



Standards  
for England

# Standards update

Autumn/Winter 2009

This bulletin sets out the facts and Standards for England's position on some topical issues concerning the local standards framework in England. Publishing them in this way we hope to promote informed debate. More information on our work is available in our corporate plan and on our website, [www.standardsforengland.gov.uk](http://www.standardsforengland.gov.uk).

*“I think it is extremely important that the highest standards are maintained in public life. The Standards Board helps to promote and underpin such standards. When high profile cases arise, we see how highly the public value ethical behaviour in politicians at all levels.”*

Independent Member, City Council

# Standards matter to local government

- The Code of Conduct is widely accepted within local government. **94%** of members and officers support the requirement that members should sign up to the Code of Conduct\*.
- **81%** of local government officers and members believe that high standards of behaviour for members is one of the most important issues facing local government\*.
- In 2009, **92%** of town and parish members agree with the requirement for their members to sign up to the Code of Conduct. This has increased from **69%** in 2004\*.
- **88%** of elected members would support the requirement for officers to sign a Code of Conduct\*.
- Standards matter to the electorate. Over half of complaints received come from members of the public.

## A new, local system

- The Code of Conduct and the Standards Board for England were introduced in the 2000 Local Government Act, in response to the Nolan report and high profile standards failings in local government.
- In the early days flaws in both legislation and administration attracted criticism, particularly from local government. We agreed with the need for improvement and led the call for changes to the system, lobbying for a more proportionate balance between local self regulation and national oversight.
- The 2007 Local Government Act brought in a remodelled local standards framework. The new devolved regime has been up and running since May 2008. The vast majority of complaints are now dealt with by local standards committees. We only deal with the most serious.
- Since July 2009 the Standards Board for England has been operating under the new name: Standards for England. We've made this switch to emphasise how our role has changed. We've changed the look and feel of our communications to do more to highlight the positive aspects of conduct; making the point that ethical behaviour is both a good thing in itself and good for local democracy.

\* Source: BMG Research Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and Attitudes to the Ethical Environment)

# Standards for England

- We believe in principled local politics. Working with local authorities, their monitoring officers and local standards committees, it's our job to champion and promote high standards of conduct among our local politicians. We want to make sure the public are in no doubt that standards and principles matter to local government.
- We work closely with local authorities to assess, identify and deal with the most material risks to local democracy.
- We safeguard local standards and champion accountability in local government partnerships.
- In order to ensure the success of a fair and proportionate local standards framework, we monitor the standards performance of local authorities, not only to identify and respond to failings in the system, but also to recognise and celebrate high standards.
- As a centre of expertise in ethical governance, we influence policy and help developing democracies in the design of the local standards elements of their respective governance models.
- We continually develop our services, skills and products to respond to the needs of those we support, and apply best practice in the field of regulation.
- Our advice is regularly sought and appreciated. We deal with over 300 enquiries from members, officers and members of the public every month. 80% of councils think we keep them well informed.

*“Ethical behaviour overseen by an independent board, is a cornerstone of democracy which is essential to stem the corrosive risk of corruption.”*

Independent Member, District Council

# The local system so far

- Our monitoring reports from England's authorities shows that local experience of dealing with cases is growing and that the system is working effectively.
- There were 2863 complaints received locally from 8 May 2008 to 31 March 2009, compared to just over 3000 received by Standards for England in the same period in 2007. 54% were made by members of the public. Just 4% were made by council officers and 36% were from elected members.
- The system allows tit-for-tat and vexatious complaints to be weeded out early on. Over half of the local cases received since May 2008 were dismissed at initial assessment.
- The most frequent breaches being investigated are failure to declare personal interests, failure to treat others with respect and bringing the authority into disrepute.
- We expect the number of most serious cases, leading to suspensions or disqualifications, will remain small. There were 15 in 2008-09. However the system offers a number of other remedies and sanctions aimed at highlighting behaviour and improving standards, including directions to take action to solve local problems, such as training and mediation.
- Although the local standards framework is well established, our monitoring has revealed some emerging challenges. We're working to clarify and address these issues, which include effectiveness of decision making during the local assessment process, application of sanctions and timeliness of investigations.
- We're concerned to see that the local standards framework is seen as a proportionate response to ethical conduct issues in local government. We've been consulting with stakeholders and the public and plan to advise Government later this year on how the framework might be further refined.

# Standards myths

- The Code of Conduct has a negative impact on parish councils. The National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC) both strongly support the Code and see it as underpinning higher standards of conduct in local councils. The suggestion that there has been a parish council membership crisis fuelled by the standards process is not supported by research, and there is no link between standards and an inability to fill seats on parish councils. **92%** of town and parish councillors support the need for members to sign up to the Code\*. Parish councillors account for around 50% of all conduct complaints. However, they make up around 80% of all elected members, meaning the impact of the Code on parish councils is relatively light. Cases involving parishes have brought to light some serious abuses of power, such as harassment and bullying, and reveal authorities where there has been a complete breakdown of trust and working relationships. All political parties propose an enhanced future role for these most local councils.
- Members can spend long periods under investigation without knowing the name of their ‘accuser’.**  
This is another urban myth about the standards framework. Typically, once a decision is made whether or not to investigate a complaint the details of that complaint are shared with the member concerned – this routinely happens within 20 working days.
- The local standards framework is dominated by trivial, vexatious complaints.**  
Over 50% of complaints are dismissed at the first stage. Only the most serious are investigated
- The Code has led to a worsening of relationships between officers and members in local government.**  
This is not borne out by our research, which says **94%\*** of officers and members support the need for a Code, and increasing numbers of both believe behaviour is improving in local government across our successive polls of 2004, 2007 and 2009.
- The Code makes it difficult for members to speak out on local issues.**  
The Code was revised in 2007 to ensure that local members do have freedom to voice their own concerns and represent the views of their constituents. They are not gagged by the standards framework. They need to ensure they do not go so far as to predetermine their position – and that is a common law issue and not a part of the Code. As a quarter of all breaches of the Code relate to issues of personal interest or seeking to gain an advantage, clearly it is important to the reputation of local government that these issues are addressed.

\* Source: BMG Research Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and Attitudes to the Ethical Environment)

# MPs' expenses: Learning from local government

- As the national regulator overseeing the conduct framework for locally elected councillors, Standards for England submitted evidence to the Committee on Standards in Public Life's review of MPs' expenses.
- While there is obviously a difference between the roles of national and local politicians, our submission highlighted the important lessons that can be learned from the way local government is successfully regulated, including the strength of the framework in:
  - protecting the public from inappropriate behaviour
  - building public confidence
  - supplying local checks and balances on expenses and other probity issues
  - ensuring independent, expert oversight
  - ensuring that the public has confidence both that their complaints are taken seriously and that there is appropriate redress where misconduct is found
- Our submission recommended design principles to be used in the development of any future conduct framework. Based on evidence from our research, the principles work together to inform the systems, processes, culture and values necessary for good accountability mechanisms:
  - strike an appropriate balance between rules and trust
  - ensure independent overview
  - ensure effective leadership
  - underpin with transparency and good communication

**Our submission can be viewed in full online at  
[www.standardsboard.gov.uk/Aboutus/  
Consultationresponses/](http://www.standardsboard.gov.uk/Aboutus/Consultationresponses/)**

# Expert, impartial, accountable

Standards for England is a non-departmental public body, based in Manchester.

This ensures the implementation of Government policy on local political conduct is at arm's length from national political control.

The public has a right to expect impartiality, and transparency in the local standards framework and in the redress mechanism for any individual member failing.

We provide ethical and legal expertise and experience, working with standards committees and monitoring officers to help them carry out their duties effectively. Standards committees and councillors can get support and guidance on understanding the Code of Conduct, and on how to deal with complaints about the conduct of members of their authority.

We step in to investigate those cases where the local authority believes it is not best placed to deal with the matter. A key element of our work is independent monitoring of the effectiveness of regulations to ensure they foster good decision making.

We are continuing to work closely and directly with a number of local authorities to assist them in improving their approach to standards and ethical conduct. We are currently conducting 75 lower level engagements and 22 higher level engagements with authorities.

Lower level engagements are conducted with authorities who we believe are experiencing minor difficulties with the application of the local standards framework. They usually result from the information we collect in the quarterly returns.

Higher level engagements are conducted with authorities who we believe are experiencing more serious difficulties with the application of the local standards framework or authorities who are experiencing wider ethical problems.

Standards for England is well placed to ensure a transparent, fair and proportionate local standards framework.

Our role is key to building public confidence in local government.

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