



Committee and date  
Standards Committee

1 July 2010

Item No

6

Public

## ETHICAL GOVERNANCE SURVEY

**Responsible Officer** Claire Porter

Email: [claire.porter@shropshire.gov.uk](mailto:claire.porter@shropshire.gov.uk) Telephone: 01743 252763  
[shropshire.gov.uk](http://shropshire.gov.uk)

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### Summary

To report back on the outcome of the Ethical Governance Survey which was carried out in the Spring 2010.

### Recommendations

- A. That the report be accepted
- B. That the action plan outlined in paragraphs 24, 25 and 26 of this report be adopted and carried out.

## Report

### Background

1. Members will recall the Committee agreeing to undertake an Ethical Governance Survey to assess how well the Council is performing in terms of promoting and ensuring high ethical standards. In this regard the Committee felt it would be useful for the Council to establish how aware both members and officers are of their respective Codes of Conduct.
2. The Committee also appointed a Task and Finish Group for the survey comprising: Councillors Dee and Mellings, Parish/Town Councillor Prof. Collins and Messrs Griffiths and Parry (Independent members of Standards Committee). The Groups remit was to

oversee and commence the survey and report back to the Committee.

3. The Task and Finish Group helped to refine and adapt the draft ethical governance survey which had been based on a template from the Audit Commission's Ethical Compliance Survey. Amendments and updates to this survey were also made to reflect changes to ethical governance brought about by the requirements of the Local Government and Public Involvement in Health Act 2007.
4. The survey sought to cover the Code of Conduct and arrangements for the local determination of cases brought against members for alleged breaches of the Code of Conduct. The audit was intended to cover four areas: balancing rules and trust; ethical governance overview; leadership; and transparency in carrying out Council business.
5. It was anticipated that the outcome would provide survey results for members and senior management; indicate strengths and weaknesses; provide a summary with recommendations and an action plan.

### **Ethical Governance Survey**

6. The Task and Finish Group finalised the survey document and this was despatched electronically with a covering letter from the Chairman of the Standards Committee, to: all 74 elected members of the Council; the 14 (total) independent and parish/town council representatives on Standards Committee; 7 Co-opted members of Scrutiny Panels; and 88 senior officers. Respondents were asked to complete and return the questionnaire, electronically if possible, on the basis of the knowledge they have and their experiences with regard to ethical compliance.
7. The inclusion of the respondents name on the last page of the survey was optional and all were informed that responses to the Monitoring Officer would be treated as confidential. However, the general analysis and actions arising from all of the responses received would come into the public domain.
8. In June 2006, the former Shropshire County Council carried out an Ethical Standards Self-Assessment Survey which was sent to all 48 elected members and just over 100 senior officers. There were 53 responses, i.e from 14 members and 39 officers.
9. It is interesting to note that in 2006 only 29.16% of members and 39% of officers of the former County Council responded to the survey, whereas 54.73% of members and 56.81% of officers have responded to the 2010 survey. This is an encouraging result in terms of persons taking the time to complete the questionnaire. Furthermore, the officer who administered the survey has stated

that this is one of the best feedback experienced to a council survey.

10. From a total of 183, 102 persons completed and returned the survey forms, of which 52 were members (including co-optees and Standards Committee representatives) and 50 were senior officers.
11. Copies of the survey summaries of responses from members and officers respectively, are attached.

### **Members' Survey Responses**

12. The majority of respondents have remained anonymous. However, some information has been gleaned in respect of a number of the questions answered.

Q3 – 6 members declined to answer this question regarding the Council adopting a Code of Conduct for members. 6 out of 50 is a little disappointing.

Q5 – The 2 who answered “don’t know” are, it is understood, non-voting co-optees of the Scrutiny Committees.

Q9 & 10 – of those 3 who “tended to disagree” only 1 person provided a name. The “don’t know” also provided a name.

Q11 – Ostensibly, the answer options here appear acceptable with the exception that the 30 respondents who would “do nothing” appear to contradict the 43 who would “inform the Monitoring Officer”. 46 persons responded. Clarification of the correct procedure for complaining about member conduct needs to be made.

Q12 – It is disappointing to note that 2 persons strongly disagree that the work of the Standards Committee adds value to the Council. Presumably one or both of these two respondents added the footnote: “I fail to see what role the Standards Committee may have in examining the training of members outside the issues of Standards”. The training on ethical governance and the Code of Conduct provided for all members should have dispelled such views.

Q13 – Again it is disappointing to learn that 20% of members did not know that the Council has a whistle blowing policy. This shortfall should be addressed and all members’ attention needs to be drawn to the existence and scope of the policy, including the confidential reporting procedures.

Q15 – The one person who did not know that appropriate training is given to members on the Code of Conduct is a co-optee on a Scrutiny Panel.

Q16 – There was a very good response to this question regarding conflict of interests.

Q17 – The answers given suggest that members are unsure of the legal position when serving as council representatives on outside bodies. In due course, written advice will be provided to all members as to which rules or code prevail.

Q19 – Based on the range of answers given to each of the circumstances suggested in this question, members need to be clear about these issues at the time when they complete or subsequently amend, their Registers of Interests forms. Accompanying explanatory notes are however, given for each section of the registration form to assist in the completion thereof.

Q20 – It is disappointing that 5 persons have indicated that they would not withdraw from the room if they had a prejudicial interest in a matter. Clarification of the requirements for members with prejudicial interests must be addressed.

Q33 – Whilst the number of “don’t know” answers to this question are relatively low, the additional comments submitted by respondents are concerning. Each of the areas covered by the answer options therefore needs to be promoted. Similarly, the rate of “don’t know” answers to Q34 demands more promotion of ethical standards communication.

Q35 – The additional comments from members in respect of the answer options regarding communications provide the basis for more work and attention. If a member declares his/her interest clearly at meetings, i.e stating the nature of that interest then this becomes more understandable to the public. Therefore members need to express quite clearly the nature of their interest. In practice this is not happening.

### **Conclusions – Member Survey**

13. The Council is encouraged by the number of members who responded to this Ethical Governance Survey compared with the responses to the survey carried out by the former County Council in 2006.
14. The overall survey results are good and indicative of an improvement in the understanding and requirements of the Code of Conduct and its implications for members.
15. The majority of respondents understand the role of the Standards Committee and consider it operates effectively. Many consider it is making a positive difference to the ethical environment in the Council and that it adds value to the work of the Council.

16. The respondents who appear to know least regarding the provisions of the Code of Conduct and ethical governance training are Scrutiny Committee co-optees. It is acknowledged that any deficiencies in an understanding of the ethical values of the Council on their part need to be addressed.
17. More attention needs to be given to the Code's requirements on members who have prejudicial interests in Council business. All members need to be absolutely clear as to their legal duties when such situations arise and what they are required to do. This may need further training.
18. The additional comments submitted by member respondents in respect of questions 33 and 35 are important and need attention. This can be achieved by greater clarity about ethical governance and the role and requirements of members in both the printed form and on the Council's website.

### **Officers' Survey Responses**

19. As is similar to the member survey, the majority of respondents to the officer survey have remained anonymous.

Q21 – 5 officers answered “don't know” as to whether the Council had adopted a Code of Conduct for members and 4 did not know whether the Council had adopted a Code of Conduct for officers.

At Q22 a significant number of officers are only “fairly clear” or are “fairly unclear” about their responsibilities under the ethical framework. Work on awareness training needs to be carried out at senior officer level to address the shortfall to the answers to Qs 21 and 22.

Q22 – 7 persons were unclear as to their responsibilities under the ethical framework. Again, this needs to be addressed.

Q24 – The “no” and “don't know” responses regarding the making of written allegations to the Standards Committee via the Monitoring Officer gives cause for concern and will require further work with officers.

Q25 – The number of “don't know” answers provided to the answer options for this question is also disappointing. To remedy the negativity the possibility of training presentations via Departmental Management Teams (DMT's) will be investigated.

Q28 – It is surprising to discover that over half of the officer respondents did not know that appropriate training had been given to members on the Code of Conduct. This needs to be addressed via the DMT's.

Q33 – As a consequence of the “don’t know” answer options at this question, the promotion of the areas covered by the options needs to be addressed.

Q34 - As a consequence of the “don’t know” answer options at this question, the promotion of the areas covered by the options needs to be addressed.

Q35 – The number of “don’t know” to the last three answer options at this question gives cause for concern. Again, this may be addressed via DMT’s training presentations.

Q39 – The number of officers responding “don’t know” to this question requires attention. Use of the annual booklet with facts and figures regarding the number of complaints and how they are dealt with, should help to dispel this lack of knowledge.

### **Conclusions – Officer Survey**

20. It is encouraging to note the number of officers who responded to this survey compared with the responses to the survey carried out by the former Shropshire County Council in 2006.
21. Whilst overall, the results of the survey are good, the numbers of officers providing “don’t know” answers to many of the questions give cause for concern.
22. The Council will need to promote the roles of both members and officers within the ethical governance framework to ensure clarity. Suggestions as to how this may be achieved are contained earlier in the report by e.g. training presentations via Departmental Management Teams and a clearer explanatory guide for the public on the Council’s website.
23. The production of an annual booklet on the work of the Standards Committee, included also on the website, will help address many of the issues raised.

### **Action Plan**

24. The responses from both those members and senior officers who participated in the Ethical Governance Survey suggest that the various issues raised need to be addressed over the next twelve months by one or more of the following:
  - further training on the role of members, including co-optees, in respect of ethical governance
  - further training on the role of officers in respect of ethical governance with particular emphasis on the legal obligations of members
  - specific training be provided for all members, including co-optees on personal and prejudicial interests

- improved communications between members, officers and the public in order to provide greater clarity of the requirements of the ethical governance legislation.
25. With regard to the action required arising from the officer responses, the Monitoring Officer will, in the main, be able to address all of the issues at meetings of the Departmental Management Team, in addition to wider team meetings, the latter on an annual basis
26. The Monitoring Officer and her staff will be responsible for overseeing and implementing this action plan.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

**Human Rights Act Appraisal**

The actions and recommendations in this report are compliant with the Human Rights Act

**Environmental Appraisal**

N/A

**Risk Management Appraisal**

It is important that the Council continues to be proactive in the area of ethical standards and does not become complacent. A survey will assist the Council in drawing out any weaknesses which may not be apparent from work in this area to date.

**Community / Consultations Appraisal**

N/A

**Cabinet Member**

N/A

**Local Member**

N/A

**Appendices**

N/A