

Setting High Ethical Standards

Draft summary report on survey results

London Borough of Islington

Audit 2005/2006

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Introduction

- 1 There is an increased emphasis on the need for the highest standards of conduct in public life. The findings of Nolan and Graham Committees, the Local Government Act 2000, the introduction of the Standards Board for England (SBE), and the inclusion of an ethics component in the Comprehensive Assessment (CA) 2005 are all factors in the current weight being given to the need for strong ethical governance in local councils.
- 2 High ethical standards are the cornerstone of good governance. They are an integral part of good corporate governance arrangements, can lead to increased confidence in local democracy and help an authority to attain a high CA rating.
- 3 Setting high ethical standards is an important building block for councils in developing their community leadership role and improving services to the community. Councils are also becoming involved in increasingly complex partnership and a decline in high standards may adversely affect these arrangements.
- 4 Local authorities and individual members now face a number of risks which may include:
 - referral to, and investigation by, the SBE for alleged breaches of the code of conduct, sometimes leading to the disqualification of members;
 - loss of confidence in individual members, councils and local democracy; and
 - poor decision-making.
- 5 Ethical governance is an area of great interest to the national and local press, particularly when things go wrong. On average one councillor a week is removed from office because of breaches of the code of conduct including for bullying behaviour, misuse of council resources, bringing the Council into disrepute and using their position as a councillor for personal gain. Other sanctions have included formal censure and suspension from using council facilities. When things go wrong and councillors are found guilty of a breach of the code of conduct, there is a risk to the reputation of individuals and of the Council. The consequent difficulties of having to implement widespread changes whilst under the spotlight cannot be overestimated.
- 6 One of the common aspects of governance failures is not the absence of frameworks, controls and arrangements but the absence of appropriate behaviours and values amongst members and officers. This audit therefore looks at the Council's compliance with statutory requirements as well as behaviour and values.

Background

- 7 The Council asked the Audit Commission in the summer of 2005 to carry out our ethical governance on-line survey of members and officers. This was not in the

context of any specific concerns in the Council or in the Audit Commission but out of a concern by the Council to know how well it was doing in this important area and in what areas the Council could develop. There had been a larger number of referrals of Islington members to the Standards Board for England than for many other London councils but there was no suggestion that ethical behaviour overall was poor in the Council. Officers reported that the standards committee was active in assessing and reporting on the ethical health of the council.

Scope and objectives

- 8 The aim of this work, through using an electronic survey, was to assess how well the Council is considered to be:
 - complying with part III of the Local Government Act 2000; and
 - ensuring that the Standards Committee has access to the right information and support to enable it to do its job properly.

And whether:

- members and officers have an understanding and awareness of ethical issues, including whether the needs of the Council's diverse stakeholders, including staff, are being met;
 - members are abiding by the code of conduct; and
 - members and officers have training needs in this area.
- 9 This report covers our findings from the survey. This summary can only report on what members and officers consider is happening in the Council and on their views of the Council's arrangements.

Audit approach

- 10 To undertake the audit we carried out an on-line survey of members and officers. The survey was sent to the 48 elected members of the Council plus 54 officers, all directors, assistant directors and committee staff.
- 11 Members and officers were given a month to complete the survey. We had an 81 percent return from officers, a 56 percent return from members and a 69 percent return overall. This is a better return rate than in some councils but not as high as in others.
- 12 The on-line survey is a national questionnaire. It has been available since the summer 2005. So far twenty councils have used the tool and we have had over 1,000 responses from members and officers.

Main conclusions

Summary

- 13 Islington Council members and officers consider, overall, that the Council has strong ethical governance arrangements in place and that generally behaviour amongst members is good. Responses from Islington members and officers to the survey were far more positive about the Council than responses nationally.
- 14 The Council scored particularly well against other councils in relation to member and officer behaviour and leadership, to integrating the requirements of the code of conduct into the Council's schemes, policies and procedures and on the requirements to register a potential personal or prejudicial interest. There is still work to do to disseminate more widely the existence of the code of conduct amongst officers and to develop the Council's approach to the diversity agenda.
- 15 The role of the standards committee needs to be clarified with both members and officers. Better guidance and more appropriate training is needed on conduct issues, some recent, and some not so recent, legislation, on human rights, diversity and data protection. Finally, the Council's whistle blowing arrangements need to be better known and more clearly understood by known.

Behaviours and conduct

- 16 Islington members are considered to be a better focus for positive change than members are nationally. More listen to the advice of officers, do not involve officers inappropriately in party political issues, show respect to officers, to each other and to people who use Council services than nationally. More members treat fairly all users of Council services as well as officers and other members. Members are considered to perform their duties with honesty and integrity and use public funds and Council property and facilities responsibly.
- 17 Islington senior officers are considered to be more likely to show respect to members and treat fairly all members and users of Council services than nationally.
- 18 Members are considered to work well together and with officers to achieve the Council's goals. Members are considered to be better at working with officers than with other members, but this is the picture nationally. The Council is considered to work well with voluntary and community groups and particularly well with statutory partners and the wider community.
- 19 The Council is considered to have appropriate delegation to lead members and officers.
- 20 Appropriate confidences are considered to be kept by members and officers. Members and officers trust each other, and on the whole members trust each other. Members and officers generally can carryout their roles without fear of being bullied or harassed. In all these areas Islington responses were more positive than national responses.

- 21 Decision making is considered by most members and officers to be transparent, to be objective and to follow agreed procedures; members are considered to be accountable for their decisions and actions. The public are considered to have easy access to information on whom has taken a particular decision.

Code of conduct

- 22 All Islington elected members know that the Council has adopted a code of conduct for members. Although more officers than in other councils know about the code there are still nearly 10 per cent of officers who do not know of its existence. This is surprising given the seniority or post of the officers who responded to the survey and could suggest further dissemination of information about the code is needed.
- 23 More Islington members and officers than nationally consider that the guidelines provided for members about their personal conduct is clear. Some Islington members and officers reported some lack of clarity about their responsibilities for reporting potential breaches of the members' code of conduct. This suggests that further work needs to be done to clarify how potential breaches of the members' code of conduct should be dealt with.
- 24 More Islington members than officers are clear or fairly clear about their responsibilities under the ethical framework (96 percent compared to 91 percent). This is a substantially higher figure for officers than nationally.
- 25 Far more Islington members than nationally consider that the Council has begun to integrate the requirements of the code of conduct into Council schemes, policies and procedures. However, 35 percent of officers do not know whether or not this is the case.

Recommendation

R1 Disseminate more widely information on the existence of the code of conduct and how to report a potential breach of the code.

Communications

- 26 The importance of the high ethical standards is considered to be well communicated by Islington members and officers, marginally better to members than to officers and to the local community and overall better than nationally. Communication between members and between members and officers is considered usually to be open and constructive.
- 27 Members and officers consider that the public can easily access the members' code of conduct, the register of member interests and documents relating to the ethical agenda. This response is a more positive than nationally.

Diversity and meeting the needs of the community

- 28 The Council is considered to be better at seeking to meet the needs of its diverse communities than are other councils, and more officers are considered to come from diverse backgrounds than nationally. More staff are considered to be

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appropriately skilled to meet the needs of the Council's diverse communities than in other councils. In all these areas there is still more work to do, but less than nationally.

Recommendation

R2 Review the Council's approach to the management of and training in diversity to ensure that the Council can demonstrate publicly to staff and other stakeholders its commitment to the issue.

The standards committee

- 29** Almost all Islington members and the majority of Islington officers who responded to the survey knew of the existence of the Council's standards committee. A few members and some officers were not quite sure. The standards committee is better known amongst officers and members in Islington than it is in other councils. However more members reported not completely understanding its role than nationally. Officers were also not completely sure about its role, but better than nationally.
- 30** More Islington elected members and substantially more Islington officers agree or tend to agree that the standards committee is making a positive difference to the ethical agenda in the Council than in other councils

Recommendation

R3 Clarify the role of the standards committee in the Council with members and officers.

Training and information

- 31** Over 80 per cent of members and 56 per cent of officers agree strongly or tend to agree that the training that members are given on conduct issues is appropriate. These responses are better than nationally but it is worth the Council investigating in what way training could be improved.
- 32** Overall, more Islington members than nationally consider that they have received training, briefing or information on a range of legislation. However, it appears that there is still a need for more guidance on the Human Rights Act, the Data Protection Act, the Race relations (Amendment) Act, Sex Discrimination Act and the Disability Discrimination Act because of the large percentage of members who report that they have not or do not know whether or not they have received training in these areas.

Recommendation

R4 Review the guidance and training given to members on conduct issues, on diversity and on other legislation. Consult with members and officers how it could be developed further to meet needs and the needs of the Council.

Challenge, complaints and whistle blowing

- 33 The Council’s complaints system is considered to be clear and accessible by officers and members. Complaints are considered to be taken seriously and members respond positively to constructive external criticism about the Council. However, only a few consider that members use referrals to the Standards Board for England appropriately. There is also a view that the use of these referrals are not necessarily without fear of reprisal, but responses are not out of line with national responses.
- 34 Many members and officers do not know about the Council’s whistle blowing policy, but this is not out of line with national responses. More Islington members and officers than nationally consider that the process can be used safely and without fear of reprisal, but 33 per cent do not know whether or not this is the case. There is still a lot more work to be done in this area by the Council before all members and officers are confident about the Council’s arrangements.
- 35 It is considered that there is a culture in the Council which allows members and officers, partners and the public to challenge Council decisions without fear of reprisal. The Council is considered to be better than nationally at learning from other councils to ensure that its ethical arrangements are appropriate.

Recommendation

R5 Review the dissemination of information about the Council’s whistle blowing policy. Disseminate guidance on the Council’s arrangements to members and officers to ensure that they are clearer about Council expectations.

Register of interests and gifts and hospitality

- 36 Members are clearer about registering their personal and prejudicial interests, and sometimes substantially clearer, than members are in other councils. There is some uncertainty about whether or not to register membership of churches as a potential personal or prejudicial interest.
- 37 Slightly more members consider that they are reminded about the need to register gifts and hospitality than nationally. Slightly more Islington members than nationally also consider that they would withdraw from the room where a meeting is being held whenever it becomes apparent that a matter is being considered in which they potentially have a personal or prejudicial interest.

The Monitoring Officer

- 38 More Islington officers than Islington members would inform the Council’s monitoring officer if they became aware of any conduct by a member which could reasonably be believed involved a failure to comply with the code of conduct. For both members and officers, Islington respondents were more positive about the ability of the monitoring officer to carry out her role than nationally.

The Leader of the Council and Chief Executive

- 39 The leader of the Council and the chief executive are considered to be better role models and more proactive in promoting the importance of the ethical agenda than nationally.

The way forward

- 40 The findings of the report and the recommendations will be discussed with members and officers. The Council is asked to consider the report and the recommendations that arise from it. The plan included with this report outlines the actions that the Council is recommended to take to strengthen current arrangements.
- 41 The Council should complete the action plan by responding to the recommendations, assigning responsibilities for implementation and setting targets and then ensuring that it monitors that the recommendations are followed through. The report will then be finalised.
- 42 We would like to take this opportunity to thank the members and staff who completed the survey and contributed to this work.

Appendix 2 – Action Plan

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Da
Code of conduct						
6	<i>R1: Disseminate more widely information on the existence of the code of conduct and how to report a potential breach of the code.</i>	2				
Diversity and meeting the needs of the community						
7	<i>R2: Review the Council’s approach to the management of and training in diversity to ensure that the Council can demonstrate publicly to staff and other stakeholders its commitment to the issue.</i>	2				
The standards committee						
7	<i>R3: Clarify the role of the standards committee in the Council with members and officers.</i>	2				
Training and information						
8	<i>R4: Review the guidance and training given to members on conduct issues, on diversity and on other legislation. Consult with members and officers how it could be developed further to meet needs and the needs of the Council.</i>	2				
Challenge, complaints and whistle blowing						
8	<i>R5: Review the dissemination of information about the Council’s whistle blowing policy. Disseminate guidance on the Council’s arrangements to members and officers to ensure that they are clearer about Council expectations.</i>	2				

