

Speeding up the throughput of cases is currently our main priority. Our performance has fallen short of the target we set for ourselves over the past 18 months or so, but we have now introduced a number of initiatives which, along with the impending local investigations regulations, will speed up the investigations process without compromising its effectiveness.

In our last *Bulletin*, we announced the creation of a new investigation team to tackle cases that have yet to be assigned to an investigator. I am pleased to announce that Natalie Birtle, one of our current legal advisers, will head the team as our fifth ethical standards officer. The team will have started its work by the time you read this.

We will be piloting a scheme to gather additional information relating to a complaint, where appropriate, before deciding whether or not to refer it for investigation. The scheme should help us to make more informed decisions on allegations and enable us to concentrate our resources on those cases that fully merit an investigation. We will be writing to all monitoring officers shortly to explain how the scheme will work and will keep you updated on the scheme's progress over the coming months.

We continue to press the Office of the Deputy Prime Minister to introduce the local investigation regulations as soon as possible, to enable cases finally to be referred back to local authorities for investigation. This will be an important development. We believe that local issues should be tackled at a local level wherever possible and the regulations are crucial in achieving this.

Once the regulations are in place, we can look forward to working with a complete framework.

David Prince, chief executive

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Board to focus on serious allegations, committee told

The Standards Board for England will ensure investigations are proportionate to the seriousness of the issue and in the public interest, and speed up its throughput of cases, the Committee on Standards in Public Life heard recently. Sir Anthony Holland, chair of The Standards Board for England, told the committee that its investigations would focus increasingly on the most serious allegations concerning behaviour that has the potential to damage the reputation of local government.

"We are not interested in personal squabbles and will not indulge attempts to abuse the Code of Conduct as a means of gaining political advantage," he said.

A case-weighting scheme will be developed and those cases that appear to be more serious will be given priority in terms of resource allocation.

Sir Anthony was addressing the committee during the first public hearing of its Tenth Inquiry, outlining how The Standards Board for England was looking to enhance its investigatory process. Other measures announced include piloting a scheme to seek information from the local level before a decision to investigate is made, and raising the threshold for allegations to be investigated.

Sir Anthony also addressed the issue of planning under the Code of Conduct and, recognising the difficulty of this topic, described how The Standards Board for England is seeking to balance common law requirements with that of the Code. He noted that The Standards Board for England would be issuing guidance on this issue later this year.

An officers' code of conduct would be welcomed by the Board, although Sir Anthony didn't believe that The Standards Board for England should oversee an officers' code. He believed its provisions should form part of officers' contractual arrangements with their own authorities.

A transcript of our evidence, along with full information on the Tenth Inquiry, is available from the Committee on Standards in Public Life's website at:

www.public-standards.gov.uk

The chair of the Committee on Standards in Public Life, Sir Alistair Graham, was confirmed recently as a key speaker at this year's Annual Assembly of Standards Committees — see the article on page 4.

Consultation closes on Section 66 regulations

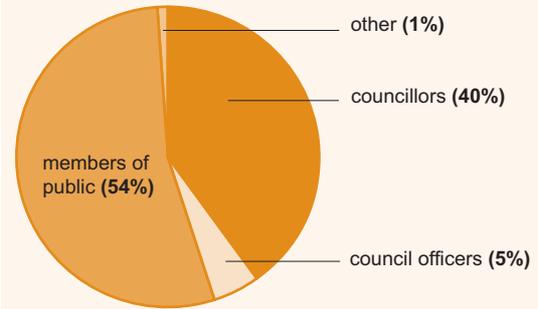
The local investigation regulations will be in place this summer, according to the Office of the Deputy Prime Minister.

Consultation on the regulations and our accompanying guidance ended in May. Responses to our draft guidance have been largely positive. We are now assessing the

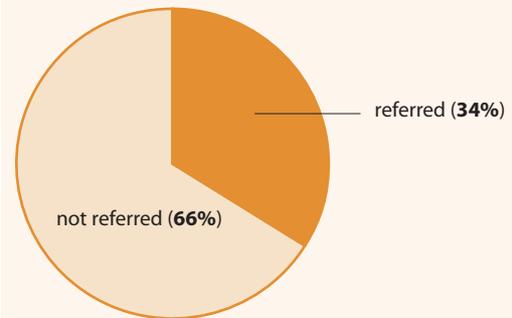
Referral statistics

The Standards Board for England received 330 allegations in April 2004. The following charts show The Standards Board for England's referral statistics for that period.

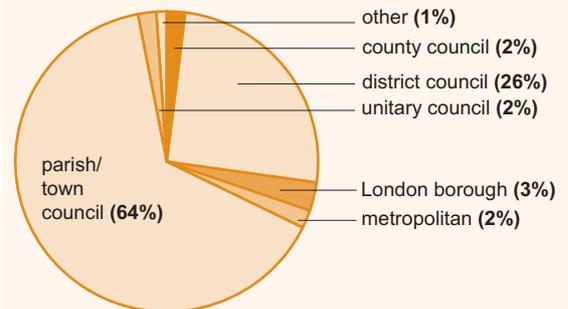
Source of allegations received



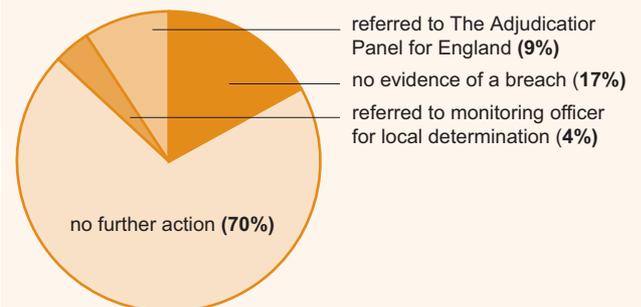
Allegations referred for investigation



Authority of subject member in allegations referred for investigation



Final findings



responses received as we prepare our guidance to the regulations. The guidance will be available once the final regulations are in place.

You raised some concerns and made some suggestions, and these are summarised below. All your comments will be considered carefully as we finalise our guidance. Some of these comments can only be addressed through the regulations and we shall be discussing the detail with the Office of the Deputy Prime Minister in the coming weeks.

Referrals

Many responses centred on what factors ethical standards officers should consider when deciding to refer a case back for local investigation. A number of respondents suggested an apology — unreserved or otherwise — should be sufficient grounds for referring a case back. Others proposed that the factors of any remedial action and the giving of an apology should be considered separately by an ethical standards officer when deciding whether to refer a case back.

We were asked to consider other circumstances in which a monitoring officer can refer a case back to an ethical standards officer — for example, in the event that a case is too politically sensitive for a local investigation. It was also suggested that standards committees should have the power to send a case back to the ethical standards officer if, during its hearing, it uncovers evidence relating to a case that may merit the fuller sanctions unavailable at the local level.

Investigatory powers

A number of respondents called for monitoring officers to be given the same statutory powers as an ethical standards officer when investigating a case. Some also asked for guidance to cover situations where a member refuses to co-operate with a local investigation. And

some respondents suggested that monitoring officers should be given full access to all information obtained by an ethical standards officer prior to a local referral.

Some monitoring officers said that, in their opinion, the guidance fell short of recognising the powers and duties already held by them under the *Local Government and Housing Act 1989* and the *Local Government Act 2000*. In essence, they felt that they should not be restricted to carrying out investigations into matters that only relate to the allegation referred back, but should also be permitted to undertake investigations into matters that may spin-off from the main investigation.

Conducting investigations

Concern was raised that proper recognition was not given to the monitoring officer's role in advising members on the Code of Conduct. It was felt that such a role should not automatically prevent a monitoring officer from conducting an investigation, as a conflict of interest would not always arise.

The majority of respondents would welcome a non-statutory guide on how to conduct an investigation and we will produce a guide to compliment our final guidance.

MORI research finds stakeholder support for Board and Code of Conduct

Final research findings by MORI show that The Standards Board for England has made a positive start in promoting the Code of Conduct and that its guidance on the Code has been particularly well received.

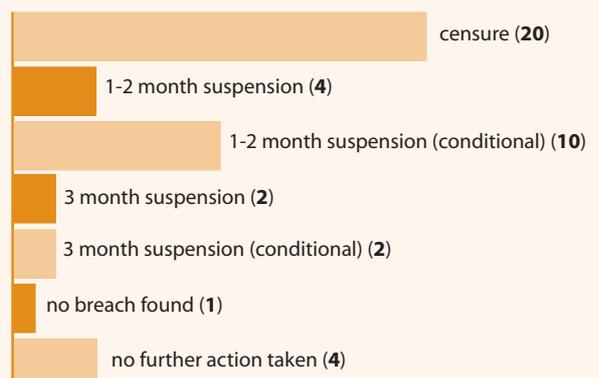
However, concerns were raised with our complaint and investigation procedures, particularly the length of time it takes for an investigation to be concluded. Concerns were also expressed about the absence of regulations enabling local investigations.

Continued on page 4...

Standards committee findings

The Standards Board for England referred 58 cases for determination by standards committees in the 2003–04 financial year. Of these, 15 have yet to be heard. The following chart shows standards committee decisions in the cases that have been heard.

Standards committee findings



Thank you to everyone who took part in this research. It enables us to benchmark and monitor our performance and identify how we can target our resources most effectively in the future.

A summary of the research will be available from our website in the next few weeks. Please check the 'about us' section for a research page.

Standards in Public Life chair to speak at Annual Assembly

Sir Alistair Graham, newly-appointed chair of the Committee on Standards in Public Life, is to speak at the Third Annual Assembly of Standards Committees this September.

Sir Alistair's keynote address to delegates at The Standards Board for England's conference will be one of his first public commitments since his appointment to the committee in May 2004. He will reflect on evidence given to the committee as part of its current inquiry concerning the operation of the ethical framework, and consider the committee's role in ensuring high standards of conduct in the public sector more generally.

Speaking about the conference, Sir Alistair said:

"This is an excellent opportunity to review the progress made so far in embedding high standards of conduct in local democracy, and explore what improvements might be made to the operation of the ethical framework. My committee's current inquiry has received and heard a lot

of evidence about the framework and in particular about the operation of the Code of Conduct. I welcome the opportunity to share this with members and others within the local government family and to explore with them practical measures to help address concerns and ensure that the framework meets its stated aims."

Sir Anthony Holland, chair of The Standards Board for England, added:

"We are delighted that Sir Alistair will be speaking at our conference. The work of the committee, and in particular its current inquiry, is of central importance in ensuring high standards of conduct are maintained not only within the local government environment, but across the public sector as a whole. The committee has a fundamental role in reviewing the Board's progress and we look forward to strengthening our working partnership to meet a common goal of confidence in local democracy."

Other key speakers confirmed so far include Nick Raynsford MP, minister for local government and the regions and Sir Brian Briscoe, chief executive of the Local Government Association. The conference is set to receive a record number of bookings, with places filling up fast.

Details on all the Annual Assembly workshops and sessions running during the two-day event can be found in the advance programme, available from the events section of our website at:

www.standardsboard.co.uk/events/