

Rochford District Council

**Ethical governance health check
27 – 28 March 2007**

Report

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1. Introduction

A light-touch ethical governance health check of Rochford District Council was undertaken during 27-28 March 2007. The review was conducted by the Improvement and Development Agency for Local Government (IDeA) at the invitation of the council's standards committee.

The purpose of the health check was to:

- provide Rochford District Council with an opportunity to reflect on what ethical governance means to the authority
- highlight the council's strengths in relation to ethical governance
- identify any areas where Rochford District Council might need to further develop its ethical governance arrangements
- help Rochford District Council ensure that high standards of ethical governance are maintained

And specifically

- prepare for the emerging role of local standards committees and monitoring officers the key challenges being:
 - locally owned conduct frameworks
 - determining clear roles and responsibilities
 - standards of behaviour
 - conflicts of interest
 - planning for the possibility of new parish councils
- building on current development programmes to maintain standards and interest of committee members
- suggesting how any issues might be addressed
- to suggest items to add to the work programme for the standards committee.

The health check review team consisted of:

- Marie Kelly-Stone: Head of Legal Services (Deputy Monitoring Officer), Dartford Borough Council
- Chris Maines: Councillor, London Borough of Lambeth
- Matt Maher: Junior Consultant, IDeA
- Jonathan Trubshaw: Health Check Manager, IDeA.

The team was on site at the council on 27–28 March 2007. We were made to feel welcome at the authority and were impressed by the openness of the people we met and interviewed.

2. Methodology

Prior to the on-site visit, the team conducted a desktop review of key documents from the council, including:

- the council's code of conduct and protocols for members and employees
- the results of the Audit Commission Ethical Governance Self-Assessment Survey
- the council's corporate plan
- details from ethics and standards training provided
- minutes of recent standards committee meetings
- examples of the register of members' interests
- the council's whistle blowing policy.

An initial meeting was held with Cllr Peter Webster, standards committee chairman and John Honey, monitoring officer to discuss the scope of the health check as well as agree pre-reading documentation and an outline programme.

Whilst on-site the team facilitated two focus groups, one with officers and the other with councillors and members of the standards committee. The team also conducted individual interviews with a number of senior officers and councillors including: the leader, the chairman of the council, chairman of the standards committee, the chief executive and the council's monitoring officer.

The desktop review, workshops and interviews explored the council's arrangements against the six ethical governance behaviour indicators from the IDeA and Standards Board for England's ethical governance benchmark. These are:

- leadership, behaviour and styles
- communication
- relationships
- accountability
- management of standards
- team working and co-operation.

3. Context

Rochford District Council has a Conservative administration comprising 34 Conservative, 3 Liberal Democrat and 1 independent councillor as at March 2007.

For the municipal year starting 2007 there are plans to move from being a fourth option council to an Executive Board structure although this had yet to be finally decided upon at the time of our inspection. The decision to consider this move was taken a couple of weeks before the ethical governance health check visit and it was recognised that this issue was very much in the minds of those interviewed. Within the new political arrangements there are plans to have a minority party chairman of the review committee, which provides the scrutiny function for the authority.

4. Findings

4.1 Leadership

What is working well?

The council is keen to develop the ethical governance arrangements and have commissioned this health check, together with the Audit Commission's survey to help identify areas for improvement and of good practice. The council has also engaged the IDeA and the Audit Commission to deliver follow up work to help take forward any recommendations and develop an action plan.

Senior officers and councillors lead by example. People said they felt the culture in the authority was transparent and that leaders were honest. This was supported by the fact that the standards committee had no referrals made to it that warranted investigation. The view that there was a good level of ethical standards awareness was supported by the overall findings from the Audit Commission's survey.

The chief executive and leader have a positive working relationship with easy and clear lines of communication between them. Each year the chief executive and leader jointly hold a series of post election briefings with staff groups. These offer a positive method for engaging directly with people as well as setting out the key challenges and targets for the authority in the coming year. The leader is viewed as engaging, supportive and someone to take problems to and the chief executive operates an open door policy.

Councillors hold vision setting and budget setting away days with senior officers. These establish the priorities for the following year and allocate resources accordingly. They also ensure that there is understanding and agreement on the key activities.

The new political structure, if implemented, is intended to promote a more focused leadership in the authority. As part of these arrangements the proposal to appoint a non-majority party councillor as the chairman of the review committee was seen as positive and adding increased robustness to the scrutiny process.

The council has adopted a code of conduct for councillors and one for officers. All councillors have signed acceptance of the code. New employees sign to accept the officer code of conduct.

Areas for further consideration

Change is seen as being central government led with the move to new political structures being a response to central government requirements rather than an internally generated method of improving decision-making and accountability. This is also the case in relation to planning decisions, where councillors said they were being forced to carry out central policy.

The decision to consider moving to new political arrangements was only made a few weeks prior to the health check visit. This had not allowed time to communicate the new roles and responsibilities resulting in some confusion amongst councillors and officers. The executive board plans to share responsibility initially but there was lack of clarity as to whether specific responsibilities would be created within a few months, or a year or two years of the new arrangements coming into effect.

The current chairman of the standards committee is a Conservative councillor. The team believe the committee would benefit from an independent chairman. Reasons for this include enhanced perception of the public, other councillors and staff showing the standards committee to be more independent enabling it to pursue issues without risking any perception that it is politically steered. It was noted however that the authority is considering this (in line with the Standards Board for England good practice recommendations) within the new political arrangements after the May elections.

With few cases being referred to the standards committee its main focus is on developing member training. A broadening of scope and a more proactively investigative role may help raise the profile of the committee and of its work in maintaining high standards of behaviour within the authority as a whole. The broadening of the committee's role may also help address the issue identified in the Audit Commission's survey of improving the impact of the standards committee.

4.2 Communication

What is working well?

Customer and Best Value surveys show a high level of resident satisfaction in the services they receive from the authority. The most recent figures have shown an increase in satisfaction against a downward national trend.

The authority's quarterly newspaper, Rochford District Matters, is widely distributed and invites residents to feedback comments on council issues. A recent edition included an article on the standards committee and the function of ethical governance.

A system of team briefing is working well to cascade information, particularly with front line staff. This is supported with standard email communication to all staff, including an annual reminder before Christmas to register any offers of gifts or hospitality.

The independent members of the standards committee belong to an independent standards committee members' forum. They are encouraged to meet with independent members from other authorities, share experiences and identify good practice.

Policy committees monitor progress via a traffic light system. Actions are removed only once they have been embedded. Officers know that councillors need to be informed of their activities until the item has shown 'green' and councillors are satisfied that no further action is required.

Public speaking rights have been introduced at the Development Control Board meetings and greater accessibility of information on planning issues has been made available to councillors and the public. This has increased participation in the decision making process and improved engagement with the public.

Areas for further consideration

Independent members of the standards committee are not fully empowered. Although these members are invited and encouraged to attend all training events organised for councillors they have not taken advantage of this resulting in them not being as fully engaged as they could be. This might be rectified when an independent member is appointed as chairman of the standards committee. However, concerns were expressed that if the independent members became too involved in the business of the council there could be a blurring of roles and responsibilities between them and the elected councillors. The distinction between the two was recognised and could be formalised through clear role definitions and protocols, fulfilling an ambition to build on the strengths of both parties.

New political arrangements are not yet fully communicated. Although the proposals for the new arrangements are out to consultation with the public, staff felt that they would have little opportunity to influence decisions.

Although a start has been made to raise the ethical profile in the council publication, Rochford District Matters, more could be done to inform the public. For example, community satisfaction surveys could include a question on how the public perceive the standards and behaviour of councillors.

4.3 Relationships

What is working well?

Throughout the health check interviews it was widely reported that relationships between senior officers and councillors was positive. They work well together and respect each other. This is particularly the case with the monitoring officer, who is held in high regard, with issues of concern being referred to him and his decision accepted. There is also a close working relationship between the monitoring officer and the chief executive and their behaviour helps to embed the ethical culture of the authority.

The independent members of the standards committee stated they would value being involved as much as possible in the process of supporting ethical governance of the authority.

There are good links with neighbouring councils and Essex County Council. There have been joint member development events with Basildon and Castle Point. Officers work closely with colleagues in other authorities, participating in networks and sharing good practice.

Areas for further consideration

Relationships under the new structure have not yet been fully considered. As stated before the proposals for the new arrangements are out to public consultation and have not yet been finalised.

Non-district council members of the standards committee are not fully integrated into the process of ethical governance. As stated before, the possibility of an independent chairman of the standards committee was viewed as positive in helping to address this.

4.4 Accountability

What is working well?

The full council involvement in planning decisions was seen as positive by councillors and officers. Although it was recognised that this was not the norm in other councils it had been the clear decision of councillors and one that they felt gave them ownership of issues and greater interaction with their communities. All councillors had access to training on dealing with planning issues and were aware of their responsibilities in relation to lobbying and representation. The publication of a weekly list of planning applications keeps councillors up to date and allows greater councillor involvement. It was stated that as a general principle councillors very much aware of the need to consider the issue of proximity when considering whether they may have an interest, prejudicial or otherwise and remove themselves when necessary.

The use of monitoring through the internal audit function is bringing clarity to the whistle blowing policy. Information on the whistle blowing and other policies was disseminated through the team briefing sessions. However most issues are dealt with at line manager level and no one issue has yet been taken all the way through the system.

The standards committee was viewed positively as part of the culture of the authority. The culture was perceived by those interviewed as open and transparent with councillors and senior officers leading by example. One of the key indicators of this was there have been no referrals of member misconduct to the standards committee that have merited investigation. There is also a review of the Register of Interests on an annual basis.

Areas for further consideration

The new executive board arrangements and the timetable for their implementation was a major topic of interest for many of the interviewees. There was a lack of clarity on these new arrangements including the shared responsibility of the executive board members and for how long that arrangement would last.

Concern was expressed over the lack of consistent engagement with parish councils. A number of the councillors are dual hatted members of their parish and the district council. It was stated that they should take greater responsibility and ownership for passing on information and maintaining positive relationships. Four parishes have achieved Quality Parish status.

4.5 Management of standards

What is working well?

The authority is progressing well towards level 2 of the Equality Standard with the expectation that this would be achieved by the end of the 2006/07 financial year. There is also an intention to progress further with the Equality Standard and this is supported by equalities training and development for both councillors and officers.

In addition to equalities training there is an extensive training programme for councillors. The standards committee oversees the programme in relation to council priorities and the stated requirements of councillors.

The staff code of conduct is being revised and up-dated to address issues that have arisen, including clarifying secondary employment conditions.

The chief executive and monitoring officer support the standards committee in its work. There was generally believed to be good officer support for councillors, particularly improved by a new member of staff being appointed to take forward the gathering of performance management information.

There was a general and genuine belief that standards in Rochford District Council were high and that both officers and councillors were honest. Interviewees positively said that a 'blame' culture does not exist within the authority.

Areas for further consideration

A recent 'Access to Service' review highlighted the need for greater area profiling. The district does not have high numbers of residents from minority groups, although it was acknowledged that these groups do indeed exist. The issue for the authority is to identify these groups, who their community leaders are and how to engage with them to best address their needs.

Although training is available to all councillors it was mentioned in interviews that a few do not take full advantage of this offer. It was felt that experienced councillors particularly did not attend many of the courses offered and that alternative methods of continuing their development would need to be explored. The Audit Commission survey revealed some concerns about the level of councillor understanding on the whistle blowing policy and suggested further training in this area. It also said that the training regarding legislative responsibilities, especially regarding race relations could be improved.

The monitoring officer was held in high regard with a strong reliance on his skills and knowledge. Although he has a deputy, the monitoring officer was acknowledged as the main source ethical control. More use could be made of the deputy, particularly when the new political arrangements are implemented (including an non-majority chairman of the review committee), along with the possibility of an independent chairman for the standards committee, to enable a greater sharing of knowledge.

Although it was recognised that the officer code of conduct was being revised it was said that this was taking some time and had not yet been fully implemented or communicated.

4.6 Team working

What is working well?

Partnerships have been developed with other Essex authorities, mainly at officer level and in relation to specific service areas.

There was evidence of a culture where councillors are encouraged to come forward with any concerns. The leader adopted an approachable style and councillors were able to bring points to each other's attention. Where necessary, development interventions and guidance were offered to support fellow councillors.

The acceptance of a minority chairman for review committee within the new constitution was seen as a positive and inclusive step. With limited numbers

of non-majority party councillors giving the chairmanship to an opposition councillor was seen as a significant way of engaging them in the work of the authority.

There were robust induction programmes for both officers and councillors. With senior officers and within the Conservative group this included providing an experienced colleague to act as a 'Buddy' until the new arrival had become established. The chief executive participates in the officer induction programme and there are plans to introduce a refresh programme for staff that have been with the council for five years or more.

Areas for further consideration

Complaints dealt with at an officer level with a report on the complaints being sent to the senior management team. There was a feeling expressed by some interviewees that this meant complaints were being investigated by those against whom the complaint was made. Other than with regard to dealing with missed bins, there was little evidence to show that the level and nature of complaints was being used to shape policy and decision-making.

5. Recommendations

- Clarify the role of the new executive board and whether joint responsibility is an interim arrangement with a move to portfolio responsibility.
- Move to an independent chairman of the standards committee. It may be useful to consider whether the chairman comes from within the current body of independent members or whether it would be more satisfactory to undertake a recruitment exercise, perhaps considering respected members of the public, for example, from a professional or academic background.
- Review the composition of the standards committee to ensure full engagement and take full advantage of the enthusiastic independent members.
- Explore a broader remit for the standards committee to take a more proactive and investigative approach, reviewing particular aspects of the way in which the authority conducts its business. This should be seen as building on the positive relationships and culture within the council and to help further promote the ethical governance responsibilities. Independent standards committee members observing how councillors operate within meetings is a useful method to review ethical behaviour and provide constructive feedback.
- Explore alternative ways of engaging councillors in continuing learning and development, particularly for the experienced councillors and those that do not fully avail themselves of the opportunities provided by the

training programme. Alternative methods could include: mentoring, visits to other authorities, seeking peer feedback on specific issues e.g. chairing skills, attending conferences, taking on short-term additional responsibilities, feeding back to peers on their own experiences and learning, etc. An area for exploration with these councillors may be how they view the role of the standards committee in setting the training agenda. For example, whether this is viewed as positive or because of a perception that the standards committee has a controlling function, as a way of imposing training upon them resulting in resistance to participate in development activities.

- Build on the complaints monitoring reports sent to the senior management team to inform members and influence their policy developments.
- Develop the potential of the Rochford District Matters newspaper to inform and gather feedback from residents. Stronger links could be made to the council's web site, with opportunities for undertaking 'temperature check' questions on particular topics. The results and any resulting actions could then be published in subsequent issues of the newspaper.
- Build on the team briefing and chief executive's and leader's post election briefing sessions to communicate and engage with officers on the new political arrangements, how this will affect them and their relationships with councillors.
- Explore further the Access to Services review to ensure that minority groups in the district are being engaged with and their needs addressed. Improving the race relations' awareness training may help councillors identify alternative methods of engaging with hard to identify and reach groups.
- Improve awareness of the whistle blowing policy and how it is being used.
- Ensure the standards committee, all councillors and relevant officers are briefed and trained on the revised code of conduct.

**Ethical governance health check team
March 2007**