

**LOCAL ASSESSMENT EXERCISE****(Report by the Director of Central Services and Monitoring Officer)****1. INTRODUCTION**

- 1.1 The Local Government and Public Involvement in Health Act 2007 has created a change in the role of the Standards Board for England. In future, the Board will focus on ensuring that Members adhere to the Code of Conduct and that there are adequate arrangements in place at local level for handling cases and preventing misconduct.
- 1.2 One of the main changes to the standards framework is that local authority Standards Committees will be responsible for receiving complaints about Members and deciding whether any action needs to be taken. The Standards Board is planning for its strategic role by preparing local government for this local assessment function. As there is to be a greater focus on training and support, the Standards Board has created a training exercise to help Standards Committees develop their ability to assess new complaints. The exercise is based on a pilot that the Board ran in 2007 with approximately 50 participating local authorities. Details of the exercise can be found in the "local assessment" section of the Board's website at [www.standardsboard.gov.uk/Localassessment/Assessmentexercise/](http://www.standardsboard.gov.uk/Localassessment/Assessmentexercise/)
- 1.3 The website contains a set of 12 cases which the Board has already assessed. These cases concern real Members and are genuine. They have been anonymised as far as possible.

**2. CRITERIA**

- 2.1 At present, the Board's Referral Officers take account of agreed criteria when assessing a case. The criteria were developed at national level and reflect the priorities of the Board. It is anticipated that a similar ethical regime will evolve locally over time, as local priorities may not always be the same as the Standards Board. For example the Board may have decided that a case had disclosed a potential breach of the Code, but was not sufficiently serious within the national context to warrant a publicly funded investigation. A local Standards Committee, on the other hand may decide that they can only determine how true or serious the alleged breach was after investigation.
- 2.2 The old system was also based on the idea of an investigation followed by a sanction, if appropriate. The new system allows greater scope for mediation and other remedies. Standards Committees may now wish to take other action in certain instances where a sanction might have been unlikely or unhelpful. The recommended approach can be summed up in two key tests which Members should apply to new complaints:-
- ◆ Does this allegation disclose a potential breach of the Code of Conduct?;

- ◆ If it does disclose a potential breach of the Code of Conduct, should anything be done about it?

2.3 This approach is demonstrated in the flowchart enclosed at Appendix A. The flowchart also points to the kind of allegations that Standards Committees might consider suitable for referral to the Standards Board for England.

### **3. EXAMPLE CASE**

3.1 Enclosed at Appendix B is one of the cases included in the Standards Board exercise. Members may wish to familiarise themselves with the summary and details of the case before moving on to the Standards Board decision. Members might wish to consider whether the case should be referred for further action and if not referred, the reasons for the decision.

3.2 The Board are currently drafting guidance on the various aspects of the standards framework, including a local assessment function and it is their intention to make this guidance available as soon as possible before the legislation becomes effective.

3.3 It is understood that South Cambridgeshire District Council are intending to organise training on 'local assessment practice' in April about which Members will be contacted nearer the time.

### **4. CONCLUSION**

4.1 The Committee is encouraged to familiarise themselves with the training material available on the Standards Board website in anticipation of the commencement of the new local assessment regime on 1st April 2008.

### **BACKGROUND PAPERS**

Material available on the website of the Standards Board for England.

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