

The ethical framework set out in the *Local Government Act 2000* is nearly complete. The final phase will enable a greater degree of local ownership through local investigations, complementing the existing processes for local determination of cases. This development is a vital step in the promotion of good conduct and in increasing public confidence in local representatives.

We are committed to the principle that local issues should be dealt with at a local level wherever appropriate, but we are aware of how this may increase your workload and impact on your authority's resources. The Standards Board for England will continue to offer its support and advice, starting with guidance on the regulations, which you should receive once the regulations have been laid.

On a separate issue, we are working with the Improvement and Development Agency (IDeA) and the Audit Commission to develop diagnostic tools for use by monitoring officers and standards committees to help raise the profile of ethics in local government. The tool developed with the Audit Commission will help assess how the role of the monitoring officer has developed since the introduction of the *Local Government Act 2000*, and will assist local authorities in looking at their processes and procedures. The other tool, developed with the IDeA, will focus on how members can be encouraged to consider their own behaviour under the Code of Conduct and to act appropriately. We will keep you updated on developments..

In the more immediate future, you have the opportunity to 'Crack the Code' at the Third Annual Assembly of Standards Committees in September, through a comprehensive programme of speeches, discussions and workshops. One of the key themes of this year's conference is investigating how the Code can be improved. I look forward to seeing you there.

David Prince, chief executive

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Witnesses to be handled with care

A witness care scheme is being developed by The Standards Board for England to ensure that witnesses are kept fully informed of developments in cases in which they are involved.

The scheme is a response to concerns that witnesses were not being kept fully up to speed, and is part our commitment to provide more customer care.

Under the scheme, letters will be sent to witnesses once they have been interviewed or contacted, explaining the anticipated length of the investigation and when they are likely to hear from us again. Witnesses will also be offered a contact at The Standards Board for England with whom they can discuss aspects of their case.

At the end of an investigation, witnesses will be notified of the outcome and informed if a case is referred to The Adjudication Panel

for England or a standards committee for determination, regardless of whether they are required to give evidence. And if they are asked to give evidence, they will be contacted by a legal advisor and talked through the hearing process. They will also be sent a case summary once the case is completed.

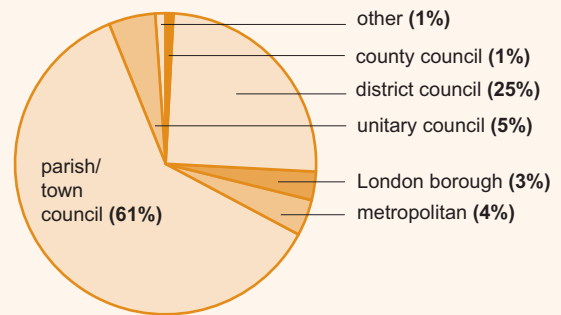
We hope this will keep witnesses better informed, and will be encouraging feedback to help us improve the service.

Referral statistics

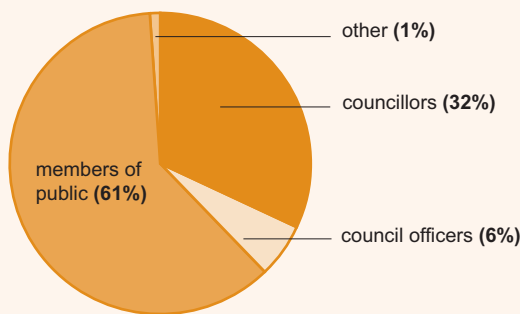
The Standards Board for England received 257 allegations in May 2004, bringing the total number of allegations between 1 April and 31 May 2004 to 587.

The following charts show The Standards Board for England's referral statistics for that period.

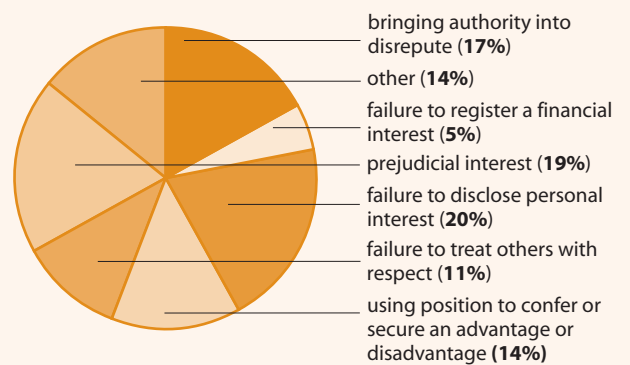
Authority of subject member in allegations referred for investigation



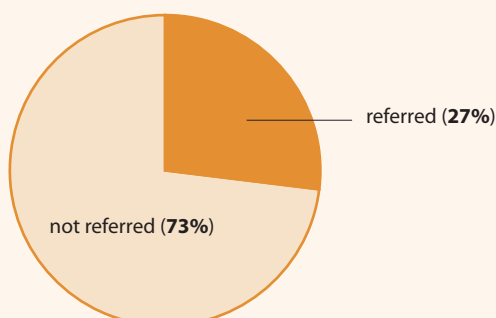
Source of allegations received



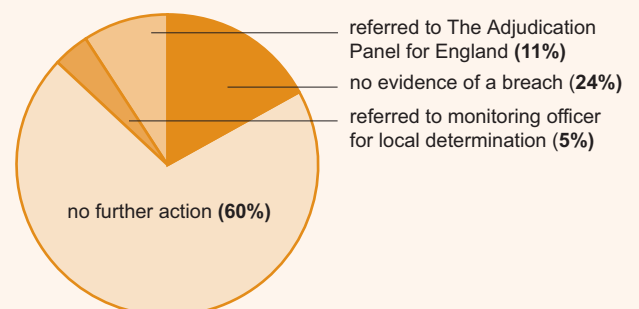
Nature of allegations referred for investigation



Allegations referred for investigation



Final findings



Standards committee sanction limits

In a recent hearing in the northwest, a standards committee imposed a sanction that was not within its power: it both censured the member and ordered them to undertake training on the Code of Conduct.

On appeal, The Adjudication Panel for England upheld the standards committee determination to censure but did not uphold the order to undertake training.

Standards committees are not permitted, when imposing sanctions, to exceed their statutory powers under the *Local Authorities (Code of Conduct) (Local Determination) Regulations 2003*. Under the regulations, standards committees can:

- censure the member;
- restrict the member's access to the resources of the relevant authority for up to three months;
- suspend or partly suspend the member for up to three months;
- suspend or partly suspend the member for up to three months on condition that the suspension or partial suspension will end if the member apologises in writing, receives training, or takes part in any conciliation ordered by the standards committee.

Standards committees are not allowed to vary from these sanctions. They cannot, for example, censure a member and order training, and they cannot create an entirely new sanction. However, standards committees can make recommendations to the council about member training separately from any sanctions imposed on an individual.

We believe the Office of the Deputy Prime Minister is considering allowing greater flexibility in future regulations.

Registers can go online

Councils can publish their registers of members' interests online. Previously we had advised councils not to publish members' details

online without their consent, based on advice from the Information Commissioner. The Information Commissioner now advises that councils can publish information already in the public domain as they see fit.

Questions on this issue should be addressed to the Information Commissioner's Office. You can get contact details and more information from its website, at:

www.informationcommissioner.gov.uk/

Interested parties to be told about hearings

The Standards Board for England has started notifying interested parties when cases are referred to The Adjudication Panel for England or a standards committee for determination, helping to keep people better informed of a case's progress.

Letters detailing the date and location of the hearing will be sent to the complainant and the monitoring officer, complementing any information sent by monitoring officers or The Adjudication Panel for England on the subject.

Complainants to be informed of right to review

Complainants will be informed of their right to request a review of a referrals decision when notice of that decision is sent to them.

All complainants have the right to ask the chief executive to review a decision taken by the head of referrals not to refer a matter for investigation. The review process was introduced earlier this year, and explained in issue 17 of the *Bulletin*.

No news is good news

We do not tell members that allegations have been made against them until after we have decided whether or not to investigate the case. This is because we reject many more allegations than we investigate and aim to complete this initial assessment as quickly as

possible. Writing and telling the member would both slow the process down and cause unnecessary stress to the person concerned.

Under the legislation which determines how we work, we are not able to consider or respond to any evidence or information from the person concerned at this stage, so there is no advantage to be gained in terms of hearing both sides of an issue before deciding what to do about the allegation.

Once a decision is made we do, of course, write and tell all concerned.

Making an exhibition of ourselves

Many thanks to all those who visited our exhibition stand at the recent Local Government Association conference in Bournemouth. We met and spoke to many members and officers who gave us their feedback and listened to the ways in which we are speeding up the throughput of our cases and focusing our resources on cases which have the potential to damage people's confidence in local democracy.

A good sized crowd also attended our fringe event, *Do ethics matter when you are emptying the bins?* Michael Frater, chief executive of Telford and Wrekin Borough Council, and John Haward, director of local government practice — South East, at the Office of the Deputy Prime Minister, argued for the link between service delivery and ethical standards as well as the overriding need for an ethical basis for the public sector. Once again, our thanks to all who contributed.

Don't miss out on the Annual Assembly

If you were planning to wait until after a summer holiday to book your place at the Third Annual Assembly of Standards Committees, you might want to think again.

With less than two months to go, places at the Annual Assembly are booking up rapidly and delegates

are being urged to reserve their spot now to avoid disappointment. Even if you are not sure who will be attending the event from your organisation, you can simply book now and confirm the names of attendees later.

You can download a booking form from The Standards Board for England website, or even book online.

Extra sessions and guest speakers have been added to the second

issue of the advanced programme for the Annual Assembly, which is also available from the website. The programme also now includes a keynote speech by Sir Alistair Graham, chair of the Committee on Standards in Public Life, and details all the speakers confirmed so far for every session.

For more information, go to:

www.standardsboard.co.uk/events/index.php#assembly3