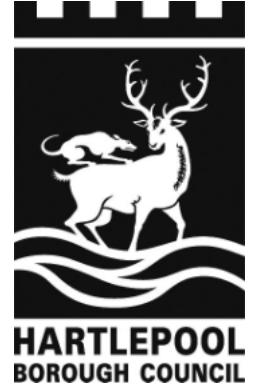


# STANDARDS COMMITTEE AGENDA



**Tuesday 24 August 2010**

**at 4.00 pm**

**in Committee Room A, Civic Centre, Hartlepool**

MEMBERS: STANDARDS COMMITTEE:

Councillors Fleet, Griffin, Dr Morris, Preece, Shaw, Simmons and Sutheran.

Co-opted Members: B Footitt, B Gray and T Jackson.

Parish Councillors: A Bell, Hart Parish Council and 2 vacancies

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

3.1 To confirm the minutes of the meeting held on 15 June 2010

**4. ITEMS FOR DECISION / DISCUSSION**

4.1 Local Government Ombudsman's Annual Review 2009/10 – Hartlepool  
Borough Council – *Chief Solicitor*

4.2 The Employee Code of Conduct - *Chief Solicitor and Chief Customer and  
Workforce Services Officer*

**5. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

**EXEMPT ITEMS**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

**6. ITEMS FOR DECISION**

- 6.1 Determination Hearing – *Chief Solicitor and Monitoring Officer (Paras 1 and 7c)*

**7. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

# **STANDARDS COMMITTEE**

## **MINUTES AND DECISION RECORD**

15 June 2010

The meeting commenced at 4.00 pm in the Civic Centre, Hartlepool

### **Present:**

Professor Brian Footitt (Independent Member) (In the Chair)

Councillors Dr Morris, Arthur Preece, Chris Simmons and Lillian Sutheran

In accordance with Paragraph 4.2 (ii) of the Constitution, Councillor Barclay attended as a substitute for Councillor Griffin

Parish Councillor: Alan Bell (Hart Parish Council)

Officers: Peter Devlin, Chief Solicitor and Monitoring Officer  
Denise Wimpenny, Principal Democratic Services Officer

### **1. Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Fleet, Griffin, Shaw and Independent Members Barry Gray and Ted Jackson.

### **2. Declarations of interest by members**

None

### **3. Confirmation of the minutes of the meeting held on 23 March 2010**

Confirmed.

### **4. Business Report – Decentralisation and Localism Bill** *(Chief Solicitor and Monitoring Officer)*

The Chief Solicitor referred to the Decentralisation and Localism Bill included in the Queen's Speech on 25<sup>th</sup> May, 2010. The main purpose of this Bill was stated as follows:

*“To return power to local authorities and communities to a number of measures including control of housing and planning decisions”.*

Although the main provisions of this Bill would have a fundamental impact on Council decision-making in relation to housing and planning it was also a stated purpose to “abolish the “Standards Board Regime”. The Chair and Chief Executive of Standards for England in response, had issued a statement in the following terms:

*‘We are very disappointed that the Government’s decision to abolish the Local Government Standards Regime.*

*Since 2007, the Standards for England have dealt only with those matters which Local Authorities could not deal with themselves. A recent review of this devolved local framework found that it is delivering increased confidence in the accountability of local politicians, improved Member behaviour and contributing to better governance.*

*We do not have clear details as yet of what is proposed for the future, but for now the Local Standards Framework remains pending legislative change. Our priorities are to fulfil our statutory duties, to support local authorities in maintaining high standards and to assist the Government in developing and implementing any new arrangements’.*

In addition to the above statement, the Chair of Standards for England had issued correspondence for the attention of Independent Chairs of Standards Committees, a copy of which was attached at Appendix 1 for consideration. Whilst it was noted the present uncertainty as to what would transpire in the light of a proposed abolition of the “Standards Board Regime” there was the request for Standards Committees to provide their views as to how any future arrangements could most effectively work. The comments of the Committee upon the appended document were therefore invited.

Members were referred to the minutes of the last meeting regarding the Standards for England Review of Local Standards Framework Proportionality Upgrade, submitted as an appendix to the report. A reduction in funding for Standards for England had been announced, further details of which were awaited.

Members expressed concern regarding the Government’s decision to abolish the Local Government Standards Regime and the implications of this decision were discussed. The benefits of the advice and support provided by Standards for England to local Standards Boards was emphasised and the potential future arrangements were also debated. In response to a request for clarification regarding the timescales for receipt of further information on future arrangements, the Chief Solicitor advised that timescales had not yet been determined. However, it was envisaged that a draft bill may be published in the autumn.

## **Decision**

That the contents of the report and comments of the Committee, be noted.

## **5. Business Report - Tees Valley Standards Committee – Development Programme 2010/11** *(Chief Solicitor and Monitoring Officer)*

The Chief Solicitor referred to various training initiatives organised through the Tees Valley Legal and Administrative Group in relation to the Ethical Framework provisions, as introduced under the Local Government Act, 2000.

This had previously encompassed combined training for all Standards Committees within the Tees Valley area, details of which were included in the report.

It was anticipated that in July 2010 a further Standards Committee Workshop would be conducted which would consider the Local Assessment criteria adopted by each individual Standards Committee together with the imposition and implication behind sanctions, where a finding of fault had been made as well as a consideration upon joint working through applicable regulations. It was also envisaged that a further Town/Parish Council training event would take place shortly thereafter as indicated on the programme, attached at Appendix 2 to the report.

### **Decision**

That the contents of the report together with the training programme, attached at Appendix 2, be noted.

## **6. Business Report - Joint Standards Committees** *(Chief Solicitor and Monitoring Officer)*

The Chief Solicitor reported on the background to the regulations to allow Joint Standards Committees to undertake the functions of a Standards Committee as provided under Part III of the Local Government Act 2000 and Part 1 of the Local Government and Housing Act 1989.

In the guidance provided through Standards for England it was indicated that such joint arrangements whilst providing for additional flexibility could also extend to situations where resources might be limited. Whilst a police authority was presently prohibited from participating in a joint arrangement with other police authorities, such a restriction would not prohibit such an authority in joining with other types of local authorities in a joint arrangement. The guidance indicated the potential benefits of having such joint committees, details of which were set out in the report.

However, a number of potential problems/issues which may arise through the creation of a Joint Standards Committee which would need to be considered against the perceived benefits were highlighted, as detailed in the report.

Following the introduction of a more localised Ethical Framework from 8 May

2008, all complaints alleging Member misconduct would be directed, in the first instance, to the Local Standards Committee for assessment and initial determination. Through any joint arrangement it would need to be determined which powers and functions would be passed to such a Joint Committee. A model structure was attached at Appendix 3 for information. A Joint Standards Committee would be composed in a similar fashion to an existing Standards Committee and based on a number of requirements, details of which were included in the report.

Whilst Members supported the principle of joint working arrangements in terms of training, the disadvantages of centralising functions were highlighted which included the possibility that it could become overly bureaucratic and a more complex process, loss of local ownership and knowledge and could potentially be more costly. In response, the Chief Solicitor advised that a number of joint initiatives were already in place and in the event that a joint Committee was established there would still be the opportunity to decide what functions passed through such a Committee.

### **Decision**

That the contents of the report and comments of the Committee, be noted.

## **7. Business Report – Parish Council Representation** (*Chief Solicitor and Monitoring Officer*)

The Chief Solicitor reported that although the Standards Committee (England Regulations 2008 specified that two Parish Council representatives should participate in the business of Standards Committee, when dealing with Parish Council affairs, the guidance issued through Standards for England recommended a composition of three Parish Council representatives. This Council had therefore decided that there should be in accordance with the guidance, three Parish Council representatives upon the Committee. Whilst, Mr Alan Bell, had been nominated by Hart Parish Council and continued to be a Parish Council representative, following the resignation from Elwick Parish Council, Councillor Mike Dickinson, needed to be replaced upon the Committee, together with an additional representative.

Previously the Council has been reliant upon receiving nominations from discussions amongst the five Parish Councils operating within the Borough of Hartlepool and it now seemed appropriate that those arrangements be reviewed to allow for greater representation and engagement by Parish Council representatives upon Standards Committee.

It was therefore recommended that Parish Councils nominate a Parish Council Liaison Officer, amongst their Parish Clerks as being a point of contact for the better administration of the appointment of Parish Council representatives. It was therefore envisaged, that meetings would take place with Parish Council representatives in order to agree a procedure for nominations and if necessary on a rotational basis, for such nominations to be forthcoming from the respective Parish Councils.

Accordingly, a formal invitation would be issued to Parish Clerks for a meeting to discuss appropriate arrangements to facilitate the appointment of Parish Council representation upon the Standards Committee, and the Committee's views were sought on whether there was a role for the Committee in such a meeting.

Discussion ensued on the importance of parish council representation and welcomed the suggested appointment of a Parish Council Liaison Officer to facilitate the appointment of Parish Council representation on the Standards Committee. Councillors Simmons and Sutheran expressed an interest in attending the meeting with Parish Clerks. In relation to current Independent Member vacancies, it was reported that an advert would be published in the Hartlepool Mail, Hartbeat and displayed on various noticeboards.

### Decision

- (i) That the contents of the report, be noted.
- (ii) That Parish Clerks and all Members of Standards Committee be invited to a meeting to discuss appropriate arrangements to facilitate the appointment of Parish Council representation upon the Standards Committee.

## 8. Business Report – On-Line Guides *(Chief Solicitor and Monitoring Officer)*

Members had previously been provided with certain 'on-line' guides as provided through the Standards for England, which Members had found to be particularly useful in the overall interpretation of the obligations placed upon Members in compliance with the Code of Conduct

It had also been a consideration for the Committee to provide copies of the On-line Guides to Members of the Authority and also to provide notification to Parish Councils. In addition to those On-line Guides provided to Members previously, there had been some additional guides produced and in order for a comprehensive view to be taken upon such publications, the entire catalogue of such reference material was attached at Appendix 4.

- Blogging
- Bullying and the Code of Conduct
- Charitable Trustees and Personal Interests under the Code
- Disclosing confidential information
- Freemasons and the Code of Conduct
- Gifts, hospitality and the Code of Conduct
- Independent Members
- Lobbying
- Notifications to Parish and Town Councils concerning complaints about their Members
- Personal and prejudicial interests

- Role and appointment of Parish and Town Council reps to Standards Committee

**Decision**

That that information given, be noted.

The meeting concluded at 4.45 pm

CHAIR



## STANDARDS COMMITTEE

24th August 2010



**Report of:** Chief Solicitor

**Subject:** THE LOCAL GOVERNMENT OMBUDSMAN'S  
ANNUAL REVIEW 2009/10 – HARTLEPOOL  
BOROUGH COUNCIL

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### 1. INTRODUCTION

1.1 The Local Government Ombudsman as established through the Local Government Act, 1974, investigates complaints about local authorities and certain other public bodies and provides advice and guidance on good administrative practice. The involvement of the Local Government Ombudsman is limited to those complaints from members of the public who allege that they have suffered injustice as a result of maladministration. The Regulatory Reform (Collaboration etc between Ombudsmen) Order, 2007, enables the Local Government Ombudsman, the Parliamentary Ombudsman and the Health Service Ombudsman for England to work together collaboratively on cases and issues that have relevance to more than one category of complaint. Further, the Local Government and Public Involvement in Health Act, 2007, increased the jurisdiction of the Ombudsman's Office to incorporate the following;

- A service failure in addition to maladministration.
- A limited power to investigate where an apparent case of maladministration has come to their attention even though no formal complaint has been received.
- Complaints about procurement of goods and services.
- The Ombudsman may also issue a "Statement of Reasons" instead of a formal report if they are satisfied with an authority's proposals to remedy any failures.

- 1.2 The legislation requires the Ombudsman to investigate alleged or apparent “maladministration” or further failures which can include ie delay, incorrect action or failure to take action, failure to follow procedures or the law, misleading or inaccurate statements, inadequate consultation and “broken promises”. It is conceivable during the course of an investigation of a complaint, that an authority agrees to take some remedial action which is considered to be a satisfactory response. Such “local settlement” of cases although allowing a case to be discontinued, also allows the outcome of these cases to be included within the Annual Report of the Local Government Ombudsman’s Office. The Ombudsmen can also publicise their findings and make recommendations to authorities, were a finding of maladministration has been made. However, it is an expectation, that local authorities will use commentary from the Ombudsman’s Office in a “positive way”, as part of the overall corporate quality assurance and performance management processes.

## **2. ANNUAL REVIEW 2009/10**

- 2.1 Attached herewith is the Local Government Ombudsman’s Annual Review relating to Hartlepool Borough Council for the year ended 31st March, 2010. This report with appendices summarises the complaints relating to Hartlepool Borough Council which have been dealt with by the Ombudsman’s Office over the period in question. This Annual Review (together with all other Councils) is published on the Ombudsman’s website [www.lgo.org.uk](http://www.lgo.org.uk). As Members will note over the period in question the Ombudsman’s Office received a total of 17 enquiries and complaints. Three matters were judged to be premature with 11 complaints being referred for consideration. In total, 10 complaints were determined during the year as outlined within the Annual Review. Of those complaints, one was “closed” as it was not considered to be within the jurisdiction of the Ombudsman’s Office whilst 5 further complaints were not taken further as part of the general discretion available to the Ombudsman not to pursue such matters. In 2 of the remaining cases, there was no evidence of maladministration and the Council agreed to settle 2 remaining complaints in that it was appropriate to offer some form of remedy to the complainant’s satisfaction.
- 2.2 In the Ombudsman’s covering letter to the Council’s Chief Executive Officer, it was noted that training is provided and Members will note, that Council staff engaged in the training entitled “Good Complaint Handling in Social Care and Effective Complaint Handling in Adult Social Care” during the period of this particular Annual Review. In addition, there is an invitation within that correspondence, for the Local Government Ombudsman or one of her senior colleagues to arrange to meet and discuss the Annual Review and any aspects of the Ombudsman’s work, at the invitation of the Borough Council.

- 2.3 Members will observe that the Annual Review contains details of “LGO developments” including a new schools complaints service and extended powers relating to adult social care under the Health Act, 2009. In order to assist Members in interpreting the data in Appendix 2 to the Annual Review, there are some notes to assist the interpretation of these statistics (Appendix 1 thereof refers). Members are therefore requested to consider the information appended herewith and to make such recommendations as part of the overall corporate governance of this Council, as they deem appropriate.

### **3. RECOMMENDATION**

For Members to note this report and discuss.

**The Local Government Ombudsman's  
Annual Review**

**Hartlepool Borough Council**

**for the year ended**

**31 March 2010**

**Local Government Ombudsmen (LGOs) provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.**

# Contents of Annual Review

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# Section 1: Complaints about Hartlepool Borough Council 2009/10

## Introduction

This annual review provides a summary of the complaints we have dealt with about Hartlepool Borough. I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two appendices to the review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

## Enquiries and complaints received

In the year to 31 March 2010 the Commission received a total of 17 enquiries and complaints. In three cases simple advice was given to the complainant but three complaints were judged by our Advice Team to be premature. These complaints were either sent on to you with a request that the matter be put through the Council's own complaints procedure or, alternatively, the complainant was advised to make a formal complaint themselves to the Council. 11 complaints were sent to me for consideration. Of these, three were complaints initially determined by our Advice Team as premature but re-submitted to me by complainants dissatisfied with the way in which the Council had dealt with their complaint. The remaining eight complaints were new complaints.

## Complaint outcomes

I determined 10 complaints during the year, a figure which differs from the number of complaints received because of work in hand at the beginning and the end of the year.

Of those complaints determined by me, one was closed on the basis that it was not within my jurisdiction while in five further complaints I exercised the general discretion available to me not to pursue the matter. In two cases I found no evidence of maladministration by the Council sufficient to justify my continued involvement. The Council agreed to settle the remaining two complaints accepting that something had gone wrong and that it was appropriate to provide a remedy of some description for the complainant.

## Reports

I issued no public reports against the Council this year.

## Local settlements

We will often discontinue enquiries into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. 26.9% of all decisions on complaints in the Ombudsmen's jurisdiction were local settlements. The two complaints which the Council agreed to settle during the year amounts to 22.2% of the total number of complaints I determined and which were within my jurisdiction.

## **Liaison with the Local Government Ombudsman**

I ask all authorities to respond to my enquiries within 28 calendar days. The Council took on average 21.2 days to respond to my enquiries during the year and the Council is to be congratulated for its continued efforts.

I am pleased to note that the Council sent a representative to the Liaison Officer's Seminar held in York this year.

## **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I am pleased that during 2009/10 we provided training in Good Complaint Handling in Social Care and Effective Complaint Handling in Adult Social Care to staff from your authority....

We have extended the range of courses we provide and I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

## **Conclusions**

I hope this review provides a useful opportunity for you to reflect on how the Council deals with those complaints that residents make to my office. If there are any issues that you wish to discuss, I or one of my senior colleagues would be happy to meet with the Council.

**Mrs A Seex  
Local Government Ombudsman  
Beverley House  
17 Shipton Road  
YORK  
YO30 5FZ**

**June 2010**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

### New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at [www.lgo.org.uk/schools/](http://www.lgo.org.uk/schools/)

### Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

### Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at [www.lgo.org.uk/guide-for-advisers/council-response](http://www.lgo.org.uk/guide-for-advisers/council-response)



## **Training in complaint handling**

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

## **Statements of reasons**

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

## **Delivering public value**

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

**Mrs A Seex**  
**Local Government Ombudsman**  
**Beverley House**  
**17 Shipton Road**  
**YORK**  
**YO30 5FZ**

**June 2010**

# Appendix 1: Notes to assist interpretation of the statistics 2009/10

## Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

**Premature complaints:** The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

**Forwarded to the investigative team (resubmitted premature and new):** These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

## Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the LGO's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the LGO's jurisdiction.

### **Table 3. Response times**

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

### **Table 4. Average local authority response times 2009/10**

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

## LGO Advice Team

Enquiries and complaints received	Children and family services	Housing	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	0	0	0	2	0	1	3
Advice given	0	0	0	1	0	2	3
Forwarded to investigative team (resubmitted prematures)	0	0	1	0	1	1	3
Forwarded to investigative team (new)	2	3	0	1	2	0	8
<b>Total</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>17</b>

## Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	2	0	0	2	5	1	10

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
2008 / 2009	5	21.2
2007 / 2008	8	25.9

Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

## STANDARDS COMMITTEE

24th August 2010



**Report of:** Chief Solicitor and Chief Customer and Workforce Services Officer

**Subject:** THE EMPLOYEE CODE OF CONDUCT

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### 1. BACKGROUND

- 1.1 At its meeting on 15th April, 2010, Council resolved to revise the “Role and Function” of the Council’s Standards Committee outlined in Article 9 of the Council’s Constitution. That resolution followed consideration by Standards Committee and also the Constitution Working Group and Constitution Committee as to the reporting mechanisms of Standards Committee and its overall terms of reference.
- 1.2 Within those revisions and pertinent to this report, were the following changes as incorporated within the Council’s Constitution (para 9.03 refers);
- Promoting and maintaining high standards of conduct by Officers
  - Assisting Officers to observe a Code of Conduct for employees and advising the Council on the adoption or revision of such a Code of Conduct for employees
  - Monitoring the operation of a Code of Conduct for employees
- 1.3 The above provisions sought to parallel the requirements placed upon Standards Committee in relation to Members and Co-opted Members of the authority. As the Committee will be aware, the Local Government Act, 2000, introduced the ethical framework provisions, governing the conduct of members of relevant authorities. Primarily, this related to the adoption by authorities of a Code of Conduct and the compliance with the provisions thereof. This legislation also created Standards Committees and the provision for an investigatory framework operated through the then “Standards Board for England” (now Standards for England). Under Section 82 of the Local Government Act, 2000, the Secretary of State has power to “*issue a Code as regards the conduct which is expected of qualifying employees of relevant authorities in England and Police authorities in Wales*”. It is also specified within the governing legislation that before making such an Order, the Secretary of State must consult, as follows;

- Such representatives of relevant authorities in England, and also employees of such authorities, as he considers appropriate
- The Audit Commission, and
- The Commission for Local Administration in England

## 2. CODE OF CONDUCT FOR LOCAL AUTHORITY EMPLOYEES

- 2.1 In October, 2008, the Department for Communities and Local Government issued a consultation document entitled “Communities in Control: Real People, Real Power – Codes of Conduct for Local Authority Members and Employees”. This consultation document, was received and commented upon by Standards Committee at their meeting on 11th November, 2008. The consultation invited proposals for revising the Local Authorities (Model Code of Conduct) Order, 2007 and the Relevant Authorities (General Principles) Order, 2001. The views of the Committee were sought as to whether there should be an extension of the Members Code of Conduct applying to conduct when a Member was acting in their “none official capacity” and the overall governance of the Code of Conduct. The consultation also requested responses upon the introduction of a Code of Conduct for employees.
- 2.2 It should also be noted, that there was a previous consultation, through the Office of the Deputy Prime Minister (the predecessor of the Department for Communities and Local Government) which again sought views upon a draft Code for Officers, in August 2004. Although, that earlier consultation was more extensive in nature, both sought views as to the application of such a Code of Conduct, the core values that should be enshrined in such a Code and whether authorities should be required to incorporate the “exact words” of such a Code into employees contracts of employment. The response from Standards Committee at that time, indicated that through “Single Status” arrangements this Council had sought to adopt an Employees Code of Conduct as annexed herewith (**Appendix A**). Hartlepool Borough Council agreed as part of its ‘Single Status Agreement’ in 2008, the Code as appended. This Code was based upon that which was provided nationally for local government employees and adapted to reflect and clarify those issues considered particularly relevant to Hartlepool Borough Council. The Code was the result of discussions with local Trade Union representatives and Regional Officers and to detailed consultations with employees during the summer of 2008. In addition, to information supplied to employees, a programme of road shows was undertaken to explain the proposals and clarify queries and questions from employees. A dedicated helpline and e-mail address operated for a number of months to enable employees to raise individual questions and concerns.
- 2.3 The Code of Conduct is incorporated into the terms and conditions of all employees and is further referenced in the induction programme for employees and available through the Council’s Intranet. Members of the Committee will note that the Council’s disciplinary policy is cross referenced

to the Code in respect of those matters that may be considered as gross misconduct and subject to summary dismissal together with more minor infringements which will have lesser decision outcomes.

### **3. SUMMARY AND CONCLUSIONS**

- 3.1 Although provided for through the provisions of the Local Government Act, 2000, and despite various consultation exercises initiated through Central Government, a statutory Code of Conduct for local government Employees under the Local Government Act, 2000, is still awaited. As part of “Single Status”, local authorities have built upon the general principles and provisions applying to members of public bodies through the ethical framework. The Committee is therefore requested, in the light of the extension to its role and function, to note the Council’s Code of Conduct for employees and to make any recommendations thereon, that may be considered necessary.

### **4. RECOMMENDATIONS**

1. To note and discuss.
2. To make recommendations in respect of the Code of Conduct for employees as the Committee deem necessary.



## APPENDIX A

### Extract from Hartlepool Borough Council – Single Status Agreement

#### Part 2 – Section 15

#### 15.18 Employees' Code of Conduct

15.18.1 An Employees' Code of Conduct as shown below will apply from 1 July 2008 and be:

- reviewed and agreed between the Council and the Trade Unions party to this agreement by 31 March 2011 and
- supplemented by any national code deemed to be incorporated into terms and conditions of employment.

#### Employee Code of Conduct

##### **Honesty, Integrity, Impartiality and Objectivity**

1. An employee must perform his duties with honesty, integrity, impartiality and objectivity.

##### **Accountability**

2. An employee must be accountable to the authority for his/her actions.

##### **Respect for Others**

3. An employee must –
- a) treat others with respect;
  - b) not discriminate unlawfully against any person; and
  - c) treat members and co-opted members of the authority professionally.

##### **Stewardship**

4. An employee must –
- a) use any Public and Bank funds entrusted to or handled by him/her in a responsible and lawful manner; and
  - b) not make personal use of property or facilities of the authority unless properly authorized to do so.

##### **Personal Interests**

5. An employee must not in his official or personal capacity –
- a) allow his/her personal interests to conflict with the authority's requirements; or
  - b) use his/her position improperly to confer an advantage or disadvantage on any person.

##### **Registration of Interests**

6. An employee must comply with any requirements of the authority –
- a) to register or declare interests; and
  - b) to declare hospitality, benefits or gifts received as a consequence of his/her employment.

##### **Reporting procedures**

7. An employee must not treat another employee of the authority less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing anything under or by reference to any procedure the authority has for reporting misconduct.

##### **Openness**

8. An employee must –
- a) not disclose information given to him in confidence by anyone, or information acquired which s/he believes is of a confidential nature, without the consent of a person authorized to give it, or unless s/he is required by law to do so; and
  - b) not prevent another person from gaining access to information to which that person is entitled by law.

##### **Appointment of staff**

9. (1) An employee must
- a) declare an interest to the relevant Director/Chief Officer/Headteacher if s/he is due to be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or close friend or for

any other reason where the employee may be, or perceived to be, in a position to unduly influence the decision and

- b) i) be disqualified if s/he is a relative of another employee, or prospective employee or if for any other reason the relevant Director/Chief Officer/ Headteacher determines the circumstances merit disqualification
- ii) continue to be involved with the approval of the relevant Director/ Chief Officer/ Headteacher, subject to any additional safeguards the relevant Director/ Chief Officer/ Headteacher identifies as being necessary.

(2) In this paragraph –

- a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
- b) “partner” in sub-paragraph (a) above means a member of a couple who live together.  
(Further clarification is given in the Council’s Recruitment & Selection Policy)

**Duty of trust**

10. An employee must at all times act in accordance with the trust that the Public is entitled to place in him/her.

**Criminal Convictions**

11. An employee must comply with any requirements of the authority to declare any criminal convictions.

**15.18.2** Guidance on the application of the Employee Code of Conduct (clause 6B) in respect of Gifts and Hospitality is provided at Annex 28

**15.19 Additional Work Outside the Council**

15.19.1 With effect from 1 July 2008, all employees on Bands 13-15 shall obtain written permission from their Director to undertake additional paid work outside the Council. Employees on Bands 1-12 do not need formal approval to undertake paid work outside the Council but should comply with the Code of Conduct (as detailed in Part 2, Section 15.18).