

CSPL local government ethical standards 15 best practice recommendations

Name of local authority: Sandwell MBC

1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Progress: The Council has embarked upon a full review of its Code along with the Arrangements for dealing with Standards Complaints as part of a wider ongoing Governance Review. It is also carrying out a review of the Council's Ethical Framework. Any BPRs that have not been fully met will be addressed as part of this review.

Prohibition on bullying already included in current Code, but not harassment. Intention is to adopt New Model Code which will have definitions of both in the definition section. The authority will include examples of bullying and harassment as an appendix to Code.

[Update 28.02.2022](#)

The Council has adopted the new Model Code of Conduct with effect from March 2021, which includes prohibitions on bullying and harassment.

[Update 24.02.2023](#)

Nothing further required. The Council's Code of Conduct continues to deal with this issue.

2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Progress: Code currently states 'You must at all times facilitate and engage with the council and its committees on probity and ethical matters and submit yourself to the scrutiny necessary to ensure this without any undue delay.' This will be broadened to require councillors to comply with any formal standards investigation when the New Model Code is adopted.

[Update 28.02.2022](#)

Paragraph 8 of the new Model Code of Conduct deals with the requirement to engage with any code of conduct investigations.

Prohibiting trivial or malicious allegations is covered by the more general aspects of the code. The Council's updated Arrangements also set out the preliminary considerations when

a complaint is received, which includes at stage 2 whether the complaint is “malicious, trivial, politically motivated or ‘tit-for-tat’”. Councillors will be aware through their training on the code of conduct that such complaints are unlikely to progress.

Update 24.02.2023

Nothing further required. The Council’s Code of Conduct and Arrangements continue to deal with these issues.

3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Progress: An annual report is submitted to Council. The Council is currently reviewing its Code along with the Arrangements for dealing with Standards Complaints. Arrangements for future reviews is part of discussions with the working group working on the current review.

Update 28.02.2022

The Council undertook a large scale review of the code of conduct and arrangements for dealing with standards complaints throughout October 2020 – March 2021. The Council will conduct an annual review, alternating between a desktop exercise and a consultation based exercise.

The Council conducted its desktop review in February 2022.

Update 24.02.2023

The Council has undertaken a desktop review in February 2023 and not identified any changes to the Code or Arrangements. It is committed to undertaking a full review in 2024, which will include consultation with key stakeholders.

4: An authority’s code should be readily accessible to both councillors and the public, in a prominent position on a council’s website and available in council premises.

Progress: Currently accessible to all. The Council is however looking to update the website to include an Ethical Framework page to make the documents more prominent as part of its continuous improvement drive.

Update 28.02.2022

The code of conduct is available on the Council’s website through modern.gov. It is accessible through clicking the relevant tabs, or by using the search facility, but it could be

made more prominent on the Council's homepage. This is something that needs to be improved.

[Update 24.02.2023](#)

The Code of Conduct and Arrangements are available on Modern.gov. and a link is available on the Council's website.

5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Progress: This is already included as standing item for Ethical Standards Committee which meets quarterly. Each member's register is published on the Council's Committee Management Information System (CMIS) and is easily accessible. We are looking at options with regard to publication of full register.

[Update 28.02.2022](#)

Standing item on Ethical Standards Committee which meets quarterly. The gifts and hospitality register is not currently published on the website.

[Update 24.02.2023](#)

This remains a standing item on the Council's Ethical Standards Committee which meets quarterly.

6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Progress: The public interest test is currently considered in all allegations and this is clearly referenced in the decision notices. Once the Model Code is finalised, the Council will address this issue as part of the ongoing review of the ethical framework and include the publication of the public interest test.

[Update 28.02.2022](#)

The public interest test is included at Stage 3 of the Council's Arrangements for dealing with standards complaints.

[Update 24.02.2023](#)

This continues to be included in the Council's Arrangements.

7: Local authorities should have access to at least two Independent Persons.

Progress: Already achieved. We are looking at the possibility of engaging a third Independent Person and exploring regional resilience through a collaborative approach with other West Midland Councils. Also, we are investigating whether there is any merit in introducing a remuneration package.

[Update 28.02.2022](#)

As above this has already been achieved.

[Update 24.02.2023](#)

The Council has 2 Independent Persons, although one is due to retire shortly. A recruitment exercise will take place to recruit at least one other Independent Person.

8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Progress: Requirement of Localism Act – already in place. Explicitly referenced in the Arrangements for dealing with Standards Complaints.

[Update 28.02.2022](#)

As above, this is already achieved.

[Update 24.02.2023](#)

This is part of the Council's Arrangements.

9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Progress: Already achieved – agenda,/minutes and decision are published and considered by Standards Sub Committee.

[Update 28.02.2022](#)

As above, already achieved.

Update 24.02.2023

Updates on complaints under the Code of Conduct is a standing item on the Council's Ethical Standards Committee which meets quarterly. This information is provided and published as part of that.

10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Progress: Webpage includes this information which is easily accessible. With regard to timescales, once instructed the investigator should be able to give a time estimate to ensure it is reasonable/realistic.

Update 28.02.2022

This is set out in the Council's updated Arrangements for dealing with Standards Complaints. This includes a copy of the complaint form, with clear guidance on how to complete it, together with a flow chart setting out the process and timescales involved.

Update 24.02.2023

This continues to be met through the Council's Arrangements, which are available to the public via the Council's website.

11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Progress: n/a

12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Progress: n/a

13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Progress: Arrangements include the ability for the Deputy Monitoring Officer to be utilised and the possibility of using the MO from another authority or other external person (independent investigator) to address any conflicts of interest and capacity issues to ensure complaints are managed effectively and consistently and in a timely fashion.

[Update 28.02.2022](#)

As above, this has been achieved. The process where a conflict arises is set out in the updated Arrangements for dealing with Standards Complaints.

[Update 24.02.2023](#)

This continues to be set out in the Arrangements

14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Progress: Wherever appropriate and practicable to do so, subject to other legal arrangements or agreements that oversee the operational arrangements of that body and other primary legislation governing operations, the council does provide performance and other information on such bodies such as to its Audit Committee, Scrutiny Boards. However, different companies/bodies have separate accountability arrangements depending on nature of company. The Council will consider this issue further as part of the ongoing review of the ethical framework.

[Update 28.02.2022](#)

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[Update 24.02.2023](#)

The Council continues to ensure this is in place in where appropriate.

15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Progress: Monitoring Officer will be addressing this issue as part of the ongoing review of the Ethical Framework. The MO will be proposing that there be regular meetings with the

Group Leader/Whip/Chair/Vice Chair. These arrangements will be formalise arrangements as part of the Arrangements for dealing with Standards Complaints refresh.

Update 28.02.2022

This has been included as part of the Council's updated Arrangements for dealing with Standards Complaints. Paragraph 12: Review Meetings states there will be quarterly meetings between CEO, MO, Group Leader(s) and Group Whips.

Update 24.02.2023

This is ongoing in compliance with the Council's Arrangements.
