

A Qualitative Assessment of Advice and Guidance

This report summarises the results of qualitative research undertaken during July and August 2009. Eight focus groups and one on-line focus group were held England-wide, capturing the views of monitoring officers, standards committee chairs and members, councillors, and parish councillors. These groups explored in some depth issues arising from a postal survey of stakeholders conducted earlier in 2009¹.

The findings of this research concur strongly with much of the previous, quantitative study. Standards committee members and monitoring officers are ultimately very positive about the local filter and feel it has 'bedded in' well. They welcome the chance to take local ownership of investigations, and the opportunity to have greater knowledge and control of the investigation process.

1.1.1 Standards of member behaviour

Views are mixed as to whether behaviour has improved over recent years or not. Some feel that behaviour has not improved at all. They feel that the behaviour of councillors will always be varied and colourful due to the mix of different temperaments and the nature of the egos involved.

Others suggest that perhaps behaviour has improved somewhat. Typically those who feel that behaviour has improved point to a perceived improvement in the language used at full council meetings; some also say that officer-councillor relationships have improved.

The number of cases dealt with by local standards committees is not perceived to be a reliable measure of behavioural change, due to the feeling that many allegations are politically motivated.

A range of factors are suggested as drivers of behavioural change: the fact that the standards are now in place and councillors should be abiding by the code; the presence of standards committee members at meetings (a few standards committee members report having seen others checking their presence at the meeting before making certain statements); the particular intake of councillors in any new term and the

resulting mix of personalities/egos; the cyclical nature of local government whereby behaviour can deteriorate as parties jostle to position themselves ahead of elections; the actual political make up of the council and whether the opposition have sufficient numbers to 'put up a fight'; the level of remuneration (with the suggestion that behaviour has improved in some cases due to higher remunerations and councillors becoming more financially dependent upon their allowances); the presence of the public at full council meetings (and/or the knowledge that meetings are being transmitted via web cam); the extent to which local government is able to devolve decision making powers to backbenchers (whereby if backbenchers feel powerless they may be more likely to vent their anger at full council meetings).

In the monitoring officers' group, one expresses the view that parish councillor behaviour has not improved at the same pace as that of district councillors. There is a perception that there is potential for training to make a real difference at parish level, however monitoring officers report encountering difficulties with delivery.

The vast majority of stakeholders feel that the public will not have noticed any change in member behaviour that may have taken place. They explain that generally the public are not particularly interested in the workings of local councils, and point to the very low numbers attending council meetings.

However, despite stakeholders' belief that the public will not have noticed any change in behaviour, some stakeholders say that the public *may think that they have noticed a decline* in standards of behaviour. This is due to the MPs' expenses scandal. Some stakeholders explain how members of the public often confuse local councillors with MPs. This confusion reportedly leads to some members of the public assuming that councillors are part of the same expenses scandal.

1.1.2 Local assessment

Standards committee members and monitoring officers are ultimately very positive about the local filter and feel it has 'bedded in' well. They welcome the chance to take local ownership of investigations, and the opportunity to have greater knowledge and control of the investigation process. However, there are some concerns, particularly over the cost of resourcing

¹ BMG 2009

http://www.standardsforengland.gov.uk/Resources/Research/2009reports/Report_7166_D31.pdf



investigations. Despite some initial reluctance to discuss streamlining the investigative process (for fear it would equate to 'cutting corners') there are a number of suggestions as to how it could be streamlined. In particular, they would like to be able to differentiate between minor breaches and more serious breaches of the code. Here the aim is to develop a minor breach route that would allow less serious breaches to be dealt with swiftly (and therefore more cost effectively). One idea is for a 'no fault, but offence caused' recognition of an issue.

Backbenchers and parish councillors often have 'patchy' awareness of the role of their local standards committee. Most are aware of the principle that the local committees now undertake to investigate allegations. However, they are less clear on the detail of the new arrangements. For example, they may be unsure of what the committees do when there are no investigations underway. They may, for instance, perceive that the standards committee meet only when there is an investigation under way.

1.1.3 Public perceptions of local standards committees

The low profile of standards committees with the general public is believed to be a natural consequence of the low level of public involvement in the operations of their local council.

A few standards committee members feel that public awareness may be rising through the local press coverage that local standards committees receive at the conclusion of an investigation. In one group, standards committee members talk about the particularly positive spin that one local councillor managed to put upon his being reported to the local standards committee. He invited the press to an event where he praised the standards committee and thanked them for the training he was offered as a result of the complaint. Although this case may well be helpful in raising the profile of the local standards committees, it does also illustrate how the local framework can also be used by individuals as a political tool.

Some standards committee members talk about leaflets that they have produced, designed to inform the public what actions they can take if they wish to complain about a councillor's behaviour. Some standards committee members say these leaflets have been placed in local libraries and other public buildings, however they are unsure whether or not the public will have actually read the leaflets.

One monitoring officer explains how his authority is producing an awareness raising magazine. However, he does not personally feel this is the best way forward, as he is concerned that the public may perceive this as unnecessary public spending. He would rather there were clear information made easily accessible to those who wish to complain.

Regardless of whether the public have read any local literature, there is a sense that, (following the MPs' Expenses scandal) standards are a 'hot topic'. It is therefore considered to be the ideal time to tap into the public interest. There is a perception that now would be an excellent time for the SfE to launch a national campaign to highlight the work of standards committees. Some stakeholders even suggest filming a documentary about local councillors would be worthwhile. They envisage the programme would entertain whilst also highlighting the crucial point that local councillors' remuneration is very different to that of MPs' and hence vindicate local councillors in the eyes of the public.

Although stakeholders are able to contribute ideas as to what might help raise awareness, it is worth noting that some backbenchers and parish councillors do question *why* the profile of the local standards committee should be raised. Typically, they see no benefits to raising awareness. The underlying fear is that the number of complaints may rise. Backbenchers and parish councillors suspect that the public would make unfounded or uninformed allegations, which could be very damaging. They explain that members of the public would make allegations without fully understanding the structure of local government. For example, they foresee complaints from local residents that councillors have ultimately been unable to help due to their lower levels of decision making powers. They say that local residents would 'take this personally' and lodge a formal complaint. They point out that serial complainers would also emerge.

Some standards committee members and monitoring officers are also concerned about the principle of raising public awareness, as they are also unsure that there would be the time and money to investigate allegations if they were to see a rise in the number of complaints received.

1.1.4 Reasons why parish councillors are less satisfied

Parish councillors were asked to reflect upon why the survey data shows that parish councillors have a lower level of satisfaction with SfE as compared to other



stakeholder groups. Some parish councillors are not sure how to answer this question, as they have so little contact with SfE in the first place. They have had so little contact that they have not ever felt satisfied or dissatisfied with the organisation. One parish councillor talks about the sense of being 'one step removed' from the local standards committee due to being a parish rather than a district councillor. It is important to note that many parish councillors perceive their local standards committee as being the local SfE 'presence', and as such the fact that they feel removed from their local standards committee makes them feel, in turn, distanced from SfE.

Others suggest that perhaps parish councillors dislike the idea that their behaviour is being monitored, because they feel that they know their 'patch' best and are therefore in a better position to understand what the area needs.

In contrast, in one group there is a real sense of indifference towards the code. The perception is that parish councillors are not really affected by the code, as they are not believed to be operating at a sufficiently high level of decision making.

Others focus upon dissatisfaction with what they perceive to be the 'grey areas' of the code. The prejudicial interest issue in particular causes problems. One parish councillor explains how she feels that standards should be black and white by definition, and she would like clarification of the code. The prejudicial interest issue is believed to be more salient at parish level given the smaller neighbourhood areas involved.

Furthermore, the code can present issues with regards to twin-hatters.

By no means does this dissatisfaction extend across *all* parish councillors. However, it very likely does account for part of the statistical differences seen in overall satisfaction levels (whereby 37% of town or parish members were 'very' or 'fairly' satisfied with the work of SfE).²

When asked what actions might help SfE better meet the needs of parish councillors many suggest a higher level of engagement. Crucially, the engagement needs to focus upon issues that are of interest and relevance to parish councillors themselves. In other words, communication should avoid talking about SfE as an organisation and focus upon the implementation of the

code as it applies to parish councillors. For example, stakeholders say they would welcome summaries of case studies in a document in the style of 'the Bulletin'. They would be interested in reading about the allegations surrounding the actions of other parish councillors, and the details of any sanctions.

It is worth noting that one parish councillor also alludes to the need for SfE to assess what actions can be taken to avoid the code being used as a political tool at the local level.

1.1.5 General levels of satisfaction with SfE

Although SfE are particularly interested in understanding the reasons why *parish councillors* are less satisfied, other stakeholders were also asked about their general level of satisfaction with SfE. Like many parish councillors, backbenchers and standards committee members feel that they are too distant from SfE to talk in an informed way about how satisfied they are with the organisation.

Perhaps surprisingly, the vast majority of stakeholders (with the exception of monitoring officers who were not asked this question) feel distant from SfE. They perceive distance because they do not come into direct contact with SfE on a regular basis. For example, parish councillors may perceive that backbenchers at the district level are more involved with SfE than they are. However, backbenchers say that their training on the code is delivered by member services not SfE, so it is most probably the standards committee members who are closest to SfE. Yet when we speak to standards committee members, they explain that it is the monitoring officer who deals with SfE and hence they also feel fairly distant.

Despite saying that there is a distance, many stakeholders do not feel³ the distance to be an issue. Standards committee members in particular are happy with the status quo because they perceive that information provided by SfE is often 'long winded' and they would prefer their monitoring officer to decipher it on their behalf. Some standards committee members are of the view that a distance from SfE is positive because it may mean that local councillors have been

³ Please note that these quotes are representative of standards committee members representing all political parties and indeed independent members also.

² Source: BMG postal survey conducted January-March 2009; 775 completed questionnaires returned from town or parish councils



reasonably well behaved. They also feel that the distance is part of the natural process as local authorities have taken ownership of cases. One talks about how SfE has 'stepped back' to become an organisation that is 'distant but receding'.

It is worth noting that discussions with standards committee members reveal that the role of the SfE within local assessment is not always clear. Some standards committee members question what SfE delivers now that the organisation is no longer leading on case work, and they would like clearer communication as to SfE's remit.

The following are suggested as areas where they feel that SfE may be able to contribute support: as a provider of much more 'hands on' advice and guidance for standards committees (for example attending local standards committee meetings to offer guidance that will ensure consistency across areas); as guardians of the independence of Independent Members (for example SfE could actively regulate the selection of independent members as there is a concern that the current system is open to abuse); as a recruiter and trainer of local investigators (as there is reportedly a dearth of local investigators in certain areas); as the investigator of more serious allegations.

1.1.6 SfE's website and Annual Assembly

Monitoring officers use the SfE's website regularly and are satisfied with it. Few members of the other groups have seen the website – either because they are unaware of its existence or because they prefer to read hard copy documents. They do, however, say that it may be helpful for the SfE to better promote any concise 'factsheet' style information that would be of relevance to them, as they would not tend to visit the website itself.

Those standards committee members and monitoring officers who have attended the Annual Assembly have found it a useful experience. They feel it is helpful to have direct contact with the standards regulators. The practical workshops are helpful, and issues that they have previously been unclear on have become much clearer following attendance. There are some requests for regional events to be set up, as some feel that this would enable greater numbers of stakeholders to access the Assembly. Certainly, parish councillors and backbenchers do not perceive the Assembly to be relevant to them. Many say that they would be unlikely to attend a central event, particularly one held some distance from their homes, as they would not have the time or funds.

1.1.7 Views on current advice and guidance and suggested improvements

The majority of standards committee members receive 'the Bulletin', and most feel that it is short, snappy and interesting. It is perceived to be useful and informative. Standards committee members particularly like the case studies and information on new policies. Some receive 'the Bulletin' via email; others read it because it is attached to the minutes or meeting agendas. One suggests that it could be improved if it were in black and white for easier printing and/or photocopying.

Another piece of communications that is endorsed is the credit card sized pocket version of the code of conduct. It is well-liked for its handy size and simple guidance, acting as a useful reminder of the code. There is a request for all councillors to be issued with a copy of this pocket guide. There is some awareness that it is available electronically, but they feel that it would be useful for all councillors to be issued with a hard copy.

'The Bulletin' and 'credit card code' are not perceived as 'typical' SfE communications. There is a sense amongst many standards committee members that SfE communications are usually lengthy, verbose documents. This perception often arises due to their experiences of reading SfE guidance. Many state that their monitoring officer is their 'translator' of SfE text. Consequently, they request more concise information presented in bite sized 'chunks' and using everyday language.

Parish councillors were shown 'the Standard' during the course of the discussion. They had not seen the publication previously. In one of the three groups it really appealed to them and they liked the 'juicy gossip' style of some of the text. They also liked the fact that 'the Standard' highlights the existence of the SfE website, as they had not really thought about visiting the website.

In the other two parish councillor groups, they felt that they do not have sufficient time to read regular publications such as 'the Standard'. They simply wanted to receive case study style examples of the real life situations that other parish councillors have found themselves in.

There is positive feedback on the monitoring officer helpline, with some comments suggesting that the service callers receive has improved over the past 12 months.



1.1.8 What communications would stakeholders like to receive from SfE?

It is important to state that, *regardless of the format of communications*, most standards committee members, backbenchers and parish councillors would like communications to be filtered by their monitoring officer or town clerk. They do not want to simply be communicated with *per se*; though they are open to receiving information that is of specific relevance to them.

In terms of format, stakeholders request that the really important information (by which most mean updates on the code and any illuminating case studies) be provided as a hard copy. There is a perception that important information is not always read if it is simply emailed round to everyone. If a hard copy is provided, perhaps attached to the council meeting agenda, there is a view that all attendees will formally read the documentation and consider it 'important'.

When asked whether they would prefer long documents or short fact sheets, all answer that short 'bullet point style' fact sheets are far more useful.

As most are not regular users of the website, it is unsurprising that there is little apparent awareness of any existing fact sheets. It therefore seems that most stakeholder groups are not sufficiently heavy users of the website to have noticed the fact sheets. For example, one standards committee member requests a prejudicial interest fact sheet as he feels this would be really helpful to councillors. Clearly there is a need to more overtly promote the existing website content.

It is also worth noting that, following on from earlier points made by some standards committee members about the role and value of SfE as an organisation, some standards committee members would like to hear more about the role of SfE before they judge how SfE could support them best. These stakeholders are able to contribute to discussions about, for example, their preferred formats for various types of communications. However, crucially, they do not currently understand the remit of SfE. They feel the need to understand more about how SfE is contributing to their work *before* they pass meaningful judgements as to the information, advice and guidance that would be most useful to them.

In terms of the specific topics where they require more advice and guidance, parish councillors request more case studies of real life allegations made against other parish councillors and greater clarity in relation to the prejudicial interest issue. Backbenchers also request

information about what their local standards committee actually does.

Standards committee members request more information on other standards committee practices; more guidance on sanctions and proportionality; more guidance for dual-hatted members and more information on the prejudicial interest issue.

Monitoring officers request more information on other standards committee practices; more advice on overlap with Freedom of Information and Data Protection legislation; more advice on disclosure generally in the context of Local Assessment; more guidance on mediation; more guidance for dual-hatted members; more guidance specifically for parish members (specifically around the issue of what constitutes a 'close associate' within a small parish); more guidance on sanctions; further case study examples (specifically around complaints concerning political leafleting and complaints 'when a councillor is not a councillor despite people thinking they are').

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