

CSPL local government ethical standards 15 best practice recommendations

Name of local authority:

Babergh District Council & Mid Suffolk District Council

1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Progress:

Both Councils have adopted the Suffolk Local Code of Conduct which includes reference to bullying and harassment. The Councils have recently updated their Code of Conduct Complaints Procedure, endorsed by the Joint Audit and Standards Committee, which includes examples of behaviour which could be defined as bullying and harassment.

2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Progress:

This is not included in the Suffolk Local Code itself but forms part of the Councils' Code of Conduct Complaints Procedure.

3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Progress:

The Councils do not support the recommendation of an annual review of the Local Code of Conduct. We agree with the principle of regularly reviewing the Code of Conduct, particularly in response to legislative change, but it is also necessary to ensure Councillors understand the Code and have confidence in it. Frequent changes to the Code can undermine the trust people place in it and lead to confusion. We focus our review on its practical application and continue to develop our guidance and procedures accordingly, in consultation with other authorities in our area, sharing learning and understanding best practice.

Across Suffolk, we have adopted a Local Code which applies to all County, District and Parish and Town Councillors. This is also considered good practice to do. Although revisions have been considered, we have ultimately concluded these are not necessary and the Code has effectively stood the test of time well since first adopted in 2012.

4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Progress:

The Code of Conduct is published on the Councils' website and is available on request at our offices and Customer Access Points. All District Councillors receive a copy of the Code of Conduct as part of their induction pack.

5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Progress:

Each Councillor's individual register of gifts and hospitality is published in real time on the Councils' website as part of their register of interests.

6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Progress:

The updated Code of Conduct Complaints Procedure provides clear information about the initial assessment criteria for complaints, including a public interest test.

7: Local authorities should have access to at least two Independent Persons.

Progress:

The Councils have jointly appointed four Independent Persons.

8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Progress:

The Councils' Code of Conduct Complaints Procedure states that the Monitoring Officer *must* consult with an Independent Person before making a determination that the Code of Conduct has been breached and *may* consult with an Independent Person at another stage of the complaints process.

Typically, the Independent Person is only consulted at initial assessment stage if the complaint is complex or there is doubt as to whether it meets the criteria for dismissal. The Monitoring Officer will usually consult the Independent Person before moving to formal investigation, particularly if an external investigator is required.

9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Progress:

The Councils' Joint Audit and Standards Committee have previously considered this recommendation and do not consider it appropriate to publish details of all upheld complaints, in the interest of protecting the privacy rights of both the Councillor and the complainant.

Where a complaint is referred to the Suffolk Joint Standards Board for consideration a decision notice is published containing details of the complaint and the outcome.

We believe that each case should be considered on its merits and a decision notice should only be published where appropriate.

10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Progress:

The Councils' website has a dedicated page about how to make a Code of Conduct complaint which includes details of the process and timescales. This has been further enhanced by the updated Code of Conduct Complaints Procedure.

11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Progress:

The Councils do not consider it reasonable to deny a Clerk the right to complain about a Councillor's conduct towards them. The Monitoring Officer would consider a complaint submitted by the Clerk and / or a complaint submitted by a Councillor or Councillors concerning conduct towards the Clerk.

The issue of conduct complaints made by Town and Parish Clerks has been highlighted by the Ledbury case and the situation remains very complex given the relationship with employment procedures.

12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Progress:

The Monitoring Officer provides advice, support and management of Code of Conduct Complaints to Town and Parish Councils within the districts. She works closely with the Suffolk Association of Local Councils to ensure that advice is consistent and to avoid duplication. The Monitoring Officer is a member of the Councils' Strategic Leadership Team and has access to adequate training, support and resources.

13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Progress:

The Monitoring Officer has appointed two Deputy Monitoring Officers which provides a safeguard against any conflict of interest and ensures that an officer providing informal advice on a complaint does not then determine it as a formal complaint later in the process.

Formal investigations for complex complaints are usually conducted by an independent external investigator to ensure impartiality.

The Monitoring Officer works closely with a network of other Monitoring Officers within and outside the county of Suffolk which provides ample opportunity for transferring a case to another Monitoring Officer if necessary to avoid a conflict of interest.

14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Progress:

The Councils' have established a number of wholly owned trading companies. The companies present a business plan and performance report annual to the Full Councils. The work of the companies also undergoes scrutiny by the Joint Audit and Standards Committee and the Joint Overview & Scrutiny Committee. The Annual Governance Statement includes a section about the companies.

The Boards of Directors have also adopted a code of conduct which is reflective of the Local Code of Conduct for Members and the Councils' Code of Conduct for Employees.

15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Progress:

The Monitoring Officer regularly provides advice, guidance and training to all Councillors on standards and conduct matters. This may be on an individual basis, through Councillor

briefings or via the Political Leaders Group which represents all political groups within the Councils. We do not consider it appropriate for the Monitoring Officer to become involved in political group issues.
