

**MANCHESTER CITY COUNCIL
REPORT FOR RESOLUTION**

COMMITTEE: Standards Committee
DATE: 8 September 2008
SUBJECT: Autumn/Winter Members' Update on Ethical Governance
REPORT OF: The City Solicitor

PURPOSE OF REPORT:

To seek the Standards Committee's comments on and approval of the draft autumn/winter Members' Update on Ethical Governance and approval of arrangements for a briefing for members on ethical governance issues.

RECOMMENDATIONS:

1. To approve the content of the draft Members' Update on Ethical Governance set out in the Appendix, for circulation to all members.
2. To agree arrangements for an autumn/winter briefing for members on ethical governance issues.

FINANCIAL CONSEQUENCES FOR REVENUE BUDGET:

None

FINANCIAL CONSEQUENCES FOR CAPITAL BUDGET:

None

WARDS AFFECTED:

All

IMPLICATIONS FOR:

Antipoverty	Equal Opportunities	Environment	Employment
No	No	No	No

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BACKGROUND DOCUMENTS:

The Local Government and Public Involvement in Health Act 2007
The Standards Committee (England) Regulations 2008
The Handbook for Leaders

Background

1. The Standards Committee (England) Regulations 2008 require every Standards Committee to take reasonable steps to ensure that the details of the complaints process for written allegations that a member may have failed to comply with the Code of Conduct for Members are publicised.
2. In May 2008, the Standards Committee pages on the Council's internet were updated to reflect the additional responsibilities of the Standards Committee and to explain the complaints process referred to at 1 above.
3. At its meeting on the 5 August 2008, members of the Standards Committee requested a briefing for all members on the new role of the Standards Committee to take place at the rise of its next meeting.
4. On 18 August 2008 an e-mail was circulated to members of the Standards Committee containing a draft handbook setting out information for members and staff about rules and policies governing how the Council works called "Handbook for Leaders - a guide to your responsibility and accountability". The handbook focuses on the systems, processes, cultures and values by which the Council directs and controls its internal business and its external relationships, and through which the Council engages with Manchester's communities. The handbook sets out the Nolan Principles of public life which should apply to all in the public service and contains guides on:
 - The Code of Corporate Governance;
 - The Code of Conduct for Members;
 - The Employee Code of Conduct;
 - Decision Making;
 - Working with Ward Councillors;
 - Partnership Governance;
 - Performance Management;
 - Financial Regulations;
 - Risk Management;
 - Anti-fraud;
 - Whistleblowing Policy; and
 - Complaints.

The handbook is being launched on 10 September 2008. Members of the Standards Committee were informed that a copy of the handbook would be circulated to all members and senior officers and that it will also be available on the Council's intranet.

5. In light of the launch of the Handbook for Leaders, it was suggested that members of the Standards Committee might wish to extend the proposed briefing for members to incorporate issues of ethical governance contained in the handbook. It was further suggested that members should consider issuing an edition of the members' update to all members advising them of the move to local assessment and of the launch of the Handbook for Leaders.

Members' Update

6. A draft of the Members' Update is set out in the Appendix to this report. Topics covered in the autumn/winter Members' Update include an introduction to the new arrangements for the local assessment of complaints and an introduction to a new handbook for leaders.
7. Members are asked to provide comments on the draft and to approve its content for circulation to all members by e-mail. A paper copy will be available on request.

Member Briefing

8. It is proposed that the Members' Update be issued together with an invitation to all members to attend an autumn/winter briefing, which will include local assessment of complaints; issues of ethical governance; and those issues within the remit of the Standards Committee, which are included in the Handbook for Leaders. The Handbook for Leaders is a guide to Council-wide systems, processes, cultures and values. Members of the Standards Committee are asked to advise which areas, within their remit, that they consider to be most appropriate for inclusion in the briefing for members on ethical governance issues.

Members' Update

Helping to Promote High Standards of Conduct

Autumn/Winter
2008

Welcome to the first issue of Manchester City Council's Ethical Governance Update

In this newsletter you will find brief details on ethical governance issues relevant to members. Links to more detailed information are provided. The topics covered are: local assessment of complaints; the Handbook for Leaders; Standards Board for England; briefing materials on ethical governance; and events.

To save paper this newsletter is distributed via e-mail, if you would like a hard copy or want further information about any of the issues raised please contact Democratic Services on 234 3539.

Local Assessment of Complaints

The procedure for assessing complaints that a member has breached the Code of Conduct for Members has changed. The new system came into effect on 8 May 2008.

Previously all complaints alleging breach of the Code of Conduct for Members were assessed nationally by the Standards Board for England. The Standards Board would assess the complaint and decide whether it merited investigation, either by the local authority or by the Standards Board itself. Under the new system the Council's Standards Committee will perform the function of assessing complaints.

As required by legislation, the Standards Committee has set up sub-committees to operate the local assessment function. Under local assessment, when the Monitoring Officer of the Council receives a complaint about a member which potentially involves an allegation that the member has breached the Code of Conduct, the complaint will be passed to the Standards (Assessment) Sub-Committee to consider. The sub-committee must reach one of the following decisions:

- that no action should be taken in respect of the complaint;
- to refer the complaint to the Monitoring Officer for investigation;
- to refer the complaint to the Monitoring Officer for some other action (e.g. to arrange conciliation); or

- to refer the complaint to the Standards Board for England for investigation.

Where the decision is to take no action, the complainant can request a review of the decision. This review will be carried out by the Standards (Review) Sub-Committee who will either uphold the decision of the Standards (Assessment) Sub-Committee or substitute it with their own decision. In the period of 8th May to 30th June 2008 164 local authorities across England reported that they had logged a total of 360 complaints under the new system. A further 270 local authorities reported that they had not received any complaints in that period.

Where a complaint is referred to the Council's Monitoring Officer for investigation, the Council's Procedures on Local Investigation and Local Determination will apply. Where the complaint is referred to the Standards Board for England for investigation (e.g. in cases where the allegations are very serious or there is a potential conflict of interest) the Standards Board will decide whether to investigate the matter themselves or to refer it back to the Council's Standards Committee.

More information on the local assessment of complaints is available on the Councillors, Democracy and Elections pages of the Council's internet; in the Council's Handbook for Leaders and on the Standards Board's website <http://www.standardsboard.gov.uk>

Handbook for Leaders

A handbook setting out information for members and staff about rules and policies governing how the Council works called "Handbook for Leaders - a guide to your responsibility and accountability" is being launched on 10 September 2008. The handbook focuses on the systems, processes, cultures and values by which the Council directs and controls its internal business and its external relationships, and through which the Council engages with Manchester's communities. The handbook sets out the Nolan Principles of public life which should apply to all in the public service and contains guides on:

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- Partnership Governance;
- Performance Management;
- Financial Regulations;
- Risk Management;
- Anti-fraud;
- Whistleblowing Policy; and
- Complaints.

All members and senior officers will receive a copy of the handbook and it will be available on the Council's intranet.

Standards Board for England

It has been a year of change for the Standards Board for England. On 8 May 2008 the Standards Board commenced its new role as a light touch regulator, providing supervision, support and guidance for local authorities on understanding the Code of Conduct for Members and dealing with complaints about members.

In May 2008 Glenys Stacey succeeded David Prince as Chief Executive of the Standards Board. Glenys is a solicitor by profession and former Chief Executive of the Criminal Cases Review Commission, responsible for investigating suspected miscarriages of justice. She is also a former Chief Executive of the Greater Manchester Magistrates' Courts Committee, managing summary justice delivery in Greater Manchester. Before joining the Standards Board for England, she was Chief Executive of Animal Health – the British-wide executive agency responsible for managing the field response to outbreaks of notifiable animal disease, including avian influenza and foot and mouth.

On 1 July 2008 Dr Robert Chilton succeeded Sir Anthony Holland as the Chair of the Standards Board for England. Dr Chilton has been involved in local government since 1965, having held a series of senior posts including Chief Executive of Gillingham Borough Council, Director of Local Government Studies at the Audit Commission, interim Chief Executive of the Greater London Authority and interim Commissioner for Transport at Transport for London.

Briefing Materials

The Standards Board for England has published briefing materials on its website <http://www.standardsboard.gov.uk>. These include guidance on the Code of Conduct for Members and local assessment of complaints and fact sheets on the ethical framework for government; the role and make-up of standards committees; bullying; disclosing confidential information; gifts and hospitality; lobby groups and declaration of interests; and predisposition, predetermination and the Code.

Events

SBE 7th Annual Assembly 2008

The Seventh Annual Assembly of Standards Committees 'Delivering the Goods: Local Standards in Action' will take place on 13-14 October 2008 at the International Conference Centre (ICC), Birmingham. The conference is

intended to provide information and support to assist local authorities in making local assessment of complaints work. Members of the Standards Committee will be attending this event.