the
Standards Board
for England

devolution

annual review 2005–06

highlights of 2005–06

a year of progress and achievement

- The government supported our proposals for a new Code of Conduct
- We enabled local authorities to handle the majority of investigations and supported their work
- Initial assessment of complaints turned around in nine working days, beating our target
- We are now achieving our target of completing 90% of cases within 6 months
- The Fourth Annual Assembly of Standards Committees held in September marked local authorities taking greater ownership of the ethical agenda

"We consider that the standards committees should be at the heart of decision-making within the conduct regime. Standards committees are in the lead in ensuring high standards of conduct at the local level, and are increasingly taking on a greater role in the determination of cases."

Standards of Conduct in English Local Government: The Future
December 2005 (chapter 2)

The future for local authorities

Credible standards committees and confident, well supported monitoring officers are crucial to the success of the ethical framework. We will provide support, training and guidance to help them carry out their work consistently and effectively – and will also build awareness that the responsibility for making it happen lies with them.

Local authorities to conduct the majority of investigations

We are seeing even more cases handled locally. The government supports our view that this trend should continue so that the revised conduct regime builds on developments that are already well underway. Devolving decision-making means increasing local capacity to deal with a higher caseload. To reflect the need to handle a wider variety of cases locally, we are also recommending that standards committees are given new powers to impose higher penalties.

Standards committees to assess complaints

This proposed change is anticipated as part of the future local government bill. It will build on local ownership of standards and allow local knowledge and sensitivities to be reflected more easily in each case.

Working with standards committees

As their responsibilities increase, it's more important than ever for standards committees to be recognised as fair and effective. Some of the proposed changes are to ensure that they are even more:

- **Independent** So that standards committees are seen to be politically neutral and at arm's length from the executive, it is proposed that their chairs will all be independent.
- **Locally owned** An appropriate balance of elected and independent members on standards committees will ensure local ownership of standards by all members together with public confidence in its independence.
- **Accountable** The Standards Board will oversee the framework to ensure high standards of decision-making in the way that cases are dealt with. In extreme cases, the Standards Board will have the power to remove responsibilities from standards committees.
- **Supported** Standards committees will need more detailed guidance on their growing responsibilities. We are already putting plans into place for initiatives such as a new training DVD. Read more about this on page 9.

We consulted widely on the Code of Conduct and have made recommendations to the government. **We want the Code to be clearer**, more enabling and owned by members.

This year we collected opinions and views from over 1,200 individuals, local authorities and other organisations

1,200

explain

"The Board will deploy increasing resources to meet the growing demand for support. The importance of this will be underlined as a result of our intention to give standards committees powers to make initial assessments of allegations, which will mean that local authorities will need to be provided with support and guidance for their new role in advance of the new provisions coming into effect."

The Role and Effectiveness of the Standards Board for England: Government Response to the Committee's 7th Report of Session 2004–05

The groundwork

We carried out a detailed consultation exercise before beginning the review of the Code of Conduct, collecting opinions and views from over 1,200 individuals, local authorities and other organisations. We also spoke with nearly 1,000 members and officers during our series of 11 roadshows at locations across England. Their responses showed the need for change and highlighted specific issues that could be improved. We have used this feedback to propose a Code that responds to these needs.

What will be changing?

The government has accepted our proposed changes and is planning to consult on the details. We believe that the most important updates should include:

- clarifying the rules around personal and prejudicial interests to encourage greater participation, while ensuring that decisions are made in the public interest
- making the Code clearer on what information should, and should not, be confidential
- regulating conduct in private life only when it concerns unlawful activities
- addressing bullying more explicitly, but acknowledging that members have the right to call officers to account
- removing the current duty for members to report breaches.

Supporting the introduction of the new Code

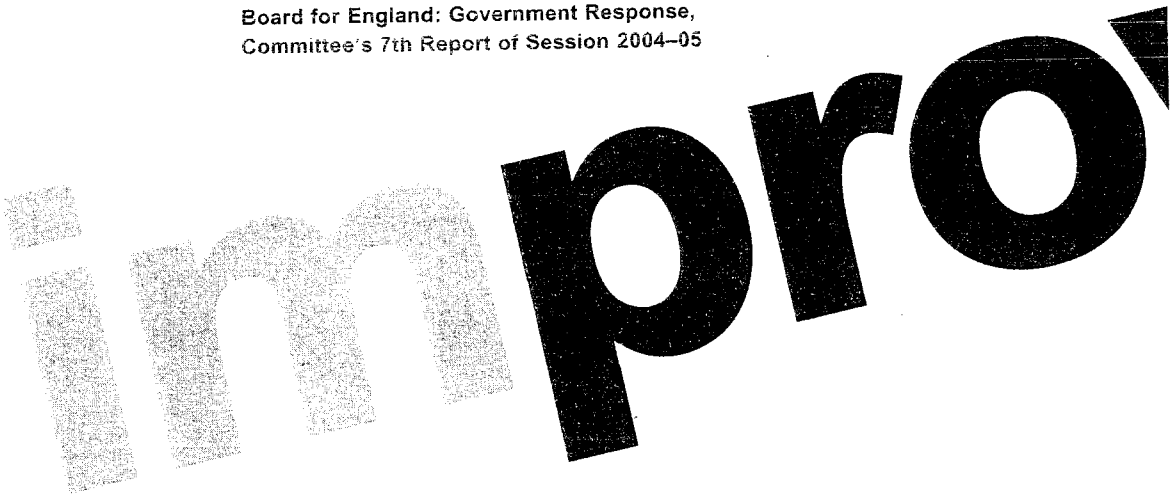
To underpin the success of a revised Code of Conduct, we will be producing updated guidance to explain what has changed and help standards committees, monitoring officers and members to understand their responsibilities. The basics will be covered in a new issue of the popular mini-guide on the main provisions of the Code. There will be a new DVD too – this will go into production later this year and will be in place when the Code comes into force. We have also launched a new e-publication called *The Case Alert* which will analyse cases that set legal precedents or clarify existing case law.

As part of our ongoing approach to guidance, we also intend to publish a new *Case Review* later this year and will be providing guidance to help standards committees decide on appropriate sanctions. And there will be more help for authorities with their training needs – including a training framework, information and guidance for trainers.

We made significant progress as we continued to build on our achievements in 2005 – **streamlining our processes and focusing on the serious matters**. Our performance is the result of learning and constant improvement. With **the systems for local investigation now firmly embedded**, the number of cases referred back to local authorities is increasing steadily.

"The Government appreciates... the impressive improvements in case handling which the Board has achieved over the last year and a half, which are recognised in the progress made towards achieving its performance indicators recorded in its annual report for 2004–05."

The Role and Effectiveness of the Standards Board for England: Government Response, Committee's 7th Report of Session 2004–05



Standards committees and independent tribunals found that the Code of Conduct had been broken in 87% of cases we referred to them.

87%

Handling cases centrally

There are some cases that will need to be handled centrally. The high profile nature of some of these cases will help us to build consistency. They will also support learning and highlight ways that we can continue to improve.

Since our first days of working in an untested statutory framework, we have continuously improved the resourcing and investigative approach in complex cases. Some further changes, including in the legislative framework, were proposed following the conclusion of the long-running investigation into five Islington councillors where, in January 2006, the Adjudication Panel for England found no breaches of the Code and expressed reservations about this case – one of the earliest we received.

10_11

Here we look at five other cases that highlight important issues. You can read more about them, and other investigations, on our website.

Undermining a chief executive leads to 15 month ban for council leader

Councillor Ian Croft, former leader of Lincolnshire County Council, was disqualified for 15 months from being or becoming a councillor at an independent hearing of the Adjudication Panel for England on 31 March 2006. It was alleged that Councillor Croft actively sought to remove the chief executive from office through undermining, demeaning and demoralising behaviour. The case tribunal found that Councillor Croft had failed to treat the chief executive with respect and brought his office into disrepute. The case tribunal considered that Councillor Croft's failure of leadership and inability to disentangle his personal opinions from his public duty had very serious consequences.



Precedent changes the Code

A recent decision by the Adjudication Panel for England on the case of Councillor Paul Dimoldenberg gave us the first fully argued decision on how European human rights legislation affects the Code's requirement for confidentiality. While the case tribunal decided that Councillor Dimoldenberg failed to comply with the Code of Conduct by disclosing confidential information, it imposed no sanction and found that the Code should be read to allow members to disclose confidential information where it is in the public interest. The decision confirmed that the relevant paragraph needs to be applied proportionately.

Four-year ban for councillor who ran up huge parish debts

Former councillor Christine Roderick of Ravenfield Parish Council was disqualified for four years at an Adjudication Panel for England hearing on 13 September 2005. It was alleged that, as the council's chairperson, Mrs Roderick made various payments of over £50,000 without council authorisation and was involved in improperly securing a loan for the council, which resulted in the authority being left in debt. The case tribunal concluded that Mrs Roderick prevented other members from accessing information about the council's financial dealings and brought her office into disrepute through her actions.

perfo

3,836
allegations received

64%
of allegations from members of the public

'Racially abusive' councillor banned from office
We investigated allegations that Councillor Raymond Miles of Wellingborough Borough Council brought his office into disrepute. At an Adjudication Panel for England hearing on 8 February 2006, a case tribunal concluded that Councillor Miles had used racially abusive and insulting language towards two members of the public, resulting in a police conviction for a racially motivated crime. The case tribunal considered that common standards of decency had been breached. They considered that Councillor Miles' conduct would make it very difficult for him to gain and sustain the confidence of the community and disqualified him from being or becoming a councillor for 18 months.

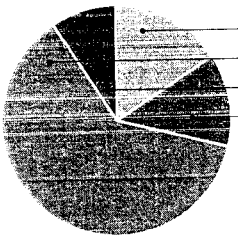
'Systematic' bullying leads to three-year ban for former councillor
Former councillor Mabon Dane of Haverhill Town Council was disqualified for three years from being or becoming a councillor at an Adjudication Panel for England hearing on 20 December 2005. Mr Dane had allegedly failed to treat others with respect and brought his office into disrepute through a sustained, disruptive and deliberate pattern of bullying behaviour. The case tribunal concluded that Mr Dane had attempted to systematically destroy the reputation of opposition members through an obsessive campaign of verbal and written abuse. Mr Dane had also posted false statements about fellow members and the council on several websites and orchestrated improper criticism of the town clerk at a council meeting.

rming

22%
of allegations referred for investigation

9 days
to decide whether to refer a complaint for investigation

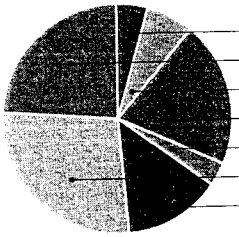
Final findings in investigations



16% no evidence of a breach
62% no further action
9% referred to local standards committee
13% referred to the Adjudication Panel for England

Adjudication Panel for England determinations 2005–06

Outcomes of the 89 cases heard by the Panel



4.5% disqualified for 3 to 5 years
23.6% disqualified between 12 months and 2 years
6.7% disqualified for less than 12 months
20.2% suspended for up to 12 months
3.4% partially suspended for up to 6 months
27% no sanction imposed
13.5% no breach

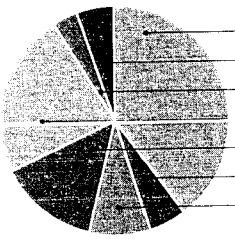
Percentages approximate to the nearest decimal point.

Number of cases yet to be heard but which were referred to the Panel in 2005–06: 15

One case closed with no decision.

Standards committee determinations 2005–06

Outcomes of the 57 cases heard by standards committees



40% suspended for up to 3 months
5.2% partial suspension for up to 3 months
3.5% training
23% censured
14% no sanction
5.2% no breach
8.8% other (combinations of sanctions)

Percentages approximate to the nearest decimal point.

Number of cases yet to be heard but which were referred to standards committees in 2005–06: 7

Our continuing dialogue with standards committees and monitoring officers helps us understand and respond to local needs. Their feedback and insights were invaluable in helping to determine how best to increase local ownership and the effectiveness of the Code of Conduct. Our partnerships with other regulators, local government central bodies and the Department for Communities and Local Government have continued to support and add value to our work.

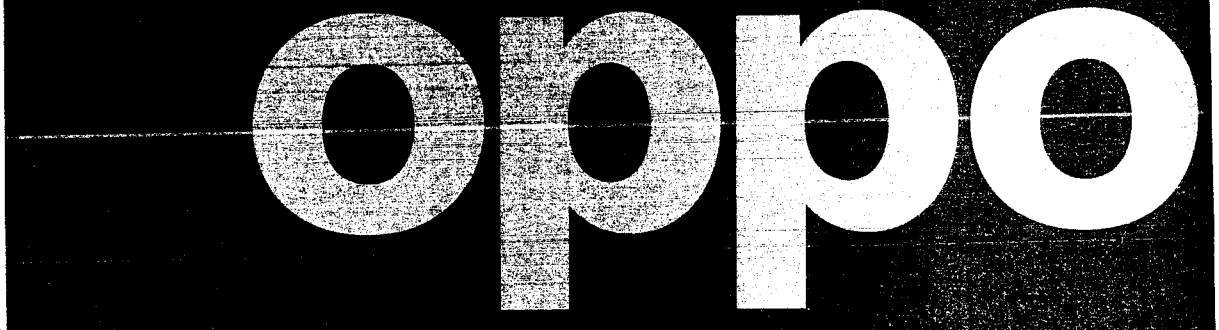
"I cannot recall one amongst dozens of conversations which was not in some way profitable or instructive."

Delegate comment after the Fourth Annual Assembly of Standards Committees

In your hands...

A record 800 delegates attended this two-day event, and 98% expressed their overall satisfaction. Bridging the gap – the Fifth Annual Assembly of Standards Committees – will be held on 16 and 17 October 2006. As the name suggests, it aims to help authorities identify their strengths and weaknesses and will focus on bridging the gap in the learning, knowledge and resources needed to deliver effective results at a local level.

98%



Working with others

One outcome of our partnership work is the ethical governance toolkit, which was sponsored by the government's capacity building fund and developed in partnership with the Audit Commission and the Improvement and Development Agency (IDeA). The toolkit offers a range of ways to help authorities take their ethical 'temperature' with diagnostic tools and develop good governance in a way that suits their needs.

Talking to political parties

We attended all three major party conferences, taking the opportunity to talk to delegates – many serving councillors – about the review of the Code and the increasingly local focus for investigations and hearings. Delegates largely responded well to changes, particularly the updates to the Code.

Responding to local authorities' needs for guidance

A training DVD – *Going Local: Investigations and hearings* – was released in January 2006. Aimed at helping monitoring officers and standards committee members with their increasing responsibilities, it illustrates some common areas of difficulty and our recommended solutions. Feedback on the DVD, which won a Silver Screen award for training and education at the International Film and Video Festival 2006, has been positive and we plan to build on this format in the future. We also published guidance for local authorities on how to conduct an investigation and issued a model template for standards committee determinations.

Research expands our understanding

We continue to assess our effectiveness through research. This year we worked with MORI to understand more about public perception of our work and of standards in local government. We also commissioned the University of Manchester to carry out a research project identifying the components of an ethical environment. In addition, BMG Research is studying stakeholder satisfaction with the Standards Board, stakeholder perceptions of our culture and values and the roles of standards committees. Once completed, results of these projects will be available on our website.



Capacity building in parishes

We are looking for new ways to work with county associations and others to promote high standards at parish level and provide local training and support. To help take this forward, we have made a joint bid for funding with NALC (National Association of Local Councils) and SLCC (Society of Local Council Clerks) to the Department for Communities and Local Government and the Local Government Association's capacity building programme. Three pilots are being developed as part of the bid: a diagnostic toolkit; a peer mentoring programme; and a model compact between County Associations of Local Councils (CALCs) and the standards committees of the principal authorities in the area.

From local to international

We are also contributing to the work of the government and agencies to promote ethical governance internationally. Last year we made presentations to visiting international delegations from Albania, the Sudan, Ghana and Russia through our association with organisations such as the British Association for Central and Eastern Europe (BACEE), the Centre for Political and Diplomatic Studies and the Centre for Business and Public Sector Ethics. Our work with the Westminster Foundation for Democracy has resulted in a pilot project for Serbian monitoring boards – similar to our standards committees.

On the road...

In roadshows across 11 regional venues, we spoke with almost 1,000 monitoring officers, standards committee members, chief executives and leaders. Their feedback has been vital in supplementing the written submissions for the review of the Code and in shaping our work in general.

1,000

opportunity

16–17

The Standards Board for England was established under the Local Government Act 2000. We are responsible for the local conduct regime and provide support and guidance to enable responsibility and ownership at a local level.

proactive

what we do

about the Code of Conduct

who we cover

the Board – April 2006

Chair: Sir Anthony Holland

Deputy: Patricia Hughes CBE

Councillor Louise Bloom

Celia Cameron CBE

Peter Chalke CBE

Paul Gott

Elizabeth Hall

Paul Sabapathy CBE

Judy Simons

Roger Taylor

The terms of office for John Bowers, Alan Doig and Margaret Pratt ended during 2005–06. Since April, the terms of office for Louise Bloom, Celia Cameron and Peter Chalke have also ended.

our board



Sir Anthony Holland, Chair

Commitment, fairness and balance, plus a background in law and a practical approach to resolving disputes all help Sir Anthony to champion our core values. Admitted with honours as a solicitor to the Supreme Court in 1962, his career has taken in positions as noteworthy as President of the Law Society from 1990 to 1991, Chair of the BBC South Western Regional Advisory Council from 1984 to 1987, Chair of the Executive Board of JUSTICE from 1996 to 1999. He was also a member of the Council of the Howard League for Penal Reform from 1992 to 2002, Chair of the Securities and Futures Authority from 1993 to 2001 and Principal Ombudsman to the Personal Investment Authority Ombudsman Bureau from 199 to 2000. Recent appointments include Chair of the Northern Ireland Parades Commission, and Independent Complaints Commissioner to the Financial Services Authority.



Patricia Hughes CBE, Deputy Chair

Patricia's experience of working at a high level in local government – she was awarded the CBE in 2001 for her services – plus her legal expertise, give her important insights into the council system. She worked as a secondary school teacher before qualifying as a solicitor in 1978 and holding legal posts in the Inner London Education Authority and the London Borough of Lambeth. She was also Chief Executive of the London Borough of Sutton from 1990 to 2001, Deputy Chief Executive and Borough Solicitor to the London Borough of Islington from 1987 to 1990 and a member of the Board of the National Disability Council from 1998 to 2000.



Councillor Louise Bloom

Louise has a well-rounded knowledge of the needs of our biggest stakeholder group through her significant experience as a parish councillor and her service in other tiers of local government. Cabinet Member for the Environment on Eastleigh Borough Council and a member of Hedge End Town Council, she is also an executive member of the South East England Regional Assembly and a member of the Local Government Association Regeneration Executive. Between May 2000 and February 2002 she was a Greater London Assembly member, Vice Chair of the Environment Scrutiny Committee and a member of the London Fire and Emergency Planning Authority. Professionally, she manages an advocacy project for Solent Mind.



John Bowers QC

Expertise in employment law and human rights, and extensive experience of mediation made John a valued member of our Board. Practising from Littleton Chambers, he is expert in a range of relevant legal issues. Author of Bowers on Employment Law, he has also written books on whistleblowing and human rights, lectured on human rights for the Judicial Studies Board and is an accredited Centre for Dispute Resolution mediator. A former Chair of the Employment Law Bar Association, John is a Recorder on the Midlands Circuit and a member of the Bar Disciplinary Tribunal. He is also currently a member of the SOLACE Commission on Managing in a Political Environment.



Celia Cameron CBE

A long-standing career in local government gives Celia a thorough knowledge of the issues facing councillors and local authorities. She was leader of the Labour Group on Norfolk County Council from 1990 to 2005, a county councillor for 24 years and a member of her local health authority for eight years. She chaired Norfolk County Council's Policy and Resources Committee from 1993 to 1999, the Cabinet from 1999 to 2001 and the Scrutiny Committee from 2001 to 2005. A member of the East of England Regional Assembly from 1998 to 2005, she is now a member of their Development Agency where her special interests include social inclusion and broad participation in the regional economy. She also has a background in the Women's Aid Movement, and her wider interests include the environment and sustainability.



Peter Chalke CBE

With experience of the commercial, political, educational and local authority environments, Peter brings extensive knowledge and expertise to our work. He was a county councillor from 1982 to 2005, Leader of the Conservative Group in Wiltshire from 1996 to 2003, Leader of the Local Government Association Conservative Group from 2003 to 2005 and is a past Leader of Wiltshire County Council. He was also a Board member of the South West Regional Development Agency and Wiltshire and Swindon Learning and Skills Council.



Professor Alan Doig

Alan's academic and professional career reflects many of the cor ethical issues that face our Board. Professor of Public Services Management and Head of the Fraud Management Studies Unit at Teesside Business School, University of Teesside, he is also the author of numerous publications on the relevant subjects of ethics conflict of interest, fraud and corruption. He has worked with a number of bodies involved with ethics and public office – both in the UK and overseas – including the Council of Europe.



Paul Gott

Paul, who joined the Board in February 2006, is a barrister and a member of Fountain Court Chambers and brings notable legal expertise to complement our mix of skills. He was appointed as junior counsel to the Crown in 1999 and appointed to the Treasury Counsel 'A' Panel in 2005. He practises in commercial and employment law, with employment law specialisations in the areas of strike action, discrimination and equal pay on which he regularly advises government departments and private clients. Commercial law specialisations include civil fraud, banking and accountants' negligence.



Elizabeth Hall

Elizabeth joined the Board in February 2006 and contributes important knowledge of the current regulatory regime. She has worked for the past ten years in the Financial Services Authority – the single regulator for the financial services industry – where she was mainly involved with consumer protection, complaints, and financial capability. She was appointed to London Travelwatch last year and is a member of the Queen Mary University of London Research Ethics Committee and of the London Borough of Tower Hamlets Schools Forum. Elizabeth has several lay responsibilities in the Church of England, including chair of the Tower Hamlets Synod and an examining chaplain for the Stepney area.



Margaret Pratt

Margaret's government credentials encompass regulation of professional conduct and management consultancy, both key in helping us to fulfil our aims of fairness and thoroughness. She is a Non-Executive Director of the Mental Health Committee of the South Warwickshire Primary Care Trust and also sits on the organisation's assurance and audit committees. A current Governor of the University of Northampton, she is Vice-Chair of the university's Audit Committee and is on its Equality and Diversity Committee. Margaret has worked as director of finance in health authorities and trusts and was also President Governor of the Chartered Institute of Public Finance and Accountancy, where she was involved with developing self-regulation in accountancy.



Paul Sabapathy CBE

Paul's wide experience of governance, including service as an independent member, gives him a valuable insight into the needs of some of our most important stakeholders. Currently Pro-Chancellor and Chair of the University of Central England, he is also Deputy Chair of the Committee of University Chairmen and serves on the Leadership, Governance and Management Committee for the Higher Education Funding Council. After holding senior management positions at the multinational engineering company IMI plc, he was appointed Chief Executive of North Birmingham Community Trust and currently serves as Chairman of Eastern Birmingham Primary Care Trust and as a Non-Executive Director of the National Blood Authority. Until recently he served as an independent member of the Standards Committee of Birmingham City Council. He was awarded the OBE in 1995 for his contribution to urban regeneration, and the CBE in 2004 for services to education and business in the West Midlands. He is a member of the Chartered Institute of Management Accountants.



Judy Simons

Judy, who joined the Board in February 2006, is Professor of English and Pro Vice Chancellor at De Montfort University, where she has responsibility for Quality and Standards and chairs the University Human Research Ethics Committee. A Board member of the Higher Education Academy and Chair of Council, she is also on the Strategic Committee for Leadership, Governance and Management at the Higher Education Funding Council for England. She has chaired a number of national academic bodies, including the Council of University Deans of Arts and Humanities, has published widely on literary studies and is a Fellow of the Royal Society of Arts and a Fellow of the English Association.



Roger Taylor

Roger's understanding of local government, his extensive knowledge of the sector both as a lawyer and a top executive, and his experience of working within the private sector on local government issues support our work in many ways. He was Chief Executive of Manchester City Council from 1984 to 1988 and Chief Executive of Birmingham City Council from 1988 to 1994. After this, he joined public sector management consultants Newchurch and Company before establishing Pinnacle Consulting – a subsidiary of the Pinnacle Public Service Group. He is an Honorary Fellow of the Institute of Local Government Studies.

contacts

For more information on
the Standards Board for England,
please go to

www.standardsboard.co.uk

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