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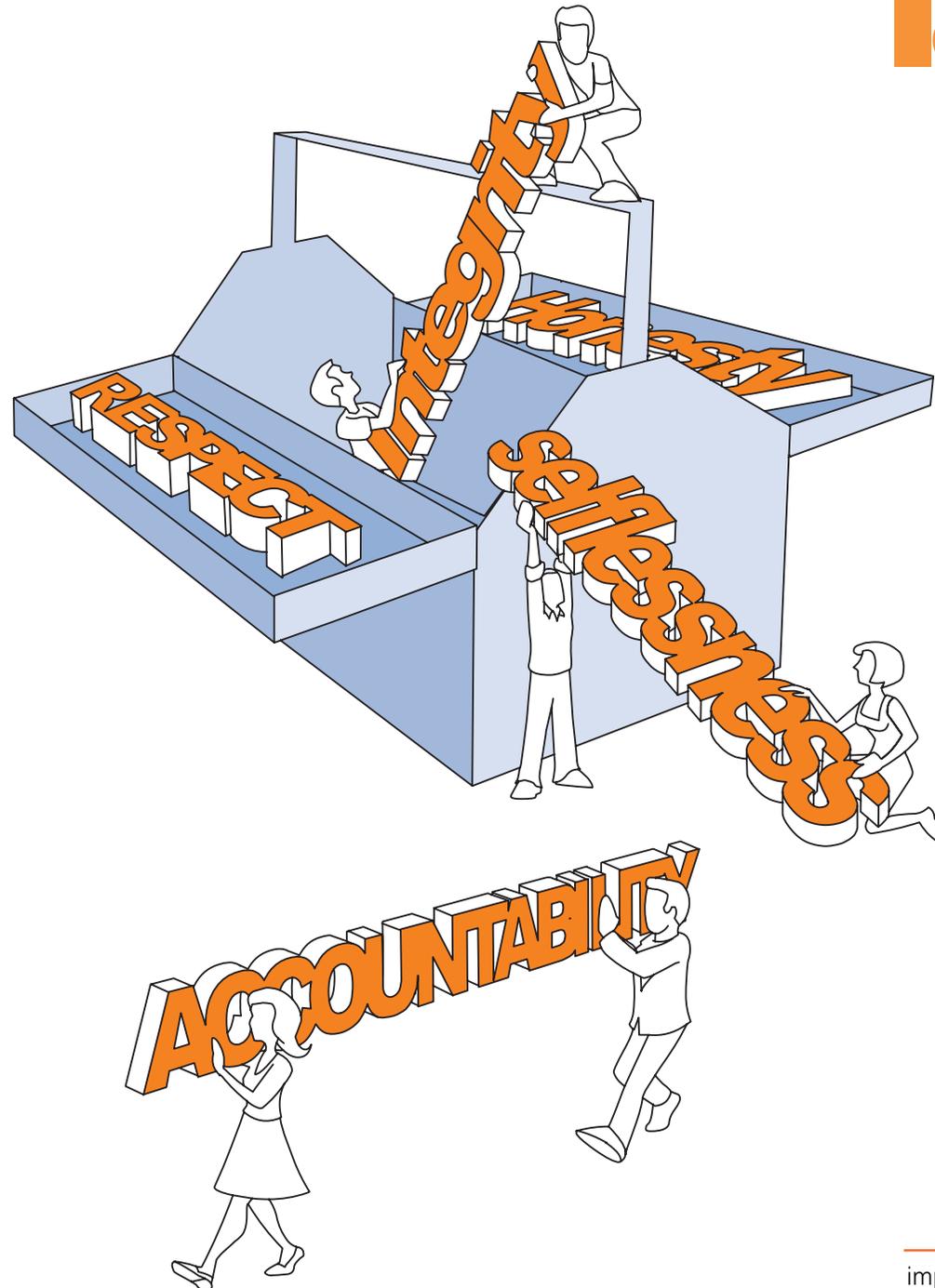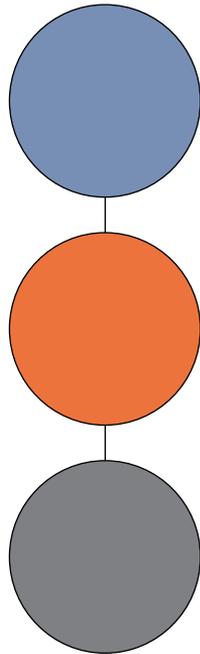
ethical governance toolkit

how ethical is your governance?

ethical governance
light touch health check
and benchmark

the
Standards Board
for England

contents

what we mean by ethical governance

ethical governance refers to the process and procedures and cultures and values that ensure high standards of behaviour

stated values
are the principles and standards that underpin the way councillors and officers interact with others that support excellent service delivery

behaviour
is the way councillors and officers conduct themselves and act out those values as part of their day-to-day functions in public life. How this is perceived by colleagues, members of the public and the media all impact on the councillor's ability to represent local government and the communities they serve
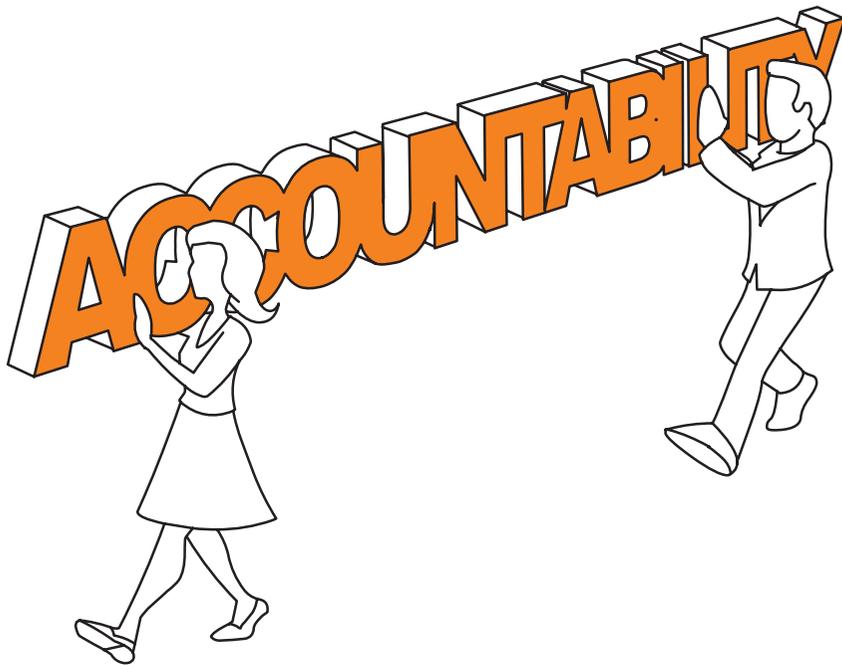
Ethical governance diagnostic tools such as the Audit Commission's full audit and self-assessment survey test a council's approach to ethical governance, the code of conduct and compliance with ethical standards. The ethical governance light touch health check looks at ethical behaviour and values. It uses a benchmark of positive and negative behaviour indicators to test compliance with standards and the Code of Conduct but focuses principally on the way councillors and officers behave in the political arena and within organisational environments. Understanding this focus may help an authority determine which element of the ethical governance toolkit best suits its needs. The IDeA ethical governance toolkit website pages set out the features and benefits of both approaches.

Many aspects of local authority activity can be described as 'ethical' – indeed, the whole public service ethos is based on a wish to do good. In an attempt to define what this means this benchmark offers some positive and negative behaviour indicators that might be observed in an 'ideal authority' or an authority that needs development and awareness raising of ethical governance issues.

While some behaviour, such as use of racist language and discrimination, will be wrong in all conceivable circumstances; others will be more dependent on the context.

For example, the nature of political debate is such that members will occasionally challenge each other in a way that might be inappropriate in member-officer or member-public interactions. Nothing in this benchmark should be interpreted as a barrier to robust political debate.

what the ethical governance health check does

what the ethical governance health check will not do

The light touch health check will help the council to recognise its strengths and areas for improvement by demonstrating:

- how well councils are meeting the ethical agenda
- how well the council compares with the positive ethical behaviour indicators in the benchmark
- where it can make improvements
- how to address specific issues
- how well it is meeting Audit Commission key lines of enquiry regarding aspects of corporate governance
- how high standards can be sustained.

The benchmark, is not a prescribed list of golden rules about behaviour, but is designed to:

- promote awareness about ethical behavioural issues
- serve as a basis for discussion in diagnostic interviews or focus groups
- provide positive and negative behaviour descriptors to compare against in a diagnostic setting and to help design ethical governance developmental workshops.

- if councils use the toolkit there is no guarantee that the results of any diagnostic or light touch health check work will be considered as valid within the Audit Commission inspection framework although, such activity would generally be described as good practice.
- using the light touch health check will not, in itself, guarantee improved ethical governance. Furthermore, achieving good ethical governance requires following through any solutions and maintaining good ethical governance requires regular monitoring and review.
- it is not about inspection, it is about development and support.

what is the ethical governance benchmark?

The benchmark explores in depth the behavioural and relationships aspects of ethical governance. These are:

• Leadership – behaviour and styles

• Communication

• Relationships – roles and responsibilities

• Accountability

• Management of Standards – systems, processes and risk management – ambiguity, conflict and whistle blowing

• Team working and co-operation

ethical governance
light touch health check

how the light touch health check works

light touch health check materials

Each health check is undertaken on site by a health check team comprising an IDeA consultant, an elected member peer and a monitoring officer peer. The health check takes the form of a peer review which allows accredited councillor and officer peers, who understand the pressures and challenges of running a local authority, to probe practices in a challenging but supportive way.

The team meets and talks with a cross section of elected councillors and staff within the council and with representatives of partner organisations and town and parish councils where agreed and appropriate. These talks take the form of either interviews or focus groups.

The light touch health check can draw upon the following materials:

- PowerPoint presentation (optional). Health check teams might introduce this particularly in a focus group setting at the request of the council. This might typically be in instances where the council has requested an element of development to be built into the review process, for example, where there is a significant group of new members

- an ethical governance benchmark attached to this document

- an action plan template.

The PowerPoint presentation can be accessed via the website on a PDF you would need to contact the IDeA in order to receive a PowerPoint version. The PowerPoint presentation, the ethical governance benchmark and action plan template are all materials that can be used within the programme.

guidelines on preparing a light touch health check

Note: It is important to recognise that the light touch health check is a mechanism, which can be used to identify and discuss ethical governance issues in your authority, and is also a means for developing solutions. Its use requires significant input from attendees and facilitators. It is highly recommended that authorities invest in external facilitators to undertake the light touch health check. This is to ensure the diagnosis is carried out by a team of trained facilitators who will constructively challenge existing assumptions or cultural aspects within the council that can be difficult to uncover through self-diagnosis and review. Whilst this 'health warning' is important it is recognised that some authorities have well established democratic or member services functions, which could rise to the challenge of applying the health check through internal facilitation and review activity.

Before any diagnostic activity is carried out it is essential that reviewers (whether external or internal) are familiar with the context of ethical governance issues such as the code of conduct. We recommend that you read the following Standards Board for England publications, which are available from the IDeA's and the Standards Board for England's website:

- the code of conduct – guidance for members May 07
- guidance on standards committees
- guide to part III of the Local Government Act 2000
- guidance on predetermination and bias
- how do I register and declare interests, and register gifts and hospitality
- how to conduct an investigation
- how to make a complaint
- the case review
- lobby groups, dual-hatted members and the code of conduct
- local assessment
- local determinations
- local investigations
- the code to protect you
- standards committee determinations
- the local authorities (model code of conduct) order 2001

stages of a light touch health check

The following stages are based on the IDeA conducting the light touch health check. Authorities adopting a 'do-it-yourself' methodology would need to adapt it to suit their own purposes, but would likely follow similar stages.

stage 1: scoping

Organise an initial meeting, usually with the monitoring officer and/or the chair of the standards committee of the council. Other possible attendees can be:

- other members of the standards committee
- the leader of the council
- the chief executive
- the deputy monitoring officer and or the head of democratic services or equivalent.

The IDeA consultant appointed to manage the health check would typically lead the scoping meeting. In certain instances where other team members have been identified prior to the scoping meeting (the monitoring officer peer and/or the member peer), they may also attend the scoping meeting. This would be by agreement and where time and resource constraints allow.

The overall purpose of the meeting is to discuss the background of the request and agree expectations in terms of the issues covered and anticipated outcomes. The template agenda includes:

agenda

1. Introductions.
2. Key issues – particular areas to focus on and the council context, in particular the seriousness of any ethical governance issues as well as any previous diagnosis and results.
3. The objectives and process of the health check and application of the benchmark – explain what happens.
4. Audit Commission self assessment survey – information and discussion about the feasibility of adopting a complementary approach to decide whether or not to use the Audit Commission self-assessment survey.
5. Documentation and desk top analysis – see stage 6 pre-reading on page 14.
6. Interviews and focus groups. Agree the duration of the light touch health check – usually two days on-site but may be dependent on specific issues, the size of the council and resources available. Agree:
   - the number of one-to-one interviews and focus groups
   - the audience – a list of usual participants is included in the programme example attached but is not exclusive
   - the outline programme.

   In some instances a review team might consider observing real life interactive work situations such as committee or council meetings as a means of collecting observational data. This may impact on input time and involve shifting the balance between interviews and focus groups.
7. Findings – explain that the team will present initial feedback at the end of the two days health check. Discuss and agree the audience for this – it would typically include the attendees at the scoping meeting and others by invitation of the key client. Inform attendees that the findings will be reported against the key behaviours in the benchmark, but there is scope to

discuss, clarify and agree at the feedback session how the client would like the findings to be reported. Review teams should understand this is not a mechanism to 'sanitise' findings, but rather agree the format and level of detail required by the client.

8. The Team – discuss and inform attendees that an IDeA facilitated health check team will always comprise an IDeA consultant, a monitoring officer peer and a member peer. Encourage dialogue about the type of peers required against issues such as:

   - the type of council

   - the size of the council

   - the political makeup

   - addressing any particular sensitivities.

9. Communications – exchange contact details and agree the first point of contact to organise the logistics of the health check.

10. Domestic Arrangements

    - base room – refreshment – include agreement about other meeting rooms etc.

    - interview schedule – initiate discussion about the programme.

11. Next Steps – inform attendees that the discussion will be confirmed in a proposal letter and agree dates where possible. Provide information about IDeA action planning and developmental workshops as a possible follow-up to the health check.

draft programme example

note for review managers
The template is only a guide and due to availability the order of meetings may not flow in the same way as the template. There are options within the template programme to include meetings with: other senior officers, other cabinet members, other leaders of opposition groups, local representative from the press or media, additional scrutiny chairs, additional partners etc. The timing, order and duration of meetings and focus groups can also be subject to change and negotiated with the council.

The IDeA review manager to join meetings as agreed with the team – review managers must judge where they will get the most useful information/data from and would usually attend all focus groups.

draft programme example – day 1

time	A *boxes to include name, venue and contact details*	B *boxes to include name, venue and contact details*
09:00–9:30	Team meeting (welcome from Lead officer) *Typically Head of Legal (Monitoring Officer), Democratic and Member Services*	
9:30–10:15	Standards Committee – IDeA short presentation (optional) and discussion around the benchmark	
10:15–11:15	MO Peer with Independent Chair of Standards Committee	Member Peer with Leader of the Council
11:15–12:00	MO Peer with MO	Member Peer with Opposition Leader
12:00–13:00	Lunch and review of morning activities	
13:00–13:45	MO Peer with Chief Executive	Member Peer with Chair of Scrutiny
14:00–15:30	Employee Focus Group	
15:30–16:30	Optional meetings or focus group by agreement with the council	
16:30–17:30	Optional meetings or focus group by agreement with the council	
17:30	Close Optional evening meetings at discretion of the review manager and by agreement with the council	

draft programme example – day 2

time	A	B
08:30–09:00	Team meeting Review of day 1 activities	
09:00–09:45	MO Peer with Section 151 officer	Member peer optional meeting e.g. other opposition leaders or scrutiny chairs
09:45–11:15	Front line Councillor Focus Group	
11:15–11:30	Break	
11:30–13:00	Parish Council or Partner Focus Group (optional and where applicable)	
13:00–13:30	Lunch	
13:30–14:00	Opportunity for 'mop-up' meetings	
14:00–15:00	Team to prepare feedback presentation	
15:00–15:45	Feedback to Monitoring Officer and Chair of Standards Committee (other attendees at invitation of the council)	
15:45	Close	

stage 2: proposal letter

Draft a proposal letter to include:

- the requirements – ensure this includes what was said at scoping meetings, additional to the common requirements on the template
- the approach
- the method
- the proposition including costs
- your expectations
- include the programme template.

stage 3: allocate the right team

Construct the facilitation team where possible comprising a trained IDeA consultant, a monitoring officer from another council and a member peer (both of whom have been trained to apply the toolkit in local authorities other than their own). You would choose teams based on the type of council, political dynamics and availability. Peers are usually sourced through the IDeA Clearing House.

stage 4: what people need to know?

Agree and organise circulation of any relevant background documentation with the key contact in the council (see below under pre-reading). Send sufficient copies of the ethical governance health check information booklet *How ethical is your governance?* to the council.

stage 5: optional

Some authorities may undertake the Audit Commission self-assessment survey – this is optional but can be helpful to provide information on how the council complies with the code of conduct and other ethical governance systems and processes. In this instance IDeA review managers should liaise with the Audit Commission authority's audit manager.

stage 6: pre reading

Undertake a 'light touch' desktop research exercise by reviewing key documents such as:

- council's code of conduct
- officer/councillor protocol
- register of interests
- sample reports sent to the standards committee
- councillor and officer training programmes
- extracts from the council's constitution
- the main council document or plan that states the council's priorities
- a statement of council values
- the most recent standards committee minutes.

stage 7: delivery

Conduct one-to-one interviews with key stakeholders using the questions under the 'questions and probes' section in the benchmark. A level of judgement needs to be made in terms of 'who are key stakeholders?' This is likely to include the chair of the standards committee, others members of the committee, the monitoring officer, the chief executive, the leader of the council, leaders of opposition groups.

The interviews provide an excellent way to collect a rich source of information and data. However, it is essential you recognise that what you are told is hearsay. That should not detract from the importance of the information, but especially when you are told something you consider is sensitive information or it relates to poor ethical behaviour you should probe for evidence such as:

• the circumstances in which the behaviour has been displayed

• the frequency of the behaviour – or if the example relates to a 'one-off'

• the timing of the behaviour – how recent was it?

• what did the behaviour look like?

• how did people feel as a result of the behaviour?

• do you know what impact the behaviour has on individuals or the authority?

• ask if any action has been taken to address the behaviour. Have official complaints been made? Does the leader of the council, or political group leader, the chief executive or the monitoring officer know about it?

stage 8: focus groups

appropriate focus group audiences:

Within a light touch health check you can decide to gather data and information via a focus group setting to complement the one to one interviews you conduct. This is also a very effective means of capturing rich data. There are options for focus group audiences. If the health check is carried out within two days it is unlikely there would be time to facilitate more than two focus groups. You should consider the priority and appropriateness of the groups at the scoping stage when you are exploring the key requirements of the health check. Examples might include:

• the standards committee chair and members – bear in mind you will have had a one to one interview with the chair of the standards committee so he or she may not need to be included in the focus group

• front line councillors – as a rule you can invite all councillors across all political groups to attend. In some instances however, you might want to split groups, but this should be considered and decided at the scoping stage of the health check

• a focus group comprising relevant staff groups e.g. directors, heads of service, democratic or member services officers, other managers and staff groups that typically interact with councillors. This can often represent a unique opportunity to capture data that indicates the culture and leadership of the council

• increasingly councils are keen to include input from external partners. You may have to bear in mind the limitations of information these groups can offer

because they are not internal to the council. However, getting an external perception can be worthy in terms of independence or discovering how well the council engages with partners

- some authorities provide ethical governance support and advice to town and parish councils. They can provide a useful source of data regarding governance arrangements within the council as well as how well the council supports town and parish councils.

The most important considerations before you run your focus groups are:

- be clear at the scoping stage which groups you want to facilitate and what you want to get out of it

- in agreeing the focus groups with the authority you need to encourage them to think strategically about whom they are inviting. Focus groups organised on the basis of availability will not deliver the best results

- think about what focus group members expect to get out of the session – ensure they have all received a copy of the information leaflet prior to the event

- be prepared for the possibility of being told very sensitive information. In rare instances you may need to seek quick advice from a senior member of the organisation – IDeA teams may refer difficult issues to the relevant regional associate.

The programme below is a guide to how you might run the focus group

timing	session title	content	materials
1.5 to 2 hours	Introduction	Get people to introduce themselves and to say one thing they expect from the focus group workshop Provide objectives for the session Explain workshop ground rules and domestic arrangements	Appropriate handouts
	Testing against the Benchmark Consideration of any other diagnostic analysis	If the AC self-assessment survey has been carried out facilitate a discussion around the key themes of findings e.g. staff not aware of standards committee roles etc. If survey has not been completed facilitate the discussion by asking questions directly related to the benchmark. • Leadership, behaviour and styles • Communication • Relationships • Accountability • Management of standards • Team working and cooperation	Flip chart Pens Post-it notes
		Thank the group for participating and inform them how you plan to feedback your findings e.g. • Presentation to key people at the end of the two days • Written report	

stage 9: reporting findings

Review teams prepare an agreed brief presentation at the end of the on-site work. This would include what works well within the authority against the benchmark, and areas for improvement. The audience would be the same as those who attended the scoping meeting as well as any others at the invitation of the council.

The review team would also draft a report highlighting what works well, areas for improvement and recommendations against the benchmark.

stage 10: action planning

This would typically take place at a later date with agreement from the council and would include:

- report from the health check findings with recommendations – general discussion
- what improvements need to be made
- how will the actions be achieved
- who will be responsible
- what resources are required to achieve improvement
- what is realistic – what is the appetite for change
- what will change and improvement look and feel like – the cultural element

- How will success be monitored
- might include wider awareness training for all members
- training for officers and members on specific topics
- development of protocols and the code of conduct
- more in-depth review e.g. planning regulations.

stage 11: developmental workshops

These would take place at a later date with agreement from the council. Developmental workshops would usually be tailored to health check recommendations and include:

- awareness testing exercises about the code of conduct and the ten principles of public life
- exercises to explore the impact of effective roles and relationships (often jointly with councillors and officers)
- exploration of ethical governance and behaviour scenarios.

ethical governance
benchmark
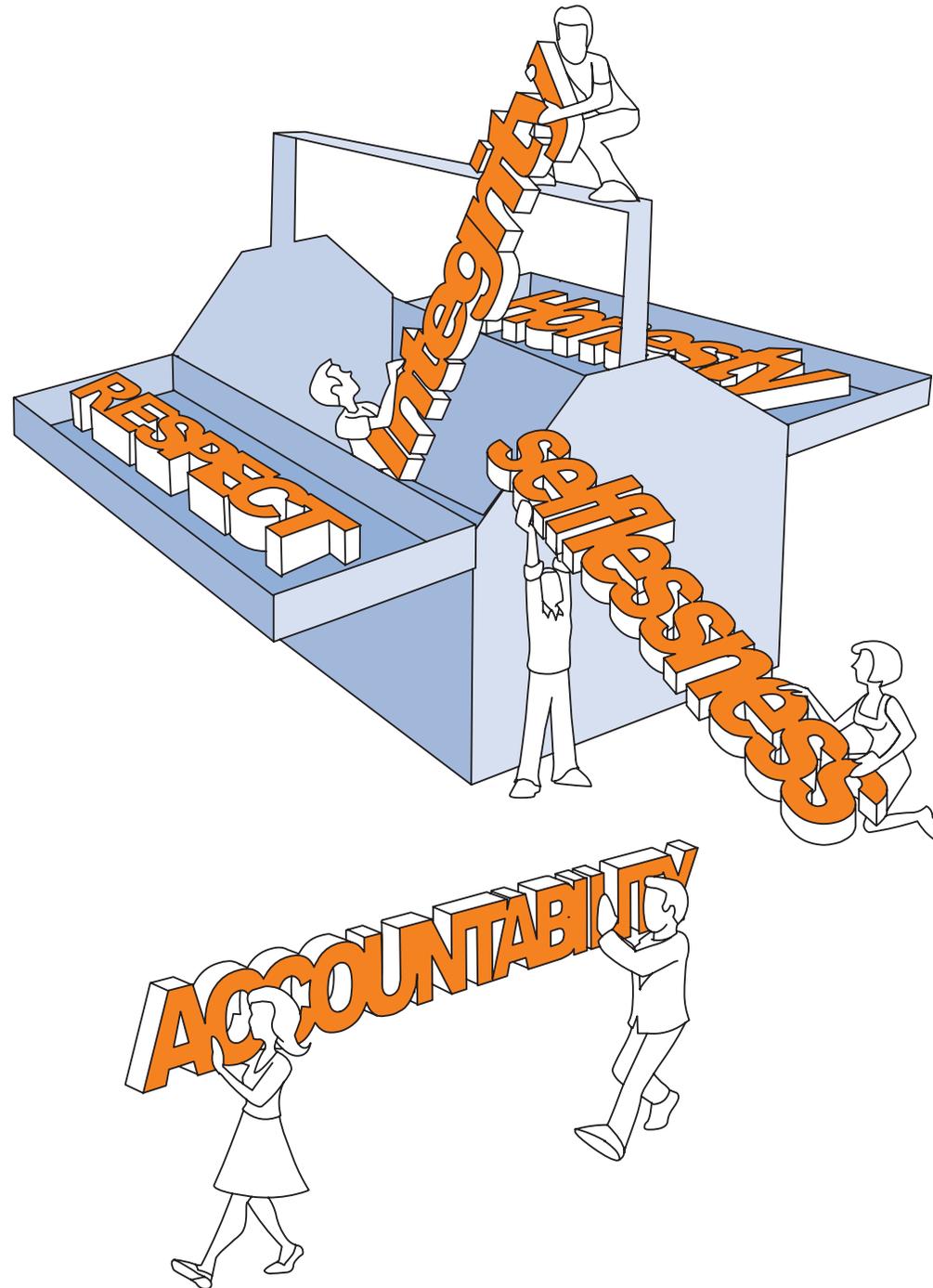
in the pages that follow, the six behaviours are presented including
• a broad definition of the behaviour

• questions and probes. Facilitators need to exert some judgement in terms of which behaviours
and questions to focus. It is optional whether all questions are asked as the health check is
designed to gather data to provide an overview of the current situation within the authority.
Facilitators may choose to begin with more general questions such as the following:

What does your council do well/less well when it comes to ethics?

What sort of issues/problems arise that your standards committee has to deal with?

positive indicators and negative indicators
There is a section containing positive behaviour indicators in an 'ideal authority' and a section
containing negative behaviour indicators in an authority where significant development and
awareness raising would be required. Facilitators can use these indicators in two main ways:

• to benchmark the authority against the behaviour indicators

• as a further prompt e.g. does anything like this happen in my/your authority?

notes box
Facilitators can make notes that describe the issues being revealed. There is an optional priority
weighting column which may help facilitators organise the issues into priorities. Facilitators may
prefer to record notes in a note book or on flip chart paper in groups.

benchmark descriptors

leadership, behaviour and styles
what do we mean by leadership behaviour and styles?
Providing visionary and charismatic leadership, being well prepared, able to create a culture of excellence and probity by acting as the public face of the council and a role model for others. Encouraging and promoting high ethical standards across the authority.

communication
what do we mean by communication?
Disseminating relevant information, policies, procedures and guidance on ethical standards to members, staff, the public, other individuals and organisations that the council is involved with and encouraging active listening, dialogue and feedback. Using appropriate language and checking for understanding. Communicating regularly with individuals and groups in the community, and making sure that people are informed.

relationships
what do we mean by relationships?
Building positive relationships by making others feel valued, trusted and included and by working collaboratively to achieve goals. Members and officers are clear about their roles and responsibilities. The chief executive is supportive of the monitoring officer and standards committee.

accountability
what do we mean by accountability?
The council having clearly defined and well understood roles and responsibilities for both members and staff and clear management processes for policy development, implementation and review, and for decision making, monitoring and reporting.

The decision making process should generally be transparent and decisions should be based on evidence and following appropriate debate. Decision-making should take heed of community need and local priorities, budgets and agreed protocols.

management of standards
what do we mean by management of standards?
High standards are integral to the working of the authority and are 'designed-in' to the authority's constitution and relationships with stakeholders.
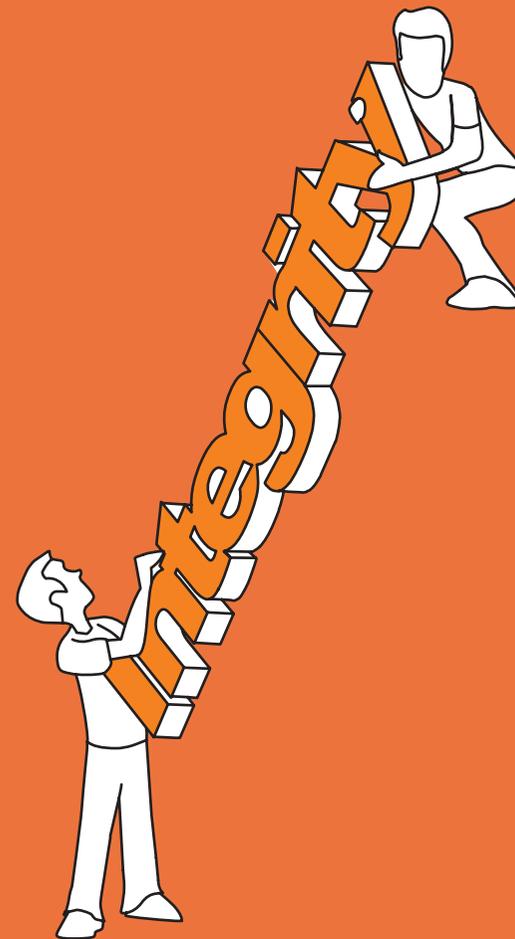
team working and co-operation
what do we mean by team working and co-operation
Engendering an expectation that members and staff will operate collectively to the highest standards of conduct and are actively encouraged to do so.

the benchmark indicators

leadership behaviour and styles

questions and probes

1. What role does the chief executive play in ensuring that ethical standards are upheld?

2. What profile do the standards committee and monitoring officer have within the council?

3. To what extent are the diverse needs of the communities are taken into account when setting priorities?

4. Do council members and officers demonstrate that they mediate fairly between people with conflicting needs? Give examples of how they do/don't mediate fairly.

5. To what extent does the council follow legal process when balancing public need and council policy?

6. To what extent do senior members and officers display effective leadership in this council? Do you think they are a catalyst for change where necessary? Give examples.

7. Do members and officers show appropriate dignity and respect for all their colleagues and citizens of the area? Give examples of appropriate/inappropriate behaviours.

what are the key positive features of an ideal authority?

Members and officers individually and collectively:
- are prepared to give a strong lead when circumstances dictate, but do not maintain personal control by imposing views and being overly directive
- are prepared to take difficult decisions when necessary rather than always courting short-term popularity
- act as a role model for appropriate behaviour, ethical practice and democratic process
- work to inspire trust in others and gain commitment to policies and decisions rather than simply dictating from the centre
- build strong relationships with senior officers and/or cabinet based on open communication, co-operative working and trust, and keep the interests of the community in mind when managing any personal conflicts
- have clearly defined descriptions of roles and responsibilities, including those of executive members and statutory officers, respect different roles and do not undertake inappropriate activities, e.g. inappropriate levels and types of decision making
- work across political and council boundaries to foster communication and encourage co-operation where appropriate
- aim to mediate fairly and constructively between people with conflicting needs
- campaign with enthusiasm, courage and persistence on behalf of others
- allow individuals to take action in respect of poor standards of conduct by others
- create a culture which, while taking proper account of risk management, encourages individuals to try out new ideas and take managed risks without fear of blame if things go wrong
- provide opportunities for non-executive members and junior staff to define what change means for them.

what are the key negative features of an authority?

Members and officers individually and collectively:
- demonstrate undue partiality for own party members or service teams and use their position to promote their own agenda to the detriment of wider council needs
- behave defensively, avoiding making difficult or unpopular decisions and being unwilling to admit mistakes
- lack a clear understanding between their own role and that of subordinates, failing to delegate or make use of others' strengths
- show inconsistency in style and behaviour, failing to set an example for others
- lack detailed knowledge of different council activities
- do not see themselves as having a role, display little or no interest and concern or take little or no responsibility in ensuring appropriate conduct and high standards on the part of themselves and others
- display no sense of collective responsibility for maintaining and encouraging high ethical standards
- tend to make unrealistic promises and then fail to deliver on them
- take short-term 'quick fix' approaches to policy formation, focusing on day-to-day issues rather than future needs and failing to see beyond the next election
- are resistant to change and fail to draw on the experience of others (e.g. councils peer support).

notes	*priority weighting (high, medium, low)*

communications

what will we look for in a review?
probes and evidence

1. Do you feel there is sufficient guidance/advice available on ethical standards? Provide examples. Where would you go to obtain guidance/advice?

2. What are the standards committee and monitoring officer doing to promote high ethical standards? Can you give examples of where you feel the work of the standards committee has had a positive effect on the work of the council?

3. Do you think the public understand the ethical values of the council? If so how is this communicated to them?

4. Do you think that the stakeholders and or suppliers and contractors to the council understand its ethical values? How are the councils ethical values communicated to other partnership members?

5. What do you think the perception of the wider public is of the ethical standards in the council? Do you think they differentiate between members and officers?

6. How do you think the council responds to criticism?

7. Do you think that communication between members is generally open and honest? Provide examples of when the communication is/is not open and honest.

8. Do you think communication between members and officers is open and honest? Provide examples of when the communication is/is not open and honest.

9. To what extent do you think members and officers respect confidentiality?

what are the key positive features of an ideal authority?

Members and officers individually and collectively:

- respond promptly to enquiries from the public and other individuals or bodies
- have accurate and clear policies, guidance and advice on ethical issues available to all members and staff
- ensure good access to information for all members and the public, including appropriate policies and practice regarding exempt and confidential information.
- communicate regularly with the community via newsletters, phone calls, accessible website and local media
- listening sensitively, checking for understanding and adapting style as necessary.

what are the key negative features of an authority?

Members and officers individually and collectively:

- fail to respond promptly to communications from constituents, concerned individuals and other groups
- use jargon in order to look clever or exclude others from understanding decisions
- interrupt, appear not to listen and use language which is inappropriate to the circumstances or is insensitive
- use information dishonestly to discredit others
- consistently fail to participate in, or seek to dominate, meetings
- are not aware of key rules and guidance on ethical standards and/or sources of advice
- fail to act on public perceptions or concerns that ethical standards within the council are poor
- fail to encourage communication with the community or promote the council.

notes	priority weighting (high, medium, low)

relationships

roles and responsibilities
what will we look for in a review?
questions and probes

1. How would you describe the relationship between the executive (cabinet) and the standards committee?

2. How would you describe the relationship between the standards committee and monitoring officer?

3. How would you describe the relationship between the chief executive and the standards committee and monitoring officer?

4. What do you think the public perception of ethics in the council might be?

5. What do you perceive the image of the standards committee to be in this council?

6. How are ethical issues reported to the executive?

7. What is the frequency of reporting to the executive?

8. In your view is there clarity between the roles and responsibilities of members and senior officers? Can you give examples of when there has/has not been clarity?

9. Are roles and responsibilities for members and officers clearly defined and does their behaviour indicate this?

10. Is there trust between members and officers? Can you give examples of where there has/has not been trust?

what are the key positive features of an ideal authority?

Members and officers individually and collectively:

- demonstrate transparent relationships between the executive, senior management teams and the standards committee

- ensure that the council vision is underpinned by ethical values and statements that can be acted upon

- make others feel valued, trusted and included, recognising and including people from different backgrounds

- show by example commitment to diversity and human rights agendas

- maintain calm and focus when criticised or under pressure

- have transparent recruitment and appointment processes for both staff and members (for example in appointments to outside bodies) which are recognised throughout the council as having integrity

- ensure that non-executive members have a real ability to hold the executive to account and to make a meaningful input to policy development

- have relevant information about members and senior staff that is accessible to the public including, for example, up to date registers and declarations of interests

- maximise meetings held in public and limit the use of 'exempt information' provisions.

what are the key negative features of an authority?

Members and officers individually and collectively:

- avoid contact and constructive discussion with the standards committee

- use divisive tactics to upset relationships, council policies and decisions

- are unclear as to who is responsible for what under the constitution.
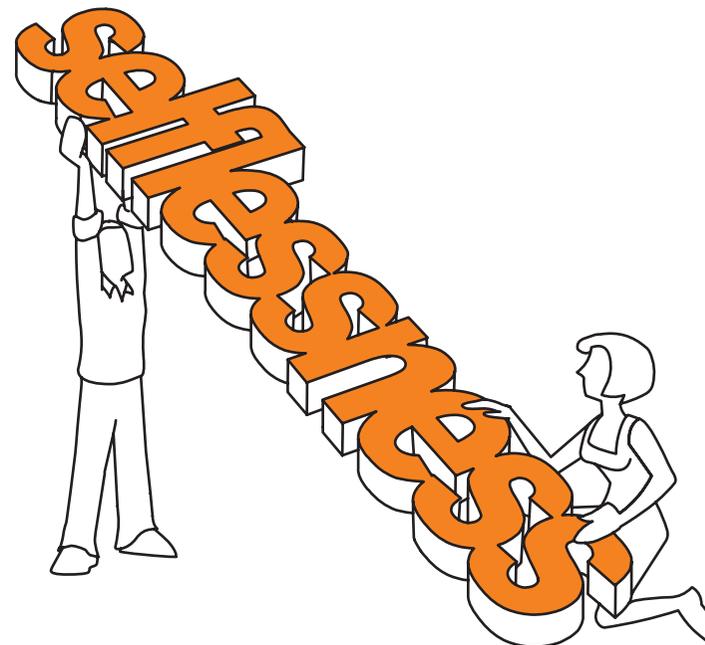
notes	priority weighting (high, medium, low)

accountability

decision making
what will we look for in a review?
questions and probes

1. Do you think that by their behaviour the majority of members and officers display an understanding of the importance of ethical standards in this council? Can you give examples?

2. Do you think there is a common understanding for members of the ethical values of this council? Can you give examples?

3. Do you think there is a common understanding for officers of the ethical values of this council? Can you give examples?

4. Do you think that the appointment of representatives of the council to outside bodies is carried out in an open and transparent manner? Can you give examples?

5. To what extent do non executive members feel they can hold the executive to be accountable?

6. To what extent do members and officers understand the need for a register of interests?

7. To what extent do members of the public understand who is responsible for what in the council?

8. Do you think that the use of 'exempt information' is constructive or is it used to shield and hide debate?

9. Does the council maximise the opportunity to hold meetings in publicly accessible venues e.g. away from the guildhall? Can you give examples?

10. To what extent do members understand the roles of the statutory officers and know who they are?

11. Do you think that senior officers are accountable for the decisions they take? Can you give examples?

what are the key positive features of an ideal authority?

Members and officers individually and collectively:

- show commitment to seeing problems through to the end

- deal promptly with the major issues and problems that span the council

- give a free rein to people where appropriate to resolve problems without interference, while offering appropriate support where necessary

- ensure that teams and individuals understand the parameters in which they make decisions and are accountable for these

- evaluate arguments according to evidence, making independent and impartial judgments based on sound rationale, evidence, good judgement and pragmatism but within the context of political beliefs

- are confident enough to change a decision which feedback demonstrates is not effective

- spend time and effort making sure they understand the implications and potential impact of a decision

- display well-founded confidence and trust in others' judgement and decision-making

- actively represent political group or service team views and values through decisions and actions.

what are the key negative features of an authority?

Members and officers individually and collectively:

- keep a low profile, being invisible throughout the council, particularly at times of adversity

- delegate inappropriately and blame subordinates or use others as scapegoats when things go wrong

- invoke inappropriate use of the 'exempt information' provisions to restrict access to debate and decision making

- make decisions without taking advice or considering regulations and wider development frameworks

- fail to review their decisions on the basis of experience and to change them where necessary - e.g. saying 'I've made my mind up and that is final'

- operate in secret and fail to open processes and decision-making to others.

notes	priority weighting (high, medium, low)

management of standards

ethical standards constitution, design and culture
what will we look for in a review?
questions and probes

1. Do you feel that members and officers have access to all the relevant information/guidance that they need to do the job properly? Can you give examples?

2. How easy is it to:

   i. Declare an interest

   ii. Register an interest

   iii. Claim expenses

   iv. Offer and/or receive hospitality

   How clear are you clear about the systems and processes involved?

3. To what extent are ethics in the council assessed or monitored?

4. To what extent are members/officers aware of any protocols, for example member/officer protocols, IT, allowances and expenses?

5. Can you give examples of where a lack of guidance may have led people to fail to follow set procedures?

6. To what extent do you think that the council makes it clear to all of its suppliers/contractors the level of ethical behaviour expected from their employees?

7. To what extent do you think that suppliers/contractors are aware of the standards of behaviour expected of council officers and members?

8. Do all members and officers have a role to play in maintaining high ethical standards or is it just the responsibility of just the standards committee?

9. How easy is it for members or staff to invoke the whistle blowing policy?

what are the key positive features of an ideal authority?

Members and officers individually and collectively:

- develop, promote and maintain high standards of conduct on an ongoing basis, ensuring ethical standards form part of the council's vision and strategy, are acknowledged and owned by members and staff and are 'designed-in' to the council's constitution, decision-making, overview and scrutiny procedures and relationships with stakeholders, including outside bodies and partners (e.g. in grant or contract conditions and partnership protocols)

- have mechanisms to ensure external suppliers and service providers are required, in their dealings with the council, to operate to public sector standards, e.g. not offering or providing inappropriate gifts or hospitality to members or staff

- understand and act on their judicial role in order to meet legal responsibilities (e.g. duty of care, corporate parenting)

- ensure recruitment and appointment processes comply with relevant standards, e.g. those of the Commission for Race Equality, Employers Organisation Conditions and District Audit, and are monitored and reviewed

- ensure key procedures and guidance, e.g. for declaring interests, claiming expenses, offers and/or receipt of hospitality, are well designed, up to date, easy to understand and operate and are followed

- have a confidential reporting mechanism which is widely known and understood and which has the confidence of members and staff.

Ethical and corporate systems and processes and risk management

- undertake appropriate risk assessment to ensure that the ethical standards, procedures and processes they are required to operate, are relevant, appropriate and commensurate with the level of risk

- are able to demonstrate positive council trends and specific progress in implementation of the ethical framework and show evidence of plans for further improvement in key aspects

- recognise that situations of ethical ambiguity or conflict will occur and have the collective and individual ability to deal with these appropriately

- ensure individuals have an awareness of and sensitivity to problematic issues and situations, together with the ability to recognise those which are relevant to their circumstances

Managing ethical ambiguity and conflict and whistle blowing issues

- ensure clear arrangements and mechanisms are in place for dealing with difficult ethical situations and a willingness to use appropriate measures to deal with them e.g. referral to the Standards Board for England

- have well defined, objective and confidential arrangements in place for members and staff to obtain advice and guidance on e.g. the council's 'whistle blowing' policy or appropriateness of referrals to the Standards Board for England

- establish a mechanism for independent and objective mediation to manage conflict that officers and members can use without fear of reprisal

- establish arrangements for regular scrutiny and review of general or specific ethical issues affecting the council, its members and staff

- demonstrate evidence of learning from experience: the use of feedback, adapting behaviour, systems and procedures and prevention of reoccurrence.

what are the key negative features of an authority?

Members and officers individually and collectively:

- believe that standards issues are separate from the mainstream activity of the council and are solely the responsibility of the standards committee and the monitoring officer rather than being owned by all members and staff

- assume that high standards will be maintained without conscious effort

- lack common understanding, or show evidence of widely differing views, within the council regarding conflicts of interest

- fail to make external partners and service providers aware of public sector rules and/or offer or accept inappropriate gifts or hospitality.

Ethical and corporate systems and processes and risk management
- seem unable or unwilling to consider situations objectively and realise how they may be perceived by the public, the media, individuals or organisations with which the council is involved

- create an overload of unnecessarily complex, irrelevant or outdated practices and procedures

- show evidence that advice and guidance is poorly designed and lacks clarity or is absent resulting in failure to follow set procedures.

Managing ethical ambiguity and conflict and whistle blowing issues
- ignore problems or potential conflict, hoping the problems will simply disappear

- fail to maintain confidentiality, gossip about other people's problems or issues

- are seen to take sides and fail to see issues or problems objectively

- allow too many vexatious complaints to be referred to the Standards Board for England

- discourage people wanting to refer valid complaints to the Standards Board for England.
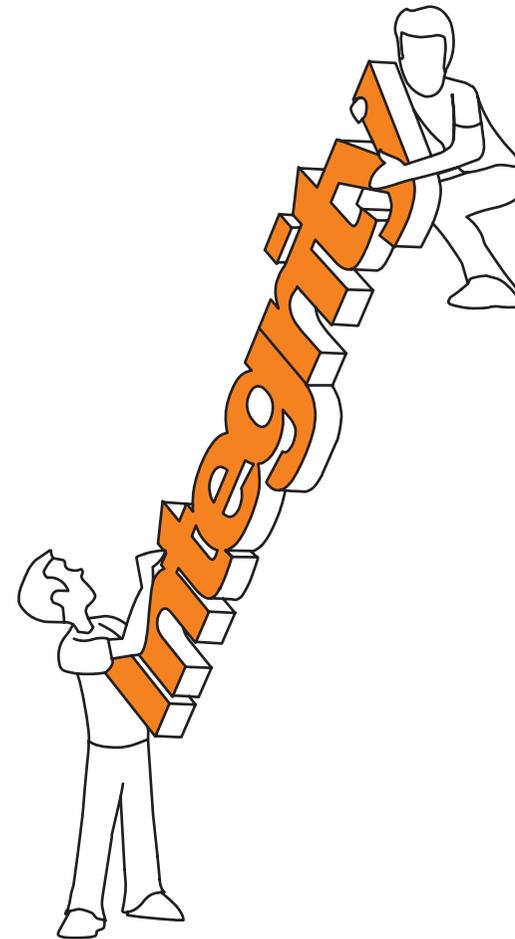
notes	priority weighting (high, medium, low)

team working and co-operation

what will we look for in a review?
questions and probes

1. Have you been part of an induction process, and did it include ethics and standards? If so, how useful was this?
2. Have you had any experience of a mentoring/buddying scheme for new members? If so, how useful was this?
3. Have you been offered/undertaken training relating to ethics and standards? If so, how useful was this?
4. Is training offered to key partners?
5. Do you feel that a 'public service ethos' is sufficient to maintain high ethical standards? Can you explain why/why not?
6. To what extent do you think that members of long standing hold the view that they do not need further training as they are experienced enough in the working of the council?
7. Do you feel there is a 'blame culture' in this council? If you do can you give examples?
8. Can you give examples of how high ethical standards are promoted by members?
9. How is misconduct dealt with and how is it reported?
10. Is there a confidential reporting mechanism in place in the council? If so, could you describe it?
11. To what extent do you have confidence in the confidentiality of the process?

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what are the key positive features of an ideal authority?

Members and officers individually and collectively:

- help to develop cohesion within own team and contributing to healthy communication between teams and the council

- work across group boundaries without compromising political values (members specifically)

- support and own team targets and ways of working

- share resources to support the achievement of partnership aims rather than being overprotective of their own budgets or powers

- show a real interest in their colleagues' issues and problems and recognise and celebrate others' achievements

- share responsibility for success and failure

- make sure that any interested individual or group, including those who may hold different views about the council's priorities and programmes, has an opportunity to understand and contribute to policy formulation, spending priorities etc

- remain open to new ideas even if they may appear threatening (e.g. e-government) and aim to learn from others (e.g. other councils)

- are prepared to discuss their own successful ideas with colleagues from other bodies

- develop knowledge of council systems and input council views at area specific meetings (e.g. planning, licensing)

- encourage scrutiny and respond positively to feedback, challenge and ideas

- implement national legislation and guidance even where this does not accord with local political views.

Personal effectiveness - training and development

- deliver an induction programme for both members and staff which incorporates ethical standards and seeks to integrate them into all aspects of induction

- recognise the need for, and are committed to, training and development in relation to ethical standards

- offer training which tackles 'difficult' issues, such as conflicts of interest, handling demands for special treatment, relationships with contractors, or lobbying by third parties and give participants the skills to deal with 'real-life' situations

- where requested, provide appropriate training and guidance for key partners, suppliers, service providers and other stakeholders to build awareness of the council's ethical ethos and practice.

what are the key negative features of an authority?

Members and officers individually and collectively:

- demonstrate inconsistent values, lack integrity and tend to say what others want to hear

- fail to make sure they have sufficient knowledge of the leading political manifesto, values and objectives

- put personal motivations first, 'going native' or failing to challenge the controlling group through a desire not to rock the boat

- act alone and consistently fail to support colleagues in public forums

- are overly reliant on others and tend to back down when challenged

- are adversarial in style, being inappropriately aggressive and confrontational when challenged

- engage in political 'blood sports' at the expense of working constructively for the good of the council and abuse scrutiny processes for political gain.

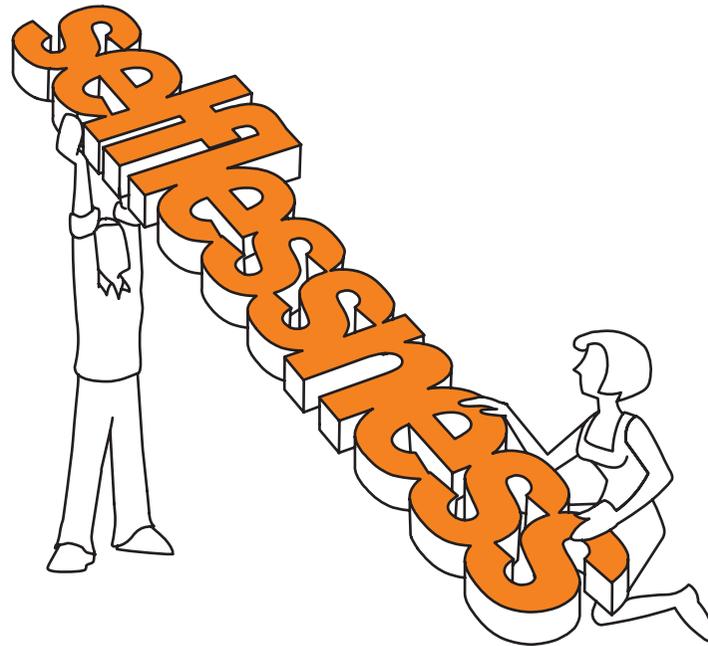### Personal effectiveness - training and development

- create a perception that the council ignores misconduct or fails to deal with it properly

- are reluctant to take action in respect of misconduct because of lack of confidence in the system

- show an absence of structured training and development and over-reliance on 'on the job' learning from colleagues

- are unwilling to participate in training and development

- take all credit for successful initiatives for themselves and refuse to accept their share of blame for unsuccessful actions

- get too protective and defensive about their own portfolio/department and fail to take an authority-wide view

- do not engage in community activities, 'hiding' in the civic buildings rather than being available in the community, waiting to be approached and being difficult to contact (e.g. saying 'I'm not your councillor' or 'I'm not the officer dealing with this') and failing to communicate and explain council vision and policies

- only listen and make themselves available to favoured groups within the community rather than the community as a whole and seem unwilling to listen to alternative views and solutions

- create a 'them and us' attitude to members, officers, non-cabinet members, partners or external councils and agencies etc.

- place political or personal gain before collaborative working

- are unavailable or evasive to external agencies or the media that are holding the council to account on general or specific issues.

notes	priority weighting (high, medium, low)