

Audit Summary Report

August 2007



# **Ethical Governance Audit - Stage 1**

**City of York Council**

**Audit 2006/07**

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For further information on the work of the Commission please contact:

Audit Commission, 1st Floor, Millbank Tower, Millbank, London SW1P 4HQ

Tel: 020 7828 1212 Fax: 020 7976 6187 Textphone (minicom): 020 7630 0421

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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; and
  - stage 3 - workshops for members and officers.
- 2 This report summarises the key messages from stage 1.

## Audit approach

- 3 The stage 1 of the audit has involved:
  - a detailed review of key council documents;
  - comparison to good practice examples; and
  - discussion with key council officers.
- 4 We have completed a detailed checklist which documents our view on the council's arrangements.

## Main conclusions

- 5 Overall the council's arrangements to deliver high ethical standards are satisfactory.
- 6 There are some areas where arrangements need strengthening and other areas where best practice could be adopted. These are set out below. More detail is recorded in Appendix 1 - the detailed audit checklist. The question numbers below relate to the questions in Appendix 1.
- 7 Our suggested key improvement points are set out below.

## Standards Committee

- 8 There is only one parish council member of the Standards Committee. It is good practice to have more than one parish council member, particularly to allow leeway should a complaint be received about that members' parish council. (Q3)
- 9 Setting up a parish sub-committee to the standards committee would enable the parish councils to have a forum for standards issues. (Q4)
- 10 Cases published by the Standards Board could be publicised more widely across the council, eg by producing briefing notes to all members/relevant officers, or by establishing an area of the intranet for standards related issues. (Q12)

- 11 The role of the standards committee could be widened to provide an overview of complaints handling and investigations by the Ombudsman, this is not apparently delegated to any committee in the council. (Q13)
- 12 To promote and maintain a healthy ethical environment, the communication of the council's values, the complaints procedures and corporate policies could be enhanced through posters, bulletins, the intranet and training. (Q14)
- 13 The planned training sessions to the new council on the code of conduct should be delivered promptly, and the communication of the code of conduct could be supplemented by advice sessions or newsletters from the Standards Committee and the Monitoring Officer. (Q16)
- 14 Training sessions on the new officer code of conduct should be planned and delivered promptly after the new code becomes applicable. (Q17)
- 15 The council's required standards of behaviour should be clearly communicated to the public, external stakeholders and all partners. The standards committee should take a lead in the communication. (Q18)
- 16 Consider council-wide publicity of the role and work of the standards committee. (Q20)

### **Members' code of conduct**

- 17 The code of conduct must be a publicly available document. Because the code is within the Constitution it does not show up on the internet search function, and this makes it difficult to locate. Additionally staff at public offices should have a copy of the code readily available for public inspection. (Q27)
- 18 When the new code of conduct is adopted this should be publicised and sent to the Standards Board for England. (Q28/29)
- 19 Consider setting up a system to monitor Members' compliance with the code of conduct. (Q52)

### **Referrals from the Standards Board**

- 20 The standards committee should adopt a formal approach to how it carries out its duties on receiving a referral back from the Standards Board for England. This is particularly relevant should the proposed changes to SBE be adopted. (Q41)

### **Protocols and policies**

- 21 The council's protocols do not appear to cover the use of council stationery, postage and the use of council vehicles. (Q63)
- 22 Current developments on partnership arrangements should ensure that the council's ethical framework is incorporated in procurement, contracting and partnership development guidance. (Q64)
- 23 The council policies could be more easily located on the intranet – eg the anti-bullying policy was very difficult to locate. (Q65)

## Appendix 1 – Stage 1 detailed audit checklist

Issue	Audit findings	Conclusion/recommendation
1) Is there a Standards Committee (SC) in the council?	CYC have established an SC.	Requirement met.
2) How far does the membership of the SC comply with the legislation?	<p>Membership of the SC s laid down by Article 8 of the Constitution: six Members made up of three Councillors, two independent members and one member from a Parish Council.</p> <p>This meets the requirement for 25 per cent independent membership. Article 8 states that the Leader is not eligible for membership of the SC.</p> <p>It is common practice for the SC to contain one member from each of the main parties and this is the current situation.</p>	Membership of the SC complies with the legislation.
3) If the council has town and parish local authorities, has at least one representative been appointed on to the SC?	<p>Only one member from the Parishes.</p> <p>Note: Strengthening the Parish arrangements could be achieved by either issue 3 or issue 4.</p>	Good practice is for more than one parish council member.
4) Has the authority established a sub-committee to deal with parish issues?	No sub committee has been established.	Consider setting up a sub-committee to deal with Parish issues.
5) How were independent members appointed? Were the council's recruitment procedures adhered to?	While the Council have not used their standard HR practices in the recruitment of independent members they have followed a formal recruitment process. Adverts were posted in the local press and Public Sector journals to attract candidates and candidates were required to fill in an application form and attend an interview prior to selection. The advert shows that the position advertised was not open to anyone who has served on the Council in the last five years or anyone that is a close friend of any member of employee of the Council.	Although the council did not follow its standard recruitment procedures in this appointment the approach adopted is robust and appropriate. The recruitment of the independent chair of the SC has followed the Standards Board's required procedures.

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Issue	Audit findings	Conclusion/recommendation
6) Who chairs the SC? Is it one of the independent members?	Article 8 of the Constitution that one of the independent members will be the Chair of the SC. Current chair is Christine Bainton.	Chair is an independent member as required.
7) What are the terms of reference of the SC? Do they include: <ul style="list-style-type: none"> <li>• advising on the adoption of a local code which sets out the standards of conduct expected from members;</li> <li>• promoting and maintaining high standards of conduct within the council through assistance, advice and training; and</li> <li>• monitoring the operation of the local code?</li> </ul>	Page 104 of the Constitution provides the Terms of Reference for the SC. These include the following. <ul style="list-style-type: none"> <li>• Assisting members to uphold their Code of Conduct.</li> <li>• Advising on the adoption of the Code.</li> <li>• Promoting high standards of conduct.</li> <li>• Monitoring the operation of the Code.</li> <li>• Providing advice and training to Members on the Code.</li> </ul>	Terms of Reference are comprehensive and appropriate.
8) Have the terms of reference for this committee been submitted to the Standards Board?	This will have happened before the current Monitoring Officer was in post, and there is no retained evidence that this has been done. The MO suspects that this will have been done when they were first drawn up prior to her taking up her post.	Evidence of this cannot be provided but the council assumes (not unreasonably) that the ToR would have been sent to the Standards Board in the past.
9) Has the SC undertaken an assessment of the standards of conduct within the council?	No formal assessment of conduct within the council has been undertaken. The Monitoring Officer is responsible for investigating complaints of bullying etc at meetings and has not had any such complaints in the last three years. Monitoring member conduct at Council meetings is part of the ongoing monitoring procedures in place within the SC and the role of the Monitoring Officer.	While no formal assessment of conduct at meetings is carried out there is evidence to suggest that standards of conduct are acceptable.

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Issue	Audit findings	Conclusion/recommendation
<p>10) Has the SC considered how it could use internal and external auditors, scrutiny and committee administration to promote high ethical standards across the council?</p>	<p>Article 8 of the constitution states that the SC will liaise with the Audit and Governance Committee as appropriate.                      The Terms of Reference on page 104 of the constitution state that the SC should consider information and reports from the Monitoring Officer and the Scrutiny Committee with regard to the conduct of Members.                      The SC works closely with the Scrutiny Committee in planning work and investigations – the SC has recently engaged Scrutiny to review confidentiality and transparency within the council.</p>	<p>Formal documents set the appropriate framework, though evidence of the arrangements being applied is limited.</p>
<p>11) How does the SC learn from the findings including of internal and external audit, the local government ombudsman, complaints and whistleblowing?</p>	<p>The SC is informed by reports from the Monitoring Officer and Scrutiny, and can liaise with the Audit and Governance Committee as appropriate.</p>	<p>The arrangements are adequate but do place the emphasis on the Monitoring Officer to report relevant items to the SC.</p>
<p>12) What mechanisms does the SC have in place to publicise guidance/case rulings published by the Standards Board?</p>	<p>The guidance on individual cases goes to the standards committee.                      Letters are sent to parish councils where guidance is clearly not understood.</p>	<p>Arrangements seem adequate but there is scope to enhance by providing briefings to members/officers, and by setting up an area on the intranet to locate all standards related documents.</p>



Issue	Audit findings	Conclusion/recommendation
<p>13) What role does the SC have in the council? The ODPM guidance suggests that local authorities may arrange for their SCs to exercise further functions according to local choice. These might include:</p> <ul style="list-style-type: none"> <li>• overview of internal and external audit;</li> <li>• overview of the whistleblowing policy;</li> <li>• overview of complaints handling and Ombudsman investigations;</li> <li>• review the constitution, making sure it is designed to reduce the opportunity for misconduct by ensuring decisions of the executive are taken after proper discussion, and making sure processes are accountable to members and the public;</li> <li>• make sure that relations with outside bodies are managed properly;</li> <li>• assess reports from the Ombudsman and Audit Commission;</li> <li>• comment on members allowances;</li> <li>• deal with protocols for members and council employees;</li> <li>• identify risk problems and risk factors; and</li> </ul> <p>develop procurement procedures.</p>	<p>Of the areas highlighted the SC is only responsible for protocols for member/officer relationships, and advising the Council on amendments required to the Constitution for ethical matters. The following are all the responsibility of the Audit and Governance Committee.</p> <ul style="list-style-type: none"> <li>• Overview of IA and External Audit.</li> <li>• Overview of whistleblowing policy</li> <li>• Assess reports from Audit Commission</li> <li>• Identify risk problems and factors</li> <li>• Develop procurement processes</li> </ul> <p>The Monitoring Officer has delegated authority to maintain an up to date Constitution.</p> <p>There are some areas which are not specifically covered in any Committee's terms of reference within the Constitution:</p> <ul style="list-style-type: none"> <li>• overview of complaints handling and Ombudsman investigations; and</li> <li>• member allowances - though, again, this may be the responsibility of the full council.</li> </ul>	<p>Consider if the SC should be responsible for:</p> <ul style="list-style-type: none"> <li>• having an overview of the handling of complaints and Ombudsman investigations; and</li> <li>• commenting on members allowances.</li> </ul>

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Issue	Audit findings	Conclusion/recommendation
<p>14) What does the SC do to promote and maintain a healthy ethical environment in the council and raise standards in the council?</p>	<p>There is a member development programme to raise awareness. The Audit Commission have done some training to members. The SC have considered Nolan and subsequent reports.</p>	<p>SC is proactive in its role but mainly focused on members standards. Communication of such matters around the council could be enhanced by publicising the:</p> <ul style="list-style-type: none"> <li>• council's values;</li> <li>• complaints procedures;</li> <li>• whistleblowing policy; and</li> <li>• corporate policies.</li> </ul> <p>Publicising could be through posters, bulletins, the intranet and training.</p>
<p>15) What does the SC do to help members/officers to understand the code of conduct? How does the SC communicate the requirements of the code of conduct to all members?</p>	<p>Training on the Code is provided to all new members as part of their induction process. Members of the SC have been given training about the proposed changes to the Code and complaints procedure as proposed by the SBE. The Monitoring Officer is proposing to give a presentation to Full Council at the first meeting after the elections have taken place in order to explain the Code and members responsibilities.</p>	<p>Formal training is provided to new members as part of their induction programme. Any questions from members about the Code are handled directly by the Monitoring Officer.</p>
<p>16) What training have members received about the code? Is it adequate?</p>	<p>Training has been on hold for 12 months. But there are two new member sessions planned for after the election, and training will incorporate the new code.</p>	<p>Training plan needs to be delivered and needs to include the new code as planned.</p>
<p>17) What training have officers received about the code? Is it adequate?</p>	<p>When the new constitution came in sessions were done at all Directorate Management Teams, plus Corporate Leadership Group and Corporate Management Team. This covered the code, to some degree, and good decision making. The council are now waiting for the new Officer Code of Conduct to carry out more training.</p>	<p>Training on the new officer code needs to be planned for delivery promptly after the new code becomes applicable.</p>

Issue	Audit findings	Conclusion/recommendation
18) What does the SC do to help the public, external stakeholders and partners to understand the required standards of behaviour of members?	There is a standing item on all council agendas on interests. Co-opted members have been encouraged to sign up to the Code of conduct (which they have). Arrangements for partners are less clear – work is ongoing around the governance and accountability of partnerships.	It is not clear what role the standards committee has in publicising the required standards of behaviour of all concerned. The council needs to ensure that the required standards of behaviour are effectively communicated to the public, stakeholders and partners.
19) How well informed and supported do independent members feel about their role?	The chair feels very well supported. The Monitoring Officer takes a proactive role in supporting and assisting the independent members.	No major issues.
20) How aware are members and officers about the role and work of the SC?	The Monitoring Officer believes that members are very aware of the role and work of the SC as it directly relates to their behaviours and activities. It is less clear how aware officers are of the work of the SC.	It is possible that only senior officers are aware of the work of the SC. Consider council-wide publicity of the SC.
21) How easily available are SC: <ul style="list-style-type: none"> <li>• terms of reference;</li> <li>• meeting schedule;</li> <li>• the agenda;</li> <li>• reports;</li> <li>• minutes; and</li> <li>• background papers?</li> </ul>	The terms of Reference, meeting schedules for the current financial year, agendas, reports, minutes and background papers were all easily obtained from the council website.	All relevant meeting documentation was easily obtained.
22) Has the council adopted the members' code of conduct? Have all elected members signed up to the code?	A Code of Conduct has been adopted. All members have signed up to the code.	All elected members have agreed to conduct themselves in accordance with the Code.
23) Have co-opted members (eg Members of Pension Fund) also signed the code of conduct?	All co-opted members have signed the code.	No issues.

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Issue	Audit findings	Conclusion/recommendation
24) Has the member code of conduct been tailored to local circumstances? Has the Standards Board for England been informed of any changes to the model code?	The model code issued by the SBE has not been tailored locally.	Code of Conduct is in line with the model as provided by the Standards Board.
25) Does the local code include all the required aspects?	The Code includes all the required aspects.	All required aspects have been included in the Code.
26) Has the council integrated the code of conduct into its policies/schemes, following from their obligations under the SDA, DDA and the RRAA, HRA and the FOI Acts?	Reviewed the FOI policy - no reference to the code of conduct has been made. Policies directly relating to the SDA, DDA, RRAA and HRA were not located. The 'prevention of bullying, harassment and discrimination at work' does clearly state that the council's disciplinary procedure will be used to address incidents, although no mention of the codes of conduct is made.	Although the code of conduct has not been integrated into specific council policies, there are clear statements of intent relating to conduct and the council's obligations.
27) Has the council ensured that copies of the code are available at an office of the council for inspection by the public at all reasonable hours? Including parishes.	The code was not available at the City Finance Centre. At the Guildhall, a hard copy was not available to view. On request, and after some time, an officer located the Code on the Intranet to view. Although the Code is available on the council website it is within the Constitution and as such does not show up on any of the search facilities on the website.	A hard copy of the code should be available for inspection by the public and staff in public offices should be aware of the council's arrangements. The Code should be made more easily accessible on the council website.
28) Has the council publicised through at least one local newspaper that the code has been adopted and that it is available for inspection (including the address of the office)? Including parishes.	The Code was adopted in 2002. No evidence has been retained to confirm that the council did publicise its adoption.	Evidence of the publicising of the code's adoption could not be produced. When the new Code is adopted by the council, this should be publicised, along with the arrangements for public inspection of the code.
29) Has the council sent a copy of its code to The Standards Board? Including parishes.	The Code was adopted in 2002. No evidence has been retained to confirm that the council did send the Code to the SBE. It is reasonable to assume that the SBE would have reminded the council of the need to do this, if it had failed to do so.	When the new Code is adopted by the council, this should be sent to the SBE as required.

Issue	Audit findings	Conclusion/recommendation
<p>30) How far do members promote equality, do not discriminate unlawfully against any person, and understand the implications of the following acts of parliament.</p> <ul style="list-style-type: none"> <li>• Human Rights.</li> <li>• Disability Discrimination.</li> <li>• Sex Discrimination.</li> <li>• Race Relations Amendment.</li> <li>• Freedom of Information.</li> </ul> <p>How far do members integrate the requirements of the acts into their approach to their work?</p>	<p>Evidence from meetings and from discussions with the MO is that members are well aware of the acts and behave in accordance with them. The Social Inclusion Group reports to the Executive, and covers diversity and equality issues, and there is a member champion for Social Inclusion. This enables the disability and equality agendas to be incorporated into the councils work.</p>	<p>No major issues.</p>
<p>31) How far do members and officers understand their respective roles? How far do members interfere in minor operational issues?</p>	<p>The MO view is that members and officers do understand their roles and that communication lines are strong when members do interfere in minor operational issues.</p>	<p>No major issues.</p>
<p>32) How far do members and officers treat each other with respect? How far do members and officers trust each other?</p>	<p>Directors seem to have good relationships with members. The MO has a good working relationship with most members. Evidenced recent cases highlight that there is a good level of trust between the officers and members.</p>	<p>No major issues.</p>
<p>33) How do members demonstrate openness, transparency, accountability and equity when making decisions?</p>	<p>Members are very inclusive of the public in meetings, and most meetings are public. All Executive decisions are made through public EMAP meetings. Shadow Executive challenges the Executive. Minutes of meetings are available on the internet and are clear and available.</p>	<p>No major issues.</p>

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Issue	Audit findings	Conclusion/recommendation
34) Do members ever do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority?	There have been no cases come to light of this in the last few years.	No major issues.
35) Do members and officers ever inappropriately disclose information given to them in confidence?	No examples exist of this having happened.	No issues.
36) How far do members listen to the advice of officers?	There are many examples that officer advice and challenge is listened to and acted upon.	No major issues.
37) Is the constitution designed to reduce the opportunity for misconduct by ensuring decisions of the executive are taken after proper discussion?	Executive Committee meetings are governed by the Council's general standing orders as per page 129 of the Constitution. Where the proceedings of the Executive meetings differ from these standing orders these have been set out on page 145 of the Constitution.	The constitution is designed to reduce the opportunity for misconduct.
38) Do members or officers ever behave in a way which could reasonably be regarded as bringing their office or authority into disrepute?	The only breach in three years is one Councillor receiving a reprimand from SBE for a breach. The SC annual report does not highlight any major issues.	Disrepute cases are very rare and seem to be appropriately handled.
39) Do any members ever misuse their official position to their own advantage or (dis)advantage of others?	No cases (other than the isolated case above).	No issues.
40) Do members ever inappropriately use resources for political or other purposes?	There are no cases of this happening. One case occurred recently but on the advice of officers, the council resources were not used.	Evidence supports the assertion that members listen to officer advice especially relating to inappropriate use of council resources.

Issue	Audit findings	Conclusion/recommendation
<p>41) Has the SC given any consideration to how it will carry out its duties should it receive a referral back from the Standards Board, including:</p> <ul style="list-style-type: none"> <li>• the procedures for determining the outcome of cases referred back from the SBE for:                             <ul style="list-style-type: none"> <li>- investigation; and</li> <li>- determination.</li> </ul> </li> <li>• the role of the monitoring officer (giving advice/undertaking investigations);</li> <li>• protocols and procedures for the monitoring officer when conducting investigations ensuring the right to natural justice is maintained, timeliness and time to respond is adhered to;</li> <li>• avoidance of conflict of interest of committee members; and</li> <li>• diversity, equalities, freedom of information, data protection.</li> </ul>	<p>Evidence suggests that the SC has not given any formal consideration to the points raised, although training sessions on the process of investigations have been provided to SC members. The current recruitment of a Deputy Monitoring Officer will give an opportunity to formalise the approach to referrals from the SBE.</p>	<p>No formal consideration of the points raised has been made. The SC should formally consider, and adopt an approach to carry out its duties on receipt of a referral.</p>
<p>42) How well equipped is the SC to deal with referrals passed from the Standards Board for England?</p>	<p>Currently the SC appears well equipped to handle local investigations. The proposed changes to the SBE would change this and could put a strain on the SC's ability to carry out this role effectively.</p>	<p>Currently it is believed that the SC is well equipped to deal with referrals from the SBE.</p>
<p>43) Has a register of interests been set up?</p>	<p>Register has been set up.</p>	<p>No issues.</p>

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Issue	Audit findings	Conclusion/recommendation
44) Is the register open to public scrutiny? How easily accessible is it? (eg through the website and then can be found?)	The register of interests for each individual Councillor can be obtained easily from the website. The full register is not available to view by the public from the Guildhall.	No issues.
45) Where town and parish local authorities exist within the council boundaries, have registers been set up for these local authorities too?	Yes registers set up for parishes - maintained by Democratic Services.	No issues.
46) Has a public register for gifts and hospitality been set up?	As with the register of interests, the gifts and hospitality register for each member is obtainable from the website with ease. A full copy of the register is available to view at the Guildhall.	No issues.
47) Does the register of interests require all members to record: <ul style="list-style-type: none"> <li>• their jobs?</li> <li>• the name of their employer?</li> <li>• the name of any company of which they are a director or a partner?</li> <li>• the name of any person who has made a payment to them in respect their appointment as a member or expenses they have incurred in carrying out their duties?</li> <li>• the name of any corporate body in which they have a shareholding of more than £25k (face value) or have a stake of more than 1/100th in the company?</li> </ul>	All requirements as listed are on the register of interest. The electronic register requires members to record all items in the list opposite.	No issues.



Issue	Audit findings	Conclusion/recommendation
<ul style="list-style-type: none"> <li>• any contracts for goods and services or works between the authority and the member, their firm (if they are a partner) or company (if they are a director) or if they have a £25K (face value) or stake of more than 1/100th of the company?</li> <li>• landholdings in the area?</li> <li>• land leased or licensed from the authority?</li> <li>• membership of, or position of control or management in:                             <ul style="list-style-type: none"> <li>- other bodies where they represent the authority</li> <li>- other public authorities;</li> <li>- Companies, industrial and provident societies and charitable bodies;</li> <li>- bodies whose main purpose is to influence public policy or opinion; and</li> <li>- trade unions or professional associations?</li> </ul> </li> </ul> <p>Members must tell their monitoring officer in writing of any interests which fall within these categories and must let the monitoring officer know in writing of any changes or additions that should be made. Interest must also be declared at meetings.</p>		

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Issue	Audit findings	Conclusion/recommendation
48) Are interested declared and logged at meetings? How rigorously are declarations of interest applied and monitored? How is the register of interests maintained? How often is it up-dated?	Interests are declared at meetings. The evidence suggests that members often declare interests that are not always totally relevant 'to be on the safe side'. Members have the ability to make amendments to their declaration of interests via the website. It is their responsibility to ensure that any relevant interests are declared and that the register is kept up to date. The register itself is simply an amalgamation of the individual members' declarations and is maintained by the Democratic Services team.	Register is kept up to date and is rigorously applied and monitored.
49) How far do members understand the difference between personal and prejudicial interests – how is this communicated to them? Is it clear that personal and prejudicial interests must be declared by members of overview and scrutiny and other council committees and panels?	Members are aware of the differences. The MO makes them aware at the start of meetings, and the difference between personal and prejudicial has been explained many times at meetings. As evidenced by minutes of meetings, members are very pro-active in declaring interests.	No issues.
50) Have there ever been any allegations of impropriety with regard to the declaration of interests?	No examples of failure to disclose an interest. Recent evidence suggests there has been only one instance of a member partaking in a discussion against advice.	No issues.
51) Is it clear to members that a dispensation can be sought, allowing them to take part in meetings where they have a prejudicial interest?	Yes – has been included in member training in the past.	No issues.
52) How proactive is the monitoring officer, about ensuring members comply with the code?	The MO issues an annual reminder on registering interests. Also sends all members correspondence in the pre-election period setting out what they can do in that period. An annual report is taken to full council from the SC.	Consider setting up a system to monitor compliance with the new code of conduct.

Issue	Audit findings	Conclusion/recommendation
53) How far does the MO: <ul style="list-style-type: none"> <li>• provide the SC with adequate support and information;</li> <li>• monitor the effectiveness of the code of conduct;</li> <li>• help train SC members on the code of conduct; and</li> <li>• provide appropriate advice to the SC?</li> </ul>	One of the democracy officers provides support to the SC. Chair of the SC felt very well supported by officers. MO meets the chair before meetings, to determine the agenda and brief the chair. An annual report to Council is produced – there have been no breaches of the code last year. Training has been focussed on detailed cases (eg the Ken Livingstone case recently).	No issues.
54) How well prepared is the monitoring officer for local investigations and the management of referrals back from TSBE?	MO takes a paper to SC with any referral from SBE. MO leads any investigations and reports back to SC who consider the information and decide on the sanction.	No issues.
55) Does the Chief Executive have a role in ensuring that the code of conduct is observed and ethical behaviour is promoted? How defined is the role? How far does the Chief Executive share leadership of the ethical agenda with the Leader of the council?	Formally the CX refers some matters to the MO, and responds to some ethical matters to members. Informally CX takes more of a lead on ethical matters than the leader, but the leader responds correctly when challenged.	No issues.
56) How does the Chief Executive promote the importance of the ethical agenda? How far is the chief executive a good role model for high ethical standards throughout the authority?	As above – promotion is through formal and informal routes, and in opinion of the MO is effective at this.	No issues.

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Issue	Audit findings	Conclusion/recommendation
57) Do the council's practice and procedures allow the monitoring officer and the Chief Executive to intervene verbally or in writing if ethical issues arise in the decision-making process?	Yes – response of verbal or written depends on the severity of the issue. Constitution has a section which provides discretion (Article 13).	No issues.
58) Do the monitoring officer and SC have access to the Chief Executive on this issue?	Yes – deals with issues as they arise.	No issues.
59) Does the monitoring officer have the protection of the Chief Executive?	MO gets support from the CX, and also the Director of People and Improvement (who she reports to) and the Director of Resources.	No issues.
60) Do whistleblowers have the protection of the Chief Executive?	Yes – as demonstrated through recent whistleblowing cases.	No issues.
61) How regularly are the following reviewed, including terms of reference; operation of the constitution, code of conduct, the SC, other ethical protocols. What changes have been made in the light of these reviews?	The Constitution is reviewed every five years and was done in 2006. MO has recently been given delegated authority to make minor drafting changes to the Constitution or more major changes where these have been agreed by herself and the various member groups. Any amendments made to the Constitution are reported to full Council on an ad hoc basis. The Code of Conduct is due to be revised this year and is the process of going through consultation. It is believed that the new Code will be in place for the summer of 2007. Any other documents are reviewed on an ad hoc basis.	Constitution is formally reviewed every five years and this includes terms of reference for all committees. Other ethical protocols are reviewed on an ad hoc basis.
62) How clear and widely known is the council's access to information policy known to members and officers?	Members are made aware of their responsibilities in terms of accessing and also providing information. The relevant protocols are contained within the Constitution (see Q64 below) and training is provided to members on these issues as part of the induction process.	No issues.

Issue	Audit findings	Conclusion/recommendation
<p>63) How clear are the council's protocols on the following?</p> <ul style="list-style-type: none"> <li>• Member/officer protocols?</li> <li>• Use of authority premises?</li> <li>• Information technology (including the use of equipment at home)?</li> <li>• Telephone and fax?</li> <li>• Photocopying?</li> <li>• Use of stationery and headed writing paper?</li> <li>• Postage?</li> <li>• Use of authority transport?</li> <li>• Allowances and expenses?</li> </ul>	<p>Member/Office protocol – page 295 of Constitution.                      Access to info – page 327 of Constitution.                      Electronic Communication (IT, telephones etc) – Page 347 of Constitution.                      Allowances – Page 373 of Constitution.                      Documents were not located that relate to the use of council transport or the use of stationery items or postage equipment.</p>	<p>Key documents are contained in the Constitution with the exception of policies for the use of stationery and postage and the use of council transport.</p>
<p>64) How clear are the council's ethical frameworks for procurement, contracting and partnership development?                      Note that a separate probe is being developed on ethical partnership working.</p>	<p>This is being worked on – arrangements are being strengthened.</p>	<p>Current developments on partnership working should ensure that the council's ethical framework for procurement, contracting and partnership development are up to date and incorporated in appropriate guidance.</p>
<p>65) Is there an anti-bullying policy?                      How effective is it?</p>	<p>An anti-bullying policy is in place within the council's HR manual. It is located on the intranet within the HR manual.</p>	<p>As with other important documents in place within the Council, the Bullying policy could not be easily tracked down by searching on the council intranet. A policy does exist but its usefulness is limited by its inaccessibility.</p>

22 Ethical Governance Audit - Stage 1 | Appendix 1 – Stage 1 detailed audit checklist

Issue	Audit findings	Conclusion/recommendation
66) Is there a whistleblowing policy? How effective is it?	A copy of the whistleblowing policy is available within the Constitution.	Policy is in place.
67) What action does the council take to promote confidence in local democracy?	<p>There is an active public participation scheme within the Council and there are often public speakers for full council meetings and other meetings where the public may speak.</p> <p>The council has undertaken promotion work around service levels and improving user satisfaction. Schemes such as Housing Associations and Tenant Participation Surveys allow feedback to be received with regard to housing services for example. Council wide, there is a scheme whereby 2,000 residents are sent questionnaires three times a year to offer feedback on services and give advice on possible improvements that can be made.</p> <p>In addition to these initiatives, individual directorates undertake ad hoc work to invite feedback and recommendations on a regular basis via residents groups.</p>	No issues.
68) What is the view of external stakeholders, partners and the community? Do they consider that the council upholds the highest standards of ethics and probity and has a high reputation for efficiency and integrity?	Evidence is more anecdotal but suggests that the council is viewed mainly positively by external stakeholders. The occasions where standards are seen to slip receive a high public profile, and do tend to affect the public perception of the council.	No major issues, but the public perception of the council is important - especially so in light of the recent drop in public satisfaction.