

ETHICAL GOVERNANCE SURVEY RESULTS

Report of the County Solicitor

Recommendations

(a) that the Standards Committee consider the responses to the Ethical Governance Survey and its implications for the improvement of the Council's ethical or corporate governance frameworks, if any;

(b) that the Standards Committee consider the issues and suggestions referred to in paragraphs 6, 8 and 9 and that those issues and suggestions should be explored at future refresher briefings;

(c) that the Monitoring Officer be asked to continue to provide regular refresher briefings on the Council's Ethical Governance Framework as appropriate;

(d) that a further self-assessment survey be undertaken by Members, external co-opted Members, the Corporate Leadership Team and the Heads of Service in five years' time;

Introduction

1. Ethical governance refers to the processes, procedures, cultures and values which ensure high standards of behaviour. Those relate to the principles which underpin the way Members and Officers interact with each other and others, how they conduct themselves and how they act out those values as part of their day-to-day functions in public life. How this is perceived by colleagues, the public and the media all impact on Members' and Officers' ability to represent local government and the communities they serve.
2. In 2009, Devon County Council last tested its approach to ethical governance, the code of conduct and compliance with ethical standards following comments from the Audit Commission (see report [CX/10/16](#)). In 2013, the Standards Committee recommended that a further ethical governance audit and self-assessment survey be undertaken of Members and Officers in order to assess how the Council meets the ethical agenda, and how it as well as Members and Officers conform to the Council's ethical standards any changes since the last assessment.
3. Between 4 June and 1 July 2014, responses were collected via an online multiple-choice survey from all Members, external Members on the Farms Estate, the Health & Wellbeing Scrutiny and People's Scrutiny Committees as well as the Corporate Leadership Team and the Heads of Service (see the Appendix). The invitations to participate in the review were extended to first, second and third tier officers this time, unlike in 2009 when only Members were invited to participate in the survey.

Commentary on the Responses

4. The overall response rate to this year's Ethical Governance Survey of all invited participants was 59.5% which is disappointingly low but it does compare favourably with 47% in 2009. In total, 63% or 39 out of the 62 County Councillors responded. The response rate of officers and co-opted members was lower at 48% which means that 11 out of 23 invited participants responded.

5. A detailed summary of responses is contained within the Appendix.
6. While it is reassuring that the majority of responses to each question was positive, the responses to two questions, highlighted in the Appendix, might warrant further attention:
 - a) 14% of Members disagreed that the Council's communicates its values to local residents effectively.
 - b) Nearly one in ten respondents thought that Devon County Council does not have a positive attitude towards criticism and is willing to act on criticism.
7. Because of the nature of the questions being multiple-choice, no immediate explanation was given by the respondents as to why they felt this was the case and the matters were not further explained under question 4 which asked what the Standards Committee and/or the Monitoring Officer could do to maintain or improve standards of conduct within the Council.
8. Members of the Standards Committee are also invited to review the qualitative responses given under question 4 which might raise a number of questions too:
 - a) Comment iii) suggests that the Standards Committee requests reports on whistle-blowing investigations, the results and the actions taken so that relevant information is in the public domain.
 - b) Comment iv) alludes to the employment of sexist language crossing the "boundaries of appropriateness". Members of the Standards Committee, who also serve on other Committees, as well as senior officers should be vigilant at meetings and report any inappropriate language using the appropriate channels.
 - c) Comment v) refers to the Standards Committee having "no teeth with which to discipline members who [do not] conform". The Members' Code of Conduct sets out a number of resolutions in case of the Code's breach by Member(s), including removal from any or all offices, committees and/or outside bodies, the delivery of training and/or the withdrawal of facilities. It is also a criminal offence to fail the disclosure of interests without reasonable excuse or to provide false or misleading information.

This comment might illustrate the need for further training for Members on their Code of Conduct.
 - d) Comment vi) states that Members receive too much information. This comment might highlight an information management problem – frequently, Members request information which had been made available and, at the same time, describe how they are overwhelmed with communication and conversely, complain that they have not been informed.
9. Two thirds of respondents would welcome receiving regular examples of good and bad practice concerning ethical governance.
10. The issues and suggestions contained within paragraphs 6, 8 and 9 above should be explored at future refresher briefings.
11. More than three quarters of respondents are familiar with the Annual Report of the Standards Committee, the Annual Report of the Audit Committee and the Annual Governance Statement. While this figure seems encouraging, it means that approximately one in four respondents is not aware of these reports.

Conclusion

12. The Ethical Governance Survey provides a valuable snapshot of respondents' understanding of the ethical or corporate governance frameworks of the County Council and raises a number of questions which might help improve the frameworks as determined by the Standards Committee.
13. It is important, too, to understand the Ethical Governance Survey as a means to continue to raise awareness among Members – and the public – to the importance the Council attributes to this area of its business.

JAN SHADBOLT

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

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<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
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Nil

ETHICAL GOVERNANCE SURVEY QUESTIONS AND RESPONSES

1. Based on your experience to date, how much do you agree with the following statements in relation to Devon County Council?

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Do not know
Devon County Council...	%	%	%	%	%	%
...provides easy access to information.	0	2	14	60	22	2
...makes information easily available about matters to be considered by the Cabinet and other main Committees (e.g. the Council's Forward Plan of key decisions, circulation of all agendas by email).	2	2	8	62	24	2
...promotes local involvement in the decision-making process though e.g. webcasts and the tough choices campaign.	0	4	16	58	20	2
...Members are trusted by the local community.	0	2	26	46	16	10
...Officers are trusted by the local community.	0	4	40	42	6	8
...seeks to build trust between the Council and local residents.	0	2	14	64	18	2
...seeks to build trust between the Council and partner organisations.	2	0	16	64	16	2
...communicates the Council's values to Members effectively as set out in its Strategic Plan.	0	8	10	62	18	2
...communicates the Council's values to Officers effectively.	0	0	24	54	12	10
...communicates the Council's values to local residents effectively.	2	14	36	38	6	4
...communicates the Council's values to partners effectively.	2	4	28	46	12	8
...works well together with external partners to achieve the Council's vision and goals.	2	0	22	58	14	4
...has clear lines of accountability and responsibility for Members.	0	4	14	56	24	2
...has clear lines of accountability and responsibility for Officers.	0	0	14	56	22	8
...has a clear, relevant and helpful constitution and related documents.	0	2	14	68	12	4
...fosters a culture which allows Members to challenge Council decisions without fear of reprisal.	2	4	16	52	24	2
...fosters a culture which allows Officers to challenge Council decisions without fear of reprisal.	0	2	24	36	24	14
...fosters a culture which allows partners to challenge Council decisions without fear of reprisal.	0	2	26	40	20	12
...fosters a culture which allows the public to challenge Council decisions without fear of reprisal.	0	8	16	46	26	4
Ethical framework						
...operates an ethical framework designed to promote high standards of conduct.	0	0	16	56	24	4
...helps to build public confidence in the Council by promoting high standards of conduct.	0	0	24	48	26	2
...is not complacent, is committed to improving ethical practice and standard, and monitors progress.	0	4	22	54	18	2

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Do not know
Devon County Council...	%	%	%	%	%	%
...demonstrates positive outcomes in the implementation and application of the ethical framework.	0	0	34	46	12	8
...integrates the ethical framework into the design of its procedures and processes and into all the Council's operations.	0	0	18	64	8	10
...considers ethical conduct and high standards as an important component of the Council's vision for the future and in achieving its aims and objectives.	0	2	16	54	22	6
Practical application						
...Members possess a good knowledge of and practice high ethical standards.	0	2	26	49	15	9
...Officers possess a good knowledge of and practice high ethical standards.	0	2	6	64	19	9
...Members treat each other and people who use the Council's services fairly.	0	5	15	57	19	4
...Officers treat each other and people who use the Council's services fairly.	0	0	6	72	13	9
...Members perform their duties with honesty, integrity, impartiality and objectivity.	0	4	19	53	19	4
...Officers perform their duties with honesty, integrity, impartiality and objectivity.	0	0	11	55	28	6
...makes full, accurate and clear policies, guidance and advice on ethical issues and procedures available to Members.	0	0	19	53	23	4
...makes full, accurate and clear policies, guidance and advice on ethical issues and procedures available to Officers.	0	0	17	51	17	15
...encourages, develops and maintains high standards of conduct by training and supporting Members.	0	0	11	62	26	2
...encourages, develops and maintains high standards of conduct by training and supporting Officers.	0	0	17	49	17	17
...operates clear, easy-to-follow rules in relation to declaring interests, claiming expenses and being offered hospitality or gifts.	0	0	9	57	32	2
...operates clear, easy-to-follow procedures to deal with inappropriate behaviour.	0	4	9	53	28	6
...has a positive attitude towards and is willing to act on criticism.	2	9	19	49	17	4

2. Would you welcome receiving regular examples of good and bad practice concerning ethical governance?	Yes	No
	68%	32%

3. Are you familiar with the Annual Report of the Standards Committee, the Annual Report of the Audit Committee and the Annual Governance Statement?	Yes	No
	77%	23%

4. Is there anything else you think the Standards Committee and/or the Monitoring Officer could do to maintain or improve standards of conduct within the Council?

Nine responses to question 4, including two responses stating "no".

i) Members should make themselves more available to the public and the concerns for the public that have been passed on by the officers should be taken more seriously.

ii) Brief notes on what they are dealing with each month.

iii) Let investigations following whistle-blowing be in the public domain including the results of that whistle-blowing and the actions taken. Be more up-front about compromise agreements -- although this may be difficult. Reduce the number of compromise agreements. Standards committee could receive regular reports on both of these areas of activity.

iv) As a woman I am often worried by turns of phrase, which I am sure are meant as compliments, sometimes passing the boundaries of appropriateness. I do not believe that there is any intent to cause offence, make uncomfortable or harass but I wonder if there would be a nice way of approaching this without upsetting members who have the best in intentions.

v) No - unfortunately officers have no control over members' behaviour and the Standards Committee has no teeth with which to discipline members who don't conform.

vi) Must be something, we get too much information/agendas

vii) Always room for improvement, never complacent