

Appendix 2

CSPL List of Best Practice

The recommendation as to Best Practice made by the CSPL are set out below, along with a statement as to what the current position is at Rotherham MBC, and a suggestion as to any action required in order for the Council to comply with the best practice recommendation.

Best practice 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.

Rotherham MBC current position: The current Code of Conduct includes a definition of bullying, which was included following the previous review of the Code of Conduct. As part of a further review of the Code of Conduct, it would be possible to supplement the current Code with a list of examples as recommended.

Action Required: Review of the Code of Conduct

Best practice 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.

Rotherham MBC current position: These provisions are not currently included within the Code of Conduct, but can be included at the time of the next review of the Code of Conduct.

Action Required: Review of the Code of Conduct

Best practice 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.

Rotherham MBC current position: The Councils Code of Conduct was reviewed in 2017, with appropriate changes made. It will be possible for the Code to be reviewed annually and the views of the public, community organisations and neighbouring authorities sought.

Action Required: Annual Review of the Code of Conduct with subsequent consultation as above.

Best practice 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.

Rotherham MBC current position: The Code of Conduct is easily accessible on the Standards and Ethics Committee part of the public website. A hard copy of the Code of Conduct is available in Council premises including on relevant reception desks.

Action Required: None

Best practice 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.

Rotherham MBC current position: The Councils gifts and hospitality register is not currently published, but it would be possible to do so.

Action Required: Quarterly updating of the gifts and hospitality register, along with publication in an accessible format.

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

Rotherham MBC current position: The councils Standards and Ethics Complaints Procedure, already includes a clear and straightforward public interest test against which allegations are filtered. Again this is already published on the Councils Standards and Ethics Committee part of the website.

Action Required: None

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

Rotherham MBC current position: The Council already has two Independent Persons.

Action Required: None

Best practice 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.

Rotherham MBC current position: The Monitoring officer already consults with the Independent Person as to whether a formal investigation on an allegation should be undertaken. Further the Monitoring Officer also consults with the Independent Person when he/she is minded to dismiss a complaint as being without merit, vexatious or trivial. This process is included within the Standards and Ethics Complaints procedure.

Action Required: None

Best practice 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.

Rotherham MBC current position: When the Council makes a decision on an allegation of misconduct following a formal investigation, a decision notice is published as soon as possible on the Council's website. This includes the information recommended above.

Action Required: Currently the decision notices which the Council publishes are published within meeting papers. It would be possible to publish these Decision Notices together in a separate part of the Standards and Ethics Committee website.

Best practice 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.

Rotherham MBC current position: The Standards and Ethics Complaints Procedure provides a straightforward and accessible guidance as to how a complaint is made under the Code of Conduct, the process for handling complaints and estimated timescales for investigations and outcomes. It would be possible however to provide a shorter and more accessible guide to provide an overview of this process.

Action Required: Production of a short form overview guide as to the Standards and Ethics Complaints Procedure, which may be published on the Standards and Ethics part of the Council's website.

Best practice 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.

Rotherham MBC current position: This is an issue which affects Parish and Town Councils, as opposed to the Borough Council. Although it is anticipated that Parish Clerks have had access to the CSPL review, it would be prudent to send a copy to them, along with a particular reference to this recommendation.

Action Required: The Monitoring Officer to forward a copy of the CSPL review to Parish clerks making particular reference to this recommendation.

Best practice 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.

Rotherham MBC current position: This is already in place within the Council.

Action Required: None

Best practice 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.

Rotherham MBC current position: The Council already has such procedures in place and has utilised Monitoring Officers from different authorities to undertake investigations when necessary. However it would be beneficial for this to be formally stated within the Councils Standards and Ethics Complaints procedure.

Action Required: Amendment to the Standards and Ethics Complaints Procedure as above

Best practice 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.

Action Required: Checks to be carried out as to the content of the Annual Governance Statement and if necessary make the appropriate amendments for the next Statement.

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

Rotherham MBC current position: This type of meeting is not currently undertaken by senior officers but would be beneficial.

Action Required: Regular meetings to be arranged between the Monitoring Officer, the Chair of Standards and Ethics Committee and the group leaders or group whips to discuss standards issues.