managing any personal conflicts

- have clearly defined descriptions of roles and responsibilities, including those of executive members and statutory officers, respect different roles and do not undertake inappropriate activities, e.g. inappropriate levels and types of decision making

- work across political and council boundaries to foster communication and encourage co-operation where appropriate

- aim to mediate fairly and constructively between people with conflicting needs

- campaign with enthusiasm, courage and persistence on behalf of others

- allow individuals to take action in respect of poor standards of conduct by others

- create a culture which, while taking proper account of risk management, encourages individuals to try out new ideas and take managed risks without fear of blame if things go wrong

- provide opportunities for non-executive members and junior staff to define what change means for them.

what are the key negative indicators of an authority?

members and officers individually and collectively:

- demonstrate undue partiality for own party members or service teams and use their position to promote their own agenda to the detriment of wider council needs

- behave defensively, avoiding making difficult or unpopular decisions and being unwilling to admit mistakes

- lack a clear understanding between their own role and that of subordinates, failing to delegate or make use of others' strengths

- show inconsistency in style and behaviour, failing to set an example for others

- lack detailed knowledge of different council activities
- do not see themselves as having a role, display little or no interest and concern or take little or no responsibility in ensuring appropriate conduct and high standards on the part of themselves and others
- display no sense of collective responsibility for maintaining and encouraging high ethical standards
- tend to make unrealistic promises and then fail to deliver on them
- take short-term 'quick fix' approaches to policy formation, focusing on day-to-day issues rather than future needs and failing to see beyond the next election
- are resistant to change and fail to draw on the experience of others (e.g. councils peer support).

notes

priority weighting
(high, medium, low)

ethical
governance tool

⊘ communication

what do we mean by communication?

Disseminating relevant information, policies, procedures and guidance on ethical standards to members, staff, the public, other individuals and organisations that the council is involved with and encouraging active listening, dialogue and feedback. Using appropriate language and checking for understanding. Communicating regularly with individuals and groups in the community, and making sure that people are informed.

questions and probes

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 council's 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?

what are the key positive indicators of an ideal authority?

members and officers individually and collectively:

- respond promptly to enquiries from the public and other individuals or bodies

- have accurate and clear policies, guidance and advice on ethical issues available to all members and staff

- ensure good access to information for all members and the public, including appropriate policies and practice regarding exempt and confidential information

- communicate regularly with the community via newsletters, phone calls, accessible website and local media

- listening sensitively, checking for understanding and adapting style as necessary.

what are the key negative indicators of an authority?

members and officers individually and collectively:

- fail to respond promptly to communications from constituents, concerned individuals and other groups

- use jargon in order to look clever or exclude others from understanding decisions

- interrupt, appear not to listen and use language which is inappropriate to the circumstances or is insensitive

- use information dishonestly to discredit others

- consistently fail to participate in, or seek to dominate, meetings

- are not aware of key rules and guidance on ethical standards and/or sources of advice

- fail to act on public perceptions or concerns that ethical standards within the council are poor

- fail to encourage communication with the community or promote the council.

notes

priority weighting
(high, medium, low)

ethical
governance toolkit

⊘ relationships

what do we mean by relationships?

Building positive relationships by making others feel valued, trusted and included and by working collaboratively to achieve goals. Members and officers are clear about their roles and responsibilities. The chief executive is supportive of the monitoring officer and standards committee.

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?

what are the key positive indicators of an ideal authority?

members and officers individually and collectively:

- demonstrate transparent relationships between the executive, senior management teams and the standards committee

- ensure that the council vision is underpinned by ethical values and statements that can be acted upon

- make others feel valued, trusted and included, recognising and including people from different backgrounds

- show by example commitment to diversity and human rights agendas

- maintain calm and focus when criticised or under pressure

- have transparent recruitment and appointment processes for both staff and members (for example in appointments to outside bodies) which are recognised throughout the council as having integrity

- ensure that non-executive members have a real ability to hold the executive to account and to make a meaningful input to policy development

- have relevant information about members and senior staff that is accessible to the public including, for example, up to date registers and declarations of interests

- maximise meetings held in public and limit the use of 'exempt information' provisions.

what are the key negative indicators of an authority?

members and officers individually and collectively:

- avoid contact and constructive discussion with the standards committee

- use divisive tactics to upset relationships, council policies and decisions

- are unclear as to who is responsible for what under the constitution.

notes

priority weighting
(high, medium, low)

ethical
governance toolkit

✓ accountability

what do we mean by accountability?

The council having clearly defined and well understood roles and responsibilities for both members and staff and clear management processes for policy development, implementation and review, and for decision making, monitoring and reporting.

The decision making process should generally be transparent and decisions should be based on evidence and following appropriate debate. Decision-making should take heed of community need and local priorities, budgets and agreed protocols.

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?

what are the key positive indicators of an ideal authority?

members and officers individually and collectively:

- show commitment to seeing problems through to the end

- deal promptly with the major issues and problems that span the council

- give a free rein to people where appropriate to resolve problems without interference, while offering appropriate support where necessary

- ensure that teams and individuals understand the parameters in which they make decisions and are accountable for these

- evaluate arguments according to evidence, making independent and impartial judgments based on sound rationale, evidence, good judgement and pragmatism but within the context of political beliefs

- are confident enough to change a decision which feedback demonstrates is not effective

- spend time and effort making sure they understand the implications and potential impact of a decision

- display well-founded confidence and trust in others' judgement and decision-making

- actively represent political group or service team views and values through decisions and actions.

what are the key negative indicators of an authority?

members and officers individually and collectively:

- keep a low profile, being invisible throughout the council, particularly at times of adversity

- delegate inappropriately and blame subordinates or use others as scapegoats when things go wrong

- invoke inappropriate use of the 'exempt information' provisions to restrict access to debate and decision making

- make decisions without taking advice or considering regulations and wider development frameworks

- fail to review their decisions on the basis of experience and to change them where necessary — e.g. saying 'I've made my mind up and that is final'

- operate in secret and fail to open processes and decision-making to others.

notes

	priority weighting (high, medium, low)

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✓ management of standards

what do we mean by management of standards?

High standards are integral to the working of the authority and are 'designed-in' to the authority's constitution and relationships with stakeholders.

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:
   » declare an interest
   » register an interest
   » claim expenses
   » offer and/or receive hospitality.

   How 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?

what are the key positive indicators of an ideal authority?

members and officers individually and collectively:

- develop, promote and maintain high standards of conduct on an ongoing basis, ensuring ethical standards form part of the council's vision and strategy, are acknowledged and owned by members and staff and are 'designed-in' to the council's constitution, decision-making, overview and scrutiny procedures and relationships with stakeholders, including outside bodies and partners (e.g. in grant or contract conditions and partnership protocols)

- have mechanisms to ensure external suppliers and service providers are required, in their dealings with the council, to operate to public sector standards, e.g. not offering or providing inappropriate gifts or hospitality to members or staff

- understand and act on their judicial role in order to meet legal responsibilities (e.g. duty of care, corporate parenting)

- ensure recruitment and appointment processes comply with relevant standards, e.g. those of the Commission for Race Equality, Employers Organisation Conditions and District Audit, and are monitored and reviewed

- ensure key procedures and guidance, e.g. for declaring interests, claiming expenses, offers and/or receipt of hospitality, are well designed, up to date, easy to understand and operate and are followed

- have a confidential reporting mechanism which is widely known and understood and which has the confidence of members and staff.

ethical and corporate systems and processes and risk management:

- undertake appropriate risk assessment to ensure that the ethical standards, procedures and processes they are required to operate, are relevant, appropriate and commensurate with the level of risk

- are able to demonstrate positive council trends and specific progress in implementation of the ethical framework and show evidence of plans for further improvement in key aspects

- recognise that situations of ethical ambiguity or conflict will occur and have the collective and individual ability to deal with these appropriately

- ensure individuals have an awareness of and sensitivity to problematic issues and situations, together with the ability to recognise those which are relevant to their circumstances.

managing ethical ambiguity and conflict and whistle blowing issues:

- ensure clear arrangements and mechanisms are in place for dealing with difficult ethical situations and a willingness to use appropriate measures to deal with them e.g. referral to the Standards Board for England

- have well defined, objective and confidential arrangements in place for members and staff to obtain advice and guidance on e.g. the council's 'whistle blowing' policy or appropriateness of referrals to the Standards Board for England

- establish a mechanism for independent and objective mediation to manage conflict that officers and members can use without fear of reprisal

- establish arrangements for regular scrutiny and review of general or specific ethical issues affecting the council, its members and staff

- demonstrate evidence of learning from experience: the use of feedback, adapting behaviour, systems and procedures and prevention of reoccurrence

what are the key negative indicators of an authority?

members and officers individually and collectively:

- take gifts and hospitality from companies that deal with the council

- believe that standards issues are separate from the mainstream activity of the council and are solely the responsibility of the standards committee and the monitoring officer rather than being owned by all members and staff

- assume that high standards will be maintained without conscious effort

- lack common understanding, or show evidence of widely differing views, within the council regarding conflicts of interest

- fail to make external partners and service providers aware of public sector rules and/or offer inappropriate gifts or hospitality.

ethical and corporate systems and processes and risk management:

- seem unable or unwilling to consider situations objectively and realise how they may be perceived by the public, the media, individuals or organisations with which the council is involved

- create an overload of unnecessarily complex, irrelevant or outdated practices and procedures

- show evidence that advice and guidance is poorly designed and lacks clarity or is absent resulting in failure to follow set procedures.

managing ethical ambiguity and conflict and whistle blowing issues

- ignore problems or potential conflict, hoping the problems will simply disappear

- fail to maintain confidentiality, gossip about other people's problems or issues

- are seen to take sides and fail to see issues or problems objectively

- allow too many vexatious complaints to be referred to the Standards Board for England

- discourage people wanting to refer valid complaints to the Standards Board for England.

priority weighting
high, medium, low

notes

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⊘ team working and co-operation

what do we mean by team working and co-operation?

Engendering an expectation that members and staff will operate collectively to the highest standards of conduct and are actively encouraged to do so.

questions and probes

1. Have you been part of an induction process, and did it include ethics and standards? If so, how useful was this?

2. Have you had any experience of a mentoring/buddying scheme for new members? If so, how useful was this?

3. Have you been offered/undertaken training relating to ethics and standards? If so, how useful was this?

4. Is training offered to key partners?

5. Do you feel that a 'public service ethos' is sufficient to maintain high ethical standards? Can you explain why/why not?

6. To what extent do you think that members of long standing hold the view that they do not need further training as they are experienced enough in the working of the council?

7. Do you feel there is a 'blame culture' in this council? If you do can you give examples?

8. Can you give examples of how high ethical standards are promoted by members?

9. How is misconduct dealt with and how is it reported?

10. Is there a confidential reporting mechanism in place in the council? If so, could you describe it?

11. To what extent do you have confidence in the confidentiality of the process?

what are the key positive indicators of an ideal authority?

members and officers individually and collectively:

- help to develop cohesion within own team and contributing to healthy communication between teams and the council

- work across group boundaries without compromising political values (members specifically)

- support and own team targets and ways of working

- share resources to support the achievement of partnership aims rather than being overprotective of their own budgets or powers

- show a real interest in their colleagues' issues and problems and recognise and celebrate others' achievements

- share responsibility for success and failure

- make sure that any interested individual or group, including those who may hold different views about the council's priorities and programmes, has an opportunity to understand and contribute to policy formulation, spending priorities etc

- remain open to new ideas even if they may appear threatening (e.g. e-government) and aim to learn from others (e.g. other councils)

- are prepared to discuss their own successful ideas with colleagues from other bodies

- develop knowledge of council systems and input council views at area specific meetings (e.g. planning, licensing)

- encourage scrutiny and respond positively to feedback, challenge and ideas

- implement national legislation and guidance even where this does not accord with local political views.

personal effectiveness – training and development:

- deliver an induction programme for both members and staff which incorporates ethical standards and seeks to integrate them into all aspects of induction

- recognise the need for, and are committed to, training and development in relation to ethical standards

- offer training which tackles difficult issues, such as conflicts of interest, handling demands for special treatment, relationships with contractors, or lobbying by third parties and give participants the skills to deal with real-life situations

- where requested, provide appropriate training and guidance for key partners, suppliers, service providers and other stakeholders to build awareness of the council's ethical ethos and practice.

what are the key negative indicators of an authority?

members and officers individually and collectively:

- demonstrate inconsistent values, lack integrity and tend to say what others want to hear
- fail to make sure they have sufficient knowledge of the leading political manifesto, values and objectives
- put personal motivations first, 'going native' or failing to challenge the controlling group through a desire not to rock the boat
- act alone and consistently fail to support colleagues in public forums
- are overly reliant on others and tend to back down when challenged
- are adversarial in style, being inappropriately aggressive and confrontational when challenged
- engage in political 'blood sports' at the expense of working constructively for the good of the council and abuse scrutiny processes for political gain.

personal effectiveness – training and development:

- create a perception that the council ignores misconduct or fails to deal with it properly
- are reluctant to take action in respect of misconduct because of lack of confidence in the system

- show an absence of structured training and development and over-reliance on 'on the job' learning from colleagues
- are unwilling to participate in training and development
- take all credit for successful initiatives for themselves and refuse to accept their share of blame for unsuccessful actions
- get too protective and defensive about their own portfolio/department and fail to take an authority-wide view
- do not engage in community activities, 'hiding' in the civic buildings rather than being available in the community, waiting to be approached and being difficult to contact (e.g. saying 'I'm not your councillor' or 'I'm not the officer dealing with this') and failing to communicate and explain council vision and policies
- only listen and make themselves available to favoured groups within the community rather than the community as a whole and seem unwilling to listen to alternative views and solutions
- create a 'them and us' attitude to members, officers, non-cabinet members, partners or external councils and agencies etc.
- place political or personal gain before collaborative working
- are unavailable or evasive to external agencies or the media that are holding the council to account on general or specific issues.

notes

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action planning template (session 5)

In this session the facilitator should identify, from discussion, the various action points that have emerged from the day. This session could be undertaken at the end of the day or in a further workshop. You need to facilitate agreement and a record of actions in a simple action-planning format. An example of how this might be done in two stages is provided below.

stage 1: identifying issues

action	method	who	resources	by when	outcomes	evaluation
What improvements need to be made?	How will the action be achieved?	Who will take responsibility for action? (named individuals)	What resources are required to achieve improvement?	What is realistic? (need to consider the appetite for change)	What will change and improvement look and feel like?	How will success be monitored?

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stage 2: prioritising actions

behaviour	issues identified	priority (high, medium, low)
leadership		
relationships		
communication		
accountability		
management of ethical standards		
team working and co-operation		

ethical governance toolkit

Review of Ethical Framework Against
Improvement and Development Agency's Ethical Governance Audit

Positive Indicator	Northampton Borough Council current position
INTEGRITY	
Ethical Vision: Members and staff recognise the importance of ethical standards in local governance thus enabling the Council to construct and develop an ethical culture and values for the Council.	
• Evidence of a set of meaningful ethical values for the Council which meet the legitimate expectations of members, staff, the public, other individuals and organisations with which the Council is involved. • Evidence that these ethical values are known and used. • An understanding by members and senior managers of the ethical framework and its role in local governance. • An understanding throughout the Council of relevant ethical issues and standards. • Active encouragement and promotion of high standards by senior managers and members.	•
Communication: Dissemination of relevant information, policies, procedures and guidance on ethical standards to members, staff, the public, other individuals and organisations with which the Council is involved and encouragement of listening, dialogue and feedback.	
• Availability to staff and members of full, accurate and clear policies, guidance and advice on ethical issues. • Evidence of good access to information for all members and the public, including appropriate policies and practice regarding exempt and confidential information. • Evidence of open attitude towards, and willingness to act on, criticism.	•
Commitment and Leadership: Recognition by members and staff of their individual and corporate responsibility to promote and encourage high standards of conduct throughout the authority.	
• Active involvement by members and senior staff in setting values and standards for the organisation. • Members and senior officers recognised by staff and others as having high personal/ professional standards of conduct and leading by example. • Understanding throughout the Council of individual and collective responsibility for	•

Positive Indicator	Northampton Borough Council current position
the maintenance and encouragement of high ethical standards. • Willingness of individuals to take action in respect of poor standards of conduct by others.	

ACCOUNTABILITY

Organisational management: The Council has clearly defined and well understood roles and responsibilities for both members and staff and clear management processes for policy development, implementation and review, and for decision making, monitoring and reporting.

• An explicit commitment to transparency in conduct and decision-making • An explicit, clear set of information on member and staff roles and responsibilities, including: the roles and responsibilities of executive members, the roles of statutory officers, i.e. the Head of the Paid Service, the monitoring officer and the s.151 officer and officer/member relations. • Clearly defined lines of responsibility and accountability, demonstrated for example by terms of reference, schemes of delegation and the constitution generally. • Clearly defined and understood corporate and individual responsibilities for standards. • Transparent recruitment and appointment procedures for both staff and members, which are recognised throughout the organisation as having integrity. • Non-executive members believing they have real ability to hold the executive to account and to make a meaningful input to policy development. • Ready availability to the public of relevant information in respect of members and senior staff including, for example, up to date and easily accessible registers and declarations of interests. • Opportunities for the public to raise questions and receive answers at open meetings of the Council and the Cabinet and evidence these are used. • Maximisation of meetings held in public and limited use of 'exempt information' provisions. • Cabinet uses its discretion to maximise the role of the Council in relation to the policy framework. • Good forward plan of key decisions. • Relative roles of the Council and the executive in relation to statutory officers are clear.	•

Positive Indicator	Northampton Borough Council current position
- Evidence that the Council has the ability to hold the Cabinet to account in relation to ethical standards. - Good protocols exist for officer/member relations governing Cabinet, Overview & Scrutiny and the Standards Committee.	
Systems and process operation: The Council operates to its defined roles, responsibilities, policies, procedures, protocols and codes, and monitors, reviews and amends these where necessary or appropriate.	
- Access to relevant information, resources, advice and guidance is ensured and encouraged. - Recruitment and appointments processes comply with relevant standards, e.g. those of the CRE, EOC and DC, and are monitored and reviewed. - Key procedures and guidelines e.g. for declaring interests, claiming expenses, offer and/or receipt of hospitality are well designed, up to date, easy to understand and operate and are followed. - Effective arrangements for keeping key information, e.g. declarations and registers of interests, up to date and accurate. - Effective arrangements for reporting executive decisions, particularly in relation to individual decision making. - Appropriate risk assessment is undertaken to ensure that the ethical standards, procedures and processes members and staff are required to operate are relevant, appropriate and commensurate with the level of risk.	
Objectivity and scrutiny: Recognition that situations of ethical ambiguity or conflict will occur and the ability of individuals to deal with these appropriately.	
- Individuals have an awareness of and sensitivity to problematic issues and situations, together with the ability to recognise those which are relevant to their circumstances. - Clear, well used arrangements for the management of declarations and registrations of interest. - Clear arrangements/mechanisms for dealing with difficult ethical situations and a willingness to use appropriate measures to deal with them. - Well defined and communicated arrangements for members and staff to obtain advice and guidance. - Arrangements for regular scrutiny and review of general or specific ethical issues affecting the authority, its members and staff.	

Positive Indicator	Northampton Borough Council current position
• The overview and scrutiny arrangements provide for an ethical standards dimension. • The Council deals appropriately with requests for dispensation in respect of interests. • There is evidence of the ability of members and staff to exercise appropriate judgement in respect of ethical standards issues. • Evidence of learning from experience: the use of feedback, adapting behaviour, systems and procedures and preventing reoccurrence.	
STANDARDS MANAGEMENT	
Standards integration: Making the promotion, maintenance and development of high standards of conduct integral to all the Council's operations.	
• The promotion, maintenance and development of high standards of conduct form part of the authority's strategy and vision and are acknowledged as owned by members and staff. • Ethical standards are 'designed in' to the Council's relationship with stakeholders, including outside bodies and partners, e.g. in grant and contract conditions and partnership protocols. • External suppliers and service providers are required, in their dealings with the Council, to operate to public sector standards, e.g. not offering of providing inappropriate gifts or hospitality to members or staff.	•
People and practice management: An expectation that members and staff will operate to the highest standards of conduct, encouragement to do so, acknowledgement that, on occasions, some may fail to do so and a willingness to address this.	
• Active promotion of high standards of conduct. • Evidence of support to members and staff in developing and maintaining high standards. • Absence of 'blame culture'. • Availability of supportive and competent advice from line management. • A confidential reporting mechanism which is widely known and understood and which has the confidence of members of staff.	•
Training and development: Recognition of the need for, and commitment to, training and development in relation to ethical standards.	
• An induction programme for both members and staff which incorporates ethical standards and seeks to integrate them into all aspects of induction.	•

Positive Indicator	Northampton Borough Council current position
- The use of mentoring schemes, in particular for new members of staff. - Compulsory training in certain matters, e.g. planning and overview and scrutiny. - Evidence of training which tackles 'difficult' issues, such as conflict of interest, handling demands for special treatment, relationships with contractors, or lobbying by third parties and gives participants the skills to deal with 'real life' situations. - Commitment to and opportunities for role related skills development, e.g. how to chair an area forum, as well as specific topic based training. - Provision of training and guidance for key partners, suppliers, service providers and other stakeholders to build awareness of the Council's ethical ethos and practice.	
Planning and review: Recognition of the need for systematic and regular review of the implementation and operation of the ethical framework in the Council and the ability to undertake this and demonstrate continuous improvement.	
- The Council can demonstrate positive trends and specific progress in implementation of the ethical framework. - Monitoring and review programme in place and operating. - Evidence of plans for further improvements in key aspects.	