

**CODE OF CONDUCT COMPLAINTS – THE FUTURE**  
**(Report by the Director of Central Services and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 The Local Government and Public Involvement In Health Bill is currently before the House of Lords and is expected to receive Royal Assent in the Autumn.
- 1.2 The Bill proposes the introduction of two key changes to the management of compliance with the Code of Conduct as follows:
- ◆ greater emphasis on a locally managed framework involving local Standards Committees making initial assessments of misconduct allegations with most cases similarly being handled locally; and
  - ◆ a revised strategic regulatory role for the Standards Board to provide supervision, support and guidance for local authorities and to ensure a degree of consistency in the application of the Code.
- 1.3 Some investigations and hearings are already carried out locally by Standards Committees. Under the new arrangements, authorities' Standards Committees initially will receive all complaints relating to the Code.
- 1.4 Standards Committees will decide whether to defer complaints for further action locally, whether to refer complaints to the Standards Board, or whether no further action should be taken. Aside from asking for an investigation, Standards Committees will also be able to resolve cases by alternative means such as mediation or training. In cases where the Committee considers the sanctions available to it are insufficient, cases can be referred to the Adjudication Panel for England.

**2. ASSESSMENT OF POTENTIAL WORKLOAD**

- 2.1 It is the view of the Standards Board that for the majority of authorities the impact of the local system is likely to be relatively minimal. This view reflects the experience of the Standards Board during the financial year 2006 – 2007 when the Board received about 3,500 complaints under the Code, of which just under 700 (an average of approximately 18%) were referred for investigation.
- 2.2 On average, based on the number of complaints received by the Board over the last five years, all authorities could expect to receive approximately six complaints a year. On top of this, a District Council with 20 parishes may expect about three or four complaints a year

about their parishes. A District Council with 100 or more Parishes may expect around 18 parish complaints each year.

2.3 Some authorities, however may receive no allegations at all over a significant period. Of the 8,000 parish and town councils nationally, 80% have not been the subject of a single complaint over five years. There has been at least one complaint about a member of each District Council over the same five year period. Of the authorities which are not Districts, 25% have not had any complaints in five years.

2.4 A small number of authorities have received a significant number of complaints about their Members or about Members of one or more of their parishes. In the worst case, 125 complaints were made over five years about Members of a principal authority.

### **3. POTENTIAL IMPACT OF NEW REGIME**

3.1 The Standards Board estimates that individual complaints will take an average of two and a half hours to assess upon receipt. Pilot work on the local filter has revealed that Standards Committees will take up to an hour to reach a decision on whether to refer a complaint for further action based on the information available.

3.2 It is expected that authorities would refer only some of the complaints they receive for investigation, although the pilot work has indicated that Standards Committees may refer a greater proportion of the complaints they receive in the earlier stages of the local system as it becomes established.

3.3 As authorities become increasingly proficient in determining complaints, the Board estimate that even authorities which receive the higher volume of complaints will refer about 25% per year for further action. In terms of the impact on workload, therefore, based on an average six complaints per year and a referral rate of 25% across all authorities, an average authority can expect to conduct one or two investigations per year. For a district council with over 100 parishes, an average of around six investigations per year could be anticipated. Whilst these are average assumptions, they do provide a guideline to the increase in workload that authorities can expect with a move to a locally based framework.

3.4 It is the view of the Board that Standards Committees will have the opportunity to promote high ethical standards in their authority. This will be done through developing effective procedures for managing the local system in the following ways:-

- (i) responding to and deciding complaints in the right way and on time;
- (ii) becoming proficient in identifying what is appropriate for investigations/sanction and what is not;
- (iii) being proportionate in their decisions to the nature of the issue and the harm caused;
- (iv) aiming to resolve the harm caused by non-compliance and aiming to deter future non-compliance; and
- (v) participating fully in the reporting protocols operated by the Standards Board and sharing good practice.

- 3.5 The Standards Board will monitor the operation of the local filter by –
- (i) ensuring reporting systems are as simple as possible whilst allowing local authorities to do their job effectively;
  - (ii) measuring outcomes as well as outputs;
  - (iii) offering support and guidance where authorities may be experiencing difficulties;
  - (iv) using their statutory powers to remove local powers only as a last resort and only after efforts to support the authority have been unsuccessful; and
  - (v) ensuring that monitoring is complimentary to and does not duplicate the work of other regulators. The Board has also indicated that they will share good practice and ensure that they are responsive, offering guidance and support to local authorities.

#### **4. UPDATE ON PILOT PROJECTS**

- 4.1 An exercise in filtering 10 “real life” allegations and reviewing 2 appeal cases has been completed by 38 Standards Committees. Several Committees were facilitated or observed by Officers from the Standards Board Monitoring and Audit Team who were able to gain a valuable insight into how a local filter would operate at local level.
- 4.2 Those Standards Committee Members and Monitoring Officers involved in the exercise benefited from training in undertaking the local filter and operating the appeal mechanism as set out in the Local Government and Public Involvement in Health Bill. The Board has also received constructive feedback from each volunteer authority. This feedback will now be used to contribute to the shaping of national policy, sharing of good practice and in helping the Board develop its guidance to relevant authorities.
- 4.3. The Standards Board Monitoring and Audit Team is developing a way in which it will monitor, assess and demonstrate compliance with the new statutory regime at local level. An on-line information returns system, based on periodic returns and an annual report will be tested with volunteer authorities in Autumn 2007. It has been suggested that the system will be proportionate to the monitoring needs of the Board and will not add an undue burden to authorities. The types of information to be collected include:-
- ◆ the timeliness of carrying out investigations and hearings;
  - ◆ the outcomes of different stages of the process; and
  - ◆ any failure by an authority to meet statutory requirements in respect of its Standards Committee.

The approach is intended to support improvement, to enable authorities to be kept informed at regular intervals about their own performance and to enable the Standards Board to analyse the information received in order to identify good practice.

**5. REFERRAL AND INVESTIGATIONS STATISTICS**

- 5.1 In the light of the development of the Committee's workload in Spring 2008, Members might be interested to review the referral and investigations statistics produced by the Board in their recent Bulletin No. 35. These are appended hereto.

**6. CONCLUSION**

- 6.1 With the expected move towards the locally based ethical framework from April 2008, the Committee is requested to note the likely impact on the authority and the latest referral and investigation statistics.

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