

Extraordinary Standards Committee 19th October 2020

Supplementary Report

Publishing of Complaints Against Members

At a Standards Committee last year, the Committee for Standards in Public Life's review report "Local Government Ethical Standards" was presented to Members.

This report proposed a number of changes to the ethical framework. Members will be familiar with the recent consultation on a draft model code of conduct by the LGA which resulted from this report. The Standards Committee considered this consultation in the summer.

The model code of conduct was one of the proposed changes that didn't require any statutory changes. There were others which amounted to good practice and which didn't require changes to legislation. Councils are expected to look at these and implement as a matter of good practice. Indeed the Committee for Standards in Public Life has sent a survey to all Councils asking how many have been implemented already. This survey will come to the next Standards Committee.

Amongst the good practice recommendations from the Committee was one in relation to the publication of the outcomes of complaints against members. The Committee's recommendation was

Recommendation 15: The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied

What the Committee's report said was as follows. The bold shows the parts which I think are particularly relevant:

"Promoting openness and transparency

Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Openness and transparency are important secondary safeguards, to ensure that the process can be scrutinised by other councillors and by the public. **We heard evidence that many councils do not publish data and decisions on standards issues in a regular or open way.** Councils should be free to make their own arrangements for whether they maintain a public list of pending investigations. **However, councils should be recording allegations and complaints they receive, even if they do not result in an investigation, and should certainly publish decisions on formal investigations.**

The Nolan principle of openness demands that councils should be taking decisions, including decisions on standards issues, in an open way. The experience of the

Committee is that whilst transparency does not automatically increase public trust in a process, it is nevertheless essential to enabling public scrutiny and accountability.

We have seen examples of both good and bad practice in how open councils' standards processes are. The best examples involved a single, easily accessible page on an authority's website explaining in straightforward terms how a member of the public can make a complaint under the code of conduct, what their complaint needs to include, the process for handling complaints, and the expected timescales for investigations and decisions. That page would also include links to recent decisions on allegations that came before the standards committee."

This was not included in my original report, so I thought I should bring it to your attention.

My views on this are

- The Council regularly publishes by way of the Standards Committee figures for complaints made and outstanding. This is in an anonymous form. This could easily be expanded to include the nature of the complaint. It could easily be put on the Standards page on the website.
- This already includes whether it is a Parish or District Council complaint.
- The recommendation above requires the outcome of formal investigations to be recorded. This Council has not since the new system was introduced in 2011/12 had an investigation. However were this to happen, my advice is that irrespective of whether there has been found to be a breach or not, the outcome should be published. This is as much for the protection of an "innocent" member to ensure it is known they are innocent.
- In relation to complaints which are not investigated, the recommendation is that details of numbers, nature of allegations and any action taken are recorded. It does not require that the relevant members are named in these cases. Many of the cases we deal with end without any finding of whether there is a breach or not. Many also end with a letter of advice as the only outcome.

My advice would be therefore to publish quarterly anonymised details of cases dealt with in this way. Details of what is included can be agreed with Standards Committee.

Sarah Sternberg

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9th October 2020