

# Standards Committee

Grand Jury Room, Town Hall  
6 March 2009 at 2.00pm

The Standards Committee deals with  
the local code of conduct for councillors and  
complaints against individual councillors.

## Information for Members of the Public

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**COLCHESTER BOROUGH COUNCIL  
STANDARDS COMMITTEE  
6 March 2009 at 2:00pm**

**Members**

**Independent  
Members**

Mr Derek Coe (Chairman)  
Mr Peter Fitton (Deputy Chairman)  
Mr Ian Andrews  
Mr Sven Farmer  
Mr Steven Roberts-Mee

**Parish  
Representatives**

Mr Malcolm Bartier  
Mrs Gillian Brown  
Ms Vivienne Eden

**Councillors**

Councillor Nigel Chapman  
Councillor Ray Gamble  
Councillor Henry Spyvee

**AGENDA - Part A**

(open to the public including the media)

**Members of the Public may wish to note that Agenda items 1 to 4 are normally brief**

**Pages**

**1. Welcome and Announcements**

- (a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
- action in the event of an emergency;
  - mobile phones switched to off or to silent;
  - location of toilets;
  - introduction of members of the meeting.

**2. Urgent Items**

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for

the urgency.

### **3. Declarations of Interest**

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

### **4. Minutes**

**1 - 3**

To confirm as a correct record the minutes of the meeting held on 5 December 2008.

### **5. Standards Committee Annual Report 2008/2009**

**4 - 11**

See report by the Monitoring Officer.

**4 - 11**

### **6. Local Code of Corporate Governance**

**12 - 36**

See report by the Monitoring Officer.

**12 - 36**

**7. Revised Whistleblowing Policy** **37 - 45**

See report by the Monitoring Officer.

**37 - 45**

**8. Standards Committee Work Programme 2008/09 and 2009/10** **46 - 49**

See report by the Monitoring Officer.

**46 - 49**

**9. Exclusion of the Public**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).



## **STANDARDS COMMITTEE 5 DECEMBER 2008**

*Present :-* Mr D. Coe (Independent Member) Chairman  
Mr Bartier (Parish Council Representative)  
Mrs Brown (Parish Council Representative)  
Ms Eden (Parish Council Representative)  
Mr Farmer (Independent Member)  
Mr Fitton (Deputy Chairman) (Independent Member)  
Councillor Gamble  
Mr Roberts-Mee (Independent Member)  
Councillor Spyvee

### **6. Minutes**

The minutes of the meeting held on 22 May 2008 were confirmed as a correct record.

### **7. Review of Local Assessment Process**

The Monitoring Officer presented a report reviewing experience of the new local assessment process for allegations that members may have breached the members Code of Conduct introduced in May 2008. The Committee considered that the introduction of the new procedures had run smoothly. It noted that statutory time targets are been complied with in all but one case, and the exceptional case had only missed its target by one day. Members of the Allegations Sub-Committee reported that the practice of setting aside one day each month as a provisional meeting date, which would only be used if necessary, had worked well.

The arrangements for publicising the new arrangements were noted. The Committee considered that it would be useful for another article to be placed in the Courier in approximately six months to keep the new process in the public eye.

*RESOLVED* that:-

(i) The contents of the report be noted;

(ii) A further article publicising the Local Assessment Process be placed in the Courier in approximately six months time.

### **8. Local Government Ombudsman - Annual Letter 2007/08**

The Monitoring Officer presented a report setting out the contents of the Local Government Ombudsman's Annual Letter for 2007/2008. Details of the Ombudsman's Annual Letter had also been reported to Cabinet on 10 September 2008. The Committee noted that no findings of maladministration had been made against the Council and no formal reports were issued. Whilst the average response time of the Council to Ombudsman first enquiry letters was slightly higher than the target of 28 days, the introduction of e-mail correspondence to and from the Ombudsman's office

was expected to help reduce the response time.

*RESOLVED* that the contents of the Local Government Ombudsman's Annual Letter for 2007/08 be noted.

**9. Communities and Local Government Consultation Paper: Communities in Control: Real People, Real Power and Codes of Conduct for Local Authority Members and Employees**

The Monitoring Officer presented a report proposing a response to the Department of Communities and Local Government's consultation paper *Communities in Control*, which dealt with issues relating to codes of conduct for local authority members and employees.

The Committee thanked the Monitoring Officer for the detailed consideration given to the various points raised in the consultation paper. The Committee discussed a number of points raised by the consultation paper. The suggested response was agreed, subject to the following points:-

- In respect of the response to question one, the Committee agreed that the Code of Conduct for members should apply to at least some conduct in a member's private life. However, the answer to question one needed to be amended to clarify the point that the Code needed to cover any behaviour that was criminal at the time it was committed, whether it resulted in a prosecution or not.
- The response to question four needed to address the issue of behaviour that would be a criminal offence abroad, but would not be so in the UK. Given the higher standards expected of elected members, it could be argued that the Code should apply to behaviour that would not be a criminal offence in the UK but was in the country where the offence was committed. As elected members had a responsibility to maintain standards in public life they should show an understanding of the culture and laws of any country they visit.
- In response to the issue raised in question five about whether a standards investigation should await the completion of the judicial process, the Committee was of the view that the dangers of prejudicing any criminal investigation outweighed the potential damage to the credibility of the standards system from delaying the standards investigation. Accordingly the reply should stress that standards investigations should await the conclusion of criminal proceedings.
- In respect of question 6(j), the Committee felt that the £25 threshold for declaration of gifts and hospitality was too low. However, it should also be consistent with the threshold applicable to others in the public sector.
- In respect of the issue raised at question 16(c) about the applicability of the employee's code, the Committee considered that the number of employees to whom it applied should be limited as far as was possible. However seniority was not necessarily the decisive factor in identifying those employees to whom it should apply. The Code should apply to all those officers whom Councillors would need to trust not to use the information gained via their employment for their own



purposes.

- At question 19, the figure used here for the threshold of declarations of gifts and hospitality would need to be consistent with that at question six for members.
- In respect of the issue raised at question 21, the Committee considered that the employee's code should apply to clerks of Parish Councils.

The Committee delegated authority to the Chairman and Monitoring Officer to amend the response to take account of the points above.

*RESOLVED* that:-

(i) the draft response to the Department of Communities and Local Government consultation paper Communities in Control be agreed subject to the points above;

(ii) authority be delegated to the Chairman of the Standards Committee and the Monitoring Officer to amend the response where appropriate to take account of the points raised by the Committee.

## **10. Review of Training for Members on the Code of Conduct and Local Assessment**

The Monitoring Officer presented a report providing an update of training for Members on the Code of Conduct and the local assessment process.

The Committee considered it was important that arrangements for training on the new Code of Conduct be put in place for May/June 2009. This should be targeted particularly at Parish Council Chairman and clerks. It should be offered on more than one occasion to maximise the opportunities for Councillors to attend.

*RESOLVED* that:-

(a) the contents of the report be noted;

(b) arrangements be made to provide training on the new Code of Conduct in May/June 2009, aimed particularly at Parish Council Chairman and clerks.



## Standards Committee

Item  
**5**

6 March 2009

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Standards Committee Annual Report 2008/2009		
Wards affected	Not applicable		

**This report recommends that the committee approves an  
Annual Report for 2008/2009**

### 1. Decision(s) Required

- 1.1 To approve the Standards Committee Annual Report for 2008/2009 and to recommend to Council that it be noted.
- 1.2 To authorise the Monitoring Officer in consultation with the Chairman to make any necessary changes to the Annual Report to give effect to the Committees activities up to the end of March 2009.

### 2. Background

- 2.1 The Standards Committee's role has changed significantly since it was created in 2001. More responsibilities have been placed upon it by successive legislation recently culminating in the local assessment of complaints against members.
- 2.2 An Annual report is a method by which the Committee can inform the Council and the public of its activities and raise awareness of ethical issues. An Annual Report is seen as good practice and attached to this report is a draft first Annual report for the Committee which covers the period from April 2008 to March 2009.
- 2.3 The draft Annual Report highlights particularly the work undertaken by the Allegations Sub-Committee in dealing with the Local Assessments of allegations made against members. The Committee is also asked to recommend the Annual Report to Council for its information.

### 3. Strategic Plan References

- 3.1 The Council's ethical arrangements forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.

### 4. Financial Considerations

- 5.1 None.

### 5. Equality, Diversity and Human Rights Implications

- 5.1 None

### 6. Publicity Considerations

- 6.1 The Annual Report will be placed on the Council's website.

**7. Consultation Implications**

7.1 None.

**8. Community Safety Implications**

8.1 None

**9. Health and Safety Implications**

9.1 None

**10. Risk Management Implications**

10.1 None.



# **COLCHESTER BOROUGH COUNCIL**

## **STANDARDS COMMITTEE**

**Annual Report 2008/2009**

## 1. Introduction

This is the first Annual Report of Colchester Borough Council's Standards Committee and covers the period from 1 April 2008 to 31 March 2009. In reviewing the activities and looking back at issues highlighted in 2008/09, it also looks forward to next year.

The Borough Council is required by law to establish a Standards Committee and has an important role to play in providing training for and maintaining ethical conduct of Councillors. Article 9 and Part 3 of the Council's Constitution contain the requirements for and composition of the Standards Committee.

## 2. Roles and functions of the Standards Committee

The Committee's roles and functions are as follows:

- (a) To promote and maintain high ethical standards of conduct for elected and co-opted Members.
- (b) To help elected and co-opted Members to observe the Members' Code of Conduct.
- (c) To give the Council advice on adoption or revision of the Members' Code of Conduct and on informal codes/protocols covering matters such as planning and Member/officer relations.
- (d) To monitor the effectiveness of the Members' Code of Conduct.
- (e) To train or arrange training for elected and co-opted Members on matters relating to the Members' Code of Conduct.
- (f) To assess and review complaints that elected and co-opted Members have breached the Members' Code of Conduct and in connection with this function:
- (g) To develop and adopt:
  - (i) Assessment Criteria for dealing with complaints;
  - (ii) Policies for dealing with vexatious, persistent and anonymous complaints and requests by complainants for confidentiality;
  - (iii) Arrangements for dealing with complaints and publicising the arrangements;
  - (iv) Procedures for dealing with local investigations and
  - (v) Such other provisions and procedures as may be required.
- (h) To establish and maintain the following two sub-committees each with their own terms of reference:
  - Allegations Sub-Committee
  - Allegations Appeal Sub-Committee
- (i) To establish and maintain a Hearings Sub-Committee with its own terms of reference
- (j) To conduct Hearings and make determinations in respect of complaints that elected and co-opted Members have breached the Members' Code of Conduct in accordance with relevant statutory requirements and guidance issued by the Standards Board for England and in connection with this function; and
- (k) To develop and adopt procedures for dealing with such Hearings.
- (l) To grant dispensations to elected and co-opted Members with prejudicial interests.
- (m) To grant exemptions from politically restricted posts.
- (n) To maintain an overview of the Council's arrangements for dealing with complaints and Local Government Ombudsman investigations.

- (o) To undertake the functions set out at (a) to (l) above in respect of all Parish and Town Councils wholly or mainly within the Borough of Colchester and the Members of those Parish or Town Councils.

Part 5 of the Borough Council's Constitution contains various Codes and protocols relevant to the functions of the Committee and in respect of which the Committee has previously given advice and made recommendations.

### **3. Composition**

The Committee comprises Independent Members, Parish Representatives and Borough Councillors. The Borough Council agreed, at its meeting on 14 May 2008, to increase the membership of the Committee and accordingly the composition for 2008/2009 was as follows:

#### **Independent Members;**

- Mr D Coe (Chairman)
- Mr P Fitton (Deputy Chairman)
- Mr I Andrews
- Mr S Farmer
- Mr S Roberts-Mee

#### **Parish Representatives;**

- Councillor M Bartier
- Councillor G Brown
- Councillor V Eden

#### **Borough Councillors;**

- Councillor N Chapman
- Councillor R Gamble
- Councillor H Spyvee

The Independent Members were appointed by the Borough Council for a term expiring in May 2011 following a public recruitment process although three of the five were previous members who sought re-appointment and have provided a valuable pool of experience. The Parish Representatives are nominated annually to the Council by the Colchester Association of Local Councils. The Borough Councillors are appointed annually and are senior members who have had/are soon to have mayoral responsibilities.

The Officer support for the Committee is provided by the Monitoring Officer, Andrew Weavers and Democratic Services Officer Richard Clifford.

### **4. The Committee's Work Programme**

The Committee agreed a work programme for 2008/2009 which covered:

- Consideration of the Ombudsman's Annual Letter
- Review of the Local Assessment process
- Review of the Council's Local Code of Corporate Governance

- Review of the Council's Whistleblowing Policy
- Review and provision of Training for Members on the Members Code of Conduct
- Responding to Government consultation papers on revisions to the Members Code of Conduct
- Scheduled meetings so as to be able to respond to complaints within the specified time limits

## **5. Main Areas of Work**

### **5.1 Implementation of Local Assessment of Allegations Process**

In May 2008 the responsibility for the initial assessment of allegations whether councillors had failed to follow the Members Code of Conduct was transferred from the Standards Board for England to local Standards Committees.

This new responsibility led to the Committee having to meet regularly to agree and implement new policies and procedures to meet the challenges posed. The Committee recommended to the Borough Council that its membership be increased to ensure that the process was fair and transparent and that it had enough members to deal with all parts of the process appropriately. Following recommendations from the Standards Board for England, the Committee created three new Sub-Committees; Allegations Sub-Committee, Allegations Appeals Sub-Committee and the Hearings Sub-Committee. The Committee itself and each of its Sub-Committees are chaired by an Independent Member.

The members of the Committee, along with other Standards Committee members across Essex, attended a training session on how to practice the process.

The Committee has a duty to ensure adequate publicity for the Local Assessment process and has kept this under review.

The Local Assessment process has required meetings of the Allegations Sub-Committee (which deals with the initial assessment of allegations) to be diarised monthly. In accordance with the law these meetings are held in private.

During 2008/2009:

The Allegations Sub-Committee met on five occasions and considered seven complaints. Of these, two related to Borough Councillors and five to Town and Parish Councillors.

The Sub Committee made the following decisions:

- 4 complaints - no further action
- 2 complaints - referred to the Monitoring Officer for Investigation
- 1 complaint – referred to the Standards Board for England

The Allegations Sub-Committee was able to consider five of the complaints within the recommended time limit of 20 days from receipt. The remaining two were received shortly after the scheduled monthly meeting of the Sub-Committee and were duly considered within two days of that time limit at the next meeting.

The Allegations Appeals Sub-Committee met on one occasion to consider an appeal following a decision of no further action by the Allegations Sub-Committee. Following an independent consideration of the complaint it upheld the Allegations Sub-Committee's decision.

The complaint referred to the Standards Board for England resulted in a decision of no further action.

The Hearings Sub-Committee (which will hear and determine the results of an investigation where a complaint has been made against a Councillor that they have not followed the Code of Conduct) did not meet. There are currently two complaints under investigation which should be concluded shortly.

## **5.2 Review of the Local Assessment Process**

The Committee undertook a review after six months of its experiences in operating the process and was satisfied that it was functioning correctly. It will keep this under regular review.

## **5.3 Consultation Paper on codes of conduct for local authority members and officers**

The Department of Communities and Local Government in late 2008 published a consultation paper on proposals to further amend the Members' Code of Conduct and on the introduction of a code of conduct for Officers. The Committee made a full response to this consultation paper and several suggestions were made for improving or further clarifying the Members' Code of Conduct. The Government's intention is to implement a revised Members' Code of Conduct with effect from May 2009. The Committee will need to meet to consider any revised Code of Conduct and make recommendation to the Borough Council and the Town and Parish Councils in the Borough as appropriate.

## **5.4 Training for Members on the Code of Conduct**

The Committee organised via the Monitoring Officer several training sessions throughout the year for both Borough and the 255 Town and Parish Councillors in the 28 Town and Parish Councils situated in the Borough. In addition sessions were arranged for Town and Parish Clerks. Some sessions were better attended than others. The Independent Members ensured that at least one of them was present at each session.

The Committee is concerned that all Councillors receive adequate training on the Code of Conduct to ensure that they are up to date with developments and able to fulfil the functions for which they are elected in a proper manner. In the coming year the Committee will be facilitating further training and will be monitoring attendance particularly where there has been evidence of non-compliance with the Code.



## **6. Dispensations**

The Members' Code of Conduct requires that a councillor who has a personal and prejudicial interest in a matter must disclose the existence and nature of that interest and withdraw from the meeting (after making representations if appropriate) when the matter is considered.

Section 81 of the Local Government Act 2000 and The Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002 ("the 2002 Regulations") enable members of the Borough Council and of the Town and Parish Councils within the Borough to apply in writing to the Standards Committee for dispensation to allow them to take part in the discussion of an issue in respect of which they have an interest. The 2002 Regulations require that dispensations may only be granted where failure to do so would result in the transaction of business being impeded because more than 50 per cent of members entitled to participate in the consideration of the matter would be prohibited from doing so or, in the case of the Borough Council only, it would not be possible to comply with the political balance requirements under Section 15(4) of the Local Government and Housing Act 1989.

Since the 2002 Regulations came into force, there have been no requests made to the Standards Committee for a dispensation.

## **7. Work Programme for 2009/2010**

The main focus of the Committee in the coming year will be on the proposed revised Members' Code of Conduct and possibly that for Officers should such a document be produced in this time period. The Committee will continue to monitor the Local Assessment process and also review the Borough Council's Ethical Framework.

## **8. Conclusions**

In a busy year, the Committee has completed its work programme and is well placed to continue to face the challenges of handling the initial assessment of allegations and progressing matters that it considers necessary to investigate. Colchester Borough Council continues to have a sound record in ensuring good standards of conduct and it is our intention to promote, maintain and enhance those standards.

Dated March 2009

**Derek Coe**  
**Chairman**



## Standards Committee

Item  
**6**

6 March 2009

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Local Code of Corporate Governance		
Wards affected	Not applicable		

**This report recommends that the Committee considers the  
draft Local Code of Corporate Governance**

### 1. Decision(s) Required

- 1.1 To consider the draft Local Code of Corporate Governance and to recommend to Cabinet that it be approved.

### 2. Background

- 2.1 Governance is about how the Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, and cultures and values, by which such bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities.
- 2.2 The Council strives to meet the highest standards of corporate governance to help ensure it meets its objectives. Members and Officers are responsible for putting in place proper arrangements for the governance of the Council's affairs and the stewardship of the resources at its disposal.
- 2.3 The Council approved a Local Code of Corporate Governance several years ago which has been updated. The attached revised Local Code of Corporate Governance has been developed in accordance with guidance issued in 2007 jointly by CIPFA (The Chartered Institute of Public Finance and Accountancy) and SOLACE (The Society of Local Authority Chief Executives) entitled "Delivering Good Governance in Local Authorities".
- 2.4 This Guidance identified six Core Principles against which local authorities should review their existing corporate governance arrangements and develop and maintain a local code of governance. The principles are;
  - Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area;
  - Members and officers working together to achieve a common purpose with clearly defined functions and roles;
  - Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
  - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
  - Developing the capacity and capability of members and officers to be effective; and

- Engaging with local people and other stakeholders to ensure robust public accountability.

2.2 The six core principles each have a number of supporting principles, which in turn have a range of specific requirements that apply across the range of Council business.

2.3 The Council's Annual Governance Statement 2008 Action Plan identified a revised Local Code of Corporate Governance as a key action to strengthen the Council's governance arrangements.

2.4 Attached to this report is draft Local Code of Corporate Governance which has been prepared in light of the Guidance and the six principles. It has been the subject of consultation with various officers and the Council's Performance Management Board.

2.5 The Code takes each of the principles in turn and elaborates on how the Council will meet its aims, what source documents or processes evidence the aims and in addition highlights any further or ongoing work.

2.6 Once the Code has been approved by the Cabinet, it is envisaged that this Committee along with the Accounts and Regulatory Committee will have an ongoing role in reviewing the Code.

### **3. Strategic Plan References**

3.1 Governance forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.

### **4. Financial Considerations**

4.1 None.

### **5. Equality, Diversity and Human Rights Implications**

5.1 None.

### **6. Publicity Considerations**

6.1 The Local Code of Corporate Governance will be included in the Constitution and will be placed on the Council's website.

### **7. Consultation Implications**

7.1 None.

### **8. Community Safety Implications**

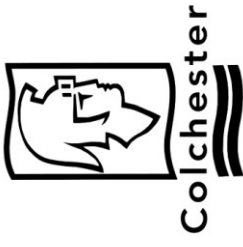
8.1 None.

### **9. Health and Safety Implications**

9.1 None.

### **10. Risk Management Implications**

10.1 None.



## COLCHESTER BOROUGH COUNCIL

### CODE OF CORPORATE GOVERNANCE

#### Contents

- Core Principle 1** *Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area.*
- Core Principle 2** *Members and officers working together to achieve a common purpose with clearly defined functions and roles.*
- Core Principle 3** *Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.*
- Core Principle 4** *Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.*
- Core Principle 5** *Developing the capacity and capability of members and officers to be effective.*
- Core Principle 6** *Engaging with local people and other stakeholders to ensure robust public accountability.*

## COLCHESTER BOROUGH COUNCIL CODE OF CORPORATE GOVERNANCE

### INTRODUCTION

*“Governance is about how local government bodies ensure that they are doing the right things, in the right way for everyone, in a timely, inclusive, open, honest and accountable manner.*

*It comprises the systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and where appropriate, lead their communities”.*

Delivering Good Governance in Local Authorities (CIPFA/SOLACE 2007)

The CIPFA/SOLACE guidance “Delivering Good Governance in Local Authorities” identified six Core Principles against which local authorities should review their existing corporate governance arrangements and develop and maintain a local code of governance. These principles are;

- *Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area*
- *Members and officers working together to achieve a common purpose with clearly defined functions and roles*
- *Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour*
- *Taking informed and transparent decisions which are subject to effective scrutiny and managing risk*
- *Developing the capacity and capability of members and officers to be effective*
- *Engaging with local people and other stakeholders to ensure robust public accountability.*

**This Code of Governance has been prepared in accordance with the Guidance and will be reviewed by the Accounts and Regulatory Committee and the Standards Committee on an annual basis.**

**Additionally authorities are required to prepare and publish an Annual Governance Statement in accordance with this framework under Regulation 4(2) of the Accounts and Audit (Amendment) (England) Regulations 2006. The Annual Governance Statement is a key corporate document. The Chief Executive and the Leader of the Council have joint responsibility as signatories for its accuracy and completeness.**

**COLCHESTER BOROUGH COUNCIL: CODE OF CORPORATE GOVERNANCE**

<p><b>Core Principle 1 – Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area</b></p>		
<p><b>Our aims in relation to focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area are to:</b></p> <p>1.1 Exercise strategic leadership by developing and clearly communicating the authority’s purpose, vision and its intended outcome for citizens and service users</p> <p>1.2 Ensure users receive a high quality service whether directly, or in partnership, or by commissioning</p> <p>1.3 Ensure that the authority makes best use of resources and that tax payers and service users receive excellent value for money</p>		
		<b>Further work ongoing</b>
<p><b>In order to achieve our aims we have/will:</b></p> <p>1.1.1 Develop and promote the Council’s purpose and vision</p> <p>1.1.2 Review on a regular basis the Council’s vision for the local area and its impact on the authority’s governance arrangements</p>	<p><b>Source documents/Processes</b></p> <p>Strategic Plan 2009-12 Service Plans Sustainable Community Strategy Local Area Agreement Communications Strategy Consultation – “Knowing Your Community” Policy Framework Performance and reward system links to strategic objectives</p> <p>Strategic Plan 2009-12 Medium Term Financial Strategy and Capital Programme Sustainable Community Strategy Local Code of Corporate Governance Annual Governance Statement and Assurance Framework</p>	<p>Strategic Plan 2009-12 Action Plan</p> <p>Local Code of Corporate Governance updated as required by CIPFA Guidance</p>

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
1.1.3 Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties	Strategic Plan 2009-12 Sustainable Community Strategy Local Area Agreement Public Service Partnership	Partnership strategy including governance arrangements and protocols is currently being developed. A partnership register is being developed. Research is currently being undertaken into establishing the Council's partners key values and vision
1.1.4 Publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance	Statement of Accounts	Strategic plan actions and annual monitoring of delivery
1.2.1 Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available	Performance Dashboard which is underpinned by an on-line performance management system. Customer Excellence. Consultation – "Knowing Your Community"	Developing Mosaic and Touchstone customer research tools Govmetric Corporate Improvement programme – Environmental & Protective Services review, Housing Review, Street Services review
1.2.2 Put in place effective arrangements to identify and deal with failure in service delivery	National Indicators Performance Dashboard Local Area Agreement Complaints Procedure Internal Audit Process Finance and Audit Scrutiny Panel Executive Director for People and Performance Performance Management Board	Customer Service Centre becoming responsible for taking on web site management Group monitoring of summary service plan delivery

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
<p>1.3.1 Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions.</p>	<p>Use of Resources Assessment Performance Dashboard Local Area Agreement Local Authority Carbon Management Nottingham Declaration Strategy and Action Plan</p>	<p>Value for money methodology as described in Value for Money section of Use of Resources Carbon Management programme Sustainability assessments for Local Development Framework</p>



<b>Core Principle 2 – Members and Officers working together to achieve a common purpose with clearly defined functions and roles</b>			
<b>Our aims in relation to Members and Officers working together to achieve a common purpose with clearly defined functions and roles are to:</b>			
2.1	Ensure effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function		
2.2	Ensure that a constructive working relationship exists between authority members and officers and the responsibilities of members and officers are carried out to a high standard		
2.3	Ensure relationships between the authority, its partners and the public are clear so that each knows what to expect of the other		
<b>In order to achieve our aims we have/will:</b>		<b>Source documents/Processes</b>	<b>Further work ongoing</b>
2.1.1	Set out a clear statement of the respective roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice	Constitution (Cabinet terms of reference) Record of decisions and supporting materials Member/Officer Protocol Member Training and Development Senior officer training	The Constitution will continue to be reviewed on a rolling basis.
2.1.2	Set out a clear statement of the respective roles and responsibilities of other authority members, members generally and of senior officers	Constitution (Statutory Officer positions, Terms of Reference for Committees, Member roles) Protocols on planning, the representational role of Members, Chairmen, Officer/Members Schemes of Delegation Conditions of Employment	Development of a protocol to cover the working arrangements between Portfolio Holders and senior Officers.
2.2.2	Make the chief executive or equivalent responsible and accountable to the authority for all aspects of operational management	Chief Executive designated Head of Paid Service Constitution (Head of Paid Service responsibilities) Conditions of Employment Schemes of Delegation Job Accountability Statement / Person Specification Signature on Annual Governance Statement	The Constitution will continue to be reviewed on a rolling basis. Support for this from Executive Director People and Performance

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
2.2.3 Develop protocols to ensure that the leader and chief executive (or equivalent) negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained	Constitution Member/Officer Protocol Regular 1:2:1's	The Constitution will continue to be reviewed on a rolling basis.
2.2.4 Make a senior officer (usually the section 151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control	Head of Resource Management has been appointed as the Council's Chief Financial Officer (S151 Officer). Constitution Job Accountability Statement / Person Specification S151 Officer Protocol Report template includes financial implications before report considered by Members	
2.2.5 Make a senior officer (other than the responsible financial officer) responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes, regulations are complied with (usually the Monitoring Officer)	Legal Services Manager has been appointed as the Council's Monitoring Officer Monitoring Officer Protocol Report template requires that Legal Services are consulted before a report considered by Members	
2.3.1 Develop protocols to ensure effective communication between members and officers in their respective roles	Member / Officer Protocol Planning Procedures Code of Practice Outside Bodies advice given to Members Member and Officer Codes of Conduct	
2.3.2 Set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process including an effective remuneration panel (if applicable)	Pay and conditions policies and practices Independent Remuneration Panel Terms of Reference and Reports Regular liaison meeting with Unison	

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
2.3.3 Ensure that effective mechanisms exist to monitor service delivery	<p>Performance Dashboard National Indicators Local Area Agreement Executive Director for People and Performance designated in new structure in July 2008 Complaints Procedure Heads of Service monitoring Service Plans Performance Management Board Performance and Reward system Scrutiny Panels</p>	<p>New performance management framework to reflect changes in relation to Local Area Agreements, Comprehensive Area Assessments and new National Indicators. Customer insight work</p>
2.3.4 Ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated	<p>Strategic Plan 2009-1212 underpinned by a review of all existing consultation work. Specific consultation with hard to reach groups. Medium Term Financial Strategy National Indicators Performance Dashboard Local Area Agreement Website Communications Strategy Courier</p>	<p>Strategic Plan 2009-12 Action Plans.</p>
2.3.5 When working in partnership ensure that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority	<p>Constitution Individual Partnership Agreements Service Level Agreements Advice given to members in relation to outside bodies</p>	<p>Partnership strategy including governance arrangements and protocols is currently being developed. A partnership register is being developed. Research is currently being undertaken into establishing the Council's partners key values and vision</p>

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
<p>2.3.6 When working in partnership:</p> <ul style="list-style-type: none"> <li>• ensure that there is clarity about the legal status of the partnership</li> <li>• ensure that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.</li> </ul>	<p>Constitution Individual Partnership Agreements Service Level Agreements Advice given to members in relation to outside bodies</p>	<p>Partnership strategy including governance arrangements and protocols is currently being developed. A partnership register is being developed. Research is currently being undertaken into establishing the Council's partners key values and vision</p>

<b>Core Principle 3 – Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour</b>		
<b>Our aims in relation to promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour are to:</b>		
3.1	Ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance	
3.2	Ensuring that organisational values are put into practice and are effective	
<b>In order to achieve our aims we have/will:</b>		<b>Source documents/Processes</b>
3.1.1	Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect	<p>Constitution  Chief Executives and Leaders blog on the Council's intranet  Performance and Reward  Leadership days  Standards Committee has an overall view of conduct issues established by their terms of reference  Member and Officer Codes of Conduct  Increased numbers of Independent Members appointed to Standards Committee  Member/Officer Protocol  Whistleblowing Policy  Anti Fraud and Corruption Policy  Freedom of Information Policy statement and publication scheme  Monitoring Officer and S151 Officer Protocols  Planning Procedures Code of Practice  Officer Register of Gifts and Hospitality  Officer voluntary register of interests  Member's Register of Interests  Website</p>
		<b>Further work ongoing</b>
		Best Council's survey work
		Quarterly briefing for staff
		Review of Whistleblowing Policy

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
	<p>Corporate Road shows by Chief Executive for staff  Executive Management Team shadowing  Executive Management Team listening circles  Hub and Spokes Officers focus group  Portfolio Holders monthly sessions with senior officers</p>	
<p>3.1.2 Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols</p>	<p>Members and Officer Codes of Conduct  Performance and Reward System  Complaints procedures  Anti-fraud and Corruption Policy  Member/Officer Protocols  Member Development Programme  Officer training on Member/ officer relationship  Whistleblowing Policy  Information and Communication Technology (ICT)  Security Policy</p>	<p>Review of Whistleblowing Policy</p>
<p>3.1.3 Put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice</p>	<p>Member and Officer Codes of Conduct  Equality and Diversity training for Members and Officers  Financial Regulations  Contract Procedure Rules  Anti-Fraud and Corruption Policy  Whistleblowing Policy  Registers of Interests (Officers and Members)  All of these arrangements are reported on through the Monitoring Officer  Services and processes are underpinned by Equality Impact Assessments  Officer induction and training</p>	<p>Review of Whistleblowing Policy</p>

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
3.2.1 Develop and maintain shared values including leadership values both for the organisation and staff reflecting public expectations and communicate these with members, staff, the community and partners	Member and Officer Codes of Conduct Strategic Plan 2009-12 Administration's vision, 3 objectives and 9 priorities in place and being shared Way We Work Programme - organisational values for People, Customer Excellence, Place Shaping and Flexible Working Performance and Reward Customer Excellence	Strategic Plan 2009-12 Action Plan People Strategy actions
3.2.2 Put in place arrangements to ensure that procedures and operations are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice	Contract Procedure Rules Anti-Fraud and Corruption Policy Whistle Blowing Policy Member and Officer Codes of Conduct Monitoring of the above takes place by the Standards Committee ICT Security Policy	Reporting through to Standards Committee on a regular basis
3.2.3 Develop and maintain an effective Standards Committee	Agenda and Minutes Terms of Reference Regular meetings The number of Independent Members and Parish Representatives exceeds statutory minimum Local Assessment of complaints Framework implemented	The Local Assessment Framework will be monitored by the Standards Committee. Annual Report

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
<p>3.2.4 Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority</p>	<p>Member and Officer Codes of Conduct  Strategic Plan 2009-12 Administration's vision, 3 objectives and 9 priorities in place and being shared  Way We Work Programme  Performance and Reward  Customer Excellence  Leadership days  Portfolio Holder sessions with Senior Managers</p>	<p>Strategic Plan 2009-12 Action Plan</p>
<p>3.2.5 In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively</p>	<p>Values agreed with each partner  Partnership Register</p>	<p>Protocols for partnership working are in the process of being developed.  Implementation of Partnership Strategy</p>



<b>Core Principle 4 – Taking informed and transparent decisions which are subject to effective scrutiny and managing risk</b>			
<b>Our aims in relation to taking informed and transparent decisions which are subject to effective scrutiny and managing risk are to:</b>			
4.1	Being rigorous and transparent about how decisions are taken and listening and acting on the outcomes of constructive scrutiny		
4.2	Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs		
4.3	Ensuring that an effective risk management system is in place		
4.4	Using their legal powers to the full benefit of the citizens and communities in their areas		
<b>In order to achieve our aims we have/will:</b>		<b>Source documents/Processes</b>	<b>Further work ongoing</b>
4.1.1.	Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the organisation's performance overall and of any organisation for which it is responsible	Scrutiny is supported by robust evidence and data analysis Agenda and Minutes Work programme Successful outcome of reviews Training on developing meaningful work programme Training for scrutiny chairman Scrutiny conference Scrutiny of partners and joint projects	Individual skills for successful scrutiny training in for members in conjunction with Ipswich and Tendring District Council
4.1.2	Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based	Constitution Decision making protocols Record of decisions and supporting materials Report template Decision list published	Meetings Factory on website
4.1.3	Put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice	Member and Officer Codes of Conduct Member and Officer Registers of Interests Declaration of Interests at meetings Code of Conduct guidance and training provided to Members and Officers	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
	<p>Planning procedures Code of Practice Standards Committee have responsibility for these issues Monitoring Officer reports on these issues Politically restricted posts</p>	
<p>4.1.4 Develop and maintain an effective Audit Committee (or equivalent) which is independent or make other appropriate arrangements for the discharge of the functions of such a committee</p>	<p>Finance and Audit Scrutiny Panel Terms of Reference Accounts and Regulatory Committee Audit awareness training Agenda and Minutes</p>	
<p>4.1.5 Put in place effective transparent and accessible arrangements for dealing with complaints</p>	<p>Complaints procedure Local Assessment Framework</p>	<p>Complaints procedure currently being reviewed Customer insight work</p>
<p>4.2.1 Ensure that those making decisions whether for the authority or partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications</p>	<p>Website Report templates dealing with key aspects Report by Head of Service with necessary technical expertise included Training and professional development</p>	
<p>4.2.2 Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately</p>	<p>Report template requires that consultation is undertaken with Monitoring Officer and S151 Officer before report considered by Members Record of decision making and supporting materials S151 and Monitoring Officer Protocols</p>	

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
4.3.1 Ensure that risk management is embedded into the culture of the organisation, with members and managers at all levels recognising that risk management is part of their job	<p>Risk Management Strategy part of the Policy Framework</p> <p>Corporate Risk Manager</p> <p>Corporate/service planning</p> <p>Cabinet Member with accountability for risk management</p> <p>Finance and Audit Scrutiny Panel monthly monitoring role of top 5 risks and regular review of whole risk register</p> <p>Performance Management Board quarterly risk review</p> <p>Risk Registers- Strategic, Operational and Project</p> <p>Risk and Control self assessment completed by all managers</p> <p>Training for Members and Officers</p>	Currently developing Members training session. Officer training as and when required through Group Management Teams
4.3.2 Ensure that arrangements are in place for whistle blowing to which staff and all those contracting with the authority have access	Whistleblowing Policy Information for contractors Monitoring Officer Constitution	Review of Whistleblowing Policy
4.4.1 Actively recognise the limits of lawful activity placed on them by, for example the ultra vires doctrine but also strive to utilise powers to the full benefit of their communities	Constitution Monitoring Officer Report templates	
4.4.2 Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law	Availability of professional legal advice Monitoring Officer Protocol Report templates	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>4.4.3 Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice into their procedures and decision making processes</p>	<p>Monitoring Officer Protocol            Procedure Rules            Report template            Constitution            Format for quasi judicial committees            “Have Your Say” leaflet            Planning Procedure Code of Practice</p>	

<b>Core Principle 5 – Developing the capacity and capability of Members and Officers to be effective</b>		
<b>Our aims in relation to developing the capacity and capability of Members and Officers to be effective are:</b>		
5.1 Making sure that Members and Officers have the skills, knowledge, experience and resources they need to perform well in their roles		
5.2 Developing the capability of people with governance responsibilities and evaluating their performance as an individual and as a group		
5.3 Encouraging new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal		
<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
5.1.1 Provide induction programmes tailored to individual needs and opportunities for Members and Officers to update their knowledge on a regular basis	Member training and development Member and Officer Induction programmes Refresher courses Briefings Officer Development Plan (individual and corporate) Appraisals for officers People Strategy Personal Development Plans Learning and Development Strategy/Annual Plan	Member skills development
5.1.2 Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the organisation	Appraisals Training Induction Monitoring Officer and S151 Officer Protocols Employee Policies Learning and Development Strategy/Annual Learning and Development Plan	

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
5.2.1 Assess the skills required by Members and Officers and make a commitment to develop those skills to enable roles to be carried out effectively	Appraisals for officers SMART objectives Personal Development Plans for officers Member training and development People Strategy Learning and Development Strategy/Annual Learning and Development Plan	Member skills development
5.2.2 Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed	Appraisals for officers Personal Development Plans for officers Member training and development Member scrutiny training People Strategy	Member skills development
5.2.3 Ensure that effective arrangements are in place for reviewing the performance of the authority as a whole and of individual members and agreeing an action plan which might for example aim to address any training or development needs	Performance Dashboard Performance management and appraisals for officers SMART objectives People Strategy Investors in People Assessment	
5.3.1 Ensure that effective arrangements designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority	Equality Impact Assessments on services and policies Knowing your community on web site Voluntary Sector Compact Public meetings Race Equality Scheme Disability Equality Scheme Strategic Plan Consultation Local Development Framework consultation Life opportunities and Community development work Neighbourhood Action Panels	Reassessment at Level 3 Diversity Standard

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
5.3.2 Ensure that career structures are in place for Members and Officers to encourage participation and development	People Strategy Internal Recruitment Process Internal Secondments	Human Resource Plans

<b>Core Principle 6 – Engaging with local people and other stakeholders to ensure robust public accountability</b>		
<b>Our aims in relation to engaging with local people and other stakeholders to ensure robust public accountability are to:</b>		
6.1	Exercise leadership through a robust scrutiny function which engages effectively with local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships	
6.2	Take an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly, in partnership or by commissioning	
6.3	Make best use of human resources by taking an active and planned approach to meet responsibility to staff	
<b>In order to achieve our aims we have/will:</b>		<b>Further work ongoing</b>
<b>Source documents/Processes</b>		
6.1.1	Make clear to themselves, all staff and the community, to whom they are accountable and for what	Constitution Community Strategy Stakeholder identification Targets and Performance Monitoring Website and intranet Consultation Strategy Communications Strategy Satisfaction Surveys
6.1.2	Consider those institutional stakeholders to whom they are accountable and assess the effectiveness of the relationships and any changes required	Stakeholder identification Statutory provisions Stakeholder surveys Consultation Strategy Communications Strategy
6.1.3	Produce an annual report on scrutiny function activity	Annual Report



<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
6.2.1 Ensure that clear channels of communication are in place with all sections of the community and other stakeholders including monitoring arrangements to ensure that they operate effectively	Communications Strategy Web sites Equality Impact Assessments Courier	Safeguarding agenda
6.2.2 Hold meetings in public unless there are good reasons for confidentiality	Constitution Access to information rules	
6.2.3 Ensure arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands	Strategic Plan 2009-12 Web site - "Knowing Your Community" section Consultation strategy Communications strategy Community strategy Equality Impact Assessments Place Survey Corporate business plan Service Plans Budget Consultation Meeting	Strategic Plan 2009-12 Action Plan Single Equality Scheme
6.2.4 Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users including a feedback mechanism for those consultees to demonstrate what has changed as a result	Statement of Community Involvement Customer Excellence Customer insight project team Partnership framework Communication strategy Consultation Strategy Budget Consultation meeting Strategic Plan consultation	Mosaic and Touchstone development Govmetric

<b>In order to achieve our aims we have/will:</b>	<b>Source documents/Processes</b>	<b>Further work ongoing</b>
<p>6.2.5 On an annual basis, publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period</p>	<p>Statement of Accounts Strategic Plan 2009-12 Performance Dashboard</p>	<p>Strategic Plan 2009-12 Action Plan</p>
<p>6.2.6 Ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so</p>	<p>Constitution Customer service standards Voluntary Sector Compact "Have Your Say" at meetings Freedom of Information Act Publication Scheme Member and Officer Codes of Conduct Way We Work Programme Whistle Blowing Policy Anti-Fraud and Corruption Policy Monitoring Officer Protocol Communications Policy Data Protections Policy ICT Security Policy</p>	
<p>6.3.1 Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making</p>	<p>Investors in People Facilities and Recognition Agreement with UNISON</p>	

6 March 2009

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Revised Whistleblowing Policy		
Wards affected	Not applicable		

**This report recommends that the Committee approves a revised Whistleblowing Policy**

**1. Decision(s) Required**

- 1.1 To agree the revised Whistleblowing Policy and to recommend to Cabinet that it be approved and referred to Council for inclusion in the Council's Ethical Framework.

**2. Background**

- 2.1 The Committee on Standards in Public Life recommended in 1997 the "Every local authority should institute a procedure for whistleblowing, which would enable concerns to be raised confidentially inside and, if necessary, outside the organisation." The Government accepted this recommendation in 1998 and the Council duly introduced such a procedure, and which has been updated subsequently.
- 2.2 The Public Interest Disclosure Act 1998 provides employees with statutory protection against dismissal and victimisation when raising genuine concerns about crime, civil offences, miscarriage of justice and danger to health and safety and the environment, so long as the manner in which the concerns are raised complies with the requirements of the Act.
- 2.3 The attached Whistleblowing Policy seeks to follow the latest guidance and supports the Council's strategy to help fight fraud and corruption by expands its position to include other types of "wrongdoing". It makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable councillors, employees, contractors, suppliers and members of the public to raise concerns with the Council, irrespective of status, rather than overlooking and issue or reporting the matter externally.
- 2.4 The Policy seeks to make it clear that the Council wants "wrongdoing" to be reported, providing the Council with the opportunity to deal with potentially damaging situations, rather than give rise to the possibility of financial loss, regulatory breach or damaged reputation.
- 2.5 The new Policy has been the subject of consultation with UNISON who have not raised any concerns.

**3. Changes introduced in the new Policy**

- 3.1 The most significant change in the updating of the Policy is to incorporate arrangements for whistleblowing by persons other than employees.

3.2 The new Policy also;

- seeks to draw the distinction between whistleblowing and pursuing a complaint, giving greater clarity of understanding to those who might wish to pursue either.
- makes a clear statement of the Council's intent
- deals with the Council's position on anonymous allegations
- brings greater clarity and accountability to the process of dealing with concerns and reporting back to the whistleblower action taken
- makes an officer responsible for the Policy

3.3 The adoption of a revised Whistleblowing Policy will provide clear mechanisms by which the Council can be made aware of "wrongdoing" whilst also explaining the process for their investigation.

### **3. Strategic Plan References**

3.1 The standards regime forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.

### **4. Financial Considerations**

5.1 None.

### **5. Equality, Diversity and Human Rights Implications**

5.1 None

### **6. Publicity Considerations**

6.1 The Whistleblowing Policy forms part of the Council's Ethical Framework and will be placed on the Council's website.

### **7. Consultation Implications**

7.1 None.

### **8. Community Safety Implications**

8.1 None

### **9. Health and Safety Implications**

9.1 None

### **10. Risk Management Implications**

10.1 A clear Whistleblowing Policy which can encourage individuals to make contact where they have serious concerns about inappropriate behaviour occurring at or against the Council is a key element in being able to mitigate against the risk of fraud or corruption being perpetrated against the Council.

# Colchester Borough Council

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## Whistleblowing Policy and Procedure

### 1. Introduction

- (1) Employees or Councillors are often the first to realise that there may be some form of inappropriate conduct within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of misconduct, but this can have serious consequences if wrongdoing goes undetected.
- (2) The Council is committed to the highest possible standards of openness, probity, accountability and honesty. In line with that commitment we expect employees, councillors and others that we deal with who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.
- (3) This policy document makes it clear that employees and councillors can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy and Procedure is intended to encourage and enable employees and councillors to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. With the exception of employment related grievances, this policy will apply to any act of Whistleblowing as defined by the charity Public Concern at Work to mean;" A disclosure of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of its employees." Examples of these matters are given below in paragraph 2.2.
- (4) This policy and procedure applies to all employees, councillors, partners and contractors. It also covers suppliers and members of the public.
- (5) These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures. Officers are responsible for making customers aware of the existence of these procedures.
- (6) This policy has been discussed with the relevant trade unions and has their support.

## **2. Aims and Scope of this Policy**

2.1 This policy aims to:

- (a) encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice without fear of recrimination.
- (b) provide avenues for you to raise those concerns and receive feedback on any action taken
- (c) ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- (d) reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
- (e) advise you of the support that the Council will provide if you raise concerns in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Whistleblowing Policy and Procedure is intended to cover major concerns that fall outside the scope of other procedures. These include:

- (a) conduct which is an offence or a breach of law
- (b) disclosures related to miscarriages of justice
- (c) health and safety risks, including risks to the public as well as other employees
- (d) damages to the environment
- (e) the unauthorised use of public funds
- (f) possible fraud and corruption
- (g) other unethical conduct
- (h) unacceptable business risks.

2.3 This concern may be about something that:

- (a) makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- (b) is against the Council's Procedure Rules and policies; or
- (c) falls below established standards of practice; or
- (d) amounts to improper conduct.

### **3. Safeguards Harassment or Victimisation**

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of employees and councillors.
- 3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to the Council and those for whom you are providing a service. In these situations you are a witness and not a complainant.
- 3.3 The Council will not tolerate the harassment or victimisation of any person who raises a concern. The Council's disciplinary procedures will be used against any employee who is found to be harassing or victimising the person raising the concern and such behaviour by a councillor will be reported under the Members' Code of Conduct.
- 3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you if you are an employee.

#### **Confidentiality**

- 3.5 All concerns will be treated in confidence and the Council will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation that is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reason for its disclosure at this stage has been fully discussed with you.

#### **Anonymous Allegations**

- 3.6 This policy encourages you to put your name to your allegation whenever possible.
- 3.7 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

- 3.8 In exercising this discretion the factors to be taken into account would include the:
- (a) seriousness of the issues raised;
  - (b) credibility of the concern; and
  - (c) likelihood of confirming the allegation from attributable sources.

### **Untrue Allegations**

- 3.9 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, you make an allegation maliciously or for personal gain, disciplinary action may be taken against you, or if you are a councillor a complaint may be made under the Members' Code of Conduct.

## **4. How to raise a concern**

- 4.1 As a first step, if you are an employee you should normally raise concerns with your immediate manager or their superior. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your line manager or one of their superiors is involved, you should approach the Chief Executive, an Executive Director, the Monitoring Officer, the Head of Resource Management (in his/her capacity as the Council's Chief Finance Officer) or the Audit Manager.
- 4.2 Concerns may be raised verbally or in writing. Employees or councillors who wish to make a written report are invited to use the following format:
- (a) the background and history of the concern (giving relevant dates); and
  - (b) the reason why you are particularly concerned about the situation.
- 4.3 The earlier you express the concern the easier it is to take action.
- 4.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 4.5 Advice and guidance on how matters of concern may be pursued can be obtained from:
- Chief Executive, Adrian Pritchard ☎ 282211  
Executive Director, Ian Vipond ☎ 282717



Executive Director, Ann Wain ☎ 282212

Executive Director, Pamela Donnelly ☎ 282901

Monitoring Officer, Andrew Weavers ☎282213

Finance Manager Audit and Governance, Elfreda Walker ☎282461.

4.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

4.7 If you are an employee you may invite your trade union or a friend to be present during any meetings or interviews in connection with the concerns you have raised. If you are a councillor you may be accompanied by your group leader.

## **5. How the Council will respond**

5.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as rejecting them.

5.2 Where appropriate, the matters raised may be:

(a) investigated by management, internal audit, or through the disciplinary process

(b) referred to the police

(c) referred to the Council's external auditor

(d) the subject of an independent inquiry.

5.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Council will have in mind, is the public interest.

5.4 Some concerns may be resolved by agreed action without the need for investigation.

5.5 Within **five** working days of a concern being raised, one of the Officers named at 4.5 above will write to you:

(a) acknowledging that the concern has been received

(b) indicating how it is proposed to deal with the matter

- (c) giving an estimate of how long it will take to provide a final response
  - (d) informing you whether any initial enquiries have been made
  - (e) supplying you with information on staff support mechanisms, and
  - (f) informing you whether further investigations will take place and if not, why not.
- 5.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- 5.7 Where any meeting is arranged, off-site where appropriate, if you so wish, you can be accompanied by a union or professional association representative or a friend, or the group leader if you are a councillor.
- 5.8 The Council will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure and will help you with the preparation of statements.
- 5.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigation.

## **6. The Responsible Officer**

- 6.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will provide an annual report on the operation of the policy to the Standards Committee.

## **7. How the matter can be taken further**

- 7.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- (a) the Audit Commission hotline - 0845 052 2646

- (b) your local Citizens Advice Bureau
- (c) relevant professional bodies or regulatory organisations
- (d) the police
- (e) Local Government Ombudsman
- (f) the Council's Standards Committee.

7.2 If you are considering taking the matter outside of the Council, you should ensure that you are entitled to do so and that you do not disclose confidential information. An independent charity, Public Concern at Work, can offer independent and confidential advice. They can be contacted on ☎ 020 7409 6609 or by email at [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

## **8. Questions regarding this policy**

8.1 Any questions should, in the first instance, be referred to the Monitoring Officer.

6 March 2009

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Standards Committee Work Programme 2008/09 and 2009/2010		
Wards affected	Not applicable		

**This report updates the Committee's work programme  
for 2008/09 and 2009/10**

## 1. Decision(s) Required

- 1.1 To note progress against the work programme for 2008/09 and to agree a work programme for 2009/2010.

## 2. Background

- 2.1 The Standards Committee's remit continues to change and more responsibilities have been placed upon it by successive legislation recently culminating in the local assessment of complaints against members.
- 2.2 In order for the Committee to keep track of its responsibilities and to ensure that it reviews issues within its terms of reference a work programme for 2008/09 was approved by the Committee at its meeting on 22 May 2008.
- 2.3 The intention of the work programme is to chart progress in respect of each issue and the target date for each one to next come before the Committee. This has enabled the Committee to identify issues which it wishes to see addressed and give officers a clear indication of those issues.
- 2.4 Progress has been made on the work programme for 2008/09 and the Committee is requested to consider a proposed work programme for 2009/10. The Committee is also invited to include any other issues that it wishes to review that are within its terms of reference.

## 3. Strategic Plan References

- 3.1 The Council's ethical arrangements forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.

## 4. Financial Considerations

- 5.1 None.

## 5. Equality, Diversity and Human Rights Implications

- 5.1 None

## 6. Publicity Considerations

6.1 None.

**7. Consultation Implications**

7.1 None.

**8. Community Safety Implications**

8.1 None

**9. Health and Safety Implications**

9.1 None

**10. Risk Management Implications**

10.1 None.

**STANDARDS COMMITTEE WORK PROGRAMME 2008/2009**

<b>SUBJECT</b>	<b>MEETING DATE</b>	<b>PROGRESS</b>	<b>ACHIEVED</b>
Review of training for Members on the code of conduct / local assessment (a) Borough Councillors (b) Town and Parish Councillors	(a) 5 Dec 08 (b) 5 Dec08	Reported to Committee 5 Dec 08	(a) ✓ (b) ✓
Review of Local Assessment process	5 Dec 08	Reported to Committee 5 Dec 08	✓
Review publicity for Local Assessment process	5 Dec 08	Reported to Committee 5 Dec 08	✓
Review of Council's Whistleblowing Policy	6 Mar 09	On agenda for 6 Mar 09 meeting	
Consideration of the Local Government Ombudsman's Annual Letter	5 Dec 08	Reported to Committee 5 Dec 08	✓
Raising the profile of the Committee: (a) produce an annual report (b) increase presence on Council website	(a) 6 Mar 09 (b) 6 Mar 09	(a) On agenda for 6 Mar 09 meeting (b) increased information placed on website	
Consideration of DCLG consultation paper on revised Code of Conduct	5 Dec 08	Reported to Committee 5 Dec 08 Response submitted	✓
Review of Local Code of Corporate Governance	6 Mar 09	On agenda for 6 Mar 09 meeting	
Committee's role in appeals against designation of politically restricted posts		Await regulations	

**STANDARDS COMMITTEE WORK PROGRAMME 2009/2010**

<b>SUBJECT</b>	<b>MEETING DATE</b>	<b>PROGRESS</b>	<b>ACHIEVED</b>
Review of training for Members on the code of conduct / local assessment (a) Borough Councillors  (b) Town and Parish Councillors	(a) 27 Nov 09  (b) 27 Nov 09		
Review of Local Assessment process	27 Nov 09		
Review publicity for Local Assessment process	27 Nov 09		
Consideration of the Local Government Ombudsman's Annual Letter	27 Nov 09		
Raising the profile of the Committee: (a) produce an annual report (b) increase presence on Council website	(a) 5 Mar 10 (b) 5 Mar10		
Review of Council's Ethical Framework	11 Sep 09		
Review of Local Code of Corporate Governance	5 Mar 10		
Review of Guidance for Members on Gifts & Hospitality	29 May 09		
Review of guidance for Members on Outside Bodies	29 May 09		
Review of Anti-Fraud and Corruption Policy	11 Sep 09		
Recommendation of adoption on revised Code of Conduct		Await regulations	
Committee's role in appeals against designation of politically restricted posts		Await regulations	

**Other matters may be included as and when the need arises.**

**Meeting Dates 2009/2010:** 29 May 09, 11 Sep 09, 27 Nov 09, 05 Mar 10

