



CODE OF CONDUCT



Paul Hoey, Co-Director, of Hoey Ainscough Associates Ltd provides an update on the new Model Code and the top line results from the recent clerks' survey on standards and behaviour, including a comparison over time.

When the standards arrangements under the Localism Act were first introduced, I wrote an article for this magazine expressing concerns that the Act may create a bully's charter. This was because of worries about inconsistencies between codes, lack of any national support or views about where lines were crossed - and above all, the lack of sanctions available to deal with cases of gross misconduct or that minority of serial offenders.

Those fears have since been echoed in the 2019 report by the Committee on Standards in Public Life (CSPL). So what has been the reality? Has anything changed since the Committee's public criticism of the arrangements? I want to look at two aspects in particular:

- The new Model Code of Conduct produced by the Local Government Association (LGA); and
- The survey we have just undertaken for SLCC to gauge the size of the standards problems in the sector.

The CSPL report made a number of key recommendations. Sadly, its key recommendation to Government that it legislate for more meaningful sanctions has so far been ignored and we are now two

years past the report's publication. But to the LGA's credit they acted quickly on another key recommendation.

MODEL CODE

CSPL felt it unhelpful and confusing to officers, members and public alike to have different codes applying to different councillors - often the same councillor on different tiers. They asked the LGA to produce a new model, which at least should cover a much more comprehensive range of interests than the statutory minimum prescribed by law. It should also have clear rules and be easy to understand, and also that the same code should apply to all tiers across an area. My company was commissioned by the LGA to help draw up the Model Code and it was published in December.

I leave you to judge if it meets all the aims set for it but we worked closely with SLCC and others to make sure it met the sector's needs. But there are some key points I would like to draw out.

RESPECT AND BULLYING

Respect and bullying are obviously key provisions. The Model Code states clearly on the face of it 'as a councillor I treat people with respect, and I do not bully or harass anyone'. I am particularly pleased the Code is clear - you must respect not only the individual but also the role that individual plays. In other words respect the office of the clerk.

TRAINING AND SANCTIONS

Other key provisions which have been added include a requirement to undertake Code of Conduct training, a requirement to cooperate with an investigation and not to intimidate people involved in a case and to comply with any sanctions.

It also extends the requirement to declare interests of the councillor and their partner to relatives and close associates, though to be fair most codes (but by no means all) already did that.

So what happens now? We have also been asked by the LGA to produce supporting guidance by April. That should help clarify with examples some of the areas of the Code – where is the line between legitimate challenge and disrespect and bullying for example? We will again be consulting SLCC on that.

I would suggest you look to adopt the Code at your annual meeting.

Of course the Code without sanctions is still a problem, but this will allow you at least to remind councillors of nationally-recognised standards and have that discussion about what the council as a whole regards as acceptable behaviour. We also hope that it will help some shared learning to develop about how cases are being interpreted.

CLERKS' SURVEY

Which comes onto the second issue – how big is the problem? In 2018 we did a survey of clerks for SLCC to see what the conduct situation was to inform SLCC's evidence to the Committee.

It had a high response of around 800 and showed while most councils operate well, shockingly some 15% of respondents' councils were riven by behavioural problems and some 5% were to all intents and purposes unable to operate because of disruptive behaviour. Those results were influential in making the Committee's report as hard-hitting as it was in recognising a sectoral problem.

SLCC asked us to repeat the survey last month to see if things had improved, stayed the same or got worse. We had even more responses this time – nearly 900 – so there is a lot of data to crunch, but we are very grateful for your participation.

We are just starting the analysis and I hope to say more at future events, but some things have leapt out at me straightaway.

Those percentages of problem authorities seem almost identical now as they did three years ago.



Some places will have improved of course, but equally some will have deteriorated – but it shows there will seemingly always be councils where there are problems sadly, particularly if nothing is done to improve the powers and support available. Even if every council in the country with problems had responded and there were no others to capture, that means there are around 140 places who answered our survey in trouble - and of course our survey responses were only around a tenth of parishes.

But some things had changed. There seemed to be far fewer formal complaints, a higher number of members and officers who had left because they had got to the end of their tether and a greater number seemingly of councils having to pay costs because of employment issues and poor behaviour.

So, the picture that leapt out at me is one where there are still some systemic problems, but people have maybe become fed up with complaining because of the lack of sanctions and instead have either walked away or pursued matters through employment routes, albeit there is an equal dissatisfaction post-Ledbury with understanding grievance procedures.

I would conclude by saying that most parish councillors and clerks are doing a fantastic job for their communities running great parish councils and we are still only talking about a minority with problems but that is not to belittle it as we all know how serious those problems are to the individuals involved.

The new Model Code provides your council with an opportunity for some clearer rules, guidance and discussions about what is unacceptable. But without Government action on sanctions you still have one arm tied behind your back. I know SLCC will continue to fight your corner with Government, but I urge you all to continue to make your individual cases as well, as without that pressure nothing will change.