

in this issue...

- 1 **Cracking the Code**
Report says the Code of Conduct should be clearer.
- 2 **Fully committed**
Parish councillors make a vital contribution to any standards committee.
- 4 **What the public thinks**
...about ethics and you.
- 4 **Tell me about it**
The benefits of mediation.

plus...

- 3 **Referral and investigation statistics**
- 4 **Contacts and more information**

Town and parish councillors form our largest constituency, so we are constantly searching for ways to extend our contact. We were lucky to meet many of you at recent conferences organised by the three main political parties and the National Association of Local Councils, and the comments and feedback received were as constructive and rewarding as ever.

Roger Taylor, one of our Board members and himself a parish councillor, outlined The Standards Board for England's vision for the parish sector when he addressed the NALC conference. We believe town and parish councils are a vital part of local government and we support the government's localisation agenda to provide greater powers to local councils. We think it is important that the Code of Conduct continues to apply a consistent set of standards across all members too. This is something councillors told us when we consulted on our review of the Code earlier this year. The views of parish and town councillors on the Code are reflected in our recommendations to the government, which you can read about below.

Other changes to the legislative framework are on the horizon too, as reported in the last issue of the *Town and Parish Standard*. Recommendations from the Committee on Standards in Public Life and the parliamentary select committee on the Office of the Deputy Prime Minister could have potential implications for the parish sector. We are working with the National Association of Local Councils, the Society of Local Council Clerks and county associations to develop tools and guidance to help support parishes. In the meantime, your feedback plays an important part in guiding our future work programme, so please keep in touch. Our contact details are on the back page.

Board backs clearer Code

The Code of Conduct should be clearer, simpler and more positive and the ten general principles of public life should be included as a preamble, according to recommendations for a revised Code submitted to the government this September by The Standards Board for England. And consistent enforcement of the Code across the local government community is just as important as its content.

The recommendations are the outcome of four months of consultation on the review of the Code of Conduct. We received over 1,200 responses to the consultation from all sections of the local government community and about 30% were from the parish sector. We also spoke with authorities across the country during a series of regional roadshows.

The government is considering the recommendations alongside reports from the Committee on Standards in Public Life and the parliamentary select committee on the Office of the Deputy Prime Minister, which have

made their own suggestions for the future of the Code and the ethical framework as a whole.

Representing communities

We want the Code to be seen as more than a list of prohibitions and viewed instead as a vehicle for promoting positive and effective local governance. A better balance needs to be struck between protecting public decision-making from improper influence and allowing elected members to represent their constituents and communities in a proper manner.

To help achieve these aims, we recommend revising the rules governing personal and prejudicial interests to make them less restrictive and allow members to act more freely in their elected roles as advocates of their local communities.

We would like to restrict the definition of a personal interest so that members need not declare an interest in matters which affect them no more than the wider community. 68% of responses to the consultation agreed. And we think interests that arise primarily because a member serves on another public body need only be declared when a member speaks on a related subject — unless the interest is prejudicial. Where the interest is prejudicial, the member should be able to address the council and answer questions on the subject before withdrawing from the meeting to avoid improperly influencing the debate. We recommend that prejudicial interests which arise when speaking for outside groups, such as charities and pressure groups, should be treated in the same way.

Our recommendations for the Code

- The Code should be simpler, more enabling, and owned by members.
- The Code should empower members as community advocates.
- The rules around personal and prejudicial interests should be clearer.
- The Code needs to be clear on what information should be confidential.
- Private behaviour should be regulated only when it seriously damages the reputation of local government.
- Bullying cannot be tolerated and needs to be addressed more explicitly.
- The current duty for members to report breaches should be removed.
- The Code should protect complainants and witnesses from intimidation.

The consultation also found broad support for a specific provision on bullying — 80% of responses were in favour — and this too is something we have recommended to the government. We believe that in a small number of cases, a culture of bullying exists which needs addressing. A dedicated provision in the Code of Conduct would send a strong signal that bullying is unacceptable in local government.

Whistleblowing

The duty of members to report breaches of the Code of Conduct by fellow members has been an unpopular provision and we believe it should be abolished. It was designed to prevent members turning a blind eye to misconduct and protect members who chose to come forward from undue pressure and intimidation, but we do not believe it achieves either of these aims satisfactorily. Instead, it has been used by a small number of members as a pretext for malicious and politically-motivated complaints.

The popular choice of the consultation was to restrict the provision to allegations of serious misconduct. But what constitutes serious? Any definition is bound to be subjective, and could lead to arguments about what should and should not have been reported. In effect, restricting the duty to report breaches in this way would probably not solve the problem. We do not believe the vast majority of members would ignore or overlook serious misconduct, so on balance, we think the provision can be deleted.

Of course, anyone who does come forward with a genuine concern should still be protected from victimisation, so we have asked the government to consider a specific provision prohibiting intimidation of complainants and witnesses.

The government's response to our recommendations was expected shortly after this newsletter went to press. We anticipate government-led consultation on a revised Code of Conduct later this year. The full recommendations are at www.standardsboard.co.uk/codereview/.

Parish representatives entitled to full standards committee role

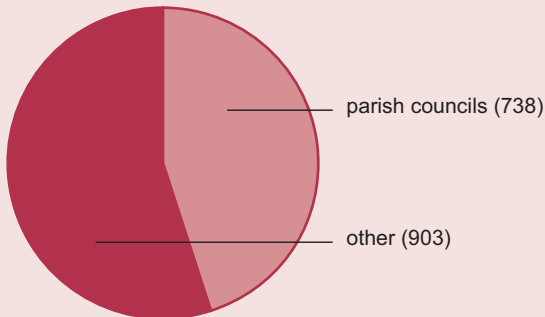
Concerns that parish representatives on standards committees are sometimes marginalised and under utilised were raised at a recent conference of standards committees organised by The Standards Board for England. But delegates agreed that parish councillors have a vital role to play on standards committees and shouldn't be ignored.

Parish and town council referral and investigation statistics

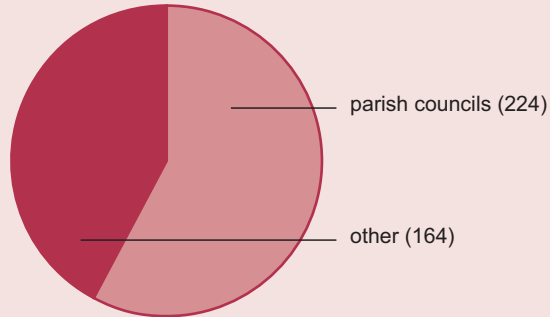
The following charts compare the parish experience with that of local government as a whole, for the period 1 April to 31 August 2005.

Key ■ parish councils ■ other

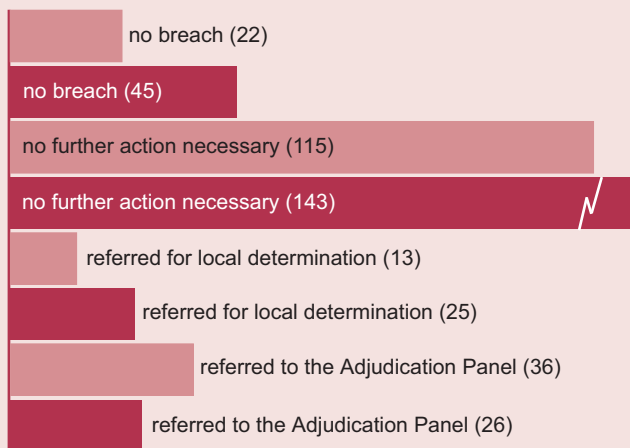
Number of allegations received (total: 1641)



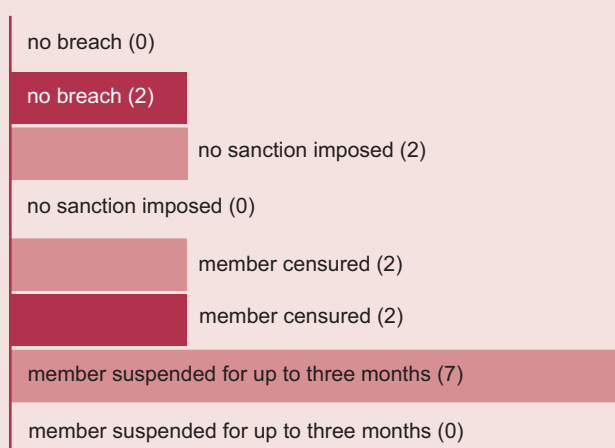
Number of allegations referred for investigation (total: 388)



Ethical standards officers' final findings



Standards committee determinations in cases that have been heard



Parish councillors play an important role on standards committees, representing the views of their sector and advising how standards committees can address parish issues and provide training and advice for parish and town councillors. They are co-opted to standards committees in the same way as independent members and are full members of the committee, so should have the same status and voting rights as the other councillors and independent members. They should also be entitled to any allowances and expenses that are available to other members of the committee.

We recommend standards committees appoint at least two parish representatives to the committee. Having more than one representative reflects the importance of parish issues on a committee and helps to foster proper debate and ensure that such issues aren't marginalised. Authorities should consider involving their county association in the

nomination and selection process to ensure that the representatives have the support of the parish sector across the county and are seen to have the backing of their representative body.

Parish representatives are also important for hearings. Regulations require at least one parish representative on any hearing panel involving a parish or town councillor. Having several representatives helps to guard against problems in the event that one member is unable to take part in a hearing due to a conflict of interest.

Standards committees should also consider having parish representatives on hearing panels regardless of whether the hearing involves a town or parish councillor. As parish representatives in many cases are independent of the principal authority, they can bring a specific and objective perspective to the case that may be helpful.

Survey sets benchmark for public confidence

Research by MORI into the public's perceptions of ethics in local government has found that most people have a higher opinion of local councillors than politicians generally, but trust is still low. And while most people have never complained about a councillor, one in ten has wanted to.

The Standards Board for England commissioned MORI to investigate the public's perceptions of ethics and attitudes towards local government. The research will help us to establish benchmarks against which we can monitor the success of our work in increasing public confidence in local democracy.

Initial findings

MORI asked over 1,000 members of the public about their views on local government. It found a mismatch between what people regard as important roles for councillors and the perception of what councillors actually do. For example, 54% of those surveyed think it is important for councillors to make sure that public money is spent wisely, but only 21% think most or all councillors in their area do so. 39% think councillors should fulfil election promises, but only 15% think most or all councillors do.

The survey found that people are interested in local issues and want to engage with their local area but are not always certain what they can do in practice. It also revealed a lack of understanding about the work of councillors and low levels of contact with elected members — only one in seven people have met a local councillor within the last six months.

If people ever do need to complain, they are most likely to want an independent body to deal with it (46%), compared with their local council (28%) or an MP (13%). The three most important factors when making a complaint are knowing that it will be dealt with thoroughly, that the investigation will be independent, and that you will be kept informed.

A summary of the findings will be published on our website in the near future.

Sit down and talk about it

Councillors with disputes can be instructed by standards committees to undertake mediation and conciliation as part of a sanction, and The Standards Board for England can make similar directions via monitoring officers in specific cases. In these situations, a complaint about something will have already been made to The Standards Board for England, but mediation and conciliation can also be

used by parishes to help prevent complaints arising in the first place.

Mediation and conciliation are informal, flexible processes. Conciliation could involve, for example, the suggestion of making a formal apology. Mediation and conciliation are focussed on learning and understanding, rather than apportioning blame, and are forward looking. Parties are encouraged to suggest ideas for resolution and outcomes which suit their specific needs.

Mediation has possible advantages in small environments, such as local communities, where there are ongoing communication and relationship issues. It may be particularly beneficial for a number of reasons:

- Mediation focuses on learning and understanding rather than apportioning blame, equipping disputants with new communication skills and seeking a way forward for all parties.
- It can be held locally and at a time convenient to all parties.
- It asks the disputing parties to bring forward practical ideas for resolving their disputes specific to their circumstances. The outcome is jointly created and agreed by the parties, engendering a greater degree of ownership of the outcome than one imposed externally.

Some monitoring officers and standards committees are able to provide mediation and conciliation support, so any town or parish council which thinks it may benefit from such services might want to approach their monitoring officer in the first instance. Of course, whether a monitoring officer or standards committee is able to provide mediation depends on their resources and experience.

A growing number of community centres throughout the UK also provide free or subsidised mediation. For more information, contact Mediation UK on 0117 904 6661 or visit them at:

www.mediationuk.org

Contacts and more information

Please send your questions, comments and suggestions for future issues to:

- tpstandard@standardsboard.co.uk
- The Standards Board for England, First floor, Cottons Centre, Cottons Lane, London SE1 2QG

For more information on The Standards Board for England, visit us at www.standardsboard.co.uk.