

**AUDIT COMMITTEE
27 SEPTEMBER 2023**

ETHICAL GOVERNANCE AND MEMBER STANDARDS – UPDATE REPORT

SUMMARY REPORT

Purpose of the Report

1. To update members on issues relevant to member standards and ethical governance.

Summary

2. The report gives members an update of information about issues relevant to member standards since matters were reported to the Committee in April 2023.
3. Also set out in the report are a number of datasets of ethical indicators to assist in monitoring the ethical health of the Council. By reviewing these indicators it is hoped to be able to identify any unusual or significant trends or changes in the volume of data recorded for the relevant period that might provide an alert to any deterioration in the ethical health of the authority.
4. Commentary is included for some data sets to give analysis and explanation for some of the more notable variations. There are no particular issues of concern that have been identified from reviewing the data.

Recommendation

5. Members are asked to note the information presented and to comment as appropriate.

Reason

6. By having information of this nature:
 - (a) Members will be assisted to perform their role.
 - (b) Members will be able to get a better picture of the ethical health of the authority.

**Luke Swinhoe
Assistant Director, Law and Governance
Monitoring officer**

Background Papers

None – save as mentioned in the text

Luke Swinhoe: Extension 5490

S17 Crime and Disorder	There are no specific issues which relate to crime and disorder
Health and Well Being	There is no direct health and wellbeing impact
Carbon Impact and Climate Change	There is no carbon impact
Diversity	There is no specific diversity impact
Wards Affected	All wards are affected equally
Groups Affected	All groups are affected equally
Budget and Policy Framework	This report does not affect the budget or policy framework
Key Decision	This is not an executive report
Urgent Decision	This is not an executive report
Council Plan	There is no specific relevance to the strategy beyond a reflection on the Council's ethical governance arrangements
Efficiency	There is no direct impact
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Update on matters relevant to Ethical Governance and Member Standards

Local Government Association

7. In December 2020 the Local Government Association published the Model Councillor Code of Conduct - to assist councils in this area. In November 2021 Darlington Borough Council agreed that we should adopt a revised Code of Conduct for Members based on the LGA Model Code.
8. The Local Government Association (LGA) have recently undertaken a survey of councils to find out more about the take up and use of the LGA Model Code. Further details are set out in report published by the LGA in July 2023. The key findings are set out below:
 - (a) All respondents to the survey were aware of the Model Councillor Code of Conduct.
 - (b) Eighty-two per cent of respondents said they had adopted the LGA Model Councillor Code of Conduct to at least some extent, with 25 per cent adopting it in full and 40 per cent adopting the code with some additions or minor amendments.
 - (c) Almost all respondents had reviewed their councillor code of conduct since the Model Councillor Code of Conduct was launched in December 2020, with 85 per cent conducting a formal review and 10 per cent an informal review.
 - (d) Of the councils which reviewed their code of conduct, 97 per cent used the code to inform their review.

- (e) Among councils which used the Model Councillor Code of Conduct to inform their review, 73 per cent reported it being 'Very useful' and 25 per cent stated it was 'Fairly useful'.
 - (f) A light touch review of the constitutions of councils that did not respond to the survey indicated that 54 per cent of non-respondent councils had adopted the Model Councillor Code of Conduct in full or in part.
 - (g) In total across England, 63 per cent of councils have adopted the Model Councillor Code of Conduct either completely or partially and 37 per cent have not.
9. The full report is available here [Code of Conduct survey - 2023 \(local.gov.uk\)](#)

Committee on Standards in Public Life

10. The Committee on Standards in Public Life (CSPL) advises the Prime Minister, national and local government about ethical standards in public life in England. It monitors, conducts broad inquiries and reports on issues relating to the standards of conduct of all public office holders.
11. The work of the CSPL is reviewed to see if there is anything that could be of relevance to this committee. There is nothing specific about local government at this time, but Members may be interested to see the wider recent work of the CSPL – which can be viewed from the following link [Search - GOV.UK \(www.gov.uk\)](#)

Post May elections - Members Induction and training

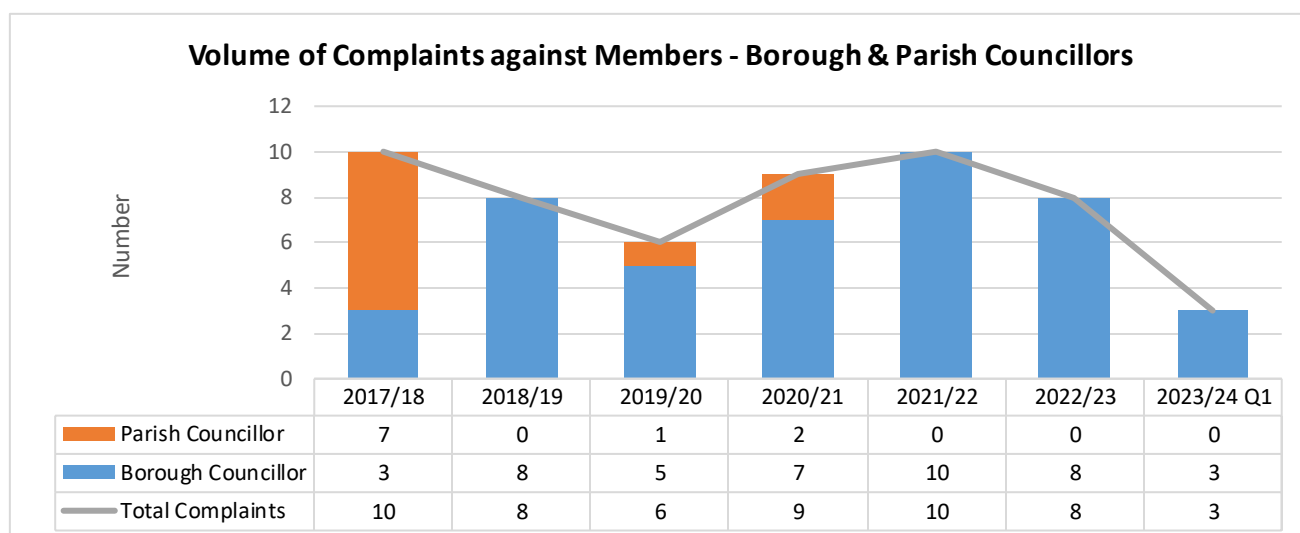
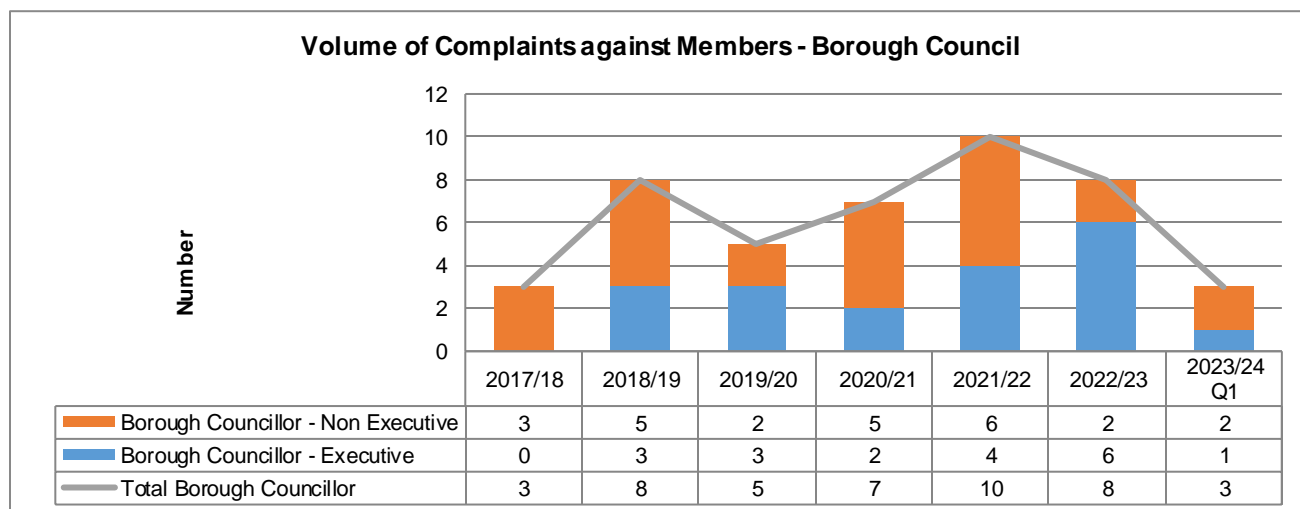
12. Following the May 2023 Local Government and Parish Council elections a number of briefing and training sessions has been held for members. This has included, Members Corporate induction, Code of Conduct (with separate sessions for parish council members), Licensing, Planning, Council Decision making, Information Governance and GDPR, Scrutiny Committee, Safeguarding Children, Safeguarding Adults, Corporate Parenting, Prevent, Health and Safety, Climate Change, Economic Growth, Equality and Diversity, Comms and Social Media, Local Government Finance and Emergency Planning.

Ethical Indicators

13. Set out in **Appendix 1** are a range of data sets that it is hoped will to assist in monitoring the ethical health of the Council. By reviewing the indicators, it will be possible to identify any unusual or significant changes in the volume of data recorded for the relevant period that might provide an alert to any deterioration in the ethical health of the authority.
14. Member's observations about this information are invited.

APPENDIX 1

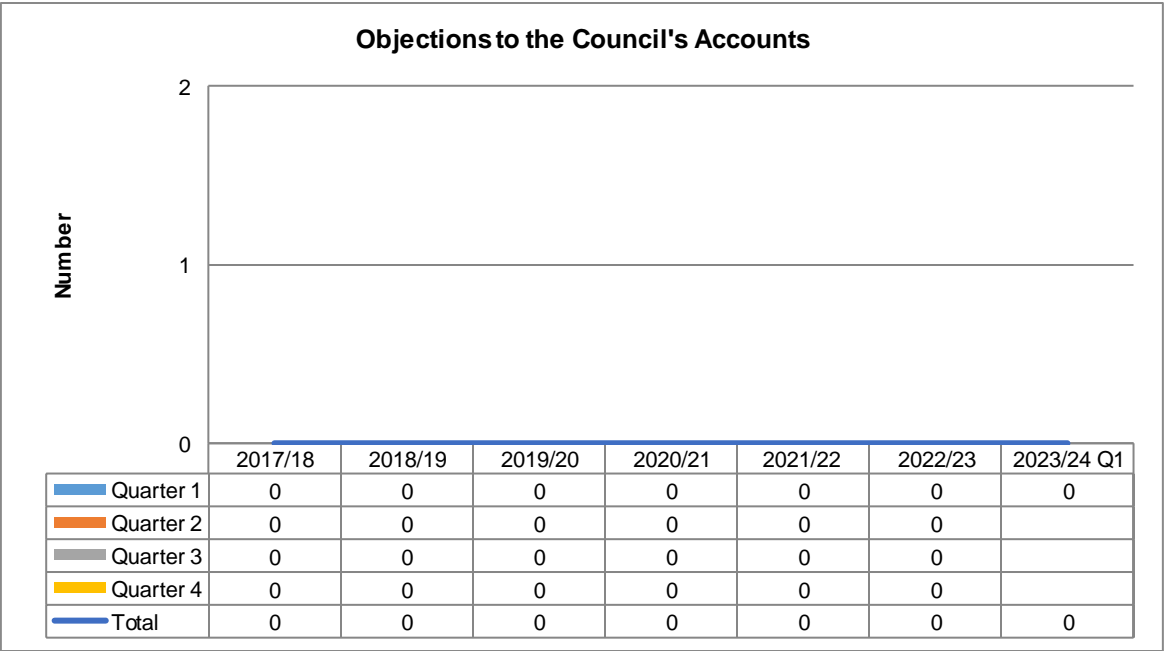
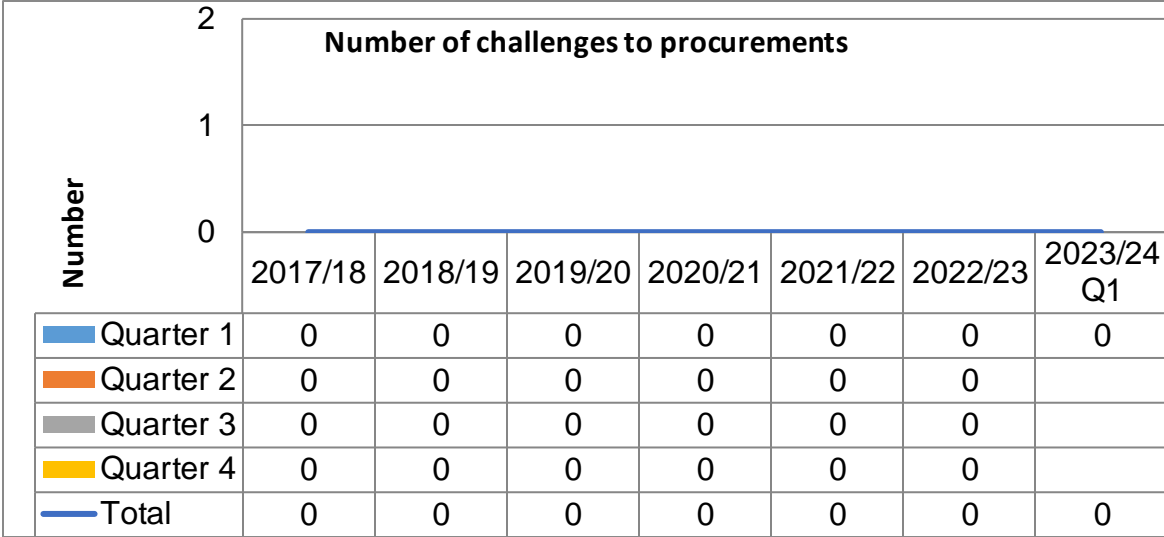
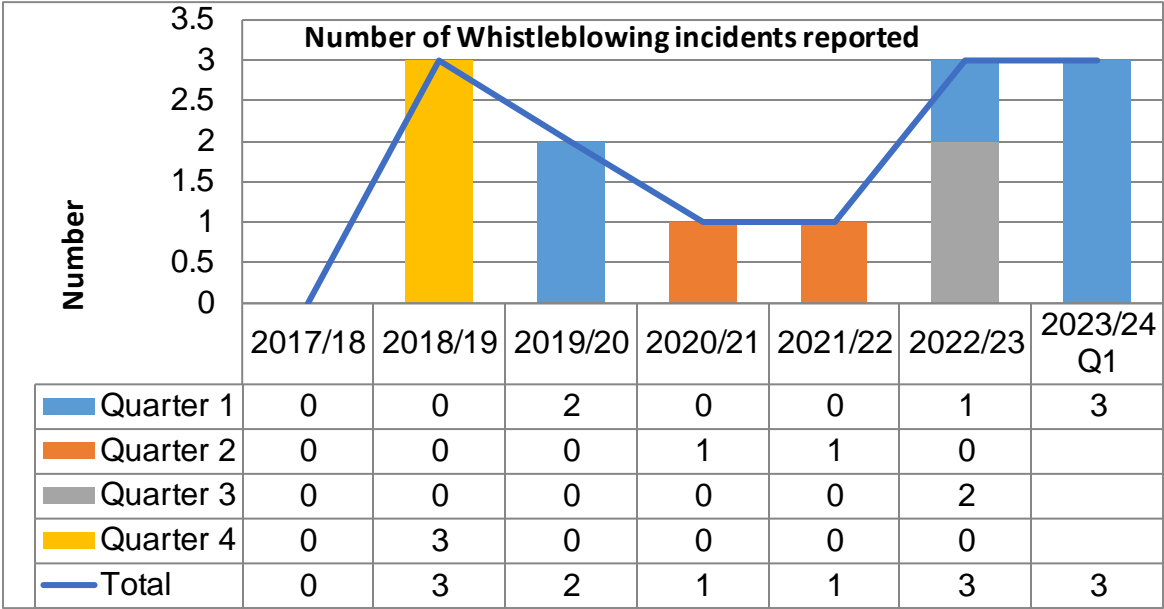
Member Complaints

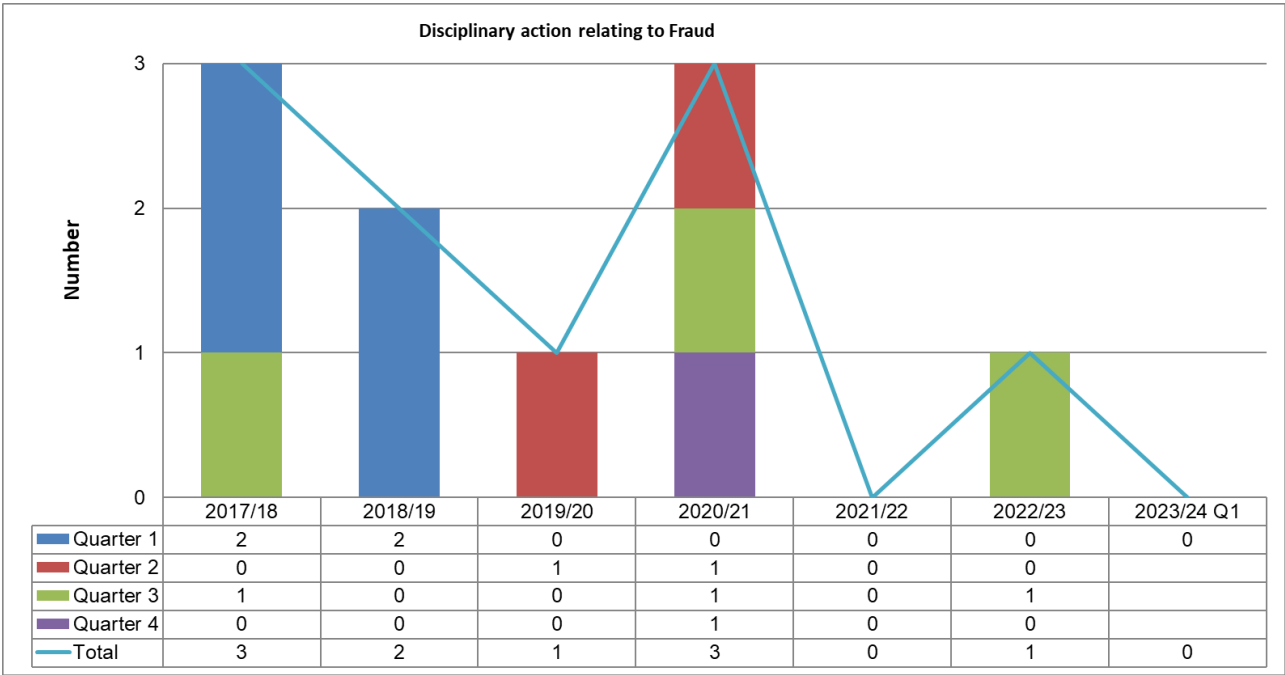
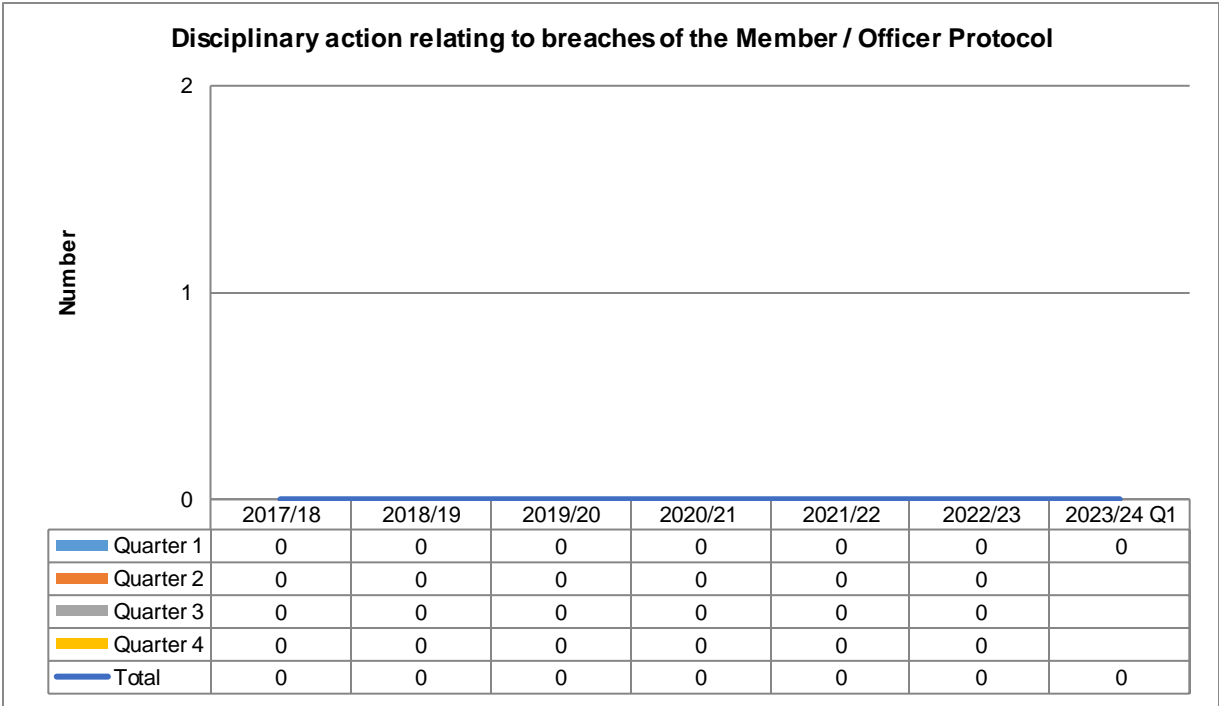
Comments

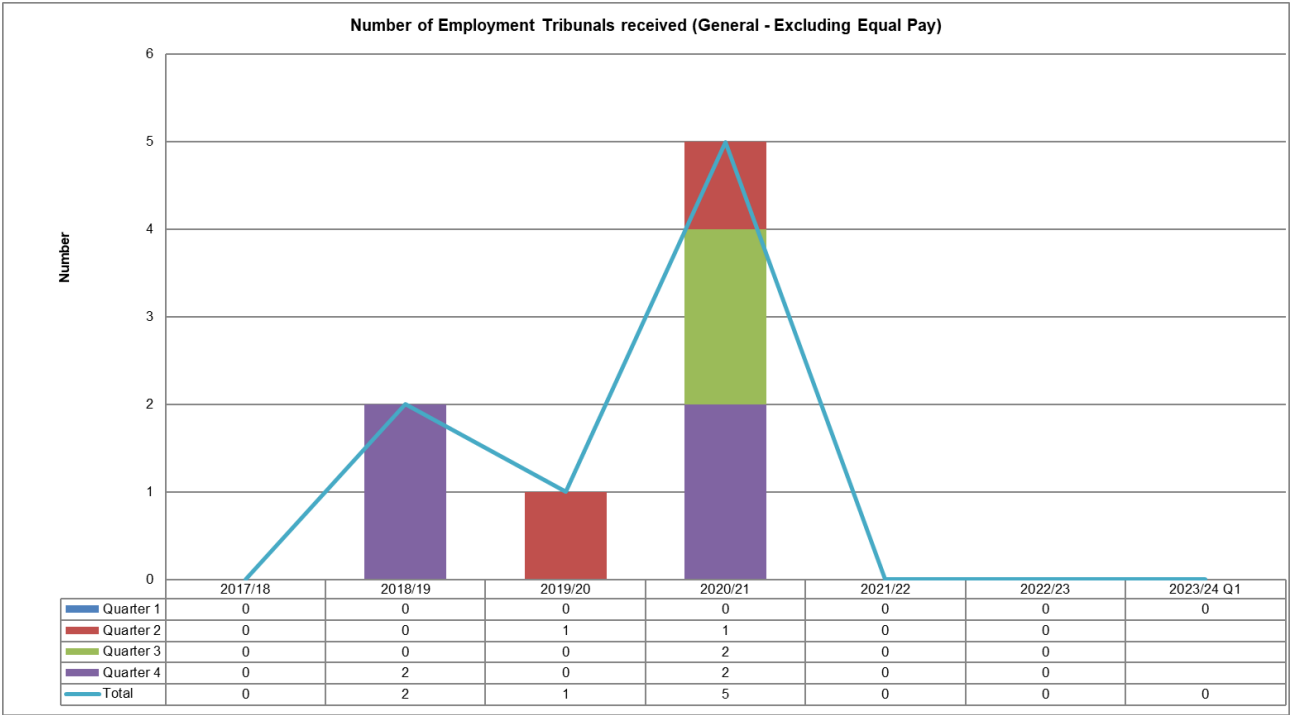
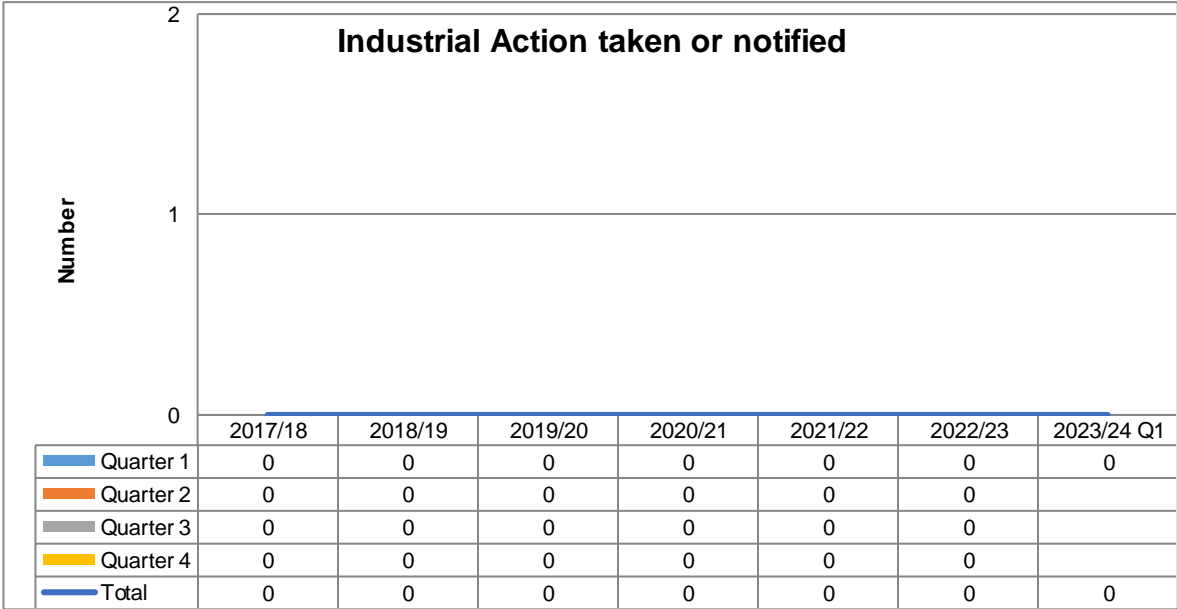
The average number of Member complaints per year from 2017/18 to 2022/23 is 8.5 per year.

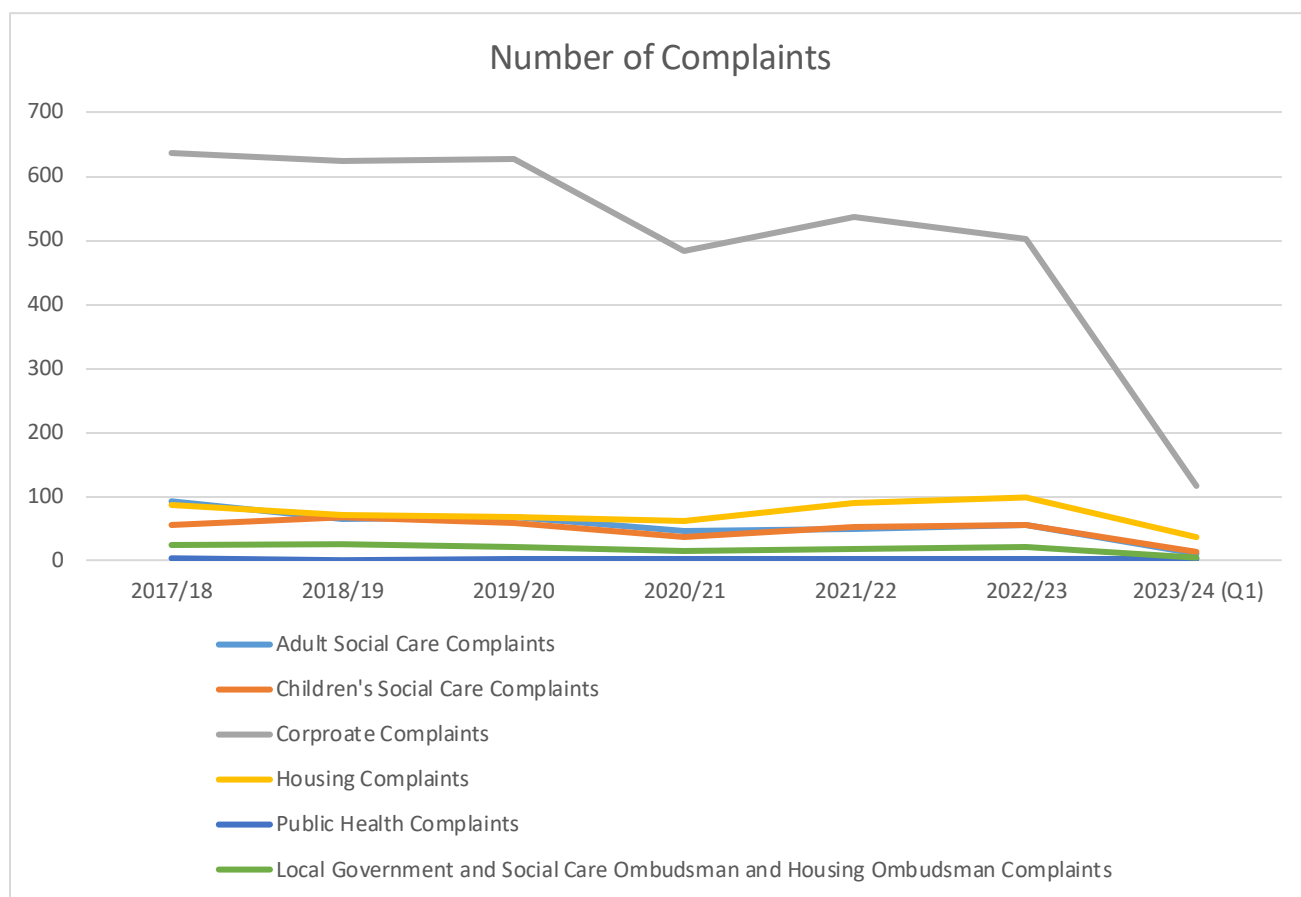
Due to low volumes, interpreting the information needs a degree of caution. It is also the case that there can be spikes in complaints caused by particular concerns (for instance a number of complaints about a particular problem, or a complainant making the same complaint against a number of Members) which can disproportionately affect the overall total.

Over the period 2017/18 to 2022/23 there have been 10 complaints made in respect of Parish Councillors and for the same period 41 complaints relating to Borough Councillors. The fact that there are more complaints in respect of Borough Council members is perhaps unsurprising given the volume and nature of decisions they are involved in making and the more prominent role that they play compared to Parish Councillors.









N.B. This graph has been updated in 2023/24. The 2022/23 comments have also been updated to give a better overall picture of the organisations ethical health

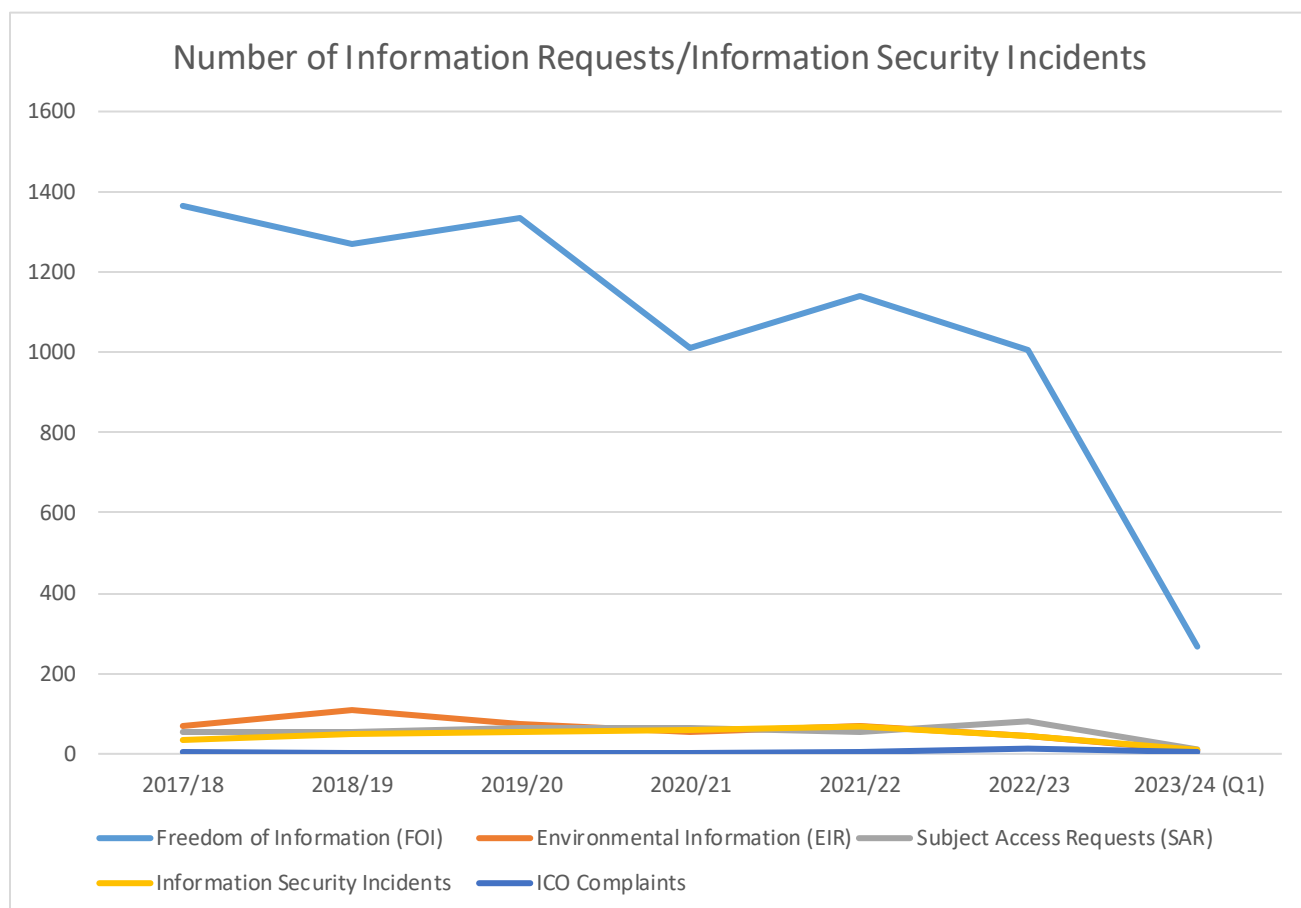
Comments

2020/21 - The Council received 482 corporate complaints, a decrease from 647 in 2019/20. The Council also saw a decrease in complaints across its other complaints procedures during this period. This coupled with the Local Government and Social Care Ombudsman's decision to cease its investigations during the early stages of the pandemic have likely been a contributing factor in the continued decrease in the number of Ombudsman complaints received.

2021/22 – The Council received 535 corporate complaints, an increase of 48 from the previous year. The Council also saw an increase in complaints across its other complaints procedures, following the reduction seen during the early stages of the pandemic.

2022/23 - While there was an increase in the number of adult social care complaints received, adult social care complaint numbers remained significantly lower than pre-pandemic levels. There was an increase in the number of children's social care Complaints, bringing them roughly in line with pre-pandemic levels. The Council received 502 corporate complaints, a decrease from 535 in 2021/22, meaning corporate complaint numbers remained significantly lower than pre-pandemic levels. There was an increase in housing complaints received, which remained significantly higher than pre-pandemic levels. There was a slight increase in the number of public health complaints received, with public health complaints remaining at a consistent level during the and after the pandemic.

2023/24 – Early indications are there could be a decrease in the number of adult social care complaints received, with the Council receiving 10 complaints in quarter one. Children’s social care complaints are on track to remain at a similar level to 2022/23, with the Council receiving 13 complaints in quarter one. There could potentially be a further decrease in the number of corporate complaints received, with the Council receiving 116 complaints in quarter one. There would be a further increase in housing complaints should they remain at current levels, with the Council receiving 36 complaints in quarter one. There could be an increase in public health complaints, having received one complaint in quarter one, however, based on previous years this would be unlikely.



N.B. This graph has been updated in 2023/24 to give a better overall picture of the organisations ethical health.

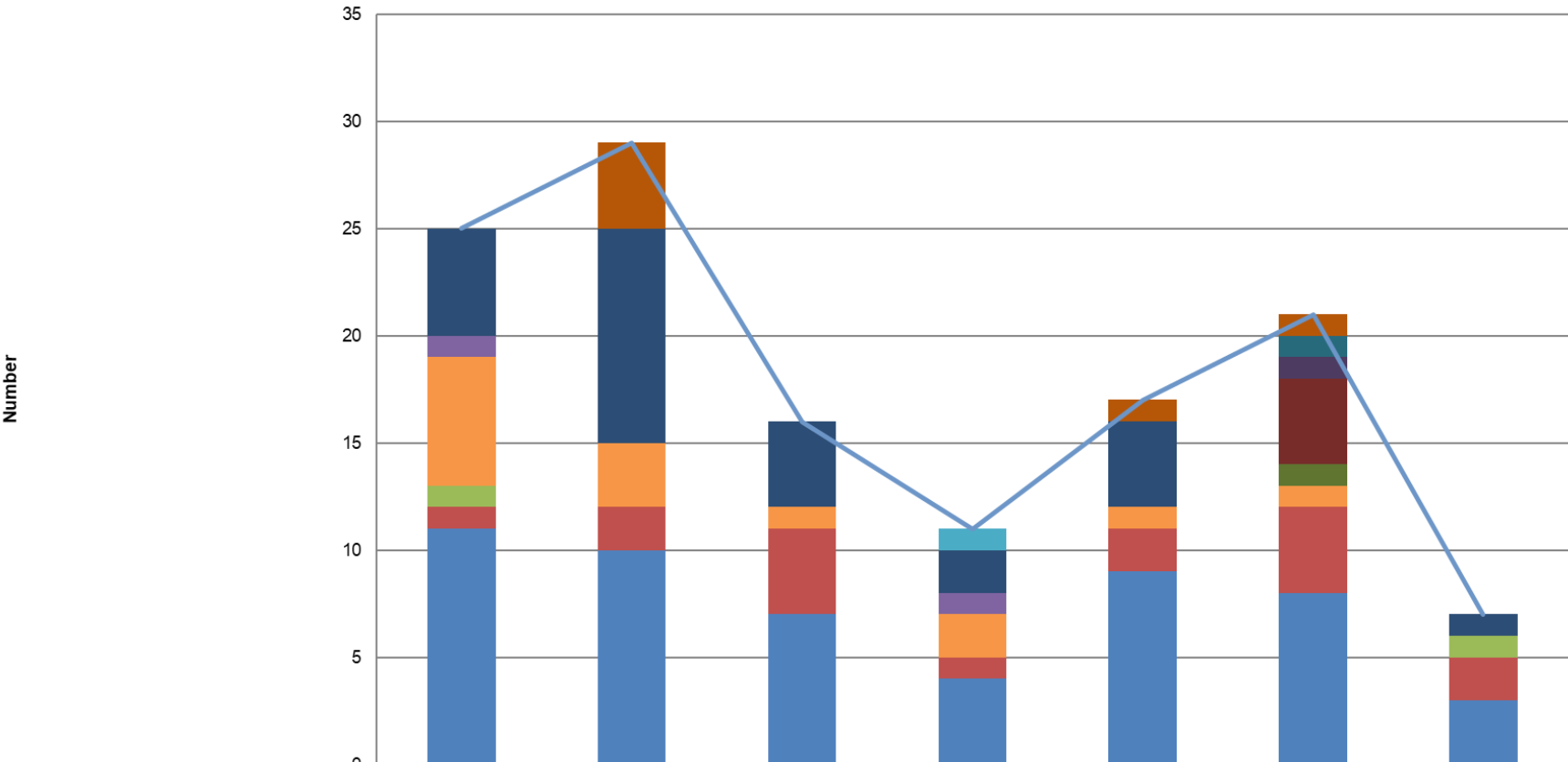
Comments

2023/24 – Should current trends continue, the Council will see an increase in the number of FOI requests received, having received 267 in quarter one. This will ensure an increased level of transparency and accountability. It is predicted the Council will see a decrease in the number of EIR requests, having received eight in quarter one. Should the trend continue the Council will see a reduction in SARs during 2023/24, having received 11 in quarter one. At the present rate, the Council is predicted to see a slight decrease in the number of information security incidents reported, having received 10 in quarter one. The Council will potentially see a further increase in ICO complaints, having received four in quarter one.

* The Local Government and Social Care Ombudsman (LGSCO) has updated the decision outcomes they use in 2022. As a result, it is not possible to make a direct comparison with previous years. However, the new decisions in bold/italics in the table below are broadly comparable to those previous decisions in italics above.

	2021/22	2022/23	2023/24 (Q1)
Closed after initial enquiries: no further action	9	8	3
Closed after initial enquiries: out of jurisdiction	1	4	2
Not upheld: no further action	0	0	1
<i>Not upheld: No maladministration</i>	<i>1</i>	<i>1</i>	<i>0</i>
<i>Not upheld: No fault</i>	<i>N/A</i>	<i>1</i>	<i>0</i>
<i>Upheld: Maladministration and Injustice</i>	<i>4</i>	<i>0</i>	<i>0</i>
<i>Upheld: Fault and Injustice</i>	<i>N/A</i>	<i>4</i>	<i>1</i>
Upheld: Maladministration No Injustice	0	0	0
Upheld: not investigated - injustice remedied during Body in Jurisdiction's complaint process	0	0	0
<i>Upheld: no further action, organisation already remedied</i>	<i>0</i>	<i>1</i>	<i>0</i>
<i>Upheld: fault and injustice – no further action, organisation already remedied</i>	<i>N/A</i>	<i>1</i>	<i>0</i>
Premature	1	1	0
Total	17	21	7

Ombudsman Outcome Category



Premature	0	4	0	0	1	1	0
Upheld: fault and injustice - no further action, organisation already remedied						1	0
Upheld: no further action, organisation already remedied						1	0
Upheld: not investigated - injustice remedied during Body in Jurisdiction's complaint process	0	0	0	1	0	0	
Upheld: Fault and injustice						4	0
Upheld: Maladministration and Injustice	5	10	4	2	4	0	1
Upheld: Maladministration No Injustice	1	0	0	1	0	0	
Not uphold:No fault						1	0
Not upheld: No maladministration	6	3	1	2	1	1	0
Not upheld: no further action	1	0	0	0	0	0	1
Closed after initial enquiries: out of jurisdiction	1	2	4	1	2	4	2
Closed after initial enquiries: no further action	11	10	7	4	9	8	3
Total	25	29	16	11	17	21	7

