

Audit Summary Report

November 2007



Ethical Governance Audit - Stage 2

City of York Council

Audit 2006/07

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Introduction

- 1 We have been requested by the Council to carry out an audit of their ethical governance arrangements. The audit is being carried out in three stages.
 - Stage 1 - A review of the council's overall arrangements.
 - Stage 2 - A survey of members and officers views on the Council's arrangements.
 - Stage 3 - Workshops for members and officers.
- 2 This report summarises the key messages from Stage 2.

Audit approach

- 3 The Stage 2 of the audit has involved carrying out an electronic survey of officers and members to ascertain their views of the Council's ethical governance arrangements. The results from this survey give the Council an impression of how successfully its policies and procedures are accepted and adhered to by officers and members.

Main conclusions

- 4 The results are generally very positive, indicating a high level of understanding of the Council's ethical governance arrangements, and a strong indication of compliance with the policies and procedures.
- 5 The most significant issues for the Council to address are:
 - Equality legislation awareness: A large proportion of officers and members report that they have not had training, advice or a briefing on relevant equalities legislation.
 - Member/officer culture: There is a significant minority of respondents who indicated that members interfered in operational issues, and that members involved officers inappropriately in party political issues. And a significant proportion of officers consider that they cannot challenge member decisions without fear of reprisal.
 - Member/officer relationships: A significant minority of officers report that only sometimes can they carry out their roles without the fear of bullying or harassment by members.
- 6 A number of the issues in the detailed report and appendices highlight a need for clear, regular and timely communication with both members and officers. Communication on ethical governance has mainly focused on members in the past, and the Council will need to consider how to improve communication with officers.

- 7 The three appendices to this report contain the detailed results of the survey:
 - Appendix 1 reports the responses from members.
 - Appendix 2 reports the responses from officers.
 - Appendix 3 reports combined responses from both officers and members.
- 8 We received 115 responses to the questionnaire: 22 from Council members and 93 from officers. Of the 93 officer respondents, 17 are part of the corporate leadership group.
- 9 The key headlines from the work are set out below against relevant headings.

Compliance with the codes of conduct

Members

- 10 Members generally have a strong level of awareness and understanding of the code of conduct and its impact on their behaviour and actions. There are some, albeit isolated cases that indicate that further awareness is needed.
 - One member responded that they had not agreed to abide by the code of conduct.
 - The same member responded that they were very unclear about reporting a breach of the code of conduct, and very unclear about their responsibilities under the ethical framework.
 - Four members disagreed that the Council's approach to promoting high ethical standards was helping to build the public's confidence in local democracy.
- 11 There was also a divergence of views on the action that individuals should take when they reasonably believe another member has failed to comply with the code of conduct. While there was almost universal agreement to inform the monitoring officer, opinion was divided as to whether they would make a written allegation to the Standards Board for England, or speak to the member.

Officers

- 12 The picture is less clear from the officers' responses to questions around the compliance with the code of conduct.
- 13 There are a large number of 'Don't know' responses for whether there is a code of conduct for members and for officers. Curiously there are six officers who respond that the Council does not have a code of conduct for officers, and 19 who say that they have not agreed to abide by the officers code of conduct.
- 14 Although a majority of officers agree that the Council's approach to promoting high ethical standards encourages appropriate behaviour and builds the public's confidence in local democracy there is a significant minority who disagree with these statements.
- 15 Consistent with the responses from members, there is a wide divergence of views on the action that individuals should take when they reasonably believe another member has failed to comply with the code of conduct.

Standards committee

Members

- 16 The responses relating to the work of the Standards Committee are very positive. Although there are a small minority of 'don't knows' and three responses disagreeing with the positive statements about the Committee, the responses indicate a strong support for the work and effectiveness of the Committee.

Officers

- 17 As might be expected, the responses for officers contain a majority of 'don't knows'. However there are some responses that indicate further consideration is necessary.
- Three officers disagreed that there was a Standards committee in place and a further 35 did not know if one existed.
 - Only 35 of the respondents agreed that they understood the role of the Standards committee.
 - A minority of respondents were negative about the effectiveness of the standards committee (six responses), whether the committee makes a difference to the Council's ethical environment (eight responses) and that the work of the committee adds value to the council (seven responses).

Whistleblowing

Members

- 18 Only one member did not know that the Council has a whistleblowing policy.

Officers

- 19 Seven officers did not know that the Council has a whistleblowing policy.
- 20 Four officers thought the policy was unclear and 18 did not know if the policy was clear or not.

Integration of legislation

Members

- 21 Six members did not know if the Council had begun to integrate into the codes of conduct, the requirements of the human rights, freedom of information, data protection and equalities legislation. Council officers report that they consider that the national Code of Conduct for members includes sufficient coverage of the relevant legislation.

Officers

- 22 The responses from officers are less clear, with six of the responses indicating that the Council has not begun the integration of the relevant legislation into the codes of conduct. The majority of respondents did not know if this integration had begun. Council officers report that they have reviewed the code of conduct and are aware of the level of integration with the relevant legislation.

Training

Members

- 23 Only one member disagrees that appropriate training is given to members on issues of conduct. A further one member did not know if this was the case.
- 24 Although a majority of members have had training, advice or a briefing on relevant legislation such as the Freedom of Information Act and Data Protection Act, the results relating to other important Acts is less positive, in particular the Acts relating to 'equalities' issues have poorer results.
- Sex Discrimination Act - only 8 of the 22 members reported that they had been provided with training, advice or a briefing.
 - Race Relations Act - 12 of the 22 members reported that they had been provided with training, advice or a briefing.
 - Human Rights Act - 10 of the 22 members reported that they had been provided with training, advice or a briefing.

Officers

- 25 The responses from officers are less positive, with 14 respondents disagreeing that the training given to members is appropriate, with only 18 respondents agreeing that it is appropriate.
- 26 Similar to the results for members the number of officers who have had training, advice or briefings varies widely, and the Acts relating to equalities 'issues' again seem to be more of an issue.
- There is a good response relating to the Freedom of Information Act (84 Yes, 6 No) and the Data Protection Act (71 Yes, 19 No).
 - The response is more poorer for the Race Relations Act (55 Yes, 31 No), the Sex Discrimination Act (47 Yes, 37 No), the Disability Discrimination Act (59 Yes, 25 No), and the Human Rights Act (39 Yes, 41 No).

Conflicts of interest

Members

- 27 The responses indicate that members are very clear on the issue of conflicts of interest and what the differences between personal and prejudicial interests. However there is some uncertainty about whose code of conduct the member should comply with for appointments on external bodies, with four members responding don't know and one member responding that neither code.
- 28 Generally the responses indicate that members are aware of the register of interest, although there are a minority of responses that are concerning.
- One member does not know if there is a register of interests and consequently does not know that members are reminded of the needs to record such interests.
 - One member disagrees that members are reminded to record gifts and hospitality, and a further two members do not know that there are reminders.
- 29 There is a considerable divergence in members' opinions on when they would need to register an interest. These responses indicate that members would benefit from clarity on when interests need to be registered and the issues that they should take into consideration when making such judgements.

Officers

- 30 Responses from officers indicate that they are clear about what a conflict of interest is, although five respondents were 'fairly unclear'.
- 31 Officers' awareness of the members' register of interest and register of gifts and hospitality is, perhaps understandably, less certain than members' awareness is.

Leadership

- 32 All the member and officer respondents were generally positive in their views of members and senior officers. However there is a significant minority of responses that are more concerning:
- 14 respondents (all of them officers) said that members are rarely or never a focus for positive change in the Council.
 - 30 respondents (25 officers, 5 members) said that members interfere in operational issues.
 - 20 respondents (15 officers, 5 members) said that members involved officers inappropriately in party political issues.
 - 7 respondents (all of them officers) said that members rarely perform their duties with honesty, integrity, impartiality and objectivity.
 - 21 respondents (18 officers, 3 members) said that the leader of the Council is rarely or never proactive in promoting the importance of the ethical agenda.

Communications

- 33 The responses indicate that the communication of the importance of ethical standards through training, meetings etc, is more focused towards members than officers.
- 34 The responses indicated that the communication between members and officers was open and constructive, although a small minority of respondents said that this was rarely the case and a significant minority said that it was sometimes the case.

Relationships

- 35 The majority of respondents thought that appropriate confidences were usually kept by members and by senior officers.
- 36 A large number of respondents thought that members trusted each other always or usually, although seven respondents (all of them officers) thought this was rarely the case. The picture presented of trust between members and officers indicates that a small number think trust is always present, and most think the trust is usually present. A significant number (38 - of which 4 were members and 34 were officers) thought this was only sometimes the case. However 10 respondents (all of them officers) thought that trust between members and officers was rarely or never present.
- 37 Bullying and harassment between members is not considered a major issue by the respondents.
- 38 However the response for bullying and harassment of officers by members is a little concerning, with:
 - 26 respondents (25 officers, 1 member) indicating that only sometimes do officers carry out their roles without fear of bullying and harassment by members, and
 - 5 respondents (all of them officers) indicating that this is rarely or never the case.

Management of standards

- 39 The responses generally indicate that members can challenge decisions without fear of reprisal.
- 40 However the responses indicate that officers do not have the same privilege, with 55 respondents (52 officers, 3 members) saying that officers could not challenge member decisions without fear of reprisal. This may indicate underlying cultural issues, or at least a perception of them, which the council needs to address.

Appendix 1 – Members' responses

1. Code of conduct – compliance

	Yes	No	Don't know
Has the Council adopted a code of conduct for members?	22	0	0
Has the Council adopted a code of conduct for officers?	20	1	0
Have you agreed to abide by the members' code of conduct?	21	1	0

	Very clear	Fairly clear	Fairly unclear	Very unclear
How clear are you about reporting a potential breach of the members' code of conduct?	15	6	0	1
How clear are the guidelines provided to members regarding their personal conduct?	15	5	0	0
How clear are you about your responsibilities under the ethical framework?	12	9	0	1

	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
Members are required to acknowledge that they understand the guidance.	15	5	0	0	2
Your Council's approach to promoting high ethical standards is encouraging appropriate behaviour across the Council.	12	8	0	0	2
Your Council's approach to promoting high ethical standards is helping to build the public's confidence in local democracy.	10	7	4	0	1

If you become aware of any conduct by a member which you reasonably believe involves a failure to comply with the council's member code of conduct what action as an individual must you take?

	Yes	No	Don't know
Inform the monitoring officer?	20	0	1
Make a written allegation to the Standards Board for England?	6	9	3
Speak to the member?	3	11	3
Do nothing?	0	18	0

2. Standards committee

	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
There is a Standards Committee in the Council.	19	2	0	0	1
I understand the role of the Standards Committee.	16	5	0	1	0
I believe the Standards Committee operates effectively.	15	6	0	0	1
The Standards Committee is making a positive difference to the ethical environment in the Council.	11	8	1	1	1
The Standards Committee has a forward plan to guide its work.	11	8	0	0	3
The work of the Standards Committee adds value to the Council.	14	5	0	0	3

3. Whistleblowing

	Yes	No	Don't know
Does your Council have a whistle blowing policy?	21	0	1

4. Human rights, freedom of information, data protection, equalities legislation

	Yes	No	Don't know
Has the Council begun to integrate the requirements of codes of conduct into other schemes, policies and procedures?	16	0	6

5. Training

	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
Appropriate training is given to members on issues of conduct.	11	6	1	0	1

Have you been provided with training, advice or a briefing/information on:			
	Yes	No	Don't know
The Human Rights Act 1998?	10	6	6
Freedom of Information Act 2001?	18	1	2
Data Protection Act 1998?	18	2	2
Race Relations (Amendment) Act 2000?	12	4	6
Sex Discrimination Act 1975?	8	8	6
Disability Discrimination Act 1995?	15	3	4

6. Conflicts of interest

	Very clear	Fairly clear	Fairly unclear	Very unclear
How clear are you about what a conflict of interest is?	18	4	0	0
How clear are you about the differences between a personal and prejudicial interest?	16	6	0	0

If you are appointed to represent the council on an external body whose internal rules conflicts with the Council's Code whose prevail?			
	Yes	No	Don't know
The Council's code?	17	0	4
Other organisation's code?	0	9	4
Neither?	1	9	4

	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
A register is kept in which members are required to record any relevant interests.	20	1	0	0	1
Members are reminded of the need to record such interests.	19	2	0	0	1
Members are reminded of the need to record any hospitality or gifts.	16	3	1	0	2
The hospitality or gifts register is reviewed regularly.	15	2	0	0	5

14 Ethical Governance Audit - Stage 2 | Appendix 1 – Members' responses

Must you register an interest in the members' register if?			
	Yes	No	Don't know
You have been appointed by the Council as a representative to another body	14	6	0
You have been appointed as a manager to another organisation which provides a public service?	19	2	1
You are in a management position in a private company?	18	3	1
You are in a management position in a charity?	16	4	2
You are a member of a trade union or professional association?	20	2	0
A person has made a payment to you in respect of your election or any other expenses incurred in carrying out your duties?	20	1	1
You are a member of a church?	3	15	4
You are a member of a freemasons lodge which does not have charitable status?	11	4	7
You have an interest in a business or land in the council's area which exceeds the nominal value of £25,000?	19	1	2
You are a partner or paid director of a company which has entered into contracts for goods, services or works with the Council?	20	2	0
You have a beneficial interest in land which is in the area of the Council?	21	1	0

Appendix 2 – Officers' responses

1. Code of conduct – compliance

	Yes	No	Don't know
Has the Council adopted a code of conduct for members?	68	0	25
Has the Council adopted a code of conduct for officers?	60	6	27
Have you agreed to abide by the officers' code of conduct?	44	19	28

	Very clear	Fairly clear	Fairly unclear	Very unclear
How clear are you about reporting a potential breach of the members' code of conduct?	11	27	34	21
How clear are the guidelines provided to members regarding their personal conduct?	14	31	19	17
How clear are you about your responsibilities under the ethical framework?	11	36	27	19

	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
Members are required to acknowledge that they understand the guidance.	30	23	5	1	33
Your council's approach to promoting high ethical standards is encouraging appropriate behaviour across the Council.	13	44	12	1	23
Your Council's approach to promoting high ethical standards is helping to build the public's confidence in local democracy.	7	34	16	3	33

If you become aware of any conduct by a member which you reasonably believe involves a failure to comply with the Council's member code of conduct what action as an individual must you take?

	Yes	No	Don't know
Inform the monitoring officer?	66	0	26
Make a written allegation to the Standards Board for England?	7	28	45
Speak to the member?	10	42	27
Do nothing?	0	69	7

2. Standards committee

	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
There is a Standards Committee in the council.	31	24	3	0	35
I understand the role of the Standards Committee.	12	23	19	12	26
I believe the Standards Committee operates effectively.	5	17	5	1	63
The Standards Committee is making a positive difference to the ethical environment of the Council.	4	14	5	3	66
The Standards Committee has a forward plan to guide its work.	6	10	4	1	71
The work of the Standards Committee adds value to the Council.	5	17	4	3	63

3. Whistleblowing

	Yes	No	Don't know
Does the Council have a whistleblowing policy?	83	0	7

If yes,					
	Very clear	Fairly clear	Fairly unclear	Very unclear	Don't know
How clear is the policy?	27	43	4	0	18

4. Human rights, freedom of information, data protection, equalities legislation

	Yes	No	Don't know
Has the Council begun to integrate the codes of conduct into its schemes, policies and procedures resulting from the above legislation?	42	6	45

5. Training

	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
Appropriate training is given to members on conduct issues.	1	17	13	1	49

Have you been provided with training, advice or a briefing/ information on:			
	Yes	No	Don't know
The Human Rights Act 1998	39	41	11
Freedom of Information Act 2001	84	6	2
Data Protection Act 1998	71	19	2
Race Relations (Amendment) Act 2000	55	31	5
Sex Discrimination Act 1975	47	37	7
Disability Discrimination Act 1995?	59	25	7

6. Conflicts of interest

	Very clear	Fairly clear	Fairly unclear	Very unclear
How clear are you about what a conflict of interest is?	31	53	5	0

	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
A register is kept in which members are required to record any interests which may impair their impartiality.	58	23	1	0	11
Members are reminded of the need to record such interests.	46	23	1	0	23
The register is reviewed regularly.	22	19	3	2	47
A register is kept in which members record the receipt and offering of hospitality or gifts.	43	23	1	0	26
Members are reminded of the need to record any hospitality or gifts.	33	15	3	1	41
The hospitality or gifts register is reviewed regularly.	19	17	2	1	54

Appendix 3 – Combined member and officer responses

1. Leadership

Overall, members...						
	Always	Usually	Sometimes	Rarely	Never	Don't know
Are a focus for positive change	8	38	51	12	2	4
Do not interfere in operational issues	3	37	42	25	5	2
Listen to the advice of officers	10	64	34	4	0	3
Do not involve officers inappropriately in party political issues	24	37	14	13	7	19
Show respect to officers	16	65	27	4	1	1
Show respect to other members	8	61	31	3	1	11
Show respect to people who use council services	33	64	8	1	0	9
Treat fairly all users of Council services and do not discriminate unlawfully	41	49	8	1	1	15
Treat fairly all officers and do not discriminate unlawfully	29	55	10	4	0	16
Treat fairly all other members and do not discriminate unlawfully	29	53	6	3	0	23
Perform their duties with honesty, integrity, impartiality and objectivity	23	60	15	7	0	9
Use public funds and Council property and facilities responsibly	29	65	8	2	0	11

Overall, senior officers...						
	Always	Usually	Sometimes	Rarely	Never	Don't know
Show respect to members	57	52	3	0	0	3
Treat fairly all users of Council services and do not discriminate unlawfully	62	47	2	1	0	3
Treat fairly all members and do not discriminate against them unlawfully	69	40	1	1	0	4

Do you consider that...						
	Always	Usually	Sometimes	Rarely	Never	Don't know
The leader of the Council is a positive role model in terms of ethical behaviour	29	42	20	5	5	14
The leader of the Council is proactive in promoting the importance of the ethical agenda	22	22	21	16	5	29
The chief executive is a positive role model in terms of ethical behaviour	55	37	11	2	1	8
The chief executive is proactive in promoting the importance of the ethical agenda	34	33	21	8	1	17
Appropriate responsibilities are delegated to lead members and officers	30	52	16	5	0	12
The Council's monitoring officer is able to carryout her/his role appropriately	27	26	2	1	0	59
The Council seeks to meet the meet the needs of its diverse communities (eg ethnic minorities, disabled people, disadvantaged people)	29	61	15	7	0	2
The Council ensures that officers come from diverse backgrounds	15	37	28	16	1	18
The Council ensures that staff are appropriately skilled to meet the needs of its diverse communities	10	55	28	10	2	10
The Council learns from other councils to ensure that its ethical arrangements are appropriate	8	32	19	6	4	46

2. Communications

The importance of high ethical standards is communicated via for example, training, meetings, newsletters, the local media and the Council website to						
	Always	Usually	Sometime s	Rarely	Never	Don't know
Members	16	28	16	7	3	45
Officers	15	37	31	13	5	13
Local communities	8	26	28	9	5	38

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Communication between						
	Always	Usually	Sometimes	Rarely	Never	Don't know
Members is open	11	42	22	1	0	39
Members is constructive	5	46	27	3	0	33
Members and officers is open	8	75	23	5	0	4
Members and officers is constructive	5	67	31	5	0	5

Communication					
	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
The public can easily access the members' code of conduct.	23	20	8	3	61
The public can easily access the register of member interests.	23	14	7	3	66
The public can easily access documents relating to the standards committee (for example, agendas, minutes, background papers).	35	46	7	0	27

3. Relationships

	Always	Usually	Sometimes	Rarely	Never	Don't know
Appropriate confidences are kept by members	17	49	13	1	0	35
Appropriate confidences are kept by senior officers	39	51	6	1	0	18
Members trust each other	2	31	32	7	0	42
Members and officers trust each other	4	51	38	9	1	12
Members carryout their roles without fear of being bullied or harassed	21	38	8	1	0	47
Officers carryout their roles without fear of being bullied or harassed by members.	19	57	26	3	2	8

4. Accountability

	Always	Usually	Sometimes	Rarely	Never	Don't know
Decision making by members is transparent, objective and follows agreed procedures	29	59	15	4	1	6
Members are accountable for their decisions and actions	37	50	18	5	1	3
The public has easy access to information on whom has taken particular decisions.	40	46	12	1	0	15

5. Management of standards

	Agree strongly	Tend to agree	Tend to disagree	Disagree strongly	Don't know
There is a culture in the Council which allows members to challenge decisions without fear of reprisal	24	51	14	2	24
There is a culture in the Council which allows officers to challenge member decisions without fear of reprisal	12	37	39	16	11
There is a culture in the Council which allows partners to challenge decisions without fear of reprisal	13	50	19	3	28
There is a culture in the Council which allows the public to challenge decisions without fear of reprisal.	28	54	13	4	16
The Council's complaints system is clear and accessible	30	64	11	3	7

Overall, members...						
	Always	Usually	Sometimes	Rarely	Never	Don't know
Take complaints from the public seriously	46	51	10	1	1	6
Respond positively to constructive external criticism about the council	19	47	26	11	2	10
Use referrals to the Standards Board for England appropriately	9	22	0	1	1	81
Use referrals to the Standards Board for England without fear of reprisal.	19	11	0	0	0	85

22 Ethical Governance Audit - Stage 2 | Appendix 3 – Combined member and officer responses

Overall, senior officers						
	Always	Usually	Sometimes	Rarely	Never	Don't know
Use referrals to the Standards Board for England appropriately	21	8	2	1	1	82
Use referrals to the Standards Board for England without fear of reprisal.	19	8	3	1	2	82

6. Whistleblowing

	Always	Usually	Sometimes	Rarely	Never	Don't know
The Council's whistleblowing policy is used appropriately.	12	37	10	2	0	54
The Council's whistleblowing policy is used without fear of reprisal.	25	31	4	1	1	53

7. Team working and co-operation

	Always	Usually	Sometimes	Rarely	Never	Don't know
Members work well together to achieve the council's common goals.	9	42	38	11	0	13
Members and senior officers work well together to achieve the council's common goals	13	64	27	5	0	4

8. Partnership working

	Always	Usually	Sometimes	Rarely	Never	Don't know
The Council works well with voluntary and community groups to achieve the area's common goals.	12	58	28	6	0	11
The Council works well with statutory partners to achieve the area's common goals.	12	66	25	4	0	8
The Council has positive working relationships with these partners and the wider community.	11	58	34	3	0	9