

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Standards and Audit Committee

The meeting will be held at **7.00 pm** on **29 February 2024**

Committee Room 2, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Fraser Massey (Chair), Kairen Raper (Vice-Chair), Lynn Worrall, Gary Collins, Elizabeth Rigby and James Thandi

Charles Clarke - Co-opted Member
Jasdip Singh Nijjar – Co-opted Member

Substitutes:

Councillors Cathy Kent, Valerie Morris-Cook and Maureen Pearce

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 10
To approve as a correct record the minutes of the Standards and Audit Committee meeting held on 23 November 2023.	
3 Items of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4 Declaration of Interests	
5 External Audit Progress Report - Verbal Update	11 - 18

6	Internal Audit Progress Report	19 - 40
7	Future Arrangements for the Standards and Audit Committee	41 - 50
8	Mid Year 2023-24 Complaints and Information Governance Activity Report	51 - 88
9	Member Development Strategy	89 - 102
10	Member Training Schedule Report	103 - 122
11	Member Attendance Statistics Report	123 - 130
12	Committee on Standards in Public Life Update	131 - 222
13	Decision Notice of Complaint against a Councillor under the Code of Conduct - Report to Follow	
14	Review of Risk Management - Report to follow	
15	Work Programme	223 - 228

Queries regarding this Agenda or notification of apologies:

Please contact Rhiannon Whiteley, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **21 February 2024**

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Standards and Audit Committee held on 23 November 2023 at 7.00 pm

Present: Councillors Kairen Raper (Vice-Chair), Lynn Worrall, Gary Collins and James Thandi

Charles Clarke
Jasdip Singh Nijjar

Apologies: Councillors Fraser Massey (Chair) and Elizabeth Rigby

In attendance:

Rachel Brittain, Binder Dijke Otte (BDO)
Gina Clarke
Michael Dineen, Assistant Director Counter Fraud, Enforcement and Community Safety
Asmat Hussain, Director of Legal and Governance and Monitoring Officer
Louise Sayers
Jonathan Wilson (Interim Director Finance & S151 Officer)
Luke Tucker, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

66. Minutes

- Councillor Collins noted he did query at the 6th September 2023 meeting where the whistle blowing policy report was on the work programme and asked when the extraordinary meeting is going to be arranged for.
 - The Monitoring Officer respond, that a reasonable a date is being identified that's convenient to all Members. Date to be identified in first quarter of 2024.
- Councillor Collins asked if an update on procurement would take place at the meeting on the 29th February 2024.
 - **ACTION:** Work programme to be recirculated.
- Councillor Collins asked for councillor's names to be added to minutes and replies to be recorded.
 - Best Value Inspection identified the need for the Council to refresh its approach to minute taking. Communication was sent to all members on the 2nd November 2023.
 - Agreed with Group Leaders and Whips
- The Committee discussed their concerns on how meetings minutes are recorded.

- Councillor Collins asked if the Committee could have someone explain to the Committee how risk profiles are calculated and formulated.
- Councillor Raper asked for a timeframe for the meeting on the whistle blowing policy.
 - Date is not known, will ensure that the work program is updated.

At 19:04 Charles Clarke, Co-Optee Member arrived at the meeting.

67. Items of Urgent Business

There were no items of urgent business.

68. Declaration of Interests

There were no declarations of interest.

69. External Audit Progress Report

The Director of BDO LLP (external audit) presented the report to the Committee.

Members asked the following questions to the Director of BDO LLP (external audit):

- Councillor Collins sought clarity for the phrase financial instruments.
 - Any investments or debt that the Local Authority holds.
- Councillor Collins noted the objections to the financial statements and asked if the Local Authority should be worried or if it was an administrative error.
 - One of the duties is to consider the legality of those transactions. No particular red flags, but it is something that will need to be looked at and concluded on.
- Councillor Worrall asked when will a response be received from the forensic team to formalise whether there is an issue with the objections to the financial statements.
 - It is a long process, and the response will not go into the public domain.
 - Additional powers can be issued. If in the public interest a report could be published to highlight any issues to the public. The Local Authority could be issued with statutory recommendations to change processes. A court could declare transactions illegal, but that is very unusual.
- Councillor Worrall asked for a timeframe.
 - To be completed alongside the audit in February/March 2024
 - Progress is good.
- Councillor Collins noted from the report the mismanagement identified and asked how the Local Authority could stop this from happening again.

- Audit will audit balances and adjustments to make sure that figures and stack up with the audit work and that there's nothing in the accounted period that shouldn't be.
- Councillor Collins asked if the work could be undertaken by internal audit.
 - Looking at investment transactions, valuations, and changes in valuations
 - Schedule that is allocating transactions year by year.
- Councillor Collins asked how you stop management manipulating records and overriding controls.
 - Any transaction that is on the schedule will then be passed to external audit for deliberate review.
 - Internal audit will tend to be focused on ongoing transactions within the system.
- Councillor Raper asked if external audit was finding it easy to get all the information they needed from the Local Authority.
 - Yes, no reason to think that this wouldn't continue either.
- Councillor Worrall asked what the process is for the finding RAAC.
 - The Local Authority will need to propose how they've assured themselves that they don't have RAAC in their buildings.
 - Records should identify issues.
- Councillor Collins sort and explanation of heritage assets/valuation of noncurrent assets.
 - Culturally significant assets for example paintings. Coalhouse fault was identified.
- Councillor Collins sort clarity on valuation of pension liability risk detail assets.
 - Level 1 assets would be something that has an available price, for example, the Stock Exchange
 - Level 3 assets don't have an observable input.
- Councillor Collins asked if non collection of receivables is people not paying rent.
 - Yes
- Councillor Thandi asked for an update on Toucan and asked if it is running smoothly and if there is an end date.
 - Process is progressing within timelines, hoping to have an outcome within this financial year.
 - Administrators continue to run the process.
- Co-Optee Member Jasdip Nijjar asked with regards to manual adjustments, what controls did the Council have before they entered
 - Going through each element of the investments and agreeing classification and valuation.
- Co-Optee Member Jasdip Nijjar asked what the thought process was behind keeping materiality at 1.75%
 - Range of factors, benchmark is 0.5 to 3%.
- Co-Optee Member Jasdip Nijjar asked for an estimate of the fees.
 - No estimate at the moment.

- Co-Optee Member Charles Clarke asked in observations so far has external audit observed any serious controls over the corporate control environment.
 - Controls aren't tested, it is a fully substantive audit.
 - Haven't identified any issues with your entity level controls.
- Co-Optee Member Charles Clarke asked as it was substantive testing what additional timeline or resource do you need.
 - The majority of the substantive work is done and has been factored in and provided for.

At 19:54 Rachel Brittan, Louise Sayers and Johnathan Wilson left the meeting.

70. Counter Fraud & Investigation - Performance Update

The Assistant Director of Counter Fraud introduced and presented the report to the Committee.

- Performance Update on Counter Fraud & Investigation contained a combined report of data from the first and second quarter of the year.
- 130 reports of suspected fraud in the first six months of this year.
- 43 investigations were closed as no fraud due to no evidence.
- 28 sanctions delivered in cases of proven fraud against individuals.
- Resulting in potential saving to the Local Authority of just over £1 million in the first six months

Members asked the following questions to the Assistant Director of Counter Fraud:

- Co-Optee Member Charles Clarke asked for an update on training work.
 - Training mechanism, will go out live throughout the Local Authority by January
- Councillor Collins praised the department for their hard work and asked if more staff had been employed by the service.
 - Same number of staff but employed on fixed term contracts rather than agency staff.
- Councillor Worrall was happy with the recovery of social homes and informed the committee it should be celebrated and reported to the Housing Overview & Scrutiny Committee. Councillor Worrall sort an explanation of the process for right to buy applications.
 - Fraud reports to housing and forwards finding and figures. A new Coms strategy is being developed.
 - There are many ways people who are not entitled to a right to buy and all applications are reviewed by the fraud team.
- Councillor Worrall noted fraud figures are not present on housing reports and asked if it is measured.
- **ACTION:** Fraud Recovery Report for Housing O&S

- Councillor Worrall asked regarding an investigation team that will work with social care teams to review applicants for direct payments, what are the team looking for and how it will be measured.
 - Direct payments are a high-risk area.
- Councillor Collins what are the other sanctions, if any.
 - Formal warnings, formal cautions, housing tenants warning letters.
- Councillor Thandi noted 10 social housing properties recovered and asked for the reasons why they were recovered.
 - Reasoning for recovering a property will be that the property is either abandoned by an individual, or it has been sublet.
 - Voluntary return
- Councillor Worrall asked if housing benefit and council tax fraud fit within your team.
 - DWP for housing benefit
- Co-Optee Member Charles Clarke asked if a report was coming subsequently with information relating to different type of fraud cases.
 - In end of year report.
- Co-Optee Member Charles Clarke asked as the quarterly report doesn't give much detail on where recurrent fraud is.
 - Next year's end of year plan, members will see last year's and this year's figures.
 - Will include a chart comparing the rates of different crime types.
- Councillor Thandi asked if cutbacks has affected the team.
 - New approach for this year, more focused internally.

RESOLVED:

1.1 The Audit Committee comments on the performance of the Counter Fraud & Investigation team.

1.2 The Audit Committee agrees to continue the Proactive Work Plan as found at Appendix 1.

71. Complaints received under the Members' Code of Conduct

The Governance Lawyer/Deputy Monitoring Officer introduced and presented the report to the Committee.

- Update since the start of the municipal year
- All bar 3 complaint closed from last year.
- 1 complaint will be heard by a hearing panel.
- 8 complaints received so far; 6 are member against member complaints, 2 complaints are from public.

Members asked the following questions to the Governance Lawyer/Deputy Monitoring Officer and Director of Law and Governance/Monitoring Officer:

- Cllr Worrall noted a pattern and asked if it was multiple different councillors being reported or if several councillors reporting the same complaint against a singular councillor.
 - Yes.
 - Complaints must be treated by individual complaints but are dealt together which saves officers' time.
- The Chair noted it might be useful for future reports to group the complaint as it appears that there are 8 different complaints.
 - Noted
- Councillor Collins wanted to confirm the committee was only talking about one person.
 - Same person

RESOLVED:

- 1.1 That the Committee note the outcomes on complaints received under the Members Code of Conduct during the municipal year 2023/24 up to the 3 November 2023.**

72. Work Programme

Members discussed the work programme.

- The chair asked the additional meeting to be added, even if the date could not be confirmed.
- Co-Optee Member Charles Clarke noted there was not an item for counter fraud for the meeting on the 29th February 2023.
 - Quarter two was brought forward to this meeting.

The meeting finished at 8.25 pm

Approved as a true and correct record

CHAIR

DATE

Any queries regarding these Minutes, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

THURROCK COUNCIL

External Audit Update

Page 11

14 February 2024

Agenda Item 5

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EXECUTIVE SUMMARY



REPORT PURPOSE

This report provides the Standards and Audit Committee (SAC) with an update on the progress of our audit.

The paper also provides an update on wider developments in respect of a recently published consultation to proposed changes to the Accounts and Audit Regulations 2015 and the Code of Audit Practice, in connection with addressing the wider local audit backlog.



AUDIT PROGRESS

We presented our revised Audit Planning Report to the SAC in November 2023. Since then, we have resumed our fieldwork, with a particular focus on the following areas:

- Areas highlighted as significant risks in our audit plan
 - Valuation of non-current assets - heritage assets
 - Classification of investments
 - Minimum revenue provision
 - Infrastructure assets
 - PPE valuations - RAAC
 - Intangible assets - Software as a Service
- Performance of additional fieldwork where methodology and regulatory expectations have increased since the time the work was originally undertaken

UPDATES ON SPECIFIC AREAS

Since presenting our revised audit plan in November 2023, our primary areas of focus have been as follows:

Valuation of non-current assets (SRMM*) - heritage assets

The Council have reviewed their heritage assets balance and reviewed the accounting policy for heritage assets, proposing a reclassification of two of these to operational assets and the remaining assets to be held at a nominal, restated value.

BDO have reviewed the assumptions behind this exercise and are reviewing the Council's quantification of the prior period adjustment.

Classification of investments (SRMM)

As noted in our revised audit planning report, there is a significant risk of material misstatement in relation to the classification of investments. While classification has now been provisionally agreed for all of the Council's material investments, as at the time of writing this report, there remain two investments for which we are awaiting further information from the Council in order to be able to conclude. These are material to the financial statements. On receipt of this information we will need to evaluate whether any of the new information provided impacts our conclusions.

For those assets that have been classified as fair value through profit and loss (FVTPL), the Council need to engage a specialist to appropriately value these investments.

Note that concluding on the correct classification of investments and providing appropriate valuations for these investments is necessary in order to be able to complete our work against the following other risks highlighted in our audit plan

- Valuation of financial instruments measured at FVTPL
- Carrying value of financial assets measured at amortised cost
- Financial instrument disclosures
- Minimum review provision

UPDATES ON SPECIFIC AREAS

Minimum revenue provision (MRP) (SRMM)

We have reviewed the Council's proposed retrospective changes to its MRP policy. As part of this, we challenged the Council to consider the legal basis for these changes. The Council obtained legal advice which has provisionally concluded that retrospective changes to MRP are not permitted. We are awaiting revised proposals for the Council's treatment of MRP following this information.

Infrastructure assets (SRMM)

We have reviewed the Council's assessment of infrastructure in accordance with the Statutory Instrument and the update to the Code issued in 2022, with a particular focus on useful economic lives.

While the Council's initial assessment conveyed the need for retrospective adjustment of useful economic lives, our review has challenged whether this is necessary, on the basis that the circumstances under which a prior period adjustment should be made under the Statutory Instrument are limited. The Council are currently reevaluating their position on the back of this feedback.

PPE Valuations - RAAC (RMM)

We have received the Council's assessment as to the valuation risk posed by RAAC. This concentrates on the potential impact on housing, schools and corporate assets. The Council's programme of inspections remain in progress, as does our review of the assessments performed to date. However, to date no instances of RAAC have been identified from the Council's assessments.

Intangible assets - software as a service (RMM)

The Council have reviewed their intangible assets register against the expectations of the April 2021 IFRIC decision, and have identified the need for a prior period adjustment. This reflects the fact that the implications from the IFRIC decision apply both prospectively and retrospectively.

BDO have reviewed the assumptions behind this exercise and are currently reviewing the Council's calculation of the proposed prior period adjustment.

Note that provisional findings on all the areas above remain subject to final senior review and internal clearance.

OTHER TESTING AREAS

Other testing areas

There are a number of areas where methodology and regulatory expectations have increased since the time the work was originally completed, resulting in further audit procedures.

These include

- Expenditure cut-off (bank payments)
- Expenditure cut-off (bank receipts)
- Valuation of non-current assets
- HRA assets existence
- PPE completeness
- Enhancing our understanding of key systems

We have reassessed our testing in these areas and provided the Council with additional requests for information. We are continuing to work through these as they are provided.

SECTOR UPDATE

On 8 February 2024, a consultation was launched as part of a cross-system effort to address the backlog in local government audits across the sector.

In summary

- DLUHC is seeking views on changes to the Accounts and Audit Regulations 2015 to introduce backstop dates for the publication of audited accounts
- The NAO is seeking views on changes to the Code of Audit Practice to support auditors to meet backstop dates and promote more timely reporting of their work on value for money arrangements

More details can be seen on the link below.

<https://www.gov.uk/government/consultations/addressing-the-local-audit-backlog-in-england-consultation/local-audit-delays-joint-statement-on-update-to-proposals-to-clear-the-backlog-and-embed-timely-audit>

We are continuing to consider and discuss with the Council the implications of these for our audit.

FOR MORE INFORMATION:

Rachel Brittain, Key Audit Partner

Audit Director: Rachel.brittain@bdo.co.uk

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29 February 2024		ITEM: 6
Standards & Audit Committee		
Internal Audit Progress Report 2023/24		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Colin Ratcliffe – Interim Head of Financial Assurance, Risk, Internal Audit, and Insurance		
Accountable Assistant Director: N/A		
Accountable Director: Steven Mair – Interim Chief Financial Officer and S151 Officer		
This report is Public		
Version: Committee		

Executive Summary

The 6-month Internal Audit Plan 2023/24 was discussed and agreed by the Standards & Audit Committee at their meeting of 19th July 2023. This is the second progress report since that meeting and covers final reports issued, draft reports issued and work in progress.

Commissioner Comment:

Internal Audit received confirmation that the Commissioners were content with this paper.

1. Recommendation(s)

- 1.1 **Note the progress to 11 January 2024 against the Audit Plan 2023/24 as documented in Appendix 1.**
- 1.2 **Consider the Key Findings from the assignment, Embedded Risk Management Culture (INT2324-02) as documented in Appendix 1.**
- 1.3 **Consider the Key Findings from the assignment, Stock and Security Assurance (INT2324-03) as documented in Appendix 1.**
- 1.4 **Note Internal Audit's quality checking of its earlier verification work associated with the Supporting Families Programme. (See paragraph 3.2.4)**
- 1.5 **Note and agree the revised scope for audit *INT2324-17 – Governance Recovery Board*, which is now retitled *INT2324-17 – Change Board*. (See paragraph 3.4.1)**

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Version Committee – Final ready for submission to public committee

- 1.6 **Note and agree the deferral of the audits *INT2324-22 – Talent Management and Retention*, and *INT2324-30 – Waste – Compliance with ISO requirements*. (See paragraphs 3.4.2 and 3.4.3)**
- 1.7 **Note the inclusion of additional engagements (See section 3.5)**
- 1.8 **Note the verification of management actions associated with recommendations from 2018/19 and 2019/20 audit reports. (See paragraph 3.6.2 and Appendix 1)**
- 1.9 **Consider and accept, or otherwise, Internal Audit’s proposal not to verify implementation of management actions from audit reports from 2020/21 engagements. (See paragraph 3.6.3)**
- 1.10 **Note Internal Audit’s depleted level of resources and its reliance on support from Mazars. (See section 3.7)**
- 1.11 **Note that Internal Audit expects to have completed or substantially completed 21 of its 33 engagements by the end of March 2024. There are requests to defer two audits (see recommendation 1.6). The remaining ten audits will still be in their respective planning stages at the end of the financial year. (See section 3.8)**

2. Introduction and Background

- 2.1 The Accounts and Audit Regulations 2015 require that the Council, as a relevant authority, must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes taking into account public sector internal auditing standards or guidance.
- 2.2 The Internal Audit Service carries out the work to satisfy this legislative requirement and part of this is reporting the outcome of its work to the Standards & Audit Committee.
- 2.3 The Standards & Audit Committee has a responsibility for reviewing the Council’s corporate governance arrangements, including internal control, and formally approving the Annual Governance Statement. The audit work carried out by the Internal Audit Service is a key source of assurance to the Standards & Audit Committee about the operation of the internal control environment.
- 2.4 The audits contained in the Internal Audit Plan 2023/24 are based on an assessment of risk for each system or operational area. The assessment of risk includes elements such as the level of corporate importance, materiality, service delivery/importance and sensitivity.

3. Issues, Options and Analysis of Options

- 3.1 The reports issued by Internal Audit provide 4 levels of assurance opinion. The 4 opinions use a Red/Amber/Green (RAG) assurance level and reports are now categorised as:

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- Green; Amber/Green (positive assurance opinions);
- Amber/Red (negative assurance opinion that provides some assurance, but several weaknesses were identified); and
- Red (negative assurance opinion).

3.2 Progress against the 2023/24 Internal Audit Plan

3.2.1 The Progress Report, at Appendix 1, covers progress against the 2023/24 Internal Audit Plan up to 11 January 2024. Table 1 highlights reports issued as final, and Table 2 provides Members with an update on the status of the remaining audits on the Plan.

3.2.2 Between September 2023 and 11 January 2024, Internal Audit finalised 2 reports:

- Embedded Risk Management Culture which received an Amber/Red (negative) assurance opinion.
- Registrars Stock and Security Review, which received a Green (positive) assurance opinion.

Key findings, including recommendations and relevant management responses, can be found in the Progress Report, at Appendix 1.

3.2.4 A requirement of the Supporting Families Programme is that Internal Audit verifies the Council's claims for payment from the Department of Levelling Up, Housing, and Communities. In agreement with Children's Services, Internal Audit's verification is based on sampling 20% of the cases in each monthly claim. Internal Audit is quality checking its verification work to ensure that it meets the requirements set out in Government guidance.

3.3 Grant funding – Assurance

3.3.1 In February 2024, Internal Audit reviewed the Council's use of funds provided via the Department for Transport's Local Authority Transport Bus Recovery Grant and Local Transport Fund Grant. Internal Audit provided the Department for Transport with a declaration showing how the Council had used the funds.

3.4 Changes to Planned Audits

3.4.1 *INT2324-17 – Governance Recovery Board*: Under the original audit proposal, Internal Audit would have reviewed the integrity of governance arrangements associated with the Improvement and Recovery Board and the oversight provided by the Governance Recovery Board. The Chief of Staff to the Thurrock Commissioners, supported by the Council's Chief Intervention Officer, informed Internal Audit that its remit did not extend to matters relating to boards that exist to inform Commissioner decisions. Internal Audit challenged this position but was advised that accountability for Commissioner decisions rests with the Secretary of State for the Department of Levelling Up, Housing, and Communities. After further consultation, Internal Audit agreed to refocus the audit on to the governance of the recently established Change Board. To reflect this, Internal Audit changed the title to *INT2324-17 – Change Board*.

3.4.2 *INT2324-22 – Talent Management and Retention*: Although Internal Audit proposed a forward-looking audit to benchmark and provide assurance around the evolving talent management plans, the Acting Assistant Director of HR & OD considered that this area was already being

reviewed in line with strategic directions. She considered that the proposed audit was not actionable in 2023/24 and requested that the audit proceed once work on the new approach was further advanced.

- 3.4.3 *INT2324-30 – Waste – Compliance with ISO requirements*: The Interim Director of Transformation (Public Realm) informed Internal Audit that Waste Services have a large programme of work to deliver the 2024/25 savings and she considered that the Service would not be able to support the proposed audit. Internal Audit understands that the Interim Director's request has the support of both the Chief Financial Officer and the Chief Executive.

3.5 Additional Audits and Advisory Engagements

3.5.1 Since September 2023, Internal Audit agreed to conduct several additional audits and advisory engagements.

- Divestments – Review of the briefing paper covering the proposed sale of Wind Farm assets.
- Divestments – Review of briefing paper covering the proposed sale of the Council's interests in Toucan Energy Holdings 1 Ltd.
- *INT2324-32 – Expenditure Control Panel*: At the request of the Finance Recovery Board, Internal Audit agreed to review the adequacy and effectiveness of the procedures for preventing and detecting avoidance of the January 2023 expenditure control procedures. Fieldwork will start when resources become available.
- *INT2324-33 – Thames Freeport – Financial Management System*: At the request of the Interim Chief Financial Officer, Internal Audit conducted an advisory review to assist in the specification of the minimum requirements for the financial management system for Thames Freeport.
- *INT2324-34 – Aftercare – Managing cash*: Internal Audit initiated this review after being alerted to control failures for holding and managing cash held on behalf of care leavers.

3.6 Agreed Recommendations – Follow-up work

3.6.1 As part of its Charter, Internal Audit is required to carry out follow up reviews to ensure management has implemented agreed internal control improvements. For several years, Internal Audit did not follow through on this obligation. In September 2023, Internal Audit implemented a review into the status of management actions going back to 2018/19.

3.6.2 Internal Audit identified 13 management actions that it had not followed up associated with recommendations with risk/priority ratings of "Medium" or "High" from 2018/19 and 2019/20 Internal Audit reports. Following engagement with the relevant services, Internal Audit received evidence verifying completion of 12 of the management actions. Evidence verifying implementation of the remaining management action was not provided. See Appendix 1.

3.6.3 Internal Audit discovered that the migration to an upgraded version of its audit software did not pick up recommendations from audit reports published in 2020/21 and 2021/22. The resources required to remedy this situation are not readily available. Consequently, Internal Audit proposes that, given the historic nature of many of the recommendations, the Committee

agrees that Internal Audit does not conduct further follow-up work for recommendations from 2020/21 or earlier.

3.7 Resources

- 3.7.1 Since the October meeting of the Committee, staff levels within the Internal Audit service have fallen from 4 Full Time Equivalent members of staff (FTEs) to just 1.5 FTEs.
- 3.7.2 The former Chief Internal Auditor left in November 2023. He was replaced by a contracted, part-time (1-day a week) Audit Manager from Mazars, who is supported also on a part time basis by the Interim Head of Financial Assurance, Risk, Internal Audit, and Insurance.
- 3.7.3 The Senior Audit Manager post effectively became vacant in November when the individual acted up to fill an Audit Manager role and later became the Interim Head of Financial Assurance, Risk, Internal Audit, and Insurance.
- 3.7.4 One of the two Internal Auditors resigned and left the Council on 16 February 2024.
- 3.7.5 The recruitment round in December 2023 resulted in the appointment of an Internal Auditor, who is due to start with the Council on 11 March 2024. The permanent Head of Financial Assurance, Risk, Internal Audit, and Insurance is due to start in April/May 2024.
- 3.7.6 As reported in October 2023, the Internal Audit Service commissioned support from Mazars for the delivery of four audits on the 2023/24 Audit Plan. The Service commissioned support for the delivery of a further four audits.

3.8 Delivery of the Audit Plan 2023/24

- 3.8.1 From a programme that currently includes 33 audits or other planned engagements, Internal Audit has either completed or expects to complete 21 audits by the 31 March 2024.
- 3.8.2 There are proposals to defer two audits (INT2324-22 and INT2324-30). See section 3.4 above.
- 3.8.3 Given Internal Audit's current resource constraints, the Service does not expect to have advanced the remaining ten audits from the 2023/24 Audit Plan beyond their respective planning stages by the end of the financial year.

4. Reasons for Recommendation

- 4.1 To assist the Standards & Audit Committee in satisfying itself that progress against the Internal Audit Plan is sufficient as one of the means of assuring itself of the effective operation of internal controls

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The Audit Plan is periodically discussed with the Chief Executive, Directors, and Assistant Directors before being reported to Senior Leadership Team and the Standards & Audit Committee.

5.2 All terms of reference and draft reports are discussed and agreed with the relevant Corporate Directors, Directors, Assistant Directors and/or management before being finalised.

5.3 The Internal Audit Service also consults with the Council's External Auditors to ensure that respective audit plans provide full coverage whilst avoiding duplication.

6. Impact on corporate policies, priorities, performance, and community impact

6.1 The council's corporate priorities were used to inform the annual audit plan 2023/24. Recommendations made are designed to further the implementation of these corporate priorities.

7. Implications

7.1 Financial

Implications verified by: **Rob Chimani**
Management Accountant

20 February

This is a progress update report and the Audit Service has no planned use of Mazars for Audit support beyond March 2024, there are no in-year financial implications.

7.2 Legal

Implications verified by: **Jayne Middleton-Albooye**
Interim Head of Legal Services and Deputy Monitoring Officer

19th February 2024

The contents of this report and appendix form part of the Council's responsibility to comply with the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015. The Council must ensure that it has a sound system of internal control which facilitates the effective exercise of its functions and achievement of its aims and objectives; ensures that the financial and operational management of the Council is effective; and includes effective arrangements for the management of risk. At least annually the Council must undertake an effective internal audit to, amongst other things, evaluate the effectiveness of its risk management control and governance processes taking into account public sector internal auditing standards or guidance. The Council has delegated responsibility for ensuring this is taking place to the Standards & Audit Committee.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer

20 February 2023

All information regarding Community Equality Impact Assessments can be found here:
<https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

There are no diversity implications within this report.

7.4 Risks

If Internal Audit does not complete an adequate number of appropriate audits from across the Council, the Interim Chief Internal Auditor may not possess sufficient evidence upon which to formulate an annual internal audit opinion for 2023/24 on the adequacy and effectiveness of the Council's governance, risk management and control arrangements.

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

The Internal Audit Plan and its outcomes are a key part of the council's risk management and assurance frameworks.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Internal Audit Strategy and 6-month Plan 2023/24, dated 19 July 2023 ([Standards & Audit Committee \(thurrock.gov.uk\)](#))
- Internal Audit Progress Report 2023/24, dated 30 October 2023 ([Appendix 1 Progress Report.pdf \(thurrock.gov.uk\)](#))
- Draft Internal Audit Strategy and 6-month Plan H2 2023/24 v0.03, dated November 2023 (attached to email from the former Chief Internal Auditor to Members of the Committee, dated 13 November 2023)

9. Appendices to the report

- Internal Audit Progress Report 2023/24, dated 29 February

Report Author:

Colin Ratcliffe

Interim Head of Financial Assurance, Risk, Internal Audit, and Insurance
Finance

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Thurrock Council

Standards & Audit Committee

Internal Audit Progress Report 2023/24

Date of Committee: 29 February 2024

Introduction

The initial 6-month internal audit plan for 2023/24 was presented to the Standards & Audit Committee on 19 July 2023. The six-month internal audit plan for October 2023 to March 2024 was presented to the Standards & Audit Committee on 30 October 2023. On 13 November 2023, the former Chief Internal Auditor circulated the draft internal audit plan for the period October 2023 to March 2024 to members of the Committee, members of the Senior Leadership Team, and Commissioners. While he invited feedback, none was received. Consequently, the consultation did not lead to any changes to the plan. As a result, the plan has been effectively agreed, this plan has been included at Appendix A.

Table 1 showing the status of all assignments complete or where a final report has been issued.

Assignment	Status	Opinion	Actions Agreed (by priority)		
			High	Medium	Low
Complete or Final Report Issued					
Public Sector Internal Audit Standards Self-Assessment	Complete	N/A	N/A	N/A	N/A
Contract Waiver Process*	Final Report Issued	Amber/Red	1	4	1
Risk Management	Final Report Issued	Amber/Red	4	0	0
Registrars Stock and Security review	Final Report Issued	Green	0	0	0

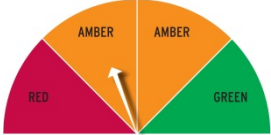
* Detail reported in the previous committee

Table 2 showing the status of all assignments not yet complete or where a final report has not been issued.

Assignment	Status
Draft Report Issued	
Thames Freeport – Financial Management System	Draft Report Issued
Financial Strategy – Divestments	Draft Report Issued
Quality Review or Fieldwork	
Accounts Payable	Quality Review
Accounts Receivable	Quality Review
Supporting Families Programme	Fieldwork
Housing – Payments to Contractors	Fieldwork
Council Tax	Fieldwork
National non-Domestic Rates (NDR)	Fieldwork
Housing Benefits	Fieldwork
Cyber Security	Fieldwork

Financial Strategy – Asset Disposal	Fieldwork
Corporate Plan – Objective Setting (Embedded Assurance)	Ongoing
Risk Management Culture – Follow Up (Embedded Assurance)	Ongoing
Planning or Assigned	
Governance Recovery Board	Planning
Talent Management and Retention	Planning
A13 – Major Projects – Lessons Learned	Planning
Out of Borough Placements	Planning
Unregistered Placements	Planning
Payroll	Planning
Data Protection	Planning
Budget Setting and Management	Assigned
Investments	Assigned
Member Training and Development	Assigned
Major Projects – Managing the Design Phase	Assigned
Readiness for CQC Inspection	Assigned
Waste – Compliance with ISO Requirements	Assigned
Expenditure Control	Assigned
Grant Claim Certification	Assigned

Key Findings from Internal Audit Work

Assignment: Embedded Risk Management Culture	Opinion: Amber/Red	
<p>Headline Findings: Our review of the Council's Embedded Risk Management Culture identified 4 high recommendations around the adequacy and effectiveness of the control framework.</p> <p>Objective of the review</p> <p>The Best Value Inspection (BVI) Report identified a large gap between the aims of the Risk & Opportunity Management framework and actual risk management practices. Recommendation 2 in the BVI Report advocates an extended recovery plan with robust actions that amongst other things secures proper resourcing and functioning of the Council's risk management. Members of the Council's Senior Management Team requested a review that assessed the current risk management culture across the Council (particularly within Directorate Management Teams) and the practical effectiveness of formal risk management controls. Internal Audit agreed to conduct this review by assessing the culture and reporting around the management of seven of the highest rated risks on the Strategic / Corporate Risk Register. This review informed and supplemented</p>		

proposals to refresh the Risk & Opportunity Management framework that were submitted to the Standards and Audit Committee on 30 October 2023.

Key Risk

If adequate and effective risk management procedures are not embedded and consistently applied across the Council, the risks that the Council faces may not be accurately reported in a timely manner. Decision-makers may lose confidence in the system leading to over or under preparation and poorer value for money.

Control activities to be tested

- Linking risks to strategic objectives and setting effective performance indicators
- Active and effective use of risk management by Service Areas.
- Internal and external communications of risk and control information.
- Assessing, categorising, prioritising and reporting risks.

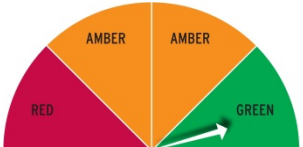
Action and Response	Responsible Officer	Date
<p>Results of Testing - At the time of the review, the Council did not have a corporate plan that set out its strategic objectives. Nevertheless, the risk owners considered that the sampled risks related to important strategic service area objectives. Most of the risk owners were confident their respective tracking of their risks would provide early warning of adverse changes to the risks. However, only 3 of the 7 risk owners were using performance or financial indicators to assess risk. Internal Audit did not assess the extent that the indicators provided early warning of increasing levels of risk.</p> <p>Recommendation – The Council should improve the clarity of the links between delivery of its strategic objectives and its corporate / strategic risks. It should consider the following:</p> <ul style="list-style-type: none"> • Publish a corporate plan that sets out the Council’s strategic objectives and the risks to their delivery. • Establish performance or other indicators to track the identified risks to the successful delivery of the strategic objectives. • Identify whether the indicators are leading or lagging indicators. <p>Management Response - Under the Strategic Direction theme & workstream of the IRP the Council plans to develop and embed a Corporate Plan, including the translation of the plan into Directorate/Service plans and staff objectives. ROM project identifies the need to refresh/review the strategic/corporate risk register when strategic objectives and Corporate Plan established.</p> <p>Refresh of the Strategic/Corporate Risk register commenced with SLT Workshop 16 Aug 2023. Further workshop planned with Senior Directorate Leads early October 2023. When items identified further work to be undertaken with responsible departments (risk owners and risk action leads) to identify or establish relevant risk indicators.</p> <p>As previous. Through work with responsible departments (risk owners and risk action leads) relevant risk indicators (i.e., leading or lagging) to be established.</p>	<p>Strategy Team Risk Team</p>	<p>March 2024*</p>

<p>Results of Testing - Internal Audit found weaknesses in the risk management environment that reduced the assurance that the Council's risk management practices contributed to effective management of resources. While risk owners understood the benefits of good risk management, their actions were not guided by a defined risk appetite. Also, risk tolerance and associated levels of resilience were not well defined. Risk owners reported weak links between their registered risks and business plans. Internal Audit noted that managing corporate risks is not part of performance development reviews.</p> <p>Recommendation - The Council should ensure that its risk management culture actively demonstrates a focus on efficient management of resources. It should consider the following:</p> <ul style="list-style-type: none"> • Treatment of risk is guided by a defined risk appetite. • Risk tolerance and associated levels of resilience should be defined. • Registered strategic risks are clearly incorporated into, and addressed, in business plans. • The responsibility of managing corporate risks is included in performance development reviews. <p>Management Response - Updated Risk and Opportunity Management (ROM) Strategy, Policy & Framework (S.P&F) includes a defined risk appetite and tolerance. ROM S,P&F presented to SLT 09 Aug 2023, to be presented to S&AC 30 Oct 2023 and Cabinet 13 Dec 2023. Recognised that integration of ROM with business planning arrangements needs to be maintained and reflected in revised ROM S,P&F (and to be incorporated in updated ROM guidance and training information).</p> <p>Refresh of the Strategic/Corporate Risk Register commenced 16 Aug (initial workshop with SLT). Further workshop with Directorate Senior Leads and subsequent work with responsible departments planned to develop risk/action plan documentation and overall register. Outcome of exercise to be reported to SLT 06 Dec and S&AC 29 Feb.</p> <p>Under the Strategic Direction theme & workstream of the IRP the Council plans to develop and embed a Corporate Plan, including the translation of the plan into Directorate/Service plans and staff objectives. ROM incorporated into existing service planning arrangements and should remain in the revised approach. Risk Team to liaise with Strategy Team as part of the development of the revised business planning approach under the IRP.</p> <p>Under the Leadership and Culture theme/Building Organisational Capacity workstream of the IRP the Council plans to review and update the Leadership and Management Framework. Risk Team to liaise with People and Organisational Development Team as part</p>	<p>Risk Team Directorate Leads Strategy Team People & OD Team</p>	<p>April 2025</p>

<p>of the development of the revised leadership and management framework.</p>		
<p>Results of Testing - Most risk owners have confidence in the competence of those members of staff who conduct risk assessments. However, risk management training, even amongst risk owners is sporadic. Also, formal risk reporting through the risk registers is not as credible as it can be. The risks are assessed against long-term structural and / or external issues rather than reporting the status of the most vulnerable aspects from a local Council perspective. There is an absence of available indicators, and the reports are not generally used by SLT to challenge and hold risk owners to account.</p> <p>Recommendation - The Council should improve the consistency and reliability of its risk reporting. It should consider the following:</p> <ul style="list-style-type: none"> • Ensure that risk owners receive adequate training in the Council's risk management approach. • Set out requirements to improve the credibility and reliability of formal risk reporting through the risk registers. • Provide guidance on rating risks so their scores reflect the mitigated risk to the Council rather than reflect long-term structural issues. • Provide guidance on using available indicators to support risk scores. • Provide guidance to senior managers about their role in challenging and holding risk owners to account. <p>Management Response - Guidance and training to be developed (e.g., e-learning, face to face) with support from Learning & Development Team and gradual roll out planned to support the adoption and implementation of the revised ROM S,P & F.</p> <p>Main part to be developed and implemented when capacity for the Risk Team/Service bolstered under the Finance restructure (i.e., Head of Service, Risk Manager and Risk Officer established).</p> <p>The revised Strategy, Policy & Framework set out the standards and requirements for risk identification, evaluation, response, review and reporting. Risk reporting, including the review/reporting of the Strategic/Corporate Risk and Opportunity Register will be improved through the embedding of ROM across the organisation (e.g., training, guidance, integration with key business functions, establishment of ROM IT system and directorate coordinators, etc).</p> <p>Guidance on rating risks to continue to cover inherent, residual, forecast and revised residual ratings (i.e., will maintain focus on managed/mitigated risk).</p> <p>Guidance on using available indicators (e.g., performance, financial) to support risk evaluation and/or emerging risks to be included in revised guidance.</p>	<p>Risk Team Learning & Development Team</p>	<p>From March 2024*</p>

Guidance for senior managers about their role in challenging and holding risk owners to account to be included in revised guidance.		
<p>Results of Testing - Most risk owners keep key vulnerabilities under active review. Where the risk sits within an operational service area, mitigating actions are tracked as business-as-usual activities. Risk owners use available data to categorise and prioritise changes to their risks. However, risk appetite does not feature in the evaluation of the risks and the reported risk levels do not reflect actual successful management of the sampled risks. Historically, decision makers have not engaged with risk owners via the risk register to assess the Council's responsiveness to changes in the risks. There is siloed oversight of some risks that span across directorates.</p> <p>Recommendation - The Council should strengthen assurances that it is responding adequately when risks change. It should consider the following:</p> <ul style="list-style-type: none"> • Ensure that the relevant risk appetite features in risk evaluations. • Ensure that reported risk levels are accurate and meaningfully demonstrate the success or otherwise of the Council's mitigations. • Improve the engagement with decision makers by providing reports that impart useful and timely information that they can use intelligently to assess the Council's responsiveness to changes in the risks. • Ensure that there is co-ordinated cross directorate oversight for risks that span across two or more directorates. <p>Management Response - Risk Appetite along with risk escalation and risk reporting incorporated in revised Strategy, Policy and Framework and to be included in guidance/training info.</p> <p>Risk evaluation, review and reporting incorporated in revised Strategy, Policy and Framework. Guidance on rating risks to continue to incorporate residual and revised residual ratings (i.e., will maintain focus on managed/mitigated risk). Risk reporting to be bolstered following establishment of directorate ROM coordinators.</p> <p>Risk review and reporting arrangements to be revised and further developed/enhanced when IT system commissioned and embedded.</p> <p>ROM Strategy, Policy and Framework outlines Senior Leadership Teams role and responsibility for the Strategic/Corporate Risks and reports to continue to be presented to Senior Leadership Team (i.e., all directors). Cross directorate focus will also be enhanced when directorate ROM coordinators and group established.</p>	Risk Team	From March 2024*

* Indicates that dates have been amended post final report following the departure of key officers responsible for delivering the recommendations.

Assignment: Stock and Security Assurance	Opinion: Green	
<p>Headline Findings: Our review of the Council's Stock and Security Assurance by the Council's Registrar Team did not uncover any irregularities in the reviewed controls.</p> <p>Objective of the review Review of the security arrangements around the receipt, storage and use of the certificate stock held in the Registrar office of the Council and a review of the data storage arrangements and security of and access to registration records and information.</p> <p>Key Risks If there are inadequate controls around the receipt and issue of certificate stock, there may be loss or misuse of certificates, resulting in unlawful distribution of birth, marriage, and death certificates. If data storage and security arrangements are inadequate or insufficient, access may not be restricted resulting in unauthorised access to the records and information and a potential breach of data protection legislation.</p> <p>Control activities to be tested</p> <ul style="list-style-type: none"> • Policies, procedures, and guidelines available for staff • Process of receipt and issue of certificate stock • Certificate Counterfoil Log • Superintendent Registrar Cash Book, daily Civica system reports, monthly tally sheet • Spoilt certificate management • Protocols to manage the unauthorised access to registration building and other sensitive areas • Process in place to ensure the appropriate use of access devices (key, code, swipe cards) 		
Action and Response	Responsible Officer	Date
None	NA	NA

Other Work

We are continuing to raise the profile of internal audit and deliver the improvements outlined in the Governance and Controls programme. An early result was a request, in November 2023, from the team responsible for reducing the Council's investment portfolio asking us to review the briefing papers associated with the proposed sale of the Council's investments in Toucan Energy Holdings 1 Limited. This was a challenging piece of work that we completed successfully at pace.

Since the last committee, we have attended a Senior Leadership Team (SLT) meeting to introduce the interim Chief Internal Auditor, provide an overview of internal audit activities and set expectations around how internal audit works with services across the Council. We also introduced the timeframe for undertaking our internal audit planning for 2024/25.

We have continued to utilise the TeamMate audit working papers software. This is now being used for all audits undertaken as part of the 2023/24 6-month plan. This has resulted in changes to our processes and procedures which only enhance the quality of the output and the evidence to support our recommendations. This provides demonstrable evidence of the progress being made and that we are working towards

compliance with the Performance Standards which form part of the Public Sector Internal Audit Standards.

Further allocation of work has been assigned to Mazars, as they continue to support with the delivery of the Internal Audit Plan.

As part of the Council's Improvement & Recovery Plan, Internal Audit forms one of the workstreams under the Governance & Control Programme. As part of this work, the interim Chief Internal Auditor and the Monitoring Officer have engaged with Local Government Association to plan a programme training activities for the Standards & Audit Committee, wider Members and SLT. This programme of training will be delivered over two sessions during January and February 2024.

Follow Ups

Any recommendations that are prioritised as High or Medium are subject to routine follow up when they become due for implementation. Work has been ongoing throughout this year to follow up or close all recommendations from the prior years, beginning with 2018/19. However, during the system migration to TeamMate, the recommendations from the audit years 2020/21 and 2021/22 were not migrated and as such these were originally excluded from the follow up process. This issue was not identified at the time of migration.

There would be a sizeable amount of work required to identify, cleanse and upload the recommendations into TeamMate to allow follow ups to be completed. Given the resource constraints in the team currently, we are proposing that time will not be spent undertaking this identification, cleansing and uploading recommendations from 2020/21 and 2021/22. We will continue to examine the implementation of recommendations as and when the audits are included in the annual audit plan. When the resourcing constraints in the team ease, this exercise will be performed.

Work has been underway to identify and upload all High and Medium priority recommendations from 2021/22 into TeamMate and follow up work has commenced for these recommendations.

There has been a total of 13 recommendations followed from these years. The table below provides an overview of the latest status of all recommendations that have been followed up.

Year	Audit Title	Rating	Due Date	Action Owner	Review Action Taken
2018/19	Community Safety	Medium	March 2019	Karen Wheeler / All Directors	Unable to verify completion of action. Closed not verified
		Medium	March 2019	Phil Carver	October 2023: Action verified and closed
		Medium	December 2018	Phil Carver	October 2023: Action verified and closed
2018/19	Adult Direct Payments	Medium	Ongoing process	Finance Team Manager	October 2023: Action verified and closed
		Medium	December 2018	Customer Finance Team Manager	October 2023: Action verified and closed
2019/20	Electrical Safety Inspections	High	March 2020	Carol Hinvest	October 2023: Action verified and closed
		Medium	March 2020	Alastair Wood	October 2023: Action verified and closed
		Medium	March 2020	Alastair Wood	October 2023: Action verified and closed
2019/20	Business Continuity Planning	Medium	March 2020	Cheryl Wells	October 2023: Action verified and closed
		Medium	March 2020	Cheryl Wells	October 2023: Action verified and closed
		Medium	March 2020	Cheryl Wells	October 2023: Action verified and closed
		Medium	March 2020	Andy Best	October 2023: Action verified and closed
		Medium	March 2020	Cheryl Wells	October 2023: Action verified and closed

Appendix A: 6-month Internal Audit Plan H2 2023/24

Auditable Area	Objective of Internal Audit Coverage	Audit Approach	Proposed Start	Days Allocated
6 monthly Internal Audit plan H2 2023/24				
Corporate/Thematic Reviews				
Corporate Plan – Objective setting	To provide embedded assurance that the objectives set within the corporate plan align to the Council' aims and vision.	Assurance	Quarter 4	12
Governance Recovery Board (Improvement and Recovery Plan and BVI report)	Interview based review to ascertain whether decision makers consider they are receiving appropriate information on which to base their decisions and that governance arrangements comply with good practice.	Assurance	Quarter 4	20
Embedded Risk Management Culture - follow-up	Follow-up of the embedded risk management culture review undertaken in in quarters 1 nd 2 to determine if agreed actions have been implemented.	Assurance	Quarter 4	5
Grant Claim Certification (Central Government requirement of the grant funding)	To review income and expenditure relating to grants and ensure it has been used in accordance with the grant conditions.	Compliance	Quarters 3 and 4 and on-going.	4
Children's Services				
Supporting Families Programme (Central Government requirement of the grant funding)	Checking of a sample of claims to determine if evidence is sufficient to confirm that the claims being submitted are appropriate and correct.	Advisory	Quarters 3 and 4 and on-going	8
Out of Borough Placements (SEND)	This is a high spend area. A review was requested by the client to provide assurance that the process for commissioning residential placements for children with complex Special Educational Needs and Disabilities (SEND), who cannot access appropriate education in local schools, are robust, achieving outcomes and are providing value for money.	Assurance	Quarter 3	20
Unregistered Placements for young people	A review to provide assurance that unregistered placements are utilised as a last resort due to the risks associated with using unregistered accommodation and the significant costs of providing a complex support network to the young persons.	Assurance		15
Adults, Housing & Health				

Auditable Area	Objective of Internal Audit Coverage	Audit Approach	Proposed Start	Days Allocated
Readiness for CQC inspection	Following the use of the self-assessment tool (SAT), internal audit will provide assurance around completeness and accuracy of the evidence and documentation and help the service to develop a programme of audits as part of the Quality Assurance Framework.	Assurance	Quarter 3	10
Place Delivery				
Financial Strategy - Asset Disposals (Improvement and Recovery Plan and BVI report)	As a result of the council's financial position, it is reviewing its assets to determine those that can be disposed of to support its improvement and recovery. Internal Audit will review this process to ensure there is a strategy in place to support this work and appropriate governance and risk management processes to ensure that the Council is obtaining best value.	Assurance (Embedded)	Quarter 3	12
A13 – Major Projects – Lessons learned (Standards and Audit Committee Request)	Following the issues that arose during the A13 Road Widening Project, a review was requested by the Standards and Audit Committee to determine the lessons learned and whether these were captured and are being used to improve the delivery of major projects moving forward.	Advisory	Quarter 4	10
Major Projects – Managing the Design Phase (Standards and Audit Committee Request)	To ensure that the design phase of major projects follow a robust, systematic approach so that projects achieve their objectives and costs do not escalate.	Assurance	Quarter 4	15
Finance				
Investments (Improvement and Recovery Plan and BVI report)	As a result of the Council's financial position, new policies and procedures are being developed to ensure any Investments made in future will be based upon good decision making backed up by proper risk assessment and challenge. Internal audit will review the process to provide assurance to senior management and Members that these control mechanisms are in place. The review will also look at the Treasury Management Policy and ensure it is aligned to CIPFA's Treasury Management in the Public Services Code of Practice 2021.	Assurance (Embedded)	Quarter 3	12
Payroll	To ensure that staff are paid correctly each month in a timely manner and that the Council correctly recording and accounting for its payroll costs.	Assurance	Quarter 4	15
Budget setting and management	To review the budget setting process to ensure it was prepared in line with the budget cycle and was formally approved by members. To ensure that the reporting system "Beyond", which supports Oracle,	Assurance	Quarter 4	15

Auditable Area	Objective of Internal Audit Coverage	Audit Approach	Proposed Start	Days Allocated
	has been rolled out appropriately, staff have been trained and reports are understood by, and discussed with, budget holders.			
HR, OD & Transformation				
Data Protection (Response to recent accidental releases of sensitive data by Northern Ireland Police Service)	To ensure the Council's data protection controls and processes meet required standards and legislation and reduce the likelihood of accidental releases of sensitive data, both internally and externally.	Assurance	Quarter 3	15
Talent Management and Retention	Within the environment that the Council is currently operating in, retaining, and managing talent are key to delivering quality services. Local Authorities in general, struggle to recruit and retain top talent and have to come up with innovative ways to compete with the private sector and each other. This review will determine what policies and processes the Council have implemented to make them an employer that will attract top talent and manage those top performing staff it has so they don't want to leave.	Assurance	Quarter 4	20
Public Realm				
Waste – Compliance with ISO requirements	Whilst the service is no longer subscribing to ISO9001, it should still seek to comply with their standards. This review will provide assurance that the service continue to comply and that this is reflected in their operational activities.	Assurance	Quarter 4	15
Legal and Governance				
Member training and development	A review to ensure that a relevant training and development programme is in place to provide Members with the necessary knowledge and skills to effectively undertake their roles and fulfil their responsibilities. The review will also cover the procurement of appropriate training.	Assurance	Quarter 4	25

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29 February 2024	ITEM: 7
Standards and Audit Committee	
Future Arrangements for the Standards and Audit Committee	
Wards and communities affected: N/a	Key Decision: N/a
Report of: Matthew Boulter, Head of Democratic, Member and Scrutiny Services	
Accountable Assistant Director: N/a	
Accountable Director: Asmat Hussain, Interim Director of Law and Governance	
This report is Public	

Executive Summary

This report outlines the options available to the Council in separating the Standards and Audit Committees into two committees.

1. Recommendation(s)

- 1.1 To consider the options set out in this report and recommend a preferred option for inclusion in the Annual Council report on committees, of either keeping the current joint arrangement or to separate the two functions into two committees.**
- 1.2 If the functions are split, to agree that the remit of the current Member Training Sub-Committee be taken back into the parent Standards Committee from 2024/25.**

2. Introduction and Background

- 2.1 At Governance Recovery Board (GRB) in August 2023, it was raised whether the Standards and Audit committee should be two separate committees.
- 2.2 Councils are able to host separate or joint committees in relation to these functions. The below table sets out the arrangements in neighbouring authorities or comparative unitary authorities.

Council Name	Committee Structure	Size of Committee
Southend Council (Unitary)	Two Separate Committees. Standards	Standards Committee: 8

	Committee meets twice a year. Audit Committee meets four to five times a year.	Elected Members, 2 Independent Persons & 2 Town Councillors Audit Committee: 9 Elected Members & 1 Co-optee
Essex County Council	Combined Audit, Governance and Standards Committee meeting roughly 4 or 5 times a year.	Size of Committee: 10 Members & 1 co-optee
Medway (Unitary)	A stand alone Audit Committee (meets 4 times a year) with a collection of panels covering standards duties including an Independent Persons Panel and Disciplinary Panels.	Standards Committee: 8 Elected Members Audit Committee: 5 Elected Members
Swindon (Unitary)	Separate meetings for Standards and Audit functions, both meeting up to four times a year each.	Standards Committee: 10 Elected Members, 2 Lay Members & 5 co-optees Audit Committee: 6 Elected Members

- 2.3 The draft terms of reference for two separate committees are attached at the appendix to this report.
- 2.4 Separating the two functions into two committees would require a report to Full Council to gain consent from the Chamber to amend the committee structure and constitution. This would be done through the annual committee structure report presented at Annual Council in May 2024.
- 2.5 Senior Leadership Team (SLT) reviewed this issue at its meeting on 13 September and supported the separation of the two functions with the view that:
- It supported the recovery journey of the council.
 - The arrangement could be reversed in the future if there was a need to do so.
 - That the risks to resources and capacity of both officers and Members is managed to ensure the separation does not cause an overload of work and therefore lead to poor decision making.

3. Issues, Options and Analysis of Options

- 3.1 Separating the committees gives the Council and Members the opportunity to focus meetings on specific items within each function and potentially allow for greater opportunity for Members to develop specialisms. In light of the findings of the Best Value Report, there is a case to suggest that splitting the two functions will allow the audit committee more capacity to deal with the detailed work expected of it in light of improvement activity. Likewise, the split will allow more focus on standards matters.
- 3.2 There would be a clear resource implication in separating the two functions both for officer support and Members themselves. At present the joint committee meets four times a year. If two committees met quarterly then the number of meetings would double from 4 to 8. The joint committee has established a Member Training Sub-Committee which, if it met 3 times a year would see the meetings relating to the Standards and Audit function increase from 4 in 2023/24 to 11 in 2024/25. This would increase support requirements needed from Democratic Services, as well as engaging up to 17 Members across the three committees.
- 3.3 Section 3.2 can be considered in the light of the increasing total hours committees meet throughout a municipal year, which is evidenced in the hours spent webcasting meetings:
- 2020-21 = 125 hours
 - 2021-22 = 80 hours (this figure is affected by non-use of Public-I due to the council chamber being inaccessible)
 - 2022-23 = 154 hours
 - June to August 2023 = 40 hours already registered.
- 3.4 If separate arrangements are pursued, officers and Members will need to consider the above implications and rationalise the number of meetings to fit with the resources available in order to deal with business efficiently. The current draft meetings calendar acknowledges this and has catered for 3 Standards Committee meetings, 4 Audit Committee meetings and no sub-committee meetings. Creating a separate Standards Committee would free up the capacity of this committee to look at Member Training, so the Member Training sub-committee could be taken back into the parent Standards Committee which would reduce the number of projected meetings.

4. Reasons for Recommendation

- 4.1 This report sets out the options and impacts of separating the two functions into two committees.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Members will be consulted in the appropriate committees and forums in due course.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 Both Standards and Audit functions are statutory requirements of the Council and it is a local choice how those functions are discharged through the committee process. The Council must ensure both functions are undertaken to the highest quality but also in an efficient manner to accord with the available resources of the Council.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Senior Management Accountant
(13/12/23)

Separating the Standards and Audit Committee into two separate meetings may have a financial impact by requiring further staffing resources to support any increase in the number of meetings over a year. A Democratic Services Officer is a Band E post with a starting salary of £47,905 per annum including oncosts. If the separation of the two functions increased the total committee meetings of the council per year beyond the current capacity of the team, further staffing might be requested based on the above post cost.

There may also be an increase in Member allowances should the Council subsequently decide to pay two special responsibility allowances for chair positions where there is currently only one. This would potentially see costs increase from £2,399 per year to £4,798 per year, although this would be subject to recommendations by the Independent Remuneration Panel and ultimately a Members' decision at Full Council. The overall financial impact would be reliant on the form, regularity and nature of the two committees, if constituted

7.2 Legal

Implications verified by: **Jayne Middleton-Albooye,**
Interim Head of Legal Services and Deputy
Monitoring Officer (13/12/23)

The Accounts and Audit Regulations 2015 (as amended) require the Council to ensure that it has a sound system of internal control which—

(a) facilitates the effective exercise of its functions and the achievement of its aims and objectives;

(b)ensures that the financial and operational management of the authority is effective; and

(c)includes effective arrangements for the management of risk.

Pursuant to [Section 27](#) of the Localism Act 2011, the Council must:

- Promote and maintain high standards of conduct by its members and co-opted members.

Section 28(6) requires a relevant authority to have arrangements in place to deal with complaints that its code of conduct has been breached, including arrangements for:

- Complaints to be investigated.
- Decisions on allegations to be made.

There is no legal requirement for the Standards and Audit committees to be one committee as long as they are set up in accordance with the provisions of s.101 and s.102 Local Government Act 1972.

7.3 **Diversity and Equality**

Implications verified by: **Becky Lee**
Team Manager – Community Development & Equalities (13/12/23)

There are no direct diversity or equality implications.

7.4 **Other implications** (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

None

8. **Background papers used in preparing the report** (including their location on the Council’s website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- Appendix 1 – Draft Terms of Reference for a Standards Committee and an Audit Committee.

Report Author:

Matthew Boulter
Head of Democratic, Member and Scrutiny Services
Legal Services

Audit Committee	
<p>Appointed by:</p> <p>The Council, in accordance with the provisions of S101 and S102 Local Government Act 1972 and Regulations made thereunder.</p>	<p>Number of Elected Members:</p> <p>Six elected Members (of whom one member may be a member of the Executive nominated by the Leader of the Council)</p>
<p>Chair and Vice-Chair appointed by:</p> <ol style="list-style-type: none"> 1. The Chair will be appointed by Council. 2. There will be one Vice Chair, who will be appointed by Council 3. The Vice-Chair shall deputise for the Chair in his or her absence. 	<p>Political Proportionality:</p> <p>Rules of political proportionality apply.</p> <p>Substitutes:</p> <p>Substitutes are permitted for the Standards and Audit Committee.</p> <p>Frequency:</p> <p>At least quarterly.</p>
<p>Quorum:</p> <p>At least three voting Members of the Committee</p>	<p>Co-opted Members to be appointed by Council:</p> <p>Up to six non-voting, to be appointed by the Committee</p>
<p>Terms of Reference:</p> <ol style="list-style-type: none"> 1.1 providing independent assurance that the Authority's financial and risk management is adequate and effective and that there is a sound system of internal control that facilitates the effective exercise of its functions, including: <ol style="list-style-type: none"> 1.1.1 keeping under review the Authority's own audit standards and whether they are relevant and represent best practice 1.1.2 considering or reviewing the following and the action taken on them and advising the Council and/or the Cabinet, as appropriate: <ol style="list-style-type: none"> (a) internal and external audit plans and progress against plans (b) summaries of external and internal audit reports and progress against recommendations made in audit reports (c) the annual report of the internal auditor and the Annual Governance Statement (d) approving the annual statement of accounts and whether appropriate accounting policies have been followed 	

- (e) reports from inspection agencies, including the external auditor's Annual Management letter and report to those charged with governance issues
- (f) keeping under review the Authority's control environment and anti-fraud and anticorruption arrangements, including compliance with the Financial and Contracts Procedure Rules
- (g) keeping under review the relationships between external and internal audit and other inspection agencies

1.2 reviewing the performance of the Council's appointed Internal Audit provider

2. Standards Committee	
<p>Appointed by:</p> <p>The Council, in accordance with the provisions of S101 and S102 Local Government Act 1972 and Regulations made thereunder.</p>	<p>Number of Elected Members:</p> <p>Six elected Members</p>
<p>Chair and Vice-Chair appointed by:</p> <ol style="list-style-type: none"> 1. The Chair will be appointed by Council. 2. There will be one Vice Chair, who will be appointed by Council 3. The Vice-Chair shall deputise for the Chair in his or her absence. 	<p>Political Proportionality:</p> <p>Rules of political proportionality apply.</p> <p>Substitutes:</p> <p>Substitutes are permitted for the Standards Committee.</p> <p>Frequency:</p> <p>At least quarterly.</p>
<p>Quorum:</p> <p>At least three voting Members of the Committee</p>	<p>Independent Person to be appointed by the Council:</p> <p>Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011</p> <p>The Independent Person shall be invited to attend the meetings of the Standards Committee</p>
<p>Terms of Reference:</p> <ol style="list-style-type: none"> 1.1 promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority 1.2 receiving periodic reports from the Monitoring Officer on dispensations granted / refused, complaints received against Members, complaints resolved informally, complaints resolved after an investigation and a Members Advisory Panel Hearing and assessing the operation and effectiveness of the Members' Code of Conduct 1.3 advising on all Member training, including arranging to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct 1.4 assisting Councillors and co-opted Members to observe the Members' Code of Conduct 1.5 to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority's assessment criteria 	

- 1.6 advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council
- 1.7 maintaining oversight of the Council's arrangements for dealing with complaints
- 1.8 informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints
- 1.9 appointment of Members' Advisory Panel (a Working Group of the Committee) to hear and make recommendations to the Monitoring Officer concerning complaints about Members and Co-Opted Members referred to it by the Monitoring Officer
- 1.10 on referral by the Monitoring Officer to grant dispensations after consultation with the Independent Person pursuant to S33(2) (b), (c) and (e) of the Localism Act 2011
- 1.11 hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to S33(2)(a) and (d) of the Localism Act 2011

29 February 2024	ITEM: 8
Standards and Audit Committee	
Mid-Year (2023/24) Complaints and Information Governance Activity Report	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Lee Henley – Head of Information Management	
Accountable Assistant Director: Not Applicable	
Accountable Director: Jackie Hinchliffe – Director of HR, OD & Transformation	
This report is: Public	

Executive Summary

- The number of complaints received for the reporting period is 1030. For the same period last year, the figure was 887, therefore the reporting period represents an increase of 143 complaints received (16%).
- For the reporting period, 85% of complaints were responded to within timeframe. For the same period last year 83% were responded to within timeframe.
- During the reporting period, 49% of complaints were upheld. For the same period last year 45% of complaints were upheld.
- Member Enquiries - A total of 2227 member enquiries were received. Of these, 2209 were responded to within the reporting period with 92% responded to within timeframe. For the same period last year, the Council received 2294 enquiries with 94% responded to within timeframe. The average time taken to respond to members enquiries across all Directorates was 5 days.
- Freedom of Information (FOI) activity and performance - For the reporting period, the Council processed 98% of Freedom of Information (FOI) requests within the 20-working day legal timeframe and this is based on 483 requests. The Information Commissioners Office (ICO) expect public authorities to answer at least 90% within timeframe so this is a positive.
- Subject Access Request activity and performance - During the reporting period, the council received 67 Subject Access Requests under the Data Protection Legislation. 87% of these requests were processed within the legal timeframe.

- Details of closed Ombudsman cases and/or Information Commissioners Office cases are detailed in sections 5 and 9 within appendix 1.

1. Recommendations

1.1 That Standards and Audit Committee consider and note the report.

2. Introduction and Background

2.1 This is a mid-year activity report for 2023/24 and the detail is included within appendix 1 covering the following areas:

- Complaints data for the top 10 areas of complaints
- Complaints and Cllr enquiry trends for the top 10 complaint areas
- High level learning and/or outcomes from upheld complaints
- Social Care complaints
- Closed Ombudsman cases/decisions
- Compliments
- Freedom of Information (FOI) activity and performance
- Subject Access Request activity and performance
- Information Commissioners Office (ICO) activity based on closed cases
- Data Protection incidents
- Local Government Transparency Code status
- An update on the review of Information Governance Policies
- Information Governance related risks

2.2 **Complaints/enquiries data for the top 10 areas** – This is detailed in section 1 within appendix 1 and highlights comparisons with quarter 1 data for 2023/24. Overall:

- Complaints volumes have increased compared to the same period last year, with 1030 being received compared with 887 for last year
- Complaints performance has improved compared to the same period last year, with 85% processed within timeframe compared with 83% for last year
- 2209 Member Enquiries were responded to, with 92% responded within timeframe. The average time taken to respond to Members Enquiries across all Directorates was 5 days. For the same period last year, the Council received 2294 enquiries with 94% responded to within timeframe

2.3 **Complaints and Cllr enquiry trends for the top 10 complaint areas** – The trends for each of the top 10 complaint areas are detailed in section 2 within appendix 1.

2.4 **High level learning and/or outcomes from upheld complaints** – The most important aspect of any complaints management framework is the ability to demonstrate that the Council can evidence that it is learning from complaints received.

The Complaints Team works with services to establish the root cause for complaints received, to identify reasons for complaint escalations and to establish the reasons why complaints are upheld. Section 3 within appendix 1 details the top 10 complaint areas and a summary of high-level learning from upheld complaints for each area.

2.5 **Social Care complaints** – Adult Social Care and Children’s Social Care complaints follow separate statutory complaints procedures. Complaint volumes, performance and learning from these complaints is detailed in section 4 within appendix 1.

2.6 **Closed Ombudsman cases/decisions** – Section 5 within appendix 1 details a summary of all enquiries where the Local Government and Social Care Ombudsman and/or the Housing Ombudsman have reached a final decision on cases within the reporting period.

There were 30 Ombudsman decisions within the reporting period with 11 findings of fault. In addition to Ombudsman decisions, £150 was paid out or offered by the Council (or its contractors) as a form of complaint resolution across 5 Stage 2 complaints.

2.7 **Compliments** - The Council received 1170 external compliments within the reporting period compared to 514 for the same period last year. A breakdown of compliments received is detailed in section 6 within appendix 1.

2.8 **Freedom of Information (FOI) activity and performance** – 98% of FOI requests were processed within the 20-working day legal timeframe. Section 7 within appendix 1 details FOI volumes and performance for the 10 areas who received the highest number of FOI requests.

2.9 **Subject Access Request (SAR) activity and performance** - The Data Protection Act states that personal information must be processed in accordance with the rights of data subjects. This can result in anybody making a request to the Council about any information we hold on them and these are referred to as SAR’s.

During the reporting period, the Council received 67 SAR’s. Of the 67 requests, 87% were processed within the legal timeframe. Section 8 within appendix 1 summarises SAR volumes and performance.

2.10 **Information Commissioners Office (ICO) activity based on closed cases** – Section 9 within appendix 1 provides information on all closed FOI and Data Protection cases that were considered by the ICO for the reporting period.

2.11 **Local Government Transparency Code status** – The Council are required to publish a number of datasets as part of the Local Government Transparency

Code. Section 11 within appendix 1 list the datasets along with the status of each dataset.

- 2.12 **An update on the review of Information Governance Policies** - The Council have reviewed a number of its existing Information Governance Policies and are also introducing a new Microsoft Teams Usage Policy. Section 12 within appendix 1 details a summary of changes made to policies.

3 Issues, Options and Analysis of Options

- 3.1 There are no options associated with this paper.

4 Reasons for recommendations

- 4.1 This report is for noting purposes. There are no recommendations requiring approval.

5 Consultation (including Overview and Scrutiny, if applicable)

- 5.1 This report was sent to Senior Leadership Team. The Information Governance sections of the report were sent to the council's Information Governance Group.

6 Impact on corporate policies, priorities, performance, and community impact

- 6.1 Complaints impact on the council's priority of delivering excellence and achieving value for money.

- 6.2 The complaints process seeks to create a culture of corporate learning from best practice from listening to our customers and by acting on complaints. All complaints received must have learning applied if the complaint outcome is upheld.

- 6.3 The complaints process aims to improve customers' and users' experience of accessing Council services. This will support our customer services strategy.

- 6.4 The Council's ability to comply with information governance legislation demonstrates its commitment to openness and accountability. This will allow residents and customers to have confidence in what we do and will help build trusting relationships.

- 6.5 Access to information can also be closely linked to Customer Services and ICT Strategies.

7 Implications

7.1 Financial

Implications verified by: **Jonathan Wilson**

Assistant Director Finance

The financial implications are set out in the body of the report. Corporate Learning from complaints will reduce further exposure to financial consequences by improving core processes and services.

It is noted there are significant financial penalties for non-compliance with the Data Protection Act.

7.2 Legal

Implications verified by: **Gina Clarke**
Governance Lawyer & Deputy Monitoring Officer

Given that this is an update report for noting there are no legal implications directly arising from it. The following points should be noted by way of background information:

- Both the Courts and the Local Government Ombudsman expect complainants to show that they have exhausted local complaints / appeal procedures before commencing external action.
- The implementation of our learning from complaints and listening to our residents should lead to a reduction of complaints received and a reduction in those going to the Ombudsman or the Courts.
- Social Care for Adult and Children are required to follow a separate procedure stipulated by the Department of Health (DOH) and Department for Education & Skills (DFES).
- Regular reports on the council's performance in responding to complaints, assists the council to ensure that it complies with its best value duty to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency, and effectiveness.
- Failure to respond to FOI requests within the statutory time limits could lead to complaints to the Information Commissioner Officer (ICO). In addition, it could result in regulatory intervention, as the ICO are now starting to target poor performing councils for the length of time taken to respond to FOI requests, which could lead to reputational damage.
- There are various avenues available to the ICO to address an organisation's shortcomings in relation to the collection, use and storage of personal information. These avenues can include criminal prosecution, non-criminal enforcement, and audit. The ICO also has the power to serve a monetary penalty notice on a data controller.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer**

There are no direct equality and diversity implications arising from this report. Individual complaints that include an equality related expression of dissatisfaction are considered by the service alongside all complaints.

The successful implementation of FOI and Data Protection ensures that diversity issues are fully considered, allowing our customers, stakeholders, partners, and the public to access and receive information.

7.4 Other implications (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder or Impact on Looked After Children

None

8 Background papers used in preparing the report

Information has been obtained from the Council's complaints system and Systems/databases used to manage FOI and Data Protection.

9. Appendices to the report

Appendix 1 – Mid-Year Complaints and Information Governance Activity

Report Author:

Lee Henley – Head of Information Management

Appendix 1 – Mid-Year (2023/24) Complaints and Information Governance Activity

1. Complaints/enquiries activity and performance (based on top 10 complaint areas)

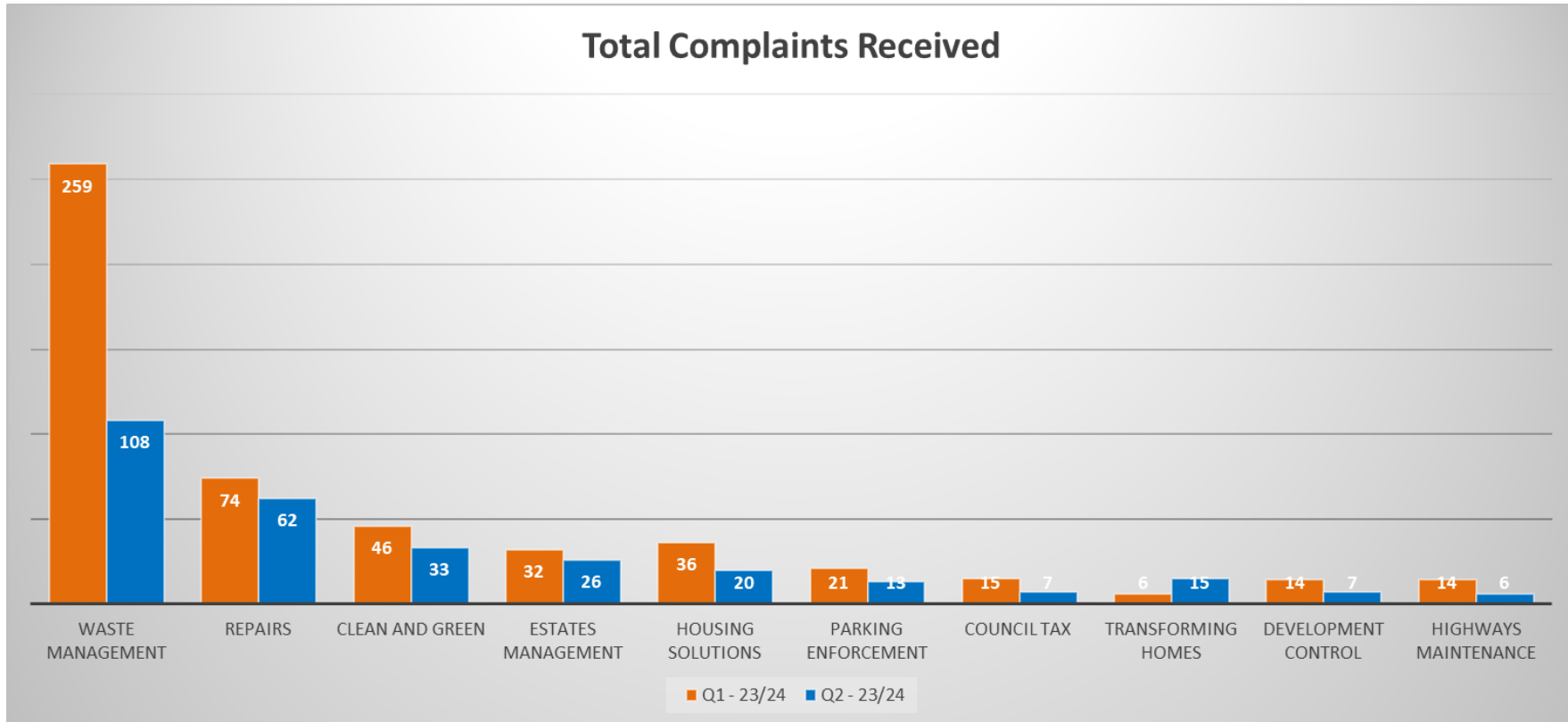
Note – Timeframes are as follows:

- MP and Cllr Enquiry - 10 working days
- Complaint – Timeframes 10 working days (stage 1)

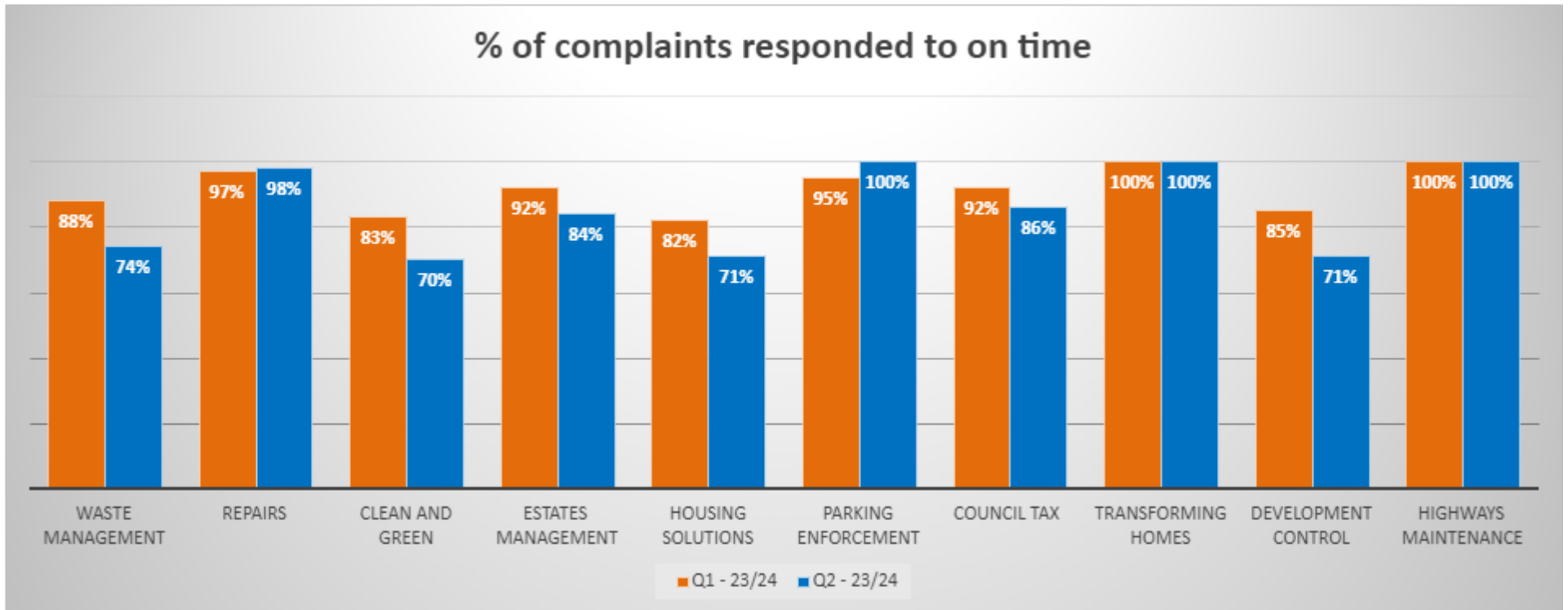
Area	Complaints Received	Closed complaints	% of closed complaints responded within timeframe	Cllr Enquiries Responded to	% of Cllr Enquiries Responded to within timeframe	MP Enquires responded to	% of MP Enquiries Responded to within timeframe	Breakdown of overdue/late cases by issue nature
Waste Management	367	351	82% (289)	204	92% (187)	5	60% (3)	81 Missed deadlines: <ul style="list-style-type: none"> • 62 Complaints • 17 Cllrs • 2 MP
Repairs	136	125	97% (121)	113	98% (111)	3	100% (3)	6 Missed deadlines: <ul style="list-style-type: none"> • 4 Complaints • 2 Cllrs
Clean & Green	79	73	77% (56)	394	92% (364)	6	100% (6)	47 Missed deadlines: <ul style="list-style-type: none"> • 17 Complaints • 30 Cllrs
Estates Management	58	50	86% (43)	159	87% (139)	13	85% (11)	29 Missed deadlines: <ul style="list-style-type: none"> • 7 Complaints • 20 Cllrs • 2 MP
Housing Solutions	56	53	81% (43)	100	89% (89)	33	91% (30)	24 Missed deadlines: <ul style="list-style-type: none"> • 10 Complaints • 11 Cllrs • 3 MP

Parking Enforcement	34	32	97% (31)	83	95% (79)	3	100% (3)	5 Missed deadlines: <ul style="list-style-type: none"> • 1 Complaint • 4 Cllrs
Council Tax	22	22	86% (19)	17	88% (15)	3	100% (3)	5 Missed deadlines: <ul style="list-style-type: none"> • 3 Complaints • 2 Cllrs
Transforming Homes	21	17	100% (17)	16	100% (16)	2	50% (1)	1 Missed deadline: <ul style="list-style-type: none"> • 1 MP
Development Control	21	21	76% (16)	159	91% (144)	8	87% (7)	21 Missed deadlines: <ul style="list-style-type: none"> • 5 Complaints • 15 Cllrs • 1 MP
Highways Maintenance	20	19	100% (19)	207	96% (199)	7	100% (7)	8 Missed deadlines: <ul style="list-style-type: none"> • 8 Cllrs
Totals	1030	1022	85% (867)	2209	92% (2028)	144	86% (124)	
Note – Totals shown are based on all activity therefore over and above the top 10 areas								

The chart below shows complaints received compared with the previous quarter:



The chart below shows complaints performance compared with the previous quarter:



2. Trends based on top 10 areas for complaints/enquiry activity

Area	Cllr Enquiry Trends	Complaint Trends
Waste Management	<ul style="list-style-type: none"> • Reports regarding missed bins for all waste streams • Reports of bins not being returned to the point of collection 	<ul style="list-style-type: none"> • Missed collection of bins – all waste streams • Removal of brown bin collections • Assisted waste collections not being carried out • Bins not returned to the point they were collected from • Lack of collection for side waste • Complaints regarding changes to frequency of food/recycling waste collections
Repairs	<ul style="list-style-type: none"> • Reports of damp & mould in properties • Reports of blown windows to be actioned for repair • Reports in relation to boiler repairs (leaks or water temperature) 	<ul style="list-style-type: none"> • Delays in actioning or completing works to be carried out by Mears • Delays in actioning or completing works to be carried out by Aaron Services
Clean & Green	<ul style="list-style-type: none"> • Requests for grass cutting to address overgrown areas • Reports of overflowing litter bins • Reports regarding Cemeteries not being correctly maintained with regards to weeding • Reports of overgrown trees 	<ul style="list-style-type: none"> • Litter bins overflowing • Grass cuttings not cleared following attendances to cut grass • Complaints regarding a lack of grass cutting and removal of weeds
Estates Management	<ul style="list-style-type: none"> • Reports of fly tips on housing land • Reports of Anti-Social Behaviour 	<ul style="list-style-type: none"> • Concerns regarding caretaking standards
Housing Solutions	<ul style="list-style-type: none"> • Requests for updates on Housing Allocations cases • Requests for support with Homelessness cases • Requests for support with overcrowded properties 	<ul style="list-style-type: none"> • Lack of contact or updates from Staff • Time taken to find a suitable property on the housing allocations list

Parking Enforcement	<ul style="list-style-type: none"> • Reports of parking contraventions • Questions in relation to issued fixed penalty notices 	<ul style="list-style-type: none"> • Concerns regarding the introduction of fees for parking permits • Concerns regarding the parking permit application process and system not being clear
Council Tax	<ul style="list-style-type: none"> • Requests for supporting residents with paying their outstanding council tax debt • Requests for supporting residents with possible council tax reductions 	<ul style="list-style-type: none"> • Delays in responding to queries • Concerns regarding the conduct of members of staff in handling telephone calls
Transforming Homes	<ul style="list-style-type: none"> • Requests for updates in relation to transforming homes works 	<ul style="list-style-type: none"> • Concerns regarding timeframes for transforming homes works to be progressed
Development Control	<ul style="list-style-type: none"> • Reports of potential planning breaches • Requests for updates on enforcement cases • Queries in relation to existing planning applications 	<ul style="list-style-type: none"> • Concerns regarding lack of action taken to address planning concerns • Delays in providing updates and responses to contact • Complaints regarding action taken on enforcement cases
Highways Maintenance	<ul style="list-style-type: none"> • Requests for potholes to be repaired • Reports of overflowing drainage • Reports of faded road markings • Requests for pavement repairs • Reports of missing drain covers 	<ul style="list-style-type: none"> • Concerns regarding state of roads • Delays and lack of updates

3. Upheld complaints and learning/outcomes based on top 10 areas:

Area	Closed Complaint Volumes	% Complaints Upheld	High level Learning and/or outcomes from upheld complaints
Waste Management	351	79% (277)	<ul style="list-style-type: none"> • Regular toolbox talks held to inform crews of the importance of keeping pathways and driveways clear of bins

			<ul style="list-style-type: none"> • Written instructions have been issued to crews due to failures on waste collections, including bins not being collected, failures with assisted collections and/or bins not being returned to the point they were collected from
Repairs	125	48% (60)	<ul style="list-style-type: none"> • Mears informed of the service standards, with regards to ensuring appointments are managed correctly and in a timely manner, to prevent resident dissatisfaction as a result of delays • A boundary check spreadsheet has been implemented, to streamline the process for repairs in relation to progressing fencing works • Mears Supervisors have been informed, that emails received are to be reviewed and responded to in a timely manner and that residents are kept updated in relation to any works • Mears staff have been informed that where works are required following attendance, these are raised and progressed in a timelier manner ensuring that residents are also kept updated where required. • Aaron services engineers have been informed of the correct process for reporting follow on works. This was also discussed in a toolbox talk
Clean and Green	73	49% (36)	<ul style="list-style-type: none"> • It has been made clear to the team responsible for grass cutting, that they must collect and clear cuttings after an attendance • Schedules for clearing litter bins to be reviewed, in order to minimise the occurrence of overflowing bins • Grass cutting team spoken to regarding the importance of remaining on schedule with works
Estates Management	50	18% (9)	<ul style="list-style-type: none"> • Staff informed of the need to keep residents updated, with regard to handing over keys for a property move and ensuring that contact from residents is acknowledged, even if no updates are available at the time • Caretaking staff spoken to ensure they understand the importance of acting in a respectful manner when dealing with individuals
Housing Solutions	53	23% (12)	<ul style="list-style-type: none"> • Staff informed of the importance of ensuring they remain in contact with residents regarding their cases, to ensure residents have clear lines of contact and are kept updated • All staff have been informed of the process for referring residents to Safeguarding if necessary

Parking Enforcement	32	16% (5)	<ul style="list-style-type: none"> • Technical issues with the process for renewal of parking permits have been addressed with the provider (being unable to renew permit ahead of renewal date and the system not notifying residents if a vehicle swap submission is rejected)
Council Tax	22	41% (9)	<ul style="list-style-type: none"> • Training provided to staff regarding the issuing of debt recovery notices, to ensure that these notices are not issued when a pause on recovery action is in effect • Staff reminded of the importance of scanning all correspondence received in a timely manner to avoid delays
Transforming Homes	17	24% (4)	<ul style="list-style-type: none"> • A quality check process has been implemented, to ensure that letters sent to residents are accurate • To review communications sent to residents in relation to works being carried out on their property, to ensure they are provided with timely updates
Development Control	21	14% (3)	<ul style="list-style-type: none"> • Support services staff in the team have been provided with additional training, to ensure that any emails relating to website access or decision making on applications are responded to in a timely manner • Planning Officers informed of the importance of keeping residents updated in relation to enforcement matters
Highways Maintenance	19	37% (7)	<ul style="list-style-type: none"> • Officers reminded that in the event a vehicle crossing application potentially exceeding the 12-week target period, then this must be escalated with managers in advance • The team to review the use of generic email accounts to ensure communications are acted upon in a timely manner
Totals	1022	49% (505)	
<p>Note – Totals shown are based on all upheld complaints therefore over and above the top 10 areas</p>			

4. Statutory Social Care Complaints:

Area	Complaints received	Closed complaints	% of closed complaints responded within timeframe	% of closed complaints upheld	Learning from upheld complaints
Adult Social Care	26	20	85% (17)	65% (13)	<p>Complaint 1 (The Homesteads)</p> <p>Complaint raised that the social worker had visited the service user for a day out, without any money for the day to cover costs.</p> <p>Learning/Outcome A new process was implemented with the service users family where they will provide the social worker with money on visits for days out with the service user.</p> <p>Complaint 2 (Romis Care)</p> <p>Staff did not attend for a scheduled visit and a call to the scheduled worker was not answered.</p> <p>Learning/Outcome It was made clear to Staff to inform management if there are any instances of sickness or lateness.</p> <p>Complaint 3 (Romis Care)</p> <p>Complaint that the service user’s family were not informed that the service user was unwell in a timely manner.</p> <p>Learning/Outcome It has been made clear to staff of the importance of timely communications with a service users' family.</p>

					<p>A communication log-book has been put in place to ensure that this happens, and a family portal app will be implemented to help with communications going forward.</p> <p>Complaint 4 (Romis Care)</p> <p>Complaint that staff are leaving without feeding the service user.</p> <p>Learning/Outcome It has been made clear to Staff to ensure that they encourage the service user to eat and make sure they eat before their visit ends.</p> <p>Complaint 5 (Romis Care)</p> <p>Concern that staff did not give tablets to the service user on their visit.</p> <p>Learning/Outcome Inclusion of record taking via an electronic system (NurseBuddy E-Marr chart) is now in place as an additional method of recording any medication that is administered.</p> <p>Complaint 6 (Sunnyside House)</p> <p>Staff member was found to be sleeping whilst in attendance at a weight watchers group, when they were in attendance to support service users.</p> <p>Learning/Outcome A disciplinary case took place.</p> <p>Complaint 7 (Manor Way House)</p>
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					<p>Member of staff who was working nights was found sleeping</p> <p>Learning/Outcome Staff member was found to be working too many overnight shifts; therefore, the duty rota was adjusted accordingly.</p> <p>Complaint 8 (Clarity Homecare)</p> <p>Concerns that staff were not carrying out tasks in an acceptable manner and were not encouraging the service user to eat meals that are provided.</p> <p>Learning/Outcome Staff informed of the expected standards with regards to the care provided to service users.</p> <p>Complaint 9 (Clarity Homecare)</p> <p>Service user complained that carer was not engaging with them during visits and was instead scrolling on their phone.</p> <p>Learning/Outcome Staff member spoken to and advised to ensure that they sit and talk with service user if all tasks for attendance are completed, instead of updating their attendance notes on their phone.</p> <p>Complaint 10 (Clarity Homecare)</p> <p>Carer visited service user for scheduled visit too early.</p> <p>Learning/Outcome</p>
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				<p>Member of staff was not following the rota correctly and was reminded to ensure they arrive at scheduled times.</p> <p>Complaint 11 (Caring for Thurrock)</p> <p>Service user complained that not all carers are reading his care plan in relation to applying creams and that not all carers are signing the Medication Administration Record (MAR) chart to mark when cream has been applied.</p> <p>Learning/Outcome</p> <p>Carers informed that they must update the MAR chart when cream is applied to ensure there is a log/record. The completion of the MAR chart for the application of non-prescribed creams has also been added to the training programme.</p> <p>Complaint 12 (Caring for Thurrock)</p> <p>Complaint that the carer makes the service users feel uncomfortable in their own home, due to time spent on their personal phone.</p> <p>Learning/Outcome</p> <p>Carer spoken to and informed of the expected standards. A letter of expectation was issued. A new carer was also put in place.</p> <p>Complaint 13 (Caring for Thurrock)</p> <p>Concerns regarding care calls to apply medication not being carried out at scheduled times or being cancelled.</p> <p>Learning/Outcome</p>
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					A new role was created to ensure consistency in monitoring and operating the electronic care call system. This will ensure greater accuracy and assurances that any medication care calls that are time specific are given priority.
Children Social Care	6	6	50% (3)	50% (3)	<p>Complaint 1 (Disabled Children) Parent was concerned that the Social worker did not listen to them when they raised concerns and feels that the relationship with them has broken down.</p> <p>Learning/Outcome A change of social worker was actioned, and a new social worker is now in place.</p> <p>Complaint 2 (Aftercare) Service user felt that they were not being fully supported. They requested financial support with obtaining a refrigerator for a new property they had moved into. They were left without a fridge whilst waiting for the new fridge to be delivered.</p> <p>Learning/Outcome Going forward the service will ensure that in the event of a similar situation, a fridge will be sourced (loaned) until the new one is delivered.</p> <p>Complaint 3 (Fostering Team) Concerns that new beginnings are not meeting the basic needs of the service user. Such as with access to toiletries and sanitary items, religious and cultural needs, travel costs.</p> <p>Learning/Outcome</p>

					<p>The service will aim to be clearer with the young person and the care provider at the outset of a placement what the young person allowance is meant to cover. Therefore, this information is now included in the care specification that is given to the provider.</p> <p>When a contract is resubmitted, it will also be reviewed to account for cost of living increases. It will also be explicit in how the allowance should be spent. An additional clause will also be added to the specification to cover cultural and religious practices in order to ensure that the young person is given the appropriate support to participate in these activities, should they wish to do so.</p>
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5. Complaints - Closed Ombudsman cases/decisions from the Housing Ombudsman (HO) or Local Government and Social Care Ombudsman (LGSCO)

Area	Issue Nature	Ombudsman Type – E.G Housing Ombudsman (HO) or Local Government and Social Care Ombudsman (LGSCO) and their findings	Financial Remedy	Learning where relevant	Did the council respond to the LGSCO or HO timeframes
Adult Social Care	Complaint that the Council failed to provide consistent care for a service user, after support from their previous provider ended in July 2021	LGSCO Not upheld: No Fault.	N/A	N/A	Yes
Housing Allocations	Resident complained about the Council's decision to refuse their application to join the housing register	LGSCO	N/A	The service area recognised it had not considered any medical	Yes

		Not upheld: No further action.		needs as part of its decision and offered to review this decision as a remedy. The housing allocations team were made aware of the error and further training was provided to avoid repeat issues	
Temporary Accommodation	Resident complained the Council failed to provide suitable accommodation in 2019 and failed to fulfil its duties when it terminated their accommodation in 2020.	LGSCO Closed after initial enquiries - out of jurisdiction	N/A	N/A	Yes
Business Rates	Complaint regarding a retrospective business rates bill the Council issued back in August 2021. The complainant disputes the amount paid and requested a refund.	LGSCO Closed after initial enquiries - out of jurisdiction.	N/A	N/A	Yes
Planning	Complaint regarding the Council's decision to refuse a planning application, on the basis that the council has granted permission for similar applications in the area.	LGSCO Closed after initial enquiries - out of jurisdiction.	N/A	N/A	Yes
Allocations	Complaint received from an individual as they cannot join the Council's Housing Register	LGSCO Closed after initial enquiries - no further action.	N/A	N/A	Yes
Planning	Complaint received regarding the Council's assessment of a neighbour's planning application for an extension. The	LGSCO Upheld: Fault and injustice.	N/A	It has been made clear to Staff how to distinguish between correct/incorrect guidance going forward.	Yes

	complaint is that the Council did not ask the applicant to correct inaccurate plans and that the neighbour's planning application did not comply with the 45 and 60 degree guidance in the council's design guidance for residential Extensions.				
Caretaking	Complaint regarding standard of cleaning to communal areas, level of service charge for caretaking services and complaint handling.	HO Maladministration regarding the response to concerns about cleaning and complaint handling. Service failure in regard to record keeping.	£425	New 'block inspection form' introduced, rating standards of caretaking, outlining actions if required and date of re-inspection. Digital solution for record keeping to be implemented.	Yes
Benefits	Resident complains that the Council wrongly recovered an overpayment of housing benefit (HB) and did not deal with their appeal request properly.	LGSCO Upheld: Fault and Injustice.	N/A	Team to update its guidance for staff on handling late appeals and the requirement to pass disputed appeals to the tribunal. Training will be provided to Staff.	Yes
Clean & Green	The complainant represents a management company for a block of flats and complained that the boundary fence has been damaged by overgrown vegetation which the council refuses to cut back. The complainant wants the Council to cut back the vegetation at least once a year.	LGSCO: Closed after initial enquiries - out of jurisdiction.	N/A	N/A	Yes

Housing / Allocations	Complaint regarding the Council's decision regarding a housing application that was ineligible under its housing allocations policy.	LGSCO Closed after initial enquiries - no further action	N/A	N/A	Yes
Childrens	The complainant related to the Council refusing to accept a complaint regarding its actions towards the family of a third party.	LGSCO Closed after initial enquiries - no further action	N/A	N/A	Yes
Housing / Allocations	Resident complains the Council refused their housing application. This prevented them from bidding for social housing within Thurrock where their child will have support.	LGSCO Upheld: no further action, organisation already remedied.	N/A	In line with LGSCO recommendations, the service area to consider the need to use discretion when assessing applications	Yes
Property Transformation	Complaint received regarding the handling of a resident's concerns in relation to subsidence and the request for a full structural survey to be completed.	HO No maladministration	N/A	N/A	Yes
Education, Health and Care Plan (EHCP)	Resident complained about the Council's failure to provide their son with suitable education, a school place or provision as set out in his Education, Health and Care Plan (EHCP), since moving to the area.	LGO Fault & Injustice	£3,200	It has been made clear to Staff of the requirement to inform a parent within 6 weeks of the transfer of an EHCP when the Council intends to complete a review of the plan and whether it intends to conduct a review of the child's needs. Staff also informed of the requirement to issue a	Yes

				final EHCP within 8 weeks of a draft being issued	
Children's Services	Resident complaints about the Council's involvement with their children's case and raised concerns about bias towards their father	LGSCO Closed after initial enquiries - no further action.	N/A	N/A	Yes
Housing Repairs	A complaint regarding the handling of a resident's reports of structural issues at their property	HO No maladministration	N/A	N/A	Yes
Housing Repairs	Resident complains about the Council's decision to repair a boundary fence for their property, as opposed to replacing it.	LGSCO Closed after initial enquiries - out of jurisdiction	N/A	N/A	Yes
Allocations	Resident complained about the Council's assessment of their housing application, as their current Council property is unsuitable, due to having stairs and its location to other members of their family who have caused problems in the past.	LGSCO Closed after initial enquiries - no further action	N/A	N/A	Yes
Childrens	Resident complained that the Council delayed sorting out their immigration status while they were in care and failed to deal with their complaint properly.	LGSCO Upheld: Fault and Injustice.	£1,000	Council to obtain relevant documentation and information from parents, about a child's immigration status, at the time a child becomes looked after. Provide training for staff on the importance of ensuring that the immigration status of a looked after child is	Yes

				identified and actioned as soon as possible.	
Waste	Resident complained the Council has persistently failed to collect their garden waste since October 2022, and has failed to monitor their waste collections despite agreeing to a previous Ombudsman decision.	LGSCO Upheld: Fault and Injustice.	£400	The Council has committed itself to the delivery of leaflets to every household when it makes changes to the refuse collection service. Monitoring to be completed to ensure collections take place as scheduled	Yes
Allocations	The complainant disagreed with the Council's decision that they cannot join the housing register on financial grounds and complained the Council had not considered them for sheltered housing	LGSCO Closed after initial enquiries – no further action.	N/A	N/A	Yes
Repairs	Complaint regarding repairs works to bathroom floor and a sewage leak in the garden	HO Maladministration by the landlord in the way it handled the repairs to the resident's bathroom floor.	£100	All staff have been informed of the importance of keeping residents updated and booking in follow on works in a timelier manner.	Yes
Waste	Resident complained that the Council has persistently failed to collect their kitchen and garden waste since October 2022	LGSCO Upheld: Fault and Injustice.	£200	The service has now committed to the delivery of leaflets to every household when it makes changes to the refuse collection service.	Yes

				Property also placed under monitoring	
Allocations	Resident complains the Council failed to award them a correct banding under its housing allocation scheme despite all the medical evidence they provided and as a result, they remain in accommodation that does not meet the family's needs.	LGSCO Upheld: Fault and Injustice	N/A	It has been made clear to Staff who make decisions regarding medical priority requests, to ensure decisions are supported by reasons and refer to evidence considered. Review guidance on housing allocations to consider exercising discretion on requests for separate space areas based on medical grounds.	Yes
Allocations	Resident complains about the Council's decision to remove their daughter from its housing register.	LGSCO Closed after initial enquiries - no further action.	N/A	N/A	Yes
Special Education Need (SEN)	Resident complains the Council failed to provide suitable alternative education when their child could not attend school, delayed finalising an Education, Health and Care Plan and discriminated against their child by not providing suitable education.	LGSCO Invalid/Forwarded Decisions.	£8,075	The service to ensure staff have clear guidance about the use of unregistered provisions, including consideration and/or decision making of non-approved settings, instead of using a 'blanket approach' to assess cases.	Yes
Enforcement	Resident complained about the Council's decision to issue them a	LGSCO	N/A	N/A	Yes

	fixed penalty notice after they parked their car at the rear of their property.	Closed after initial enquiries - out of jurisdiction.			
Council Tax	Complaint that the Council wrongly charged council tax without applying a Single Person Discount.	LGSCO Not upheld: no further action.	N/A	N/A	Yes
Repairs	The complaint is about the Council's response to the resident's reports of repairs and associated damp and mould.	HO Maladministration with regard to the landlord's response to the resident's reports of repairs and associated damp and mould	£1,675	To undertake a review of this complaint to identify any lessons to be learnt from the handling of this case. Ensure that the service maintains oversight of the actions of its repairs contractor in response to repair requests and that it has access to the records of the actions taken by the contractor.	Yes

6. Compliments Data (based on top 10 areas where compliments were received)

Compliments - The council received 1170 external compliments within the reporting period compared to 514 for the same period last year. A breakdown is shown below:

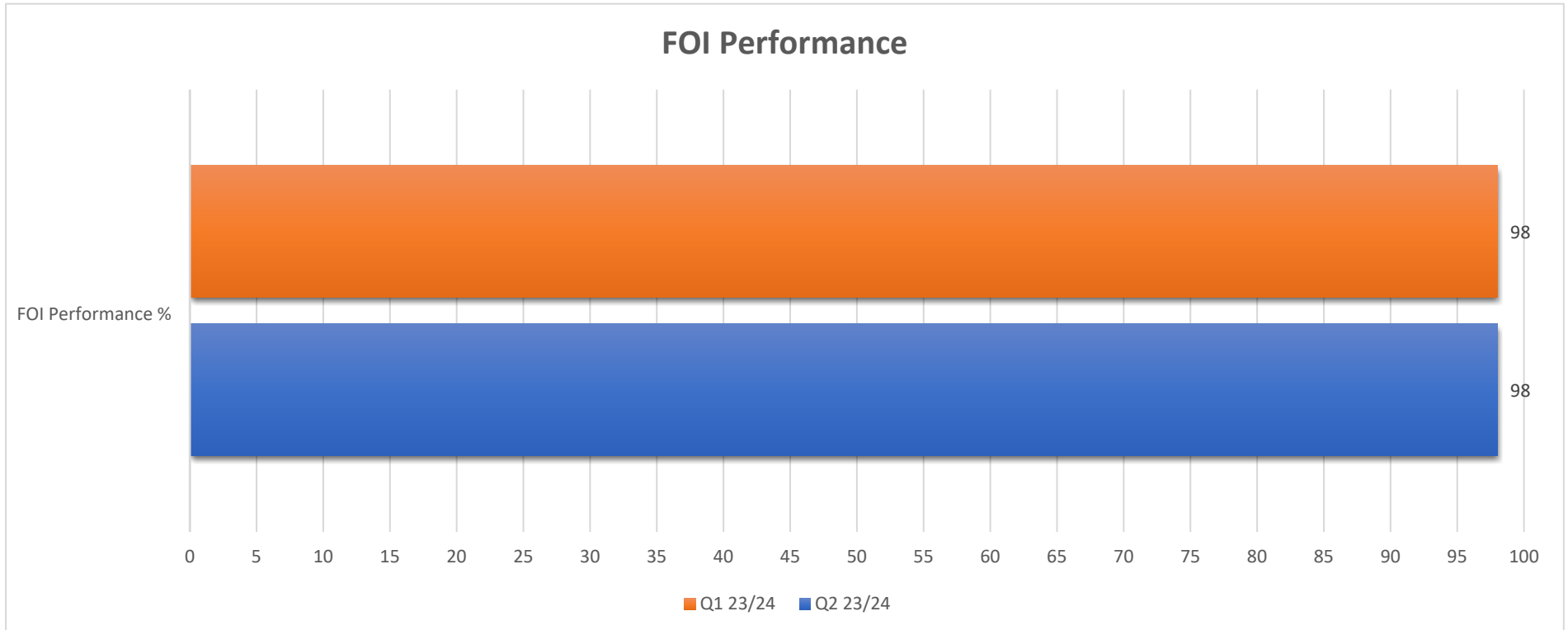
Area	Volume
Contact Centre	925
Repairs	20
Special Education Need	18
Waste Management	14
Thurrock First	9
Transforming Homes	9
Family Support Team 2 (Childrens)	9
Contract Compliance (Adults)	8
Libraries	7
Sheltered Housing	7
Development Control	7
Disabled Facilities Grant (Adults)	7
Total	1170
Note – Totals shown are based on all compliment activity therefore over and above the top 10 areas	

7. Freedom of Information (FOI) and Environment Information Regulation (EIR) – Based on top 10 areas

Note – Timeframes to respond to FOI's and EIR's is 20 working days

Area	FOIs received	% FOI responded within timeframe	Reasons for missed deadlines
Childrens Services	48	100% (48)	Not Applicable
Education	45	98% (44)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late return of information by the service area
Finance	40	95% (38)	2 x FOI deadlines missed: <ul style="list-style-type: none"> Late approval by the service area lead Late return of information by the service area
Housing	40	98% (39)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late return of information by the service area
Human Resources	31	97% (30)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late return of information by the service area resulted in late approval
Highways Maintenance	27	100% (27)	Not Applicable
Adult Social Care	25	100% (25)	Not Applicable
IT	24	96% (23)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late approval of information by the service area lead
Waste & Recycling	22	100% (22)	Not Applicable
Planning	21	95% (20)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late return of information by the service area resulted in late approval
Totals	483	98% (474)	
Note – Totals shown are based on all FOI requests therefore over and above the top 10 areas			

The chart below shows FOI performance compared with the previous quarter:



Page 80

Environmental Information Regulations Requests:

These requests could be for information about land development, pollution levels, energy production, and waste management etc.

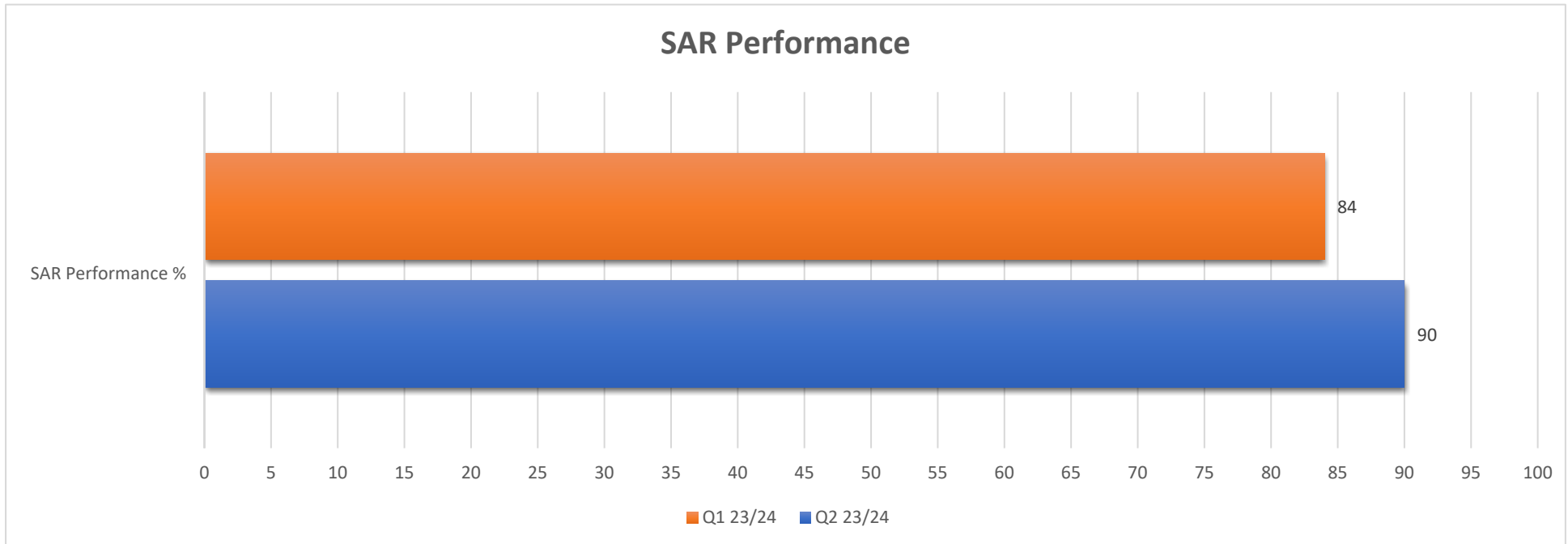
Requests Received	% Responded to within timeframe	Reasons for missed Deadlines
5	100%	Not Applicable

8. Subject Access Request (SAR):

SARs are requests from individuals to the Council asking to be provided with information the Council hold on them. Requests can range from very specific records such as council tax, benefits claim history, social care records or to all information held by the Council. The legal deadline to respond is 1-month.

Numbers Received	% Responded to within timeframe	Reasons for missed Deadlines
67	87% (58)	9 x SARs missed the deadline: <ul style="list-style-type: none"> • 7 x Phased disclosures were provided due to large volumes of data in scope of the request • 2 x Late return of information from service areas (CCTV team & Housing)

The chart below shows SAR performance compared with the previous quarter:



9. Information Commissioners Office (ICO) activity based on closed cases for FOI and/or Data Protection complaints:

Area	FOI complaints received	Data Protection complaints received	Details
Highways, Fleet & Logistics	1		FOI complaint: Individual complained to the ICO that the Council had not supplied the requested information.

			<p>ICO findings: The ICO agreed that the Council's response was accurate. No action taken by ICO/case closed.</p>
Human Resources	1		<p>FOI complaint: Individual complained to the ICO that the Council had not supplied the requested information.</p> <p>ICO findings: The ICO agreed that the Council's response was accurate. No action taken by ICO/case closed.</p>
Housing Benefit Team		1	<p>Data Protection complaint: Complaint received that the Council shared their data incorrectly with a third party.</p> <p>ICO findings: The Council had already taken steps to improve process internally and the ICO were happy with the Council's explanation. No action taken by ICO/case closed.</p>

10. Data Protection/Information Security Incidents

An information security policy incident is any event that contravenes the principles or procedures laid down within the Information Security Policy (and supporting policies). An incident may occur for a number of reasons:

- Due to negligence
- As the result of an accident
- Due to an intentional act

All incidents that are classified as a serious incident requiring investigation (SIRI), are sent to Human Resources for investigation/consideration.

11. Transparency

The Council are required to publish a number of datasets as part of the Local Government Transparency Code. The table below outlines the latest position.

Dataset	Frequency	Last Publication Due Date	Current Status	Next Publication Due Date
Constitution	Annually	01/08/23	Up to date	30/08/24
Trade Union	Annually	31/07/23	Up to date	31/07/24
Social Housing	Annually	30/04/22 (included data for 2021/22)	Finance have confirmed that the council cannot publish 2022/23 data as the annual accounts have not been approved	Was April 2023 (however this is delayed)
Parking Spaces	Annually	30/04/23	Up to date	30/04/24
Parking Account	Annually	30/04/23	Up to date	30/04/24
Gender Pay Gap & Pay Multiple	Annually	30/04/23	Up to date	30/04/24
Senior Salaries	Annually	30/04/23	Up to date	30/04/24
Org Chart	Annually	30/04/23	Up to date	30/04/24
Local Authority Land	Annually	30/04/23	Up to date	30/04/24
Brownfield sites	Annually	30/04/23	Up to date	30/04/24

Grants	Annually	30/04/23	Up to date	30/04/24
Fraud	Annually	30/04/23	Up to date	30/04/24
Contract Information	Quarterly (although the council publish monthly)	This is published monthly	Up to date	The Information Management Team will check to ensure the council publish at least quarterly in-line with requirements
Expenditure over £500	Quarterly (although the council publish monthly)	This is published monthly	Up to date	The Information Management Team will check to ensure the council publish at least quarterly in-line with requirements
Government Procurement Cards	Quarterly (although the council publish monthly)	This is published monthly	Up to date	The Information Management Team will check to ensure the council publish at least quarterly in-line with requirements

12. Update on the review of Information Governance Policies:

The Council have reviewed a number of its existing Information Governance Policies and are also introducing a new Microsoft Teams Usage Policy. As these policies are staff/employment related policies:

- The policies were shared and agreed via the council's Information Governance Group, our ICT Team, and People Board
- Consultation has taken place with Trade Union Board
- Cabinet Members who have portfolio responsibility for HR and Information Governance have been made aware of the changes, along with the Member of the Shadow Cabinet who has responsibility for Corporate Services

The policy changes are summarised in the table below with only minor changes made to existing policies. The changes made have also been incorporated within existing training programmes, with quiz questions included to help with embedding learning/understanding.

Policy	Summary of changes made
Microsoft Teams Usage Policy	This is a new policy
Information Security Policy	Appendix B - Microsoft Teams Usage Policy included as a supporting policy
Clear Desk Policy	Section 6 - Removed the reference to fixed desk workers as this stated the following <ul style="list-style-type: none"> • Staff who work in flexible work areas – When you have finished using a desk, or expect to be away for longer than 4 hours, you must clear all information from your desk and ensure all paperwork is locked away

	Note – The above has been removed as the number of fixed desk workers has reduced and the risk is the same for all workers, in that all council data must be secured irrespective of worker type
Data Security and Encryption Policy	Section 6 - Removed the reference to ensure staff store files on network drives and replaced with: All files containing personal data must be stored within, Microsoft 365, Objective (up until this is phased out) or the respective line of business system.
Email Policy	Section 1.1 (<i>The Recipient's availability and Speed of Transmission</i>) – Included a reference to the use of Microsoft Teams as a more appropriate method of communication
ICT Usage Policy	<ul style="list-style-type: none"> • Section 5.2 - Included a shadow ICT paragraph making it clear that service areas must not use any unapproved applications (e.g., cloud applications) without the completion and sign off of a Data Protection Impact Assessment • Section 5.4 – Included that staff can enrol their personal mobile into Microsoft Intune to allow them to use email, Teams and to receive 2-factor authentication messages • Section 9.3 – Removed the requirement to connect laptops to the network on a monthly basis
Records Management Policy	No key changes made
Information Requests Charging Policy	<p>Section 3 - Now sets out that under the Data Protection Act, a reasonable fee (based on administrative cost) may be charged for subject access requests:</p> <ul style="list-style-type: none"> • If the request is manifestly unfounded or excessive • For further copies of data which are requested by the data subject following a subject access request. This may happen for example if the data subject wants an additional copy to provide to a third party or has accidentally destroyed the copy which has been provided. <p>If a fee is applied, the council:</p> <ul style="list-style-type: none"> • Will need to justify why costs have been applied and explain these to the individual • Will not process the request until it has received the fee

13. Information Governance related risks:

The Council uses its Records of Processing Activity (ROPA) to manage and control its information assets and this work will identify a range of information governance related risks. In addition to this, information governance risks can also be identified via the general information governance work programme which includes:

- Data Protection Audits
- Data Protection Impact Assessments
- Managing data incidents

The Information Governance Team will work with service areas to manage and/or mitigate information governance risks.

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29 February 2024	ITEM: 9
Standards and Audit Committee	
Member Development Strategy	
Wards and communities affected: Not Applicable	Key Decision: Non-Key Decision
Report of: Asmat Hussain, Interim Director of Law and Monitoring Officer	
Accountable Assistant Director: Not Applicable	
Accountable Director: Asmat Hussain, Interim Director of Law and Monitoring Officer	
This report is Public	
Version: Final	

Executive Summary

This report outlines the Member Development Strategy which contains the principles underpinning the continued Member training offer to Members.

Commissioner Comment:

None.

1. Recommendation(s)

1.1 Comment on the content of the attached Member Development Strategy

1.2 If applicable, agree the Member Development Strategy as drafted or subject to any amendments discussed and endorsed by the committee.

2. Introduction and Background

2.1 At the meeting of the Governance Recovery Board (GRB) on 10 July 2023 it was agreed that a strategic approach to Member development was required and should include:

- creating structures so that Members' development needs are better identified;
- ensuring that development opportunities target organisational priorities; and
- ensuring that there is appropriate member led governance arrangements in place

First draft strategy

Version Control (delete as appropriate)

Version 1 - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

- 2.2 Officers developed a first draft of a potential Member Development Strategy which is attached to this report. This was agreed at GRB in August 2023.
- 2.3 The strategy sets out a proposed vision and values statement for Member Development whilst stating that its purpose is to outline the support that will be given to Councillors and any Co-opted Members to help them fulfil their roles and contribute to the delivery of the Council's strategic objectives.
- 2.4 It will ensure that a long-term view of Member Development is taken but is also able to flex to meet changing needs and priorities.
- 2.5 Furthermore, the strategy recognises that Councillors are not employees of the Council and will strive to help them seek a balance between their demanding roles, both inside and outside, the Council.
- 2.6 It is proposed that the governance of Member Development is led by Members through the Standards and Audit Committee function.
- 2.7 The Strategy will be owned by the Council but it will be the responsibility of the Standards function and the Democratic/Member Services team to ensure that the Strategy (and Action Plan) is reviewed and updated to reflect any changes and that it continues to be fit for purpose.
- 2.8 There is also a focus in the strategy on supporting new Members' following their election and this will include the development of a tailored development plan, appointment of mentors and an assigned Democratic Services Officer to help them with their onboarding.

Engagement Plan

- 2.9 The attached strategy is intended as a consultative draft for the Standards and Audit Committee to consider.

3. Issues, Options and Analysis of Options

- 3.1 The Committee are able to comment on any aspect of the Strategy and offer suggestions on the practical application of those activities offered in the document.

4. Reasons for Recommendation

- 4.1 The introduction and application of a strategy strengthens the training offer and activities which surround the function within the council. This in turn helps Members develop skills and knowledge in their roles and better inform decision making within the Council.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 GRB and SLT have been consulted on the draft strategy and have agreed it to be used for consultation.

Version Control (delete as appropriate)

Version 1 - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The development of a strategy strengthens Member learning and the experience of that learning. The Strategy will improve Member training and ensure decision making is supported and Members are trained appropriately to make those decisions.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Finance Manager
(15/01/24)

There are no financial implications.

7.2 Legal

Implications verified by: **Gina Clarke, Governance Lawyer & Deputy Monitoring Officer**
(17/01/24)

There are no direct legal implications arising from the recommendations of the report. Arrangements to support Councillors in continuing personal development will ensure that all Councillors have the necessary skills and knowledge, and are aware of the legal requirements to fulfil their roles and responsibilities.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer
(12/01/24)

There are no direct diversity or equality implications. The Strategy ensures all Members have equal access to Member training opportunities relevant to their needs.

7.4 Risks

The Failure of Members to engage appropriately with training could lead to poor decision making or community leadership. A Member Development Strategy ensures that Member development is managed in line with corporate and democratic requirements.

Version Control (delete as appropriate)

Version 1 - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

7.5 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- Draft Member Development Strategy

Report Author:

Matthew Boulter

Head of Democratic, Scrutiny and Member Services

Legal Services

Version Control (delete as appropriate)

Version 1 - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

**Member Development Strategy
2024/25**



Contents

	Page
Purpose	3
Vision and values	3
Aims	3
Management of the strategy	4
Member Learning & Development Sub Committee	4
Roles and composition	4
Identifying member development needs	5
How development needs will be met	6
Support for new members	6
Resourcing	7
Appendix A - Member Support Scheme	8
Appendix B – Action Plan	9

Revision History Version Number	Description	Date Modified	Author
1.0	Draft	17/7/23	Matt Boulter

Contributors and Reviewers

Name	Position / Role
Chris Stephenson	Governance & Scrutiny Programme Manager

Approvals

Prepared by		Agreed by	
Name	Matt Boulter	Name	
Position	Democratic Services Manager	Position	
Date	17/7/23	Date	

Purpose

1. Many people who are elected as Members have their own political views and core social values. Those in political groups will receive leadership and support from their own group.
2. This strategy outlines the support that will be given to Councillors and any Co-opted Members to help them fulfil their roles and contribute to the delivery of the Council's strategic objectives. It will ensure that a long-term view is taken of Member Development but is also one which can flex to fit changing needs and priorities.
3. This strategy recognises that Councillors are not employees of the Council and strives to help them seek a balance between their demanding roles, both inside, and outside, of the Council.

Vision and Values

4. The vision for the Member Development Strategy is that all Councillors, and any co-opted Members, have the necessary skills and knowledge to perform effectively and efficiently in their current roles, and to be able to develop those skills/knowledge for future roles in the Council. To help achieve this vision, the key values that underpin the Strategy are:
 - Development opportunities will be available to all Councillors and Co-opted Members irrespective of political allegiance
 - Member development will be based on the identified and agreed needs of the individual Councillor or Co-opted Member through their participation in the Member Development Plan (MDP) process
 - Member development will be delivered through methods, at locations, and at times, that ensure equality of access for Councillors or Co-opted Members' personal circumstances, backgrounds and learning styles
 - The Council has a learning culture that sees continuous development and life-long learning for Councillors and Co-opted Members as vital to its success
 - The Council acknowledges that Councillors and any Co-opted Members may have transferable skills from their work place and/or life experiences that can be used to help them perform their Council role

Aims

5. The Strategy has the following aims:
 1. To create a clear framework for the development of Councillors and Co-opted Members based on their individual needs and the needs of the Council as a whole
 2. To ensure that all Councillors and Co-opted Members have the skills at a level that is suitable for their roles and responsibilities
 3. To ensure Councillors have the skills and knowledge necessary to oversee the delivery of high quality public services by the Council through their community leadership
 4. To ensure that Councillors and Co-opted Members feel confident and motivated to undertake their roles
 5. To ensure that Councillors and Co-opted Members are fully aware of their roles and responsibilities, legal requirements and matters of good practice as a means of delivering good governance
 6. To support the continued development of Councillors and Co-opted Members and help prepare them for roles that they may fulfil in the future
 7. To ensure a consistency of approach to Member development
 8. To attract and retain high calibre Councillors from as wide a range of backgrounds as possible

Governance of the Strategy

6. Member development must be undertaken and managed if this strategy is to be successful. To do this, it is vital that Councillors play an integral part in the management of the development programme. The Member Learning and Development Sub-Committee will advise the Council on all Member Development matters, through the Standards and Audit Committee, and will evaluate the programme of Member Development to ensure that it is responsive to Members' needs as follows:
- At least once a year, the Sub-committee will evaluate the implementation and effectiveness of this strategy. If necessary, it will be updated to take account of lessons learned, Member feedback, latest developments and best practice.
 - Where possible, Members will be asked to complete evaluation forms after each training session in the core programme either via a paper form at the session or electronically afterwards. Members attending externally provided courses will be encouraged to provide feedback to the Council on them to ensure that value for money is obtained.
 - Member Development Plan (MDP) meetings will be offered to all new Councillors within 6 months of their election with a review taking place annually afterwards or earlier, on request. The review meeting will include an opportunity for Members to comment on the training provided since their initial review and to assess the impact training has had on their ability and capacity to carry out their role, and any ongoing benefits.
 - During the year at least one comprehensive survey of Members will be undertaken to investigate a range of issues relating to their needs and their views of the services provided for them.
 - Where appropriate, exit interviews will be undertaken with Members who have resigned or who are not seeking re-election to determine whether Member Development opportunities contributed to their decision. Evaluation and feedback will be analysed and will inform the provision of Member training and will shape future policies. Each year, the sub-committee will review the feedback that is received in respect of Member Development and share this information with other Councillors, and if necessary, with Cabinet.

Member Learning and Development Sub-Committee (MLDSC)

7. The Strategy is owned by the Council as a whole. However, it will be the responsibility of the MLDSC and the Democratic/Member Services team to ensure that the Strategy is reviewed and updated to reflect any changes arising from external and internal factors, and that it continues to be fit for purpose.

Role and Composition

8. The MLDSC will include representatives from all the political groups that make up the Council, with officer support being provided by a Democratic Services Officer. The Group will meet a minimum of 2 times a year to agree and review training and development for Councillors and any Co-opted Members. The main purpose of the MLDSC is to:
- To champion and promote learning and development among members
 - To develop a Member Development Plan, based on Council and individual priorities, and undertake timely reviews to measure progress of the Plan
 - To identify and develop suitable learning opportunities to ensure that development needs are met, including the Member Induction Programme and support throughout the term of office
 - To evaluate the quality of training to ensure that training is delivered to a consistently high standard and offers value for money and make recommendations to the Executive, the Council or its committees as appropriate.
 - Provide strong leadership and guidance in respect of Member Development.

- Ensure that learning and development is effective in building capacity and ensuring that Councillors have the necessary skills and knowledge to carry out their community leadership roles effectively.
- To ensure equal access for all Councillors to training and development and to promote the use of information technology for and by Members.

Identifying Member Development Needs

9. Member development needs will be identified as follows:

1. Corporate Training Needs

The environment in which local government operates may change frequently and fundamentally. This is because of changes in the law, corporate priorities, or changes to local government services/structures. The Council must be alert to these changes and be ready to adapt its learning and development to suit every circumstance, and to fill any gaps in skills and knowledge that arise.

Member Development Strategy

2. Role of Members

It is vital that Member Development and this Strategy relate directly to the roles and duties that Members have to fulfil. To ensure this, the Council has developed a number of Role Descriptions for Councillors which are included in the Council's Constitution. The MLDSC will ensure that there is a programme of development that enables Councillors and Co-opted Members to have the skills and knowledge to fulfil the specific roles identified. Each newly elected Councillor or Co-opted Member will be invited to participate in an induction programme relevant to their role.

3. Specialist Role Needs

Many Members will have additional roles that they currently carry out, or roles that they aspire to, in the future, and these will require specialist or more focused training. These roles include:

- Chairman or Vice-Chairman of Committees or Sub-Committees
- Leadership, for example Leader of the Council or Leader of a Political Group
- Cabinet Member or Shadow Portfolio Holders
- Regulatory Committees such as Licensing and Planning which exercise quasi-judicial functions
- Scrutiny
- Audit and Governance
- Civic and ceremonial protocols

4. Identifying Personal Development Needs

The skills needed to carry out the roles listed in 1 – 3 above set out the training needs for Councillors. However, for a truly effective training needs analysis which identifies specific development needs for individual Members, a more in-depth discussion is needed on a one-to-one basis. This can best be achieved through participation in the MDP process.

This involves:

- Participation in an individual Member Development Plan meeting where Councillors can identify any gaps in their skills / knowledge to inform their development needs.

- Considering other relevant, necessary skills eg presentational skills, speed reading, public speaking etc.
- Discussions with Political Group Leaders or the Democratic Services Team.
- Reviewing the impact of learning and development through the MDP process as well as feedback received through course evaluation.
- Councillors maintaining their own personal development / training records and regularly reviewing if there any gaps in their skills / knowledge. Based on the above, an overall Member Development Programme will be developed each year but will be reviewed by the MLDS on a regular basis to ensure that it is responsive to the needs of Members and the Council.

How Development Needs will be Met

10. To support the diverse development needs of Councillors and Co-opted Members, a range of options will be made available to suit different learning styles and individual circumstances. In some cases, these can be delivered through the Council's own internal resources or, where necessary, specialist providers with a proven track records in terms of training will be brought in. Potential development delivery methods may include:

- Training courses
- Informal in-house briefings and workshops, including joint Member / officer training where appropriate
- External conferences and seminars
- Member briefings
- Written learning materials
- Peer Mentors
- E-Learning packages
- Distance learning packages
- Visits to other Councils or relevant partners
- Shadowing opportunities
- Sharing of knowledge amongst other Elected Members
- Personal research or preparation for specific projects.

11. Councillors will be encouraged to be involved in Member Development, where appropriate, by leading workshops, disseminating expert knowledge, offering mentoring or by encouraging the take-up of Member Development opportunities. The delivery of these activities will also be considered as contributing towards a Member's own continued professional development and can be a method of achieving goals identified on their specific Member Development Plan.

Support for New Members

12. The following specific support will be offered to new Councillors:

- After the elections, each new Councillor will be provided with an Induction Guide providing a more detailed introduction to the Council and practical information about being a Councillor.
- A comprehensive Induction Programme will be provided to ensure that newly-elected Councillors can quickly participate fully in the business of the Council. This will include an opportunity to meet senior officers, find out about the Council's key priorities, be given information to get them started and receive basic training on key areas such as the Code of Conduct.
- Details of the Democratic Services Team will be given to provide support with information and signposting.

- Councillors who have been elected at by-elections will be provided with a similar Induction Programme and support.
- New Councillors will be offered a tour of key locations across Thurrock
- New Councillors will also be offered a Member Development Plan meeting within 6 months of being elected to identify any specific training needs. In addition, the Member Support Scheme (Appendix A) provides for a Democratic or Member Services Officer to be assigned to a newly elected Member immediately following the election. Members can also request peer support and/or mentoring by a more experienced Member which is particularly helpful for newly-elected colleagues as well as those Councillors stepping into key roles. This provides development benefits for both the mentor and the mentee.

Resourcing

13. Each year, the MLDSC will identify the budget and resources that are needed to support Member Development and will refer any recommendations for the Member Development budget to Full Council (as part of the annual budget review process). These resources will be monitored by the MLDSC and include:

- Financial budget allocation and other capacity to support Member Development activities
- Member support from within the Democratic Services Team
- Conference / Seminar attendance by specific postholders e.g. Cabinet Members, Group Leaders, Chairmen of Committees etc
- Opportunities for cross-authority / partner training on a countywide, regional or national basis
- Specific training programmes provided by national / regional course providers e.g. Local Government Association, South East Employers etc.
- Relevant opportunities for learning through seminars, conferences or visits hosted by partners.

The budget for Member Development for 2023/24 is £xxxx

Appendix A - Member Support Scheme

14. The Member Support Scheme provides Councillors with a named contact from Democratic & Member Services following their election. In addition, if requested, a peer Mentor who is usually a Councillor from their own political group, can be assigned to help with signposting and providing advice on all issues affecting the life of a Councillor.
15. The Scheme is not designed to replace the direct contact and access that all Councillors can expect when they wish to speak to their Group Leaders, the Chief Executive, Directors or Heads of Services. It is also not intended that it will create personal assistants or research assistants for individual Councillors as this work is undertaken by Political Assistants.
16. Democratic & Member Services and Mentors can offer support and advice, especially during the first year after a Member is elected or if they have been appointed to a new role, and can help the Councillor understand the requirements of the role and develop their confidence. The Member Support Scheme enables Councillors to:
 - be more aware of where to go for information and support
 - feel more confident in their representative and decision-making roles
 - be able to make an early contribution to the work of the Council and representing their local community.
17. If Members need factual information about Council services and details about who to contact within the Council, or any other day to day information about Council business, contact can be made with their named Democratic or Member Services Officer or anyone within the Democratic Services Team.
18. What can a Councillor expect from their named Democratic Services Officer or a Mentor?
 - A friendly response to questions however trivial they may seem
 - Support and advice from the Officer/Mentor's personal knowledge and experience
 - Signposting to an appropriate officer or Councillor to take forward a query as needed – this will usually be at service head or team leader level for any new service enquiry or it could be a Cabinet Member
 - A sounding board to help the Councillor reflect on new experiences and issues raised
 - A response to emails and telephone calls as promptly as possible and to be advised who will respond to queries if the Democratic Services Officer/Mentor is away for an extended period of time
 - A prompt response to requests to meet with the Democratic/Member Services Officer/Mentor
19. How and when is a named Officer or Peer Mentor assigned?
20. The named Officer will be appointed immediately following the election and will contact the new Councillor within the first day or so after the Count. Once notified of a request for a Peer Mentor, the Democratic Services Officer will contact Political Group Leaders to ask for a nomination as soon as practicable. The Member Support Scheme is informal and intended to be helpful, therefore, Councillors can make as much or as little use of it as they wish.

Appendix B – Member Development Strategy Action Plan – to be developed

Strategy Theme	Action	Intended Outcome	Date Completed
Develop 2024/25 Member Training Schedule to align with corporate and Member role requirements			February 2024
Develop and introduce Personal Member Development Plan (PDP)	Create a file for each Member which records their training to date. Liaise with each Member to identify their transferable skills, training needs and aspirations.		November 2023
Develop continual development opportunities for Individual Members	Through the MLDS and the PDP process to liaise with Members to develop particular streams of continual development opportunities for certain members with specialist roles and to build future skills planning		February 2024
Develop Member Zone online to support online learning and resource repository	Review the current online offer and suggest ways to improve the section and use it to its full effect, including previously recorded content.		December 2023

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29 February 2024	ITEM: 10
Standards and Audit Committee	
Member Training Schedule 2024/25	
Wards and communities affected: Not applicable	Key Decision: Non-key
Report of: Matthew Boulter, Head of Democratic, Scrutiny and Member Services	
Accountable Assistant Director: Not Applicable	
Accountable Director: Asmat Hussain, Interim Director of Law and Governance	
This report is Public	

Executive Summary

This report sets out the member training schedule for 2024-25 and outlines ongoing work to enhance the programme following feedback from Members and Officers in 2023-24. The report also gives an update on the 'Member Training Passport' initiative and assistance with this scheme to date.

1. Recommendation(s)

- 1.1 **To agree the Member Training Schedule for 2024/25.**
- 1.2 **Make any further suggestions of sessions to add to the schedule for 2024/25.**
- 1.3 **To discuss and support the categories for training sessions as indicated in the schedule: 'statutory', 'highly recommended' and 'recommended'.**
- 1.4 **To support the ongoing change activity outlined in the report to enhance and improve training in coming years to support Members in their roles.**

2. Introduction and Background

- 2.1 The Member Training Schedule 2024/25 continues the core sessions that have been identified following the Best Value Inspection as essential for Members to undertake either as new Members or as refreshers for existing Members. Such sessions include code of conduct training and committee specific training, among others. The Schedule is attached at Appendix A.

2.2 The content and delivery of these sessions have been reviewed and refreshed for 2024/25, where applicable, using the Member feedback forms which were completed after each session in 2023/24. Appendix B sets out a summary analysis of the feedback for the 2023/24 schedule. The headline points have been:

- Members feel training is good overall and that sessions have helped them in their roles.
- Members felt Planning training needed to improve.
- Members had mixed opinions about mandatory requirements for certain sessions.

2.3 The 2024/25 schedule continues the practice of physically attended sessions which are mandatory for certain subjects. This ensures Members are able to fulfil their duties to an acceptable standard. The schedule details the mandatory requirements for each session.

Digital Academy

2.4 The Digital Academy is an online self-service training offer provided by the council to help both Members and officers develop more advanced skills in ICT and associated topics. Learners navigate the modules as directed by the training to learn at their own pace and convenience. This training is available through the Council's Oracle system, which is accessible online through the council's intranet. The link for the intranet is below and a screenshot of the academy home screen is attached at Appendix C.

<https://intranet.thurrock.gov.uk/>

These modules will continue to be offered alongside the schedule to enhance the training offer and provide advanced development for Members wishing to access it.

2.5 The modules on offer are arranged at beginner, intermediate and advanced levels and include Microsoft Sway, Sharepoint, Forms, Planner; communicating and sharing with Microsoft S365, tips on Microsoft teams and using mail merge. The advanced digital academy includes Excel shortcuts, creating fillable forms on word and creating live events in Teams.

Leadership Academy

2.6 The Leadership Academy is the Local Government Association's (LGA) flagship training programme and four senior Thurrock Members have undertaken this course in the 2023/24 year. Opportunities for 2024/25 are being explored with the LGA.

2.7 In addition all groups have been offered one to one coaching and mentoring through the Local Government Association (LGA). Three group leaders and two deputy leaders have taken this offer up as follows:

1. Councillor Andrew Jefferies – Mentor: Lord Gary Porter
2. Councillor Deb Arnold – Mentor: Councillor Philip Broadhead
3. Councillor John Kent – Mentor: Councillor Sir Stephen Houghton
4. Councillor Lynn Worrall – Mentor: Councillor Amanda Searjant
5. Councillor Neil Speight – Mentor: Councillor Loic Rich

Member Training Passports

- 2.8 Through feedback at the then Governance Recovery Board (GRB) it was established that more experienced Members needed to develop beyond the core training offer. With this in mind Members were asked to complete a skills audit to identify what training Members had completed, what skills and knowledge they already possessed through their non-council experience and what skills they may want to develop in future years. The proposal was designed to capture this information on a 'Member Passport' which is used in other councils and is considered a good approach to managing Individual Member training needs. The Member Passport is a good way for Members to take ownership of their own training needs and to help officers support them in those training needs. The Passport provides a framework for conversations about training both between Member and officer but also Member and Member.
- 2.9 A Member Passport is a short document which captures:
- The details of their term of office.
 - The training Members have already undertaken.
 - Member skills and experience which they may have gained outside the Council which may be of use to other Members and officers.
 - An outline of their aspirations or future needs in relation to training and development.
- 2.10 Members have been asked to assist in the establishment of the passports by filling in their passport as best they can. The passport templates were shared in the summer of 2023 and group whips were involved in subsequent direct email requests to complete the passports. The initiative was further supported by the Member newsletter, which highlighted the request across a number of editions.
- 2.11 The future use and management of the passports will be for Member Services to keep a file of all passports and update them as and when Members undertake training. It is hoped that group leaders can use the passports to support the development of their fellow Members in one to ones and for the Council to use the data to identify potential learning gaps and provide training appropriately. The aim is to roll out the passports in the spring of 2024 so that they are embedded for the new municipal year.
- 2.12 Following several months of collection, 18 out of 49 Members have completed and returned the passport. This represented:

- 10 Labour
- 7 Conservative
- 1 Non-political Alliance of Independent Councillors (NPAIC)

2 Members have declined to fill the form in, one Member from the Conservative Group and one Member from NPAIC. Only 36% of Members have therefore engaged positively with this initiative.

Enhancing Training and Development

- 2.13 Based on feedback, there is a need to engage with Members differently on training, to ensure mutual expectations are set out and Members understand the part they play in achieving learning outcomes and how this should be applied in their role within the Council. Therefore, in 2024, a project will be undertaken by the change team to increase the engagement and use of the Member Passports to strengthen the Member participation in their own development, to help group leaders and whips manage the skills and learning of their groups and to help officers understand what training sessions will serve the Members best each year.
- 2.14 Using the information gathered from the existing Member Passports and the feedback from 2023/24, a suite of additional development needs has been identified by Members:
- Public speaking
 - ICT skills
 - Finance skills
 - Use of social media
 - Understanding the constitution
- 2.15 These topics will form the basis of a learning needs analysis which officers will collaborate with groups and individual Members on in order to ensure future additions and enhancements to the training schedule are relevant, useful and are supported by Members. This work will begin in the 2023/24 year and will use the membership of the recently established Member Training and Development Sub-Committee as a starting point to begin conversations.
- 2.16 Members will be aware that there is potential for the standards and audit functions to split into two separate committees and therefore the proposal from 2024/25 is that Member training will be brought back into the dedicated Standards Committee, which will have the capacity to oversee Member development.
- 2.17 Officers will continue the practice of skills analysis each year, in conjunction with group leaders and whips, to best understand the current Membership of the Council and any learning gaps. Additional Modules/sessions will then be introduced to respond to those needs.

3. Issues, Options and Analysis of Options

- 3.1 The provision and take up of training will be monitored throughout 2024/25 to evaluate its usefulness and relevance to Members. Following each training session, Members will be asked to complete a training evaluation form. This feedback, alongside the development work outlined in section 2 above, will be used to shape future Member training.
- 3.2 Key training sessions were made mandatory in 2023/24. Some Members felt that not all training should be mandatory. Through this report the Standards and Audit Committee are asked to their support for a tiered system to help Members chose which sessions are right for them:
- i) Statutory – Members of certain committees will be required to attend these sessions.
 - ii) Highly Recommended – Members will be strongly encouraged to attend these sessions.
 - iii) Recommended – Members will be encouraged to attend these sessions.

It is accepted that for quasi-judicial committees (Licensing and Planning), Members will attend statutory training annually.

- 3.3 The individual learning and further training requirements of Members will begin to be tracked through the training schedule and developed into supporting documentation to help Members identify their future development needs.

4. Reasons for Recommendation

- 4.1 The Member Training Schedule is a key part of the Improvement and Recovery Plan and requires the Standards and Audit Committee's input and support to ensure Member ownership of the offer.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The Senior Leadership Team and Directorate Management Teams have had the opportunity to comment on the training schedule. The schedule was further shared with group leaders in early 2024.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The training schedule aligns with the priorities and requirements of council business and ensures Members have access to up to date and relevant training to undertake their roles as both committee members but also as community representatives and leaders. The schedule reinforces the good governance of the council and its decision-making processes. The cultural development aspects of the report support the Council's improvement priorities as identified by commissioners.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Finance Manager (15/12/23)

The training schedule is intended to be delivered within existing budgets reserved for Member Training. Additional sessions and activity related to the improvement and recovery of the council following intervention may be covered by the additional funding provided through the Local Government Association.

7.2 Legal

Implications verified by: **Gina Clarke**
Governance Lawyer & Deputy Monitoring Officer
(18/12/23)

The Monitoring Officer is responsible for good governance of the Council and to ensure that Councillors adhere to high standards of conduct in discharging their duties as elected representatives of the Council.

In accordance with provisions set out in the Council's Constitution, Councillors are required to undertake the following mandatory training:

- It is a requirement of the Members Code of Conduct that all Councillors undertake Code of Conduct training provided by the Council.
- The Committee Procedure Rules state that a Committee may make it a requirement of any Member participating as a Member of that Committee or of a Sub-Committee that the Member has undertaken appropriate training in the roles and responsibilities of Members in discharging the functions of the Committee or Sub-Committee, and may arrange for the provision of such training to all, or all new, Members of the Committee or Sub-Committee.
- The Council's Planning Code of Good Practice and also the Licensing Protocol, expressly states that Members of the Planning Committee and the Licensing Committee should not participate in decision making of the relevant committee dealing with planning and or licensing matters if mandatory training prescribed by the Council has not been completed.

Decisions made by Planning Committee and Licensing Committee are quasi-judicial and can be subject to legal challenge. Knowledge of planning law,

licensing law and procedures and their application, together with general decision-making principles are essential to ensure that decision making is in accordance with Planning and licensing law.

It is important for councillors to demonstrate high standards and are regularly updated with the necessary knowledge and skills relating to their roles and responsibilities as Councillors. The Member Training Schedule and the additional development needs set out in this report would assist Councillors to carry out their roles properly and effectively.

7.3 **Diversity and Equality**

Implications verified by: **Becky Lee**

Team Manager - Community Development and Equalities Adults, Housing and Health Directorate (15/12/23)

Training will be provided in venues and in formats that are accessible with reasonable adjustments where required to ensure council fulfils responsibilities set out in the Equality Act 2010 and Public Sector Equality Duty.

There is a requirement for Members to undertake Equality and Diversity training which is accounted for in the schedule. A Member briefing on Community and Equality Impact Assessment has also been organised.

7.4 **Other implications** (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

Various training sessions impact upon important services and priorities of the council and will upskill Members in their decision making and knowledge when dealing with these issues both at committee but also as community leaders.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- Appendix A – Member Training Schedule 2024/25
- Appendix B - Analysis summary of feedback and attendance for 2023/24 training schedule.
- Appendix C – Screenshot of digital skills academy homepage

Report Author:

Matthew Boulter

Head of Democratic, Scrutiny and Member Services

Legal Services

Member Training Schedule and Learning & Development 2024/25

DRAFT Training Schedule

Title	Date	Time	Lead Officer	Type of Training	Who should Attend?
Member Induction	15 May 2024	All day	Various Officers	Induction and Orientation	Statutory for all newly elected Members.
Meet & Greet with Leadership	15 May 2024	Part of the induction day	Various Officers	Induction and Orientation	Highly recommended for all newly elected Members.
Code of Conduct	16 May 2024	7pm	Monitoring Officer	Induction and Orientation	Statutory for all Members (excluding new members [covered in induction] and those who have already completed the training in 23/24).
Overview and Scrutiny – A Practical Guide	23 May 2024	7pm	Democratic Services Manager	Induction and Orientation	Highly Recommended for all Members of Scrutiny.
Committee Procedure Roles – What I need to know					
Planning Committee (possibly to include bribery and corruption training / PAS)	28 May 2024	7pm	Assistant Director of Planning / Sarah White (Womble, Bond & Dickerson)	Committee Skills	Statutory for all Planning Committee Members.
Member Personal Safety	29 May 2024	7pm	Tbc	Committee Skills	Recommended for all Members
Introduction to New Scrutiny Model/Leading and Chairing in new scrutiny committee	4 June 2024	7pm	CfGS	Committee Skills	Both parts highly recommended for all O & S Members with the second part on chairing skills highly recommended for O & S chairs and vice chairs
The role of Internal Audit	6 June 2024	6pm (before meeting starts)	Chief Internal Auditor	Member Skills	Recommended for all members and Statutory for all Audit Committee Members
Licensing Committee	13 June 2024	7pm	Principal Licensing Officer / James Button & Co Solicitors	Committee Skills	Statutory for all Licensing Committee Members. Highly recommended for all Members.

Managing Casework and Member Enquiries	17 June 2024	7pm	HR	Committee Skills	Highly recommended for all Members.
School Admissions & School Transport Awareness Session	25 June 2024	7pm	Section 151 Officer	Induction and Orientation	Recommended for all Members.
Social Media Workshop	11 July 2024	7pm	Communications Team	Member Skills	Highly Recommended for all Members
Intervention, Section 114 and Improvement & Recovery Plan: Explaining the new environment	15 July 2023	7pm	Chief Executive, Senior Leadership Team	Member Skills	Recommended for all Members
Corporate Parenting	23 July 2024	7pm	Corporate Director of Children's Service / Assistant Director Children's Social Care and Early Help	Committee Skills	Statutory for all Corporate Parenting Committee Members. Highly recommended for all Members.
Community Equality Impact Assessment Briefings	16 September 2024	7pm	Rebecca Lee & Gina Clarke	Member Skills	Recommended for all Members
Health and Social Care	18 September 2024	7pm	Assistant Director Children's Social Care and Early Help	Member Skills	Recommended for all Members
Pensions	24 September 2024	7pm	Essex Pensions	Member Skills	Recommended for all Members
Finance Budgets and Effective Oversight	3 October 2024	7pm	CfGS	Member Skills	Highly Recommended for all Members, especially O &S Members.
Member Skills and Practice	8 October 2024	7pm	CfGS	Member Skills	Highly recommended for all O &S Members
Safeguarding and Child Sexual Exploitation	10 October 2024	7pm	Child Exploitation & Missing Team Manager	Member Skills	Highly recommended for all Members
Modern Day Slavery and Human Trafficking Awareness	21 October 2024	7pm	Thurrock Community Safety Partnership Manager	Member Skills	Highly recommended for all Members

Trustees on Outside Bodies	6 November 2024	7pm	tbc	Member Skills	Recommended for all Members
Violence Against Women and Girls	12 November 2024	7pm	tbc	Member Skills	Recommended for all Members
Staff Recruitment	18 November 2024	7pm	Strategic Lead - Information Management	Member Skills	Recommended for all Members, highly recommended for Members of General Services Committees
Local Area Coordinators	20 November 2024	7pm	Local Area Coordinator	Members Skills	Recommended for all Members
Introduction to Adults Services	5 December 2024	7pm	Assistant Director of Adult Social Care and Community	Members Skills	Recommended for all Members
On-Line courses					
Staff Appeals Training				Member Skills	Strongly encouraged for all Members
Equality & Diversity Training				Member Skills	Statutory for all Members.
Community & Equality Impact Assessments – an Introduction				Member Skills	Optional
General Data Protection Regulation				Member Skills	Statutory for all Members.

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Summary of Member Feedback on 2023/24 Training Schedule

Session Comments from Members

Session	Comments
Induction	<ul style="list-style-type: none"> • Intervention, work, and place of the council explained well. • Positive approach. • Informative.
Meet & Greet	<ul style="list-style-type: none"> • A different vibe, the officers wanted to engage instead of going through the motions. • Useful but only spoke to 30% of officers there. We could use photos of who is who and what they do. Names of directorates do not describe actual responsibilities. Our phones could be updated to have a "report it" link. Use this for all enquiries. Stop other departments creating their own forms. Train volunteers and councillors on all online systems and test using remote access.
Code of Conduct	<ul style="list-style-type: none"> • Being able to participate in questions. • Interactivity within the groups. • Knowledge of trainer. • An hour was too long. • Being told I can't say what I think. • Enjoyed the quiz. • Having the opportunity to ask questions.
Finance	<ul style="list-style-type: none"> • Very informative, presenters were very engaging and helpful in their answers to my questions. • It was a bit dry; I didn't understand some of the acronym's; It was probably too detailed. • Very informative and useful.
Overview & Scrutiny	<ul style="list-style-type: none"> • Knowledge of trainer and capacity to answer questions informatively. • Clear explanations. • Explained overall picture. • Split the training into two sessions. • Would have like to have seen more members attendance. • As a new councillor this training was particularly helpful.
Intervention	<ul style="list-style-type: none"> • Opportunity for more question time. • Slides provided a clear direction. • Death by PowerPoint, too much information on each slide. • Very unengaging speakers. • Explanation of course content very useful. • Willingness to answer questions. • Copies of the slides would have been helpful. • Extremely useful to a new member.
Planning	<ul style="list-style-type: none"> • Information was relevant. • Too much PowerPoint. • Not adequately training. • Training needs to be undertaken by qualified lawyer. • Training would also benefit councillors.

The Role of Internal Audit	<ul style="list-style-type: none"> • As a new member nothing was gained. • Zero training provided. • Good overview of what Internal Audit undertook. • Not enough time for all the questions. • Recommend a separate session.
Licensing	<ul style="list-style-type: none"> • Detailed PowerPoint information • Good insight into licensing • Very interesting
Corporate Parenting	<ul style="list-style-type: none"> • Clear aims and objectives. • Facilitators were engaging. • Learnt all the functions and responsibilities. • Well presented.

Attendance Figures:

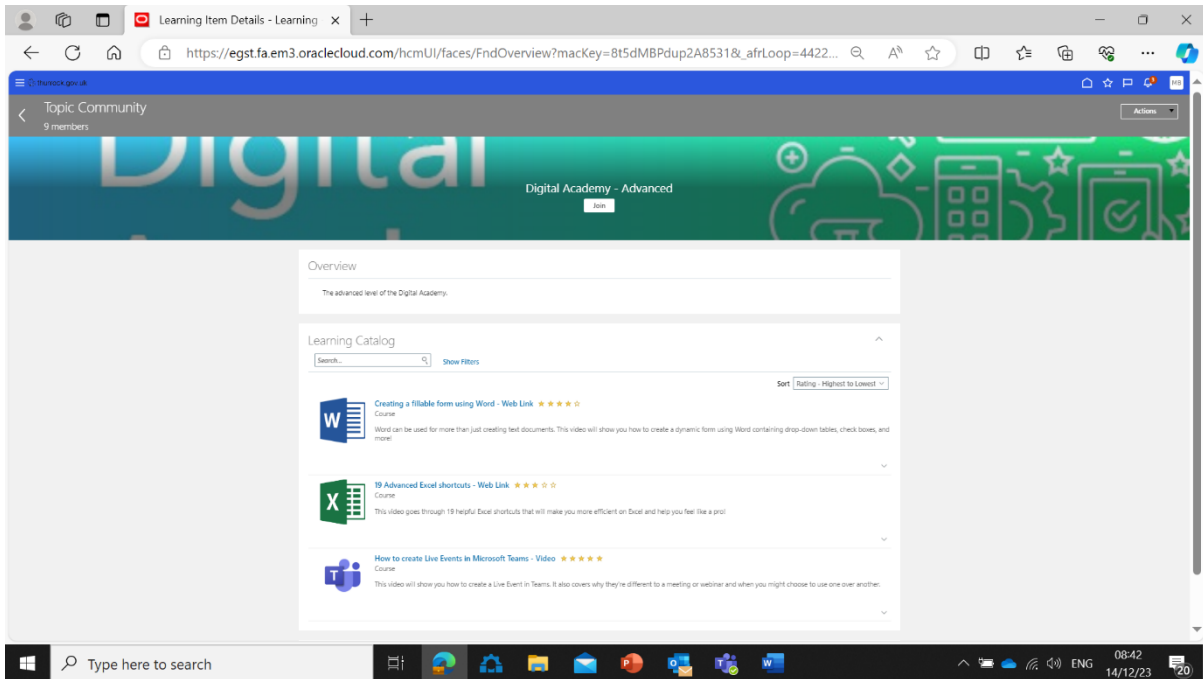
Session	%
Meet & Greet with Leadership	38%
Code of Conduct	44%
Overview of Financial Accounts	46%
Overview and Scrutiny – A Practical Guide, Committee Procedure Roles – What I need to know	55%
Intervention, Section 114 and Improvement & Recovery Plan: Explaining the new environment	69%
Planning Committee – 12 members required to attend	75%
Meet & Greet “Wash Up” session – 28 members required to attend	53%
The Role of Internal Audit	44%
Corporate Parenting	20%
Code of Conduct “Wash Up” session – 4 members required to attend	100%
Standards & Audit – 6 members required to attend	100%

Member / Session	Members Induction	Meet & Greet	Code of Conduct	Finance	Introduction to O & S	Introduction to Intervention	Planning	On-Line staff appeals	Licensing	Local Co-ordinator	Social Media	Corporate Parenting	School Admissions	Recruitment
Abbas			x		x									
Allen		x	x	x										
Anderson														
D Arnold		x	x			x				x	x			
P Arnold		x	x		x	x	x			x	x	x		
Byrne		x	x			x					x			
Carter		x	x	x		x						x	x	
Cecil	x	x	covered in induction	x	x	x				x	x	x	x	
Chukwu	x	x		x	x				x					
Collins		x	x	x	x			x					x	x
Coxshall			x	x		x				x		x		
Duffin														
Fish			x	x	x	x								x
Gledhill			x											
Green	x	x		x	x	x			x	x				x
Halden														
Hartstean	x	x	covered in induction	x	x	x			x	x	x	x	x	
Hooper	x	x	covered in induction	x	x	x	x			x	x	x		
Hurrell	x	x	covered in induction	x	x	x				x	x			
Jefferies		x	x			x								
Johnson		x					x							
Kelly							x							
C Kent		x	x		x	x					x			
J Kent		x	x		x	x					x			
Kerin			x		x									
Liddiard		x	x	x	x	x	x						x	
Little		x	x			x			x	x				
B Maney		x			x	x	x		x					
J Maney		x	x		x	x	x							
Manwa		x	x		x	x						x		

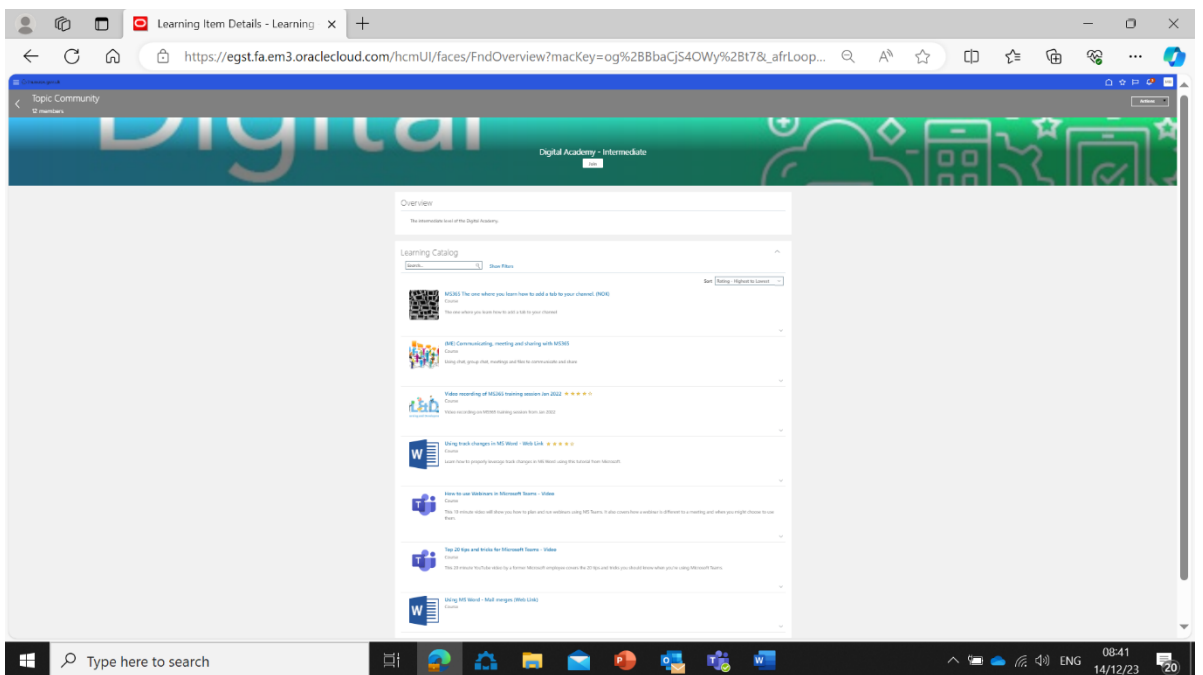
Massey		x	x							x			
Morris-Cook			x			x				x	x		
Muldowney			x			x	x			x		x	x
Ononaji			x							x			
Panjala		x	x	x	x	x							
Pearce			x		x	x				x			
Piccolo			x	x	x	x	x			x	x		
Polley		x	x	x		x	x			x		x	x
Raper		x	x	x	x	x		x		x	x	x	x
Redsell		x	x	x	x	x	x			x	x	x	x
Rigby			x	x	x	x							
Sammons		x		x					x	x		x	x
Shinnick		x	x	x	x		x				x	x	x
Snell			x	x								x	
Speight	x	x	covered in induction		x	x				x	x		
Spillman					x								
Thandi			x			x	x						
Watson			x	x	x	x	x			x	x		
Worrall		x	x	x		x					x		

Digital Academy Screenshots

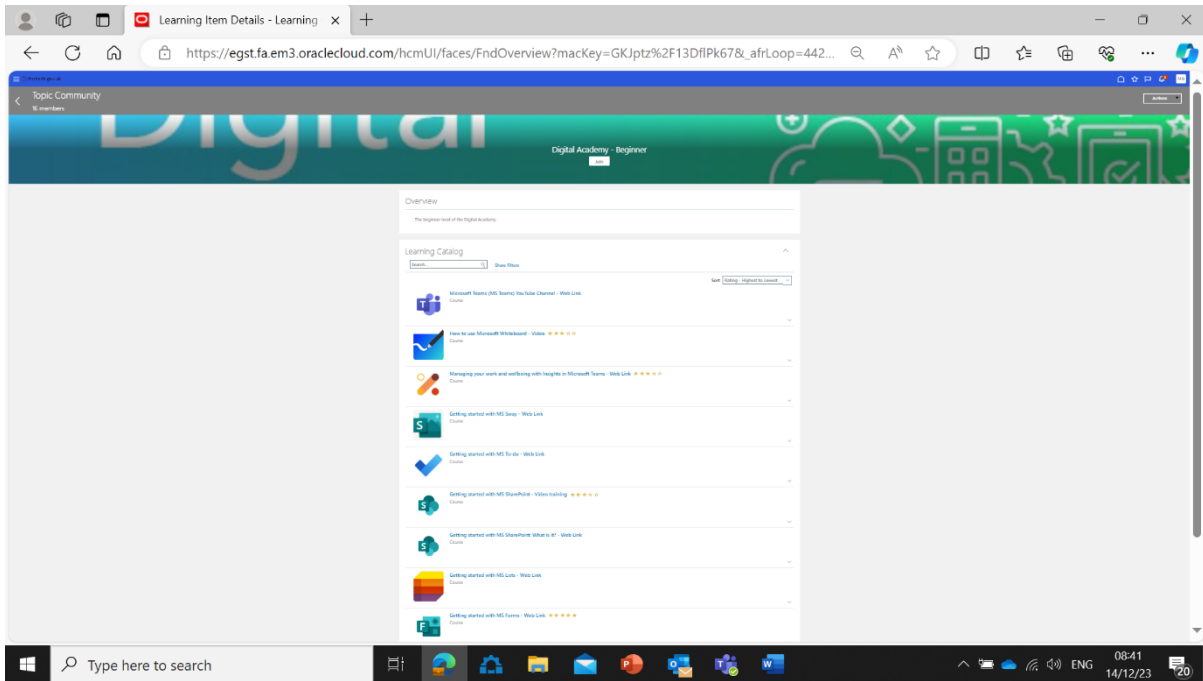
Digital Academy – Advanced Level Home Screen:



Digital Academy – Intermediate Level Home Screen



Digital Academy – Beginner Level Home Screen:



29 February 2024	ITEM: 11
Standards & Audit Committee	
Member Attendance at Committees	
Wards and communities affected: Not applicable	Key Decision: Non-key
Report of: Matthew Boulter, Head of Democratic, Scrutiny and Member Services	
Accountable Assistant Director: Not applicable	
Accountable Director: Asmat Hussain, Interim Director of Law & Governance	
This report is Public	

Executive Summary

This report sets out the committee meeting attendance statistics for Members for the years 2022-23 and 2023-24 to date.

1. Recommendation(s)

- 1.1 To comment on the Member attendance statistics and make any recommendations in relation to Member attendance the Committee may feel appropriate.**

2. Introduction and Background

- 2.1 At its meeting on 19 July 2023 the Standards and Audit Committee requested a report on Member attendance figures at committee meetings for the purposes of understanding what level of attendance there was at meetings.
- 2.2 Appendix A sets out the attendance figures for each Member for the municipal years 2022 to 2023 and 2023 to 2023, up to 31 December 2023. These figures are available on the Council's website via the Mod.Gov committee system.

3. Issues, Options and Analysis of Options

- 3.1 The year 2022-23 offers a complete picture of Member attendance. In considering the figures the Committee are reminded that some Members had personal and medical issues during the municipal year which meant they were absent for a lengthy period of time. Where a Member is at risk of not attending a meeting for six months a report is prepared for Full Council to allow

Members to decide if that Member should be allowed special dispensation to remain absent.

- 3.2 Where a Member is not able to attend a meeting they may wish to give their apologies and/or send a substitute.

4. Reasons for Recommendation

- 4.1 It is the responsibility of individual Members and their party whips to ensure attendance at committees. This report, on the request of this committee, allows for Members to comment and make recommendations on Member attendance and to champion engagement and good practice.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Not applicable.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 Member attendance is key in ensuring quorate meetings with robust engagement in the decision making processes of the Council. Members are expected to engage with their committee duties and to follow the apologies/substitution procedure where possible.

- 6.2 Attendance at committees is one way for Members to provide community leadership.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Senior Management Accountant

There are no financial implications.

7.2 Legal

Implications verified by: **Gina Clarke**
Governance Lawyer and Deputy Monitoring Officer

Section 85 (1) of the Local Government Act 1972 states that if a member of a local authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the local authority they will, unless the failure was due to some good reason approved by the local authority before the expiry of that period, cease to be a member of the local

authority. Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the local authority are discharged or who were appointed to advise the local authority on any matter relating to the discharge of their functions. Section 85(2A) of the 1972 also places a similar requirement on members who are members of a local authority's executive who fail to attend any meeting of the executive.

Section 85 (1) of the Local Government Act 1972 enables a local authority to approve the reason(s) for non-attendance of a Member at any meeting of the local authority throughout a period of six consecutive months, provided that approval is given by the local authority before the expiry of the six-month period in order to avoid loss of office automatically after six-month period. In the event that the reason for non-attendance is approved, the local authority would be required to specify an extension to the period of non-attendance allowed before automatic loss of office would apply.

Once any Member loses their office through failure to attend for the six-month period, the disqualification cannot be overcome by the Member subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time. By virtue of S87 of the 1972 Act the office of a Councillor becomes vacant only when the authority declares it to be vacant, which the authority must do, and a casual vacancy arises.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project
Monitoring Officer (27/10/23)

There are no diversity implications included in this report.

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Appendix 1: Attendance statistics for Members at Committees: 2022-23 and 2023-24.

Report Author:

Matthew Boulter
Head of Democratic, Member and Scrutiny Services
Legal Services

Municipal Year 2022 - 2023

Name of Councillor	Total Expected Attendances	Present as expected		Apologies Received	Absent incl. Apologies	
	Count	Count	%	Count	Count	%
Cllr Adam Carter	37	37	100%	0	0	0
Cllr Alex Anderson	21	20	95%	1	1	5%
Cllr Allen Mayes	18	14	78%	3	4	22%
Cllr Andrew Jefferies	22	18	82%	4	4	18%
Cllr Augustine Ononaji	19	16	84%	2	3	16%
Cllr Barry Johnson	32	29	91%	3	3	9%
Cllr Ben Maney	24	22	92%	2	2	8%
Cllr Cathy Kent	15	13	87%	1	2	13%
Cllr Chris Baker	9	4	44%	4	5	56%
Cllr Colin Churchman	20	8	40%	11	12	60%
Cllr Daniel Chukwu	21	15	71%	3	6	29%
Cllr Deb Arnold	34	32	94%	2	2	6%
Cllr Liz Rigby	21	10	48%	11	11	52%
Cllr Fraser Massey	30	28	93%	2	2	7%
Cllr Gary Byrne	17	13	76%	2	4	24%
Cllr Gary Collins	34	30	88%	3	4	12%
Cllr George Coxshall	15	14	93%	1	1	7%
Cllr Georgette Polley	28	20	71%	8	8	29%
Cllr Graham Snell	30	29	97%	1	1	3%
Cllr Jack Duffin	19	15	79%	4	4	21%
Cllr James Halden	13	11	85%	2	2	15%
Cllr James Thandi	35	30	86%	5	5	14%
Cllr Jane Potheary	14	11	79%	1	3	21%
Cllr Jennifer Smith	9	5	56%	4	4	44%
Cllr John Allen	14	13	93%	1	1	7%
Cllr John Kent	34	23	68%	10	11	32%
Cllr Joy Redsell	22	21	95%	1	1	5%
Cllr Kairen Raper <i>Cllr attended one additional meeting virtually</i>	33	29	88%	2	2	9%
Cllr Lee Watson	34	30	30%	3	4	12%
Cllr Luke Spillman	18	15	83%	3	3	17%
Cllr Lynn Worrall	33	18	55%	14	15	45%
Cllr Mark Coxshall	32	28	88%	4	4	12%
Cllr Martin Kerin	14	10	71%	3	4	29%
Cllr Maureen Pearce	21	18	86%	3	3	14%
Cllr Paul Arnold	39	38	97%	1	1	3%
Cllr Qaisar Abbas	24	21	88%	3	3	12%

Cllr Rob Gledhill	22	17	77%	5	5	23%
Cllr Sara Muldowney	17	12	71%	4	5	29%
Cllr Shane Hebb	16	14	88%	2	2	12%
Cllr Shane Ralph	31	30	97%	1	1	3%
Cllr Srikanth Panjala	14	11	79%	2	3	21%
Cllr Steve Liddiard	20	19	95%	1	1	5%
Cllr Sue Sammons	22	14	64%	8	8	36%
Cllr Sue Shinnick	23	17	74%	5	6	26%
Cllr Sue Little	11	11	100%	0	0	0
Cllr Terry Piccolo	27	21	78%	5	6	22%
Cllr Tom Kelly	25	22	88%	3	3	12%
Cllr Tony Fish <i>Cllr attended one additional meeting virtually</i>	27	21	21%	4	5	19%
Cllr Victoria Holloway	15	12	80%	2	3	20%

Municipal Year 2023 – 2024 (up to 31 December 2023)

Name of Councillor	Total Expected Attendances	Present as expected		Apologies Received	Absent incl. Apologies	
	Count	Count	%	Count	Count	%
Cllr Aaron Green	21	21	100%	0	0	0
Cllr Adam Carter	18	18	100%	0	0	0
Cllr Alex Anderson	19	16	84%	3	3	16%
Cllr Andrew Jefferies	24	24	100%	0	0	0
Cllr Augustine Ononaji	14	13	93%	1	1	7%
Cllr Barry Johnson	14	14	100%	0	0	0
Cllr Ben Maney	22	19	86%	3	3	14%
Cllr Cathy Kent	19	19	100%	0	0	0
Cllr Cici Manwa	11	11	100%	0	0	0
Cllr Daniel Chukwu	12	10	83%	2	2	17%
Cllr Deborah Arnold	23	20	87%	3	3	13%
Cllr Elizabeth Rigby <i>1 apology due to council business</i>	19	15	79%	4	4	21%
Cllr Fraser Massey	16	15	94%	1	1	6%
Cllr Gary Byrne	8	7	88%	1	1	12%
Cllr Gary Collins	18	15	83%	3	3	17%
Cllr George Coxshall	14	14	100%	0	0	0
Cllr Georgette Polley	23	22	96%	1	1	4%
Cllr Graham Snell	29	25	86%	4	4	14%
Cllr Jack Duffin	13	8	62%	5	5	38%
Cllr Jacqui Maney	20	17	85%	3	3	15%
Cllr James Halden	12	12	100%	0	0	0
Cllr James Thandi	24	17	71%	7	7	29%
Cllr John Allen	8	8	100%	0	0	0
Cllr John Cecil	10	10	100%	0	0	0
Cllr John Kent	20	15	75%	5	5	25%
Cllr Joycelyn Redsell	18	18	100%	0	0	0
Cllr Kairen Raper	23	20	87%	3	3	13%
Cllr Lee Watson	26	25	96%	1	1	4%
Cllr Luke Spillman	19	18	95%	1	1	5%
Cllr Lynn Worrall	23	18	78%	5	5	22%
Cllr Mark Hooper	14	14	100%	0	0	0
Cllr Mark Hurrell	14	13	93%	1	1	7%
Cllr Martin Kerin	13	13	100%	0	0	0
Cllr Maureen Pearce	16	14	88%	2	2	12%
Cllr Neil Speight	19	18	95%	1	1	5%
Cllr Paul Arnold	23	22	96%	1	1	4%
Cllr Qaisar Abbas	13	11	85%	2	2	15%

Cllr Rob Gledhill	12	9	75%	3	3	25%
Cllr Sara Muldowney	17	13	76%	4	4	24%
Cllr Srikanth Panjala	11	9	82%	2	2	18%
Cllr Steve Liddiard	24	23	96%	1	1	4%
Cllr Sue Sammons	15	12	80%	3	3	20%
Cllr Sue Shinnick	18	17	94%	1	1	6%
Cllr Sue Little	6	6	100%	0	0	0
Cllr Terry Piccolo	19	15	79%	4	4	21%
Cllr Tom Kelly	19	17	89%	2	2	11%
Cllr Tony Fish	10	8	80%	2	2	20%
Cllr Valerie Morris-Cook	17	12	71%	5	5	29%
Cllr Vikki Hartstean <i>1 apology due to council business</i>	22	19	86%	3	3	14%

29 February 2024	ITEM: 12
Standards and Audit Committee	
Committee on Standards in Public Life Update	
Wards and communities affected: All	Key Decision: Not applicable
Report of: Asmat Hussain Interim Director Legal and Governance & Monitoring Officer	
Accountable Assistant Director: Not applicable	
Accountable Director: Asmat Hussain Interim Director Legal and Governance & Monitoring Officer	
This report is Public	
Version: Final	

Executive Summary

This report provides an update of the work which has been undertaken by the independent Committee on Standards in Public Life, in particular the Committee’s report “Leading in Practice” published on 24 January 2023, which features case studies gathered from organisations in the public, private and charitable sectors on maintaining ethical organisational practices.

This report also provides an update work undertaken nationally to prevent abuse and intimidation of those working in public in life.

Commissioner Comment:

None

1. Recommendation(s)

1.1 Note the content of report of the Committee on Public Life’s report Leading in Practice (Appendix 1), and consider any matters which may be relevant to the Council that require action.

1.2 Note the research that has been undertaken by the Local Government Association on abuse and intimidation of councillors and consider any matters that may require further to action.

2. Introduction and Background

2.1 The independent Committee on Standards in Public Life (the CSPL) is an advisory non-departmental public body sponsored by the Cabinet Office monitors and makes

recommendations on all issues relating to standards in public life. It can examine standards of conduct of all holders of public office and all those involved in the delivery of public services and make any recommendations as to any changes in the present arrangements which might be required to ensure the highest standards of propriety in public life issues relating to ethical standards.

- 2.2 On 24 January 2023 the CSPL published its report *Leading in Practice*, the CSPL's review into how a variety of organisations have sought to integrate ethical values into their policies and ways of working. The review is part of a package of the work which begun in the CSPL's 2021 review, *Upholding Standards in Public Life* which addressed the need for stronger rules and more independent regulation to prevent misconduct.
- 2.3 On the date of publication of the CSPL report, Lord Evans, the former Chair of the CSPL wrote an open letter to public sector leaders to prompt reflection and discussion on the importance of ethical leadership in the UK.
- 2.4 The *Leading in Practice Report (The CSPL report) Appendix 1*, explores practical steps leaders can take to ensure that ethical rules are underpinned by a shared understanding of ethical rules. The purpose of the CSPL report is to encourage leaders in the public sector to reflect on their own ethical leadership and consider whether they can do more to ensure that the Principles of Public Life are understood and embedded into all aspects of how their organisations operate. To help with this process, the CSPL report includes a set of questions for leaders to reflect on, these are set out in paragraph of 2.6 of this report.
- 2.5 The CSPL Report covers the following areas:
- Chapter 1: Values and the public sector
 - Chapter 2: Communicating expected behaviours and leading by example
 - Chapter 3: Encouraging a 'speak up' culture
 - Chapter 4: Training, discussion and decision-making
 - Chapter 5: Governance
 - Chapter 6: Recruitment and performance management
- 2.6 The CSPL report, sets out twenty questions for leaders to ask themselves under chapters 2 to 6 of the CPSL report to think about what more they can do to embed a values ethos in their own organisations.

Communicating values and leading by example

1. How do the people in your organisation know that you care about the Principles of Public Life?
2. What do you do to help people understand how the Principles of Public Life translate to the standards of behaviour expected in their day-to-day work?
3. How do you address behaviour that is not consistent with the Principles of Public Life?
4. How do you know that people across your organisation are hearing a consistent tone from their managers in relation to the standards of behaviour expected of them?

Encouraging a 'speak up' culture

5. Are there clear and well-understood ways that people across your organisation can raise their concerns when things 'just don't feel right'? How do you know these routes are trusted?
6. What do you do to ensure that retaliation is not tolerated in your organisation?
7. How do you ensure you are listening to the concerns and suggestions of people in your organisation? Are you being open and transparent in communicating the outcome to people in your organisation, while respecting confidentiality?
8. How do you know the managers in your organisation are listening and responding well to concerns that are raised directly with them?

Training, discussion and decision-making

9. Is your staff training specific to the ethical risks and challenges faced by your organisation?
10. How do you encourage leaders at all levels to discuss the practical application of the Principles of Public Life in their teams?
11. Have you considered whether the people in your organisation might benefit from dedicated support for considering ethical issues, such as ethics committees or counsellors?
12. How do you know that people in your organisation are making consistently good decisions that take into account the Principles of Public Life?

Governance

13. Is your board clear on their role in relation to the ethical culture of the organisation?
14. Does your risk assessment process identify and monitor the key ethical risks for your organisation?
15. Does your board have access to the range of data needed to assess and monitor the ethical health of your organisation and to identify potential areas of concern?
16. How do you ensure that your organisation takes necessary action where the data suggests that changes are needed?
17. When things have gone wrong in your organisation, could the signs have been spotted and addressed earlier?

Recruitment and performance management

18. Does your recruitment and selection process place sufficient weight on the extent

to which candidates' personal values align with the Principles of Public Life?

19. How does your organisation's selection process test the ability of candidates to exercise sound judgement when faced with ethical dilemmas?

20. Do the performance management processes of your organisation give sufficient weight to how individuals deliver on their objectives, as well as the outcomes that are achieved?

Ending Abuse in Public Life for Councillors

- 2.7 On a national and local level there is evidence of increasing levels of abuse against councillors and council employees which is having an impact on democratic processes. In 2017, the CSPL published a report on Intimidation in Public Life which the Committee suggested that "the scale and intensity of intimidation is now shaping public life". Following the 2017 CPSL report, the Local Government Association (LGA) established a programme and a project which undertook research into abuse and intimidation. A survey undertaken by the LGA found that 88% of councillors who responded to its survey experienced abuse, with 98% of those claiming to face abuse on multiple occasions. 27% of councillors said they would not stand in the next election. Two-thirds (68%) of the councillors said that abuse and intimidation had influenced their position on whether to stand again. councillors who responded to its survey experienced abuse, with 98% of those claiming to face abuse on multiple occasions. 27% of councillors said they would not stand in the next election. Two-thirds (68%) of the councillors said that abuse and intimidation had influenced their position on whether to stand again. The Chair of the LGA's Civility in Public Life Programme Steering Group has stated that unaddressed, abuse and intimidation risk forcing good councillors out of local politics altogether. The LGA are urging the government to introduce legislation that would allow a council to proactively withhold councillors' home addresses from the public
- 2.8 On 3 July 2023 the LGA issued a report Debate not Hate: Ending Abuse in Public Life for Councillors which provide guidance to councils as to how better support councillors to prevent and handle abuse and intimidation. The LGA's report makes a number of recommendations to protect councillors from abuse and intimidation, and also sets out guiding principles which may help councils to consider the level of support their members require and how best to provide this support
- 2.9 The LGA's proposed guiding principles are:
- 1. Zero-tolerance approach to abuse:** establish and enforce a strict policy that sets clear expectations for interactions and promoting respectful debate.
 - 2. Clarity of process and responsibility:** Clearly define the process for raising concerns and assign responsible persons who are well equipped and located in the council to provide councillors with support.

3. Relationships with local police: Proactively foster strong relationships with police to improve coordination and advance mutual understanding of abuse affecting councillors and the police role in addressing it.

4. Tailored risk assessments: Consider the needs of individual councillors and proactively identify risks through dynamic and periodic risk assessments.

5. Prioritise councillor wellbeing: Recognise and consider how the council can support councillor wellbeing and address the negative impacts of personal attacks and hurtful commentaries.

2.10 The research undertaken by the LGA to produce their report found clear evidence that abuse of politicians is on the rise across the board and that issues can arise and escalate very quickly. Therefore Members are asked to consider what issues may occur in the future Thurrock and consider any matters that may require further to action to respond to abuse from members of the public.

3. Issues, Options and Analysis of Options

3.1 There are clear benefits for the Council in setting clear standards and for elected members and council employees to become familiar with the fundamental values underpinning the council's governance arrangements, this will equip elected members and council employees to act in line with ethical standards.

3.2 By not setting clear standards for elected members and council employees could lead to a greater risk of ethical standards not being adhered to

4. Reasons for Recommendation

For the Committee to consider what action may be required to taken to ensure the higher standards of propriety relating to ethical standards.

To consider what action may be required to help councillor and the council better navigate the challenges of abuse and intimidation of councillors.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Not applicable.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The integration of ethical values into Council policies, practices and ways of working will ensure that ethical values are woven into every aspect of how the Council operates is critical to good leadership and meeting the Council's corporate priorities.

6.2

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Finance Manager

12 February 2024

There are no financial implications directly arising for the recommendations set out in this report.

7.2 Legal

Implications verified by: **Gina Clarke, Governance Lawyer & Deputy Monitoring Officer**
7 February 2024

The Council's standards regime complies requirements the Localism Act 2011. However, the Committee may consider what additional practical measures could be put in place to support councillors and employees to promote and maintain high ethical standards within the Council

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Team Manager - Community Development and Equalities
Adults, Housing and Health Directorate

There are no specific diversity and equality implications arising from this report.

7.4 Risks

N/a

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Open Letter from Lord Evans, Chair of the Committee on Standards in Public Life, to public sector leaders to prompt reflection and discussion on the importance of ethical leadership in the UK, dated 24 January 2023: [Open letter to public sector leaders on ethical leadership - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/open-letter-to-public-sector-leaders-on-ethical-leadership)
- Committee on Standards in Public Life: 'Upholding Standards in Public Life', November 2021: [Upholding Standards in Public Life - Published Report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101422/standards-report-nov-2021.pdf)

- Debate Not Hate: Ending Abuse in Public Life for Councillors:
[Debate Not Hate: Ending abuse in public life for councillors | Local Government Association](#)

9. Appendices to the report

- Committee on Standards in Public Life: 'Leading in Practice', January 2023:
[Leading in Practice – A review by the Committee on Standards in Public Life \(publishing.service.gov.uk\)](#)

Report Author:

Gina Clarke
Governance Lawyer
Legal Services

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Leading in Practice

A review by the Committee
on Standards in Public Life

The Committee
on Standards
in Public Life



Leading in Practice

**A review by the
Committee on Standards in Public Life**

Chair, Lord Evans of Weardale

January 2023

Chair's foreword

The Seven Principles of Public Life (the Principles) apply to all public office-holders and those delivering public services. They are the bedrock that underpins and gives meaning to the rules that govern public office, and they represent a common understanding of public service. However, the ethical values reflected in the Principles will not become the cultural norm within an organisation without active attention.

Building organisations where employees understand how the Principles translate into actions and behaviours and where they are supported to take a values-led approach to their work requires leadership.

Senior leaders must ensure that values are understood and embedded into all aspects of how their organisations operate – from the way leaders communicate with employees, to the priority given to developing good decision-making, to the approach taken to recruitment and performance management. While the tone from the top is critical, leadership matters throughout an organisation. Leaders at all levels have a fundamental role in exemplifying and helping their teams live up to the Principles in their day-to-day behaviours.

From the evidence we have heard, it is clear that there is no single right way to embed an ethical culture in organisations, but a range of possible approaches and measures. Our report features examples of how organisations from across the public, private and charitable sectors seek to integrate ethical values into their policies, practices and ways of working.

Our intention is that this report will stimulate discussion. We certainly do not have all the answers but we are clear that building an ethical culture does not happen by accident. We want to challenge leaders in the public sector to reflect on their own leadership and consider whether there is more they can do to support the ethical buoyancy of their organisations. With that in mind, we have formulated a series of questions for leaders to ask themselves. These are derived from examples of the challenges and successes in embedding ethical values that we came across in our evidence sessions. We hope that leaders will find the questions helpful.

Lord Evans of Weardale

Chair, Committee on Standards in Public Life

Contents

Executive summary	2
Questions for leaders	5
Introduction	7
Chapter 1: Values and the public sector	9
Chapter 2: Communicating values and leading by example	18
Chapter 3: Encouraging a 'speak up' culture	25
Chapter 4: Training, discussion and decision-making	32
Chapter 5: Governance	39
Chapter 6: Recruitment and performance management	48
Conclusion	53
Appendix 1: Case studies	54
Appendix 2: About the Committee on Standards in Public Life	71
Appendix 3: The Seven Principles of Public Life	73
Appendix 4: Stakeholder list	74

Executive summary

Organisations can facilitate or hinder ethical behaviour by employees. There have been a number of high-profile cases in recent years where failure to pay attention to the ethical health of organisational cultures has led to crises.

We wanted to take a constructive approach to this issue and look at how a range of organisations have approached the challenge of embedding ethical values in their culture and in the services they deliver. This report gathers insights from leaders in the public, private and charitable sectors and shares real-life case studies.

The Seven Principles of Public Life (the Principles) are the principles of conduct that apply to all public office-holders and those delivering public services. The report sets out a series of questions to help public sector leaders reflect on their own leadership and to consider whether there is more they can do to embed the Principles into their organisation's policies, practices and ways of working.

Chapter 1: Values and the public sector

Public office-holders are often required to exhibit a range of values, relevant to the part of the public sector they work in, their organisation and profession. It is common for organisations to co-create values with their employees, and we heard that the discussion generated by this process can be hugely beneficial in and of itself.

These values need to be informed by an understanding of the organisation's wider responsibilities to the public, as encapsulated by the Principles of Public Life. The Principles apply to all public office-holders, they have stood the test of time and they have permeated public consciousness.

We would encourage organisations regularly to create opportunities to help their employees understand the relationship between the different values that they are expected to demonstrate, and how they apply to the reality of their working environments.

The Committee on Standards in Public Life (CSPL) considered two particular areas of challenge for ethical leadership in the public sector: the leadership model in central government and the response to operational demands and crisis management.

The nature of leadership in government departments, with elected ministers and the Civil Service, can create a complex dynamic. It is crucial to the successful running of government that each performs their constitutional role. This means that civil servants must be supported by their leaders to provide objective and impartial advice that reflects ethical considerations, but once ministers have reached a decision, it is the responsibility of civil servants to implement it, providing the decision is lawful.

Fast-paced operational environments with limited resources, such as policing and healthcare, can be particularly challenging for maintaining high ethical standards. In times of crisis, it is crucial that the underpinning principle to act always in the public interest is maintained, and any decisions to shortcut normal processes are clearly explained and open to scrutiny.

Chapter 2: Communicating expected behaviours and leading by example

Senior leaders set the tone for their organisation and have a responsibility to communicate how they expect their workforce to behave. The insight and examples we heard from leaders can be summarised under three headings.

- **Clarity:** Leaders must be clear about the importance they attach to the values of their organisation. They must invest in explaining what the values mean in practice and look for opportunities to bring the values to life.
- **Consistency:** Leaders must exhibit their organisation's values regardless of the context and the pressure they may be under. This means role-modelling the behaviour they want to see in their own staff and making decisions that are aligned to the organisation's values.
- **Consequences:** Leaders must be willing to address behaviour that is not consistent with the values of the organisation. It is particularly important that there is zero tolerance of poor behaviour exhibited by other leaders.

Leadership matters at all levels. The regular interactions that people have with their immediate and middle managers is critical to shaping organisational culture. Managers need to be supported and empowered by their own managers, and they need to understand the leadership responsibility they have.

Chapter 3: Encouraging a 'speak up' culture

We heard that futility and fear can be barriers to speaking up. People doubt that action will be taken if they raise a concern and fear that if they do, it will impact negatively on their career.

We share examples of the policies and schemes that organisations have put in place to create routes for people to speak up and safeguards for those who choose to raise concerns. However, policies and schemes alone are not enough. Creating a 'speak up' culture requires leaders to listen with curiosity and appreciation, to take action where appropriate, and to provide feedback on the outcome.

Leadership in this area requires a proactive approach, creating a range of informal and formal opportunities to listen to employees, and an ongoing commitment to building a culture where people are encouraged to speak up and are comfortable doing so.

Chapter 4: Training, discussion and decision-making

Regular training is integral to embedding high standards. We heard that scenario-based training is particularly valuable in helping people to understand what is expected of them. As well as formal training courses, we believe managers should be mindful of their responsibility to discuss the Principles of Public Life and what these mean for their team in the specific context of their roles and organisations.

Discussing ethical dilemmas increases ethical sensitivity and enhances decision-making skills. We heard how organisations have created specific safe spaces to discuss ethical issues, including ethics committees, staff forums and counsellors.

Some organisations encourage the use of decision-making frameworks to support fair, just and transparent decisions. These provide prompts to guide employees when considering complex decisions.

Chapter 5: Governance

Boards have a crucial role in promoting ethical conduct and ensuring that an organisation is living up to its values.

While departmental boards do not have the same functions as corporate boards, they have an important role in exerting influence over how departments are run. We would like to see stronger guidance developed on the focus that departmental boards should give to ethical issues. Boards should be concerned with how departments ensure that the Principles of Public Life and the Civil Service Code are understood, internalised and translated into behaviours and decisions.

We heard how identifying and bringing together data into a single report can be instructive for assessing the culture of an organisation. It can join the dots for a range of indicators, such as 'speak up' reports, high turnover of staff, high levels of sickness, unusual patterns of staff survey scores, and customer complaints numbers, allowing a board to identify where action is required.

Chapter 6: Recruitment and performance management

Many of the leaders we spoke to, in a range of organisations, were clear that assessing the values of a candidate was an important aspect of the recruitment process, and shared their approach with us.

We would encourage public sector organisations to consider incorporating an assessment of how candidates' personal values align with the Principles of Public Life within their recruitment and selection processes, particularly for senior leadership positions.

Ensuring that the values are assessed as part of the performance management process both incentivises behaviour that is aligned with the Principles and ensures that the commitment of leaders to high standards is reflected through into the decisions they make about the people they manage.

Questions for leaders

Communicating values and leading by example

1. How do the people in your organisation know that you care about the Principles of Public Life?
2. What do you do to help people understand how the Principles of Public Life translate to the standards of behaviour expected in their day-to-day work?
3. How do you address behaviour that is not consistent with the Principles of Public Life?
4. How do you know that people across your organisation are hearing a consistent tone from their managers in relation to the standards of behaviour expected of them?

Encouraging a 'speak up' culture

5. Are there clear and well-understood ways that people across your organisation can raise their concerns when things 'just don't feel right'? How do you know these routes are trusted?
6. What do you do to ensure that retaliation is not tolerated in your organisation?
7. How do you ensure you are listening to the concerns and suggestions of people in your organisation? Are you being open and transparent in communicating the outcome to people in your organisation, while respecting confidentiality?
8. How do you know the managers in your organisation are listening and responding well to concerns that are raised directly with them?

Training, discussion and decision-making

9. Is your staff training specific to the ethical risks and challenges faced by your organisation?
10. How do you encourage leaders at all levels to discuss the practical application of the Principles of Public Life in their teams?
11. Have you considered whether the people in your organisation might benefit from dedicated support for considering ethical issues, such as ethics committees or counsellors?
12. How do you know that people in your organisation are making consistently good decisions that take into account the Principles of Public Life?

Governance

- 13.** Is your board clear on their role in relation to the ethical culture of the organisation?
- 14.** Does your risk assessment process identify and monitor the key ethical risks for your organisation?
- 15.** Does your board have access to the range of data needed to assess and monitor the ethical health of your organisation and to identify potential areas of concern?
- 16.** How do you ensure that your organisation takes necessary action where the data suggests that changes are needed?
- 17.** When things have gone wrong in your organisation, could the signs have been spotted and addressed earlier?

Recruitment and performance management

- 18.** Does your recruitment and selection process place sufficient weight on the extent to which candidates' personal values align with the Principles of Public Life?
- 19.** How does your organisation's selection process test the ability of candidates to exercise sound judgement when faced with ethical dilemmas?
- 20.** Do the performance management processes of your organisation give sufficient weight to how individuals deliver on their objectives, as well as the outcomes that are achieved?

Introduction

The best leaders inspire and empower the people working in their organisations to make the right decisions, supported by core ethical values. Our 2021 report, ‘Upholding Standards in Public Life’, addressed the need for stronger rules and more independent regulation.¹ In this report, we explore the practical steps leaders can take to ensure that such rules are underpinned by a shared understanding of ethical values.

An approach to high standards based wholly on compliance is a missed opportunity. It can have a deadening effect by encouraging a tick-box mentality, and it is both impractical and undesirable to codify every aspect of the workplace. Giving prominence to ethical values fosters constructive debate and challenge, which helps employees make better decisions when faced with difficult choices.

The Seven Principles of Public Life, first set out by CSPL in 1995 under the chairmanship of Lord Nolan, articulate the ethical requirements that underpin and justify public confidence in public office-holders and all those responsible for delivering public services. The Principles are part of the basic contract that the government has with its citizens and are essential to the public’s understanding of how institutions should operate. They are a commitment for every holder of public office that must be brought to life and embedded in the practices of the institution and the conduct of its members.

The public sector is not alone in paying attention to ethical principles. Many companies and charities have developed their own statements of fundamental values. While the values that they have adopted may differ – reflecting differences in the institution’s purpose and relationship with its stakeholders – learning can be shared on the practical measures leaders can take to build organisations with a strong values ethos.

The purpose of this report is to encourage leaders in the public sector to reflect on their own ethical leadership and consider whether they can do more to ensure that the Principles of Public Life are understood and embedded into all aspects of how their organisations operate. To help with this process, we have included a set of questions for leaders to reflect on. We have also included examples of how different organisations have sought to build ethical values into their policies, practices and ways of working. In some cases, the good practice emerged from a deeper focus on standards following a crisis and in others, a realisation within the organisation that new systems and processes were needed to support their employees. We share them here, not as a ‘gold standard’ to reach but as a source of ideas and inspiration.

¹ Committee on Standards in Public Life, Upholding Standards in Public Life (2021). Available at: www.gov.uk/government/publications/upholding-standards-in-public-life-published-report

Some may suggest that dedicating time and energy to focus on values is an unnecessary burden and unrealistic given the pressures on the public sector. However, we are clear that nurturing high ethical standards delivers a return on the investment. A values-driven culture aids risk management, attracts the highest calibre workers and supports the delivery of public services. Moreover, good practice can be implemented without a large budget.

There is a wealth of literature available on ethical leadership, spanning behavioural psychology, philosophy and management theory. Our report does not seek to cover this ground but instead gives space to the practical suggestions shared by contributors to our review, while highlighting the barriers and impediments to success. We focus on good practice, but we also comment on the problems and gaps that were brought to our attention in our evidence gathering.

To identify examples of good practice we spoke to senior leaders in different parts of the public and private sectors, including unions, trade bodies and leaders in the charity sector. In the public sector, we spoke to the police, NHS, Civil Service and a range of other public bodies. We also wanted to hear the perspective of those below senior leadership level. We therefore held sessions with groups of workers whose roles give them particular insight into the importance of high standards of conduct: Nominated Officers within the Civil Service, the Cabinet Office Staff Board, police officers and police staff, and NHS Freedom to Speak Up Guardians. A list of all stakeholders who gave evidence is at Appendix 3.

CSPL is grateful to all those who gave evidence to our review and to those who shared their case studies with us, demonstrating how they are seeking to integrate ethical values into their organisations. In particular we would like to thank Mark Chambers, then Associate Director (Governance) at the Institute of Business Ethics, for his expert advice and for facilitating introductions to leaders of businesses who shared their examples of good practice.

As every organisation is different, there is no single right way to embed an ethical culture. Requirements will depend on many factors, including the size and nature of the organisation and the maturity of its ethics programme. It was also apparent from the evidence we heard that sustaining the ethical health of an organisation is an ongoing commitment, and the response of each organisation must evolve over time as new risks emerge and understanding of good practice develops. The clear message running through the evidence is that building an ethical culture does not happen by accident. It requires constant attention and must be embedded into all aspects of how an organisation operates.

Chapter 1: Values and the public sector

Section 1: The importance of a values-based approach for high standards

Developing a strong ethical culture is an essential part of any attempt to promote high standards in the conduct of employees and in their organisation's relationships with the public.

An ethical culture embeds the commitments of the organisation to the public and to its stakeholders. The culture reflects the shared understanding of why and how the rules and regulations operate. Otherwise, they will have little meaning for those who are bound by them and will be difficult to interpret and implement correctly. There is also a risk that rules on their own may be perceived as something to be navigated, which can diminish responsibility for exercising personal judgement.

Developing an ethical culture has wider benefits. Rules will only take an organisation so far – focusing on values can guide people to make the right decisions when circumstances change and the unforeseen happens.

A robust ethical culture not only has intrinsic value but is also likely to generate important benefits for the organisation as a whole. As described in more detail below, contributors emphasised that the potential benefits included a more effective regime of risk management, greater success at recruiting and retaining personnel, and an overall improvement in policy and service delivery.

“If we focus on conformity, compliance or adherence, that feels like we’re trying to do it in order to avoid getting into trouble rather than to do things in an appropriate and correct manner... Behaviour change is brought about because it makes sense and because it is easier to do the right thing than the wrong thing.”

**Colin Mellors, Chair,
Local Boundary Commission
for England, Joint Association
of Chief Executives and Public
Chairs’ Forum event, 15 June 2022**

A culture where people see thinking about the ethical implications of a proposed action as part of their job and feel safe to speak up if something does not feel right can act as an early warning system. Scandals in public life damage public trust and without trust, the public may become less inclined to do the difficult things that governments sometimes ask of them. Trust can be easily lost and it is a long, slow process to rebuild it.

In recent years we have seen cases in public life where failure to recognise the ethical implications of measures or to speak up about failings have had devastating consequences. One example is the Windrush scandal. The reasons for what happened are complex but a significant factor was a failure of the Home Office to monitor the impact of its 'compliant environment' policy on the Windrush generation. As a result, a cohort of British people were caught up in a policy intended for immigration offenders.²

Ensuring that ethical values permeate the culture of public sector organisations can help to recruit and retain talent. Companies are increasingly focused on ethical values, driven by environmental, social and governance commitments, and research suggests that young people want to work for organisations with values that align to their personal beliefs.³

Focusing on ethical values can also have a positive impact on morale. Martin Jones, Chief Executive of the Parole Board for England and Wales, told us how articulation of the organisation's values helped his workforce to see beyond the part of the process they were working on to understand how their role fitted into the wider purpose of the organisation.

This helped with morale as consistent values and good leadership allowed them to make a realistic assessment of media criticism and focus on what they were trying to achieve together.

We heard evidence from some senior leaders that focusing on the right behaviours can lead to strong performance and a culture of excellence. This relationship between behaviour and outcome presents an opportunity for the delivery of public services. The Declaration on Government Reform notes the importance of high standards for conduct in public life, but falls short of recognising the centrality of ethical values to successfully delivering the programme.⁴ CSPL believes that focusing on how civil servants go about their work, supported and guided by the Seven Principles of Public Life, should be at the core of delivering 'A Modern Civil Service'.⁵

Ethical values that are clearly understood by staff, modelled by the senior leadership team and all other leaders, and form part of a culture where staff feel safe to speak up when they think something is wrong, are fundamental to a successful organisation.

2 Windrush Lessons Learned Review: Independent review by Wendy Williams (2020). Available at: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876336/6.5577_HO_Windrush_Lessons_Learned_Review_LoResFinal.pdf

3 Bupa, Gen Z seek ethical workplaces as environmental health burden bites (13 January 2022). Accessed online August 2022: www.bupa.com/news/press-releases/2022/gen-z-seek-ethical-workplaces-as-environmental-health-burden-bites

4 Declaration on Government Reform (2021). Available at: www.gov.uk/government/publications/declaration-on-government-reform

5 A Modern Civil Service (2021). Accessed online August 2022: www.gov.uk/government/publications/a-modern-civil-service

Section 2: Values in public life

The Seven Principles of Public Life, set out by Lord Nolan in 1995, are a shared understanding of the expectations of public service and apply to everyone who works as a public office-holder. They are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Our 2021 report, 'Upholding Standards in Public Life', found the Principles have stood the test of time and have been adopted widely across public life in the UK.⁶

The Principles are not the only values that public office-holders are required to follow. In the Civil Service, the values of integrity, honesty, objectivity and impartiality are enshrined in legislation and the standards of behaviour expected of civil servants based on these core values are described in the Civil Service Code. But the ethical framework for public office also includes financial probity: the appropriate and efficient spending of taxpayers' money. The public, and Parliament acting on the public's behalf, have a right to expect that funds raised using powers agreed by Parliament will be used for the purposes intended. Public servants have a duty to use public money responsibly and in a way that secures value for money. Meeting high standards of public

conduct, including robust governance and the relevant parliamentary expectations, especially of transparency, is fundamental to the proper use of public funds.⁷ In addition, public office-holders who are part of a profession, such as lawyers and accountants, are required to demonstrate the values expected by their professional bodies.

Over time, other complementary values have gained attention. Specifically, the need for greater diversity and inclusion has become an increasingly important feature of government thinking, as set out in the Civil Service Diversity and Inclusion Strategy.⁸

In addition, many public sector organisations and government departments have outlined their own organisational values. Several contributors to our review explained that defining values that link to the purpose and mission of their organisation gave the values resonance for staff and had a 'galvanising effect'. We were told that imposing values using a 'top-down' approach can be counterproductive and create resentment. Instead, we heard that including the workforce in the process of developing values was crucial to people buying into those values and feeling motivated to role model them.

6 Committee on Standards in Public Life, Upholding Standards in Public Life (2021). Available at: www.gov.uk/government/publications/upholding-standards-in-public-life-published-report

7 The HM Treasury handbook, Managing Public Money, sets out the main principles for dealing with resources in UK public sector organisations and refers to the Principles of Public Life. Accessed online August 2022: www.gov.uk/government/publications/managing-public-money

8 Civil Service Diversity and Inclusion Strategy: 2022 to 2025. Available at: www.gov.uk/government/publications/civil-service-diversity-and-inclusion-strategy-2022-to-2025/civil-service-diversity-and-inclusion-strategy-2022-to-2025-html

“When I joined the organisation five or so years ago, there was an ethos that everyone understood but had forgotten the detail. There was a list of values from 2003 but they didn’t feel recent. So we went through a consultation process, about what it was to be part of GCHQ, what was valued in the public service and, critically, to keep the country safe. So the four values came from the consultation. What did it feel like to be part of our organisation?”

**Sir Jeremy Fleming, Director,
GCHQ, 31 May 2022**

“We did a lot of crowdsourcing with our staff to help frame our vision and values. Crucially, we did not simply tell staff what the vision and values were, but rather developed them with staff in a collaborative partnership. This worked really well in embedding them into our culture and bringing our vision and values to life.”

**Dr Gillian Fairfield, Chair,
Disclosure and Barring Service
Joint Association of Chief
Executives and Public Chairs’
Forum event, 15 June 2022**

Some organisations and sectors have taken the Principles of Public Life as a starting point and then adapted the descriptors to suit their specific context. The Ethical Leadership Commission took this approach in designing the Framework for Ethical Leadership in Education **(see case study 1)**. This independent commission of nonpartisan experts was established to meet concerns about the absence of guiding principles for ethical leadership in education.⁹

Codes of conduct have an essential role in applying values to specific organisations. Codes are crucial for helping people to understand the behaviour that is expected of them (and what behaviour is unacceptable) in their organisation by translating high-level principles into practical guidance relevant to the specific circumstances of their roles. While important, “Codes should never, however, override principles. Behaviour can technically be within the rules set out in a code and yet still offend against underlying principles and values as judged by peers or the general public.”¹⁰

9 Navigating the Educational Moral Maze: The Final Report of the Ethical Leadership Commission (January 2019). Available at: www.ascl.org.uk/ASCL/media/ASCL/Our%20view/Campaigns/Navigating-the-educational-moral-maze.pdf

10 Committee on Standards in Public Life, Standards matter: A review of best practice in promoting good behaviour in public life (2013). Available at: www.gov.uk/government/publications/standards-matter-a-review-of-best-practice-in-promoting-good-behavior-in-public-life

We have discussed how public office-holders are required to navigate between different sets of values depending on the part of the public sector they work in, as well as their specific organisation and their profession. Often these values will overlap but will be framed in the language most relevant to the particular context. However, we also heard that multiple sets of values can be confusing for workers. One senior leader suggested people were tired of values statements and corporate frameworks in her organisation, and there was an appetite for focusing on timeless, meaningful values such as the Principles of Public Life.

We can see the utility of organisations developing their own values – both because it encourages people to take ownership of them and because the process itself encourages healthy discussion about how decisions are made and how people treat each other. Nevertheless, public sector institutions need to be sure that these values are embedded in and informed by an understanding of the wider responsibilities of the organisation to the public, as articulated in the Principles of Public Life.

While the Principles apply to everyone in public service, our conversations suggested a variation in the extent to which they are acknowledged and discussed in public sector organisations. For example, the Civil Service Code is more widely recognised as the immediate guide for ethical values in the Civil Service, even though the Principles of Public Life feature in induction training and of course are intended to be the background to Civil Service conduct.

Part of the value of the Principles is their universality and their longevity. They apply to all public office-holders, they have stood the test of time and they have permeated public consciousness. We can understand why organisations would also want to emphasise other values that are relevant to their organisation and use language that resonates with their employees. As we said in our 2013 report, ‘Standards Matter’, the value of the Seven Principles “lies not in their exact formulation but in the behaviour which they stimulate when – adapted or not – they become part of an organisation’s culture”.

We would encourage organisations regularly to create opportunities to help their employees understand the relationship between the different values that they are expected to demonstrate, and how they apply to the reality of their working environments. They need to use real-world examples of scenarios that are relevant to the organisation to bring this to life. This is necessary both to avoid confusion and to ensure that the range of ethical prescriptions does not lead to ‘values fatigue’ which might cause staff to side-line them as complications to their immediate priorities.

“

We would encourage organisations regularly to create opportunities to help their employees understand the relationship between the different values that they are expected to demonstrate, and how they apply to the reality of their working environments.

Section 3: Challenges for ethical leadership in the public sector

We took evidence for our review from a variety of parts of the public sector, including the police, NHS, Civil Service and a range of public bodies. Two particular areas of challenge for ethical leadership came through in the evidence we heard.

Parallel leadership in Whitehall departments

The leadership model in central government is more complex than in many other organisations. For civil servants working in government departments, leadership is provided by both their civil servant managers and by ministers. The Principles of Public Life apply to civil servants and ministers alike. But the multiple offices and accountabilities that exist in our system of government present a challenge for ethical leadership not shared by the chief executive of a company, who has the authority to shape the character and personality of their organisation.

There is an in-built democratic tension between the Civil Service and ministers that is integral to the operation of government. The role of the Civil Service is to support the government of the day in developing and implementing its policies, and in delivering public services. Civil servants must provide advice to ministers on the basis of the evidence, and accurately and objectively present the facts and options.

Ministers, who form a government with a democratic mandate from the public, decide on the policy, which civil servants are then responsible for implementing.

It is essential to the successful operation of government, and to mutual trust, that civil servants and ministers each perform their constitutional role appropriately. If a civil servant feels they are being required to act in a way which conflicts with the Civil Service Code, there is a process for raising concerns within their department or agency, with a route of appeal to the Civil Service Commission.¹¹

It is important to distinguish ethical considerations that could be a breach of the Civil Service Code from a feeling of dislike or discomfort with policy choices. The Home Office Permanent Secretary, Matthew Rycroft, was clear in his evidence to the Home Affairs Select Committee in June 2022 about the separation of roles between ministers and civil servants:

“The role of civil servants is maximum challenge of a policy before Ministers decide it, in order to stress-test it and make sure it is very robust, and then maximum support and implementation for that policy after Ministers have decided it, provided it is legal.

Now, it is irrelevant what any civil servant thinks about a policy if the Government of the day have determined that policy, if they have the relevant approvals, for instance, from Parliament, as the Nationality and Borders Act has...

¹¹ The Civil Service Code. Accessed online August 2022:

www.gov.uk/government/publications/civil-service-code/the-civil-service-code

After Ministers have decided what the policy should be, provided it is legal, it is then the job of the civil servants to implement it. That goes to the heart of being a civil servant. If people are not comfortable with that, then obviously either they can move away from that bit of the Department into some other bit, they can move from one Department into another Department or, if they feel they must, they can leave the civil service. That is the deal that one does when one becomes a civil servant. One is here to serve the Government of the day that is duly elected.”¹²

Dave Penman, General Secretary of the union, First Division Association, told us in June 2022 that while probably few civil servants will be in roles that require them to reconcile the implementation of government policy with their obligations under the Civil Service Code, for some civil servants working at the centre of government on policies that are pushing at the boundaries of legality, this presents more of a challenge than they have experienced under previous governments. In evidence to the Public Administration and Constitutional Affairs Committee in June 2022, the Cabinet Secretary Simon Case noted: “The Government of the day are not remotely afraid of controversial policies. They believe they have a mandate to test established boundaries. They take a robust view of the national interest and

of how the Government should protect and focus very much on accountability to people in Parliament, not on the unelected advisory structures.”¹³

One former Permanent Secretary we spoke to described their approach to managing such ethical dilemmas. When ministers pushed at the boundaries of accepted practice they had to judge how far to go in seeking to dissuade them. These were by definition issues without a cut-and-dried answer. This required active working through and could be uncomfortable, as it often meant accepting an outcome which was not their preferred position. The test they applied was whether it sat acceptably with their conscience to defend that position to someone else as a logical and not unreasonable thing to do.

While decisions are the responsibility of ministers, it is the responsibility of civil servants to provide objective and impartial advice. The ethical implications of a potential decision should be reflected in the advice. We heard how the Home Office has developed policy tests in response to Windrush that include ethical considerations and the impact of proposed policies on different individuals, groups and organisations. This innovation builds on the Chilcot policy tests drawn from lessons of the 2016 Iraq Inquiry (Chilcot) Report.¹⁴

12 Home Affairs Committee oral evidence: Work of the Home Office, Matthew Rycroft CBE, Permanent Secretary, Home Office (22 June 2022). Available at: committees.parliament.uk/oralevidence/10463/pdf/

13 Public Administration and Constitutional Affairs Committee oral evidence: Propriety of governance in light of Greensill (28 June 2022). Available at: committees.parliament.uk/oralevidence/10485/pdf/

14 The Ministry of Defence, The Good Operation: A handbook for those involved in operational policy and its implementation (2017). Available at: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674545/TheGoodOperation_WEB.PDF

Senior civil servants must create an environment where their teams can develop policy robustly. If staff feel that they have executed their role in providing objective and impartial advice to the best of their ability, that can help them to reconcile their job with their personal ethics, even when working on the most challenging policy areas.

Michael Jary, Government Lead Non-Executive Director, shared with us his view that the Civil Service needs to be reinforced and supported in showing a greater degree of independence and resilience in building an ethical culture in government departments.

“Despite all of the pressures around showing loyalty to ministers, nevertheless the Civil Service have to respect boundaries, and be capable of taking independent decisions about what falls outside that. That’s not always happening. Responsibility lies partly with ministers, but the Civil Service has to be strong as does its leadership.”

**Michael Jary, Government Lead Non-Executive Director,
12 May 2022**

“**Permanent Secretaries should show independence and resilience in building an ethical culture in their departments.**”

Permanent Secretaries have a responsibility to lead their organisations well. Permanent Secretaries should show independence and resilience in building an ethical culture in their departments, speaking truth to power when necessary, and supporting middle managers and their teams to produce objective and impartial advice. Weaker leadership teams can fall into the trap of only giving ministers the advice they want to hear. This is not in line with the Principle of ‘objectivity’ in the Principles of Public Life and the Civil Service Code. The proper functioning of our government depends on ministers and civil servants each performing their role robustly and with mutual respect.

“**The proper functioning of our government depends on ministers and civil servants each performing their role robustly and with mutual respect.**”

Pressures, demands and crises

Operational environments can pose particular challenges for high ethical standards. We heard from a group of police officers and staff how the relentless nature of the demands placed on frontline officers can be a real barrier to an ethical environment. When officers are required to rush from one incident to the next, often dealing with life and death situations, there will be occasions when there is no time to do anything over the minimum required.

This pressure can have a psychological impact on people if they have to compromise their core values because of the unrealistic demands they have to deal with.

The same applies in health settings, if NHS staff feel that they are not able to do what is right for a patient because they have a waiting room full of people who need their attention. This can decrease morale and impact on patient care.

There is no easy resolution to these issues, but it is important to acknowledge that these pressures and demands exist and are part of the context in which the public sector operates. Values cannot make up for a lack of resources and poor systems but it is crucial that senior leaders are mindful of the challenges faced by public servants working in operational environments and remain alert to potential ethical hotspots. In such situations leaders must create opportunities to be visible, communicating the values that are central to public service and listening to concerns raised by their workforce.

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It is crucial that senior leaders are mindful of the challenges faced by public servants working in operational environments and remain alert to potential ethical hotspots.

In government, the imperative to deliver for the public means there can be a temptation to shortcut normal processes in pursuit of ‘getting things done.’ It is important to recognise that if an objective is truly urgent and in the public interest, it might be necessary to abridge the regular processes that are in place, before reverting to normal practice once the crisis is over. However, this does not absolve individuals from their personal responsibilities to avoid conflicts of interest and act only in the public interest.

During the COVID-19 crisis, the government made decisions to procure personal protective equipment quickly and adopted a limited tendering process designed for use in emergencies. This may have been necessary in the circumstances. However, as we have previously argued: “Decisions which deviate from the rules, even in times of crisis, take an enormous risk in breaking faith with public trust and must, inevitably, be subject to greater retrospective scrutiny and accountability. The public may accept these difficult decisions if they are explained, but the case needs to be made. Decisions made under extreme conditions cannot claim immunity: those who make them must be open about the actions they have taken, and be accountable for them.”¹⁵

¹⁵ CSPL blog, Do exceptional times allow for exceptional measures? (7 August 2020). Available at: cspl.blog.gov.uk/2020/08/07/do-exceptional-times-allow-for-exceptional-measures/

Chapter 2: Communicating values and leading by example

Senior leaders have a critical role in setting the tone for their organisation. People watch their leaders closely and take their cues from them. There are a variety of ways in which leaders can communicate what is important to them: from the issues they take an interest in, to the way they think out loud, to the behaviours they fail to address. Poor behaviour at the top of an organisation can have a damaging effect as it sends the message that it will be tolerated and perhaps even rewarded. Conversely, strong ethical leadership can galvanise and inspire all those who work within an organisation.

In this chapter we discuss what we have learnt from contributors to our review about how senior leaders can best communicate expected behaviours to their workforce. We also consider the role of leaders at all levels in building and sustaining an ethical culture.

Section 1: Tone from the top

When we asked contributors to our review how the heads of organisations should best communicate how they expect their workforce to behave, the same points came up time and again.

- **Clarity:** Leaders must be clear about the importance they attach to the values of their organisation. This is not only about what they say, but about the actions they take and how they behave. Leaders must continually look for opportunities to bring the values of the organisation into their interactions with their workforce and check that the messages they are delivering have been understood.

- **Consistency:** Leaders must exhibit their organisation's values regardless of the context and the pressure they may be under. Policies must be aligned to the values of the organisation and appraisal and promotion decisions must take into account how staff have demonstrated these values.
- **Consequences:** Leaders must be willing to address behaviour that is not consistent with the values of the organisation. This is particularly important when poor behaviour is demonstrated by other leaders.

Clarity

Principles and values do not themselves tell people what to do. Leaders therefore have a responsibility to help people to understand what these commitments mean in practice by translating them into repeatable behaviours within the context of their organisation.

Leaders must be clear on the importance of doing things the right way. Resourcing challenges and pressures to deliver could lead people to cut corners and act in ways they would not normally, but emphasising the importance of how tasks are carried out, even in high-pressure situations, will send a clear message about expectations. Without actively communicating that how things are done matters as much as the outcome, people may make assumptions about what will be overlooked in the pursuit of the end goal.

“We have invested significantly in the cultural norms and expected conduct within the organisation. We don’t describe it as ethics, but that’s what it is – it’s the cultural manifestation of what integrity looks like in practice... but I do think it is something that you have to nurture and it can be very easily lost if you don’t. You can’t be complacent about it.”

**Natalie Prosser, Chief Executive,
Office for Environmental Protection
Joint Association of Chief
Executives and Public Chairs’
Forum event, 15 June 2022**

Some leaders attach a personal message to their organisation’s Code of Conduct or Code of Ethics to make clear that they personally expect employees to live up to the values of their organisation.

We also heard how leaders look for opportunities to discuss in their regular communications the values their organisation holds important. Andrea Sutcliffe, Chief Executive and Registrar at the Nursing and Midwifery Council, told us how she sends a weekly Chief Executive message in which she reflects on the work of the Nursing and Midwifery Council and how this demonstrates the ways in which the organisation is living its values.

Embedding values in regular communications about how organisations describe what they do helps the values live in the organisation in a practical sense. Leaders are also well-placed to share examples of good practice, which can have the effect of both encouraging expected behaviours and boosting morale.

“In leadership, you find examples to spotlight, to make it ripple out. So as a headteacher, on a Friday afternoon, I’d walk around the school and spot good examples of the school’s values in action so on a Monday morning I could report back the good stuff the teachers were doing.”

**Geoff Barton, General Secretary,
Association of School and College
Leaders, 13 May 2022**

Case study 2 explains the approach taken by Tamara Finkelstein, Permanent Secretary in the Department for Environment, Food and Rural Affairs (Defra), to setting the tone for ethical leadership in her department, and how she creates safe spaces for the workforce to explore what it means to exhibit the values in the Civil Service Code.

Leaders will need to take a variety of approaches to reach out to their workforce, depending on the size and nature of their organisation. We heard that for small public bodies, size can be both an advantage and a disadvantage. Leaders can get to know all staff and have honest conversations with them. However, if a culture starts to break down in a small organisation, it can be damaging as interactions become very personal, very quickly.

It was clear from a meeting we held with a group of police officers and staff that there are differences between police forces in terms of the visibility of senior leadership and their promotion of ethics and values. Wendy Williams CBE, HM Inspector of Constabulary and HM Inspector of Fire and Rescue Services, told us that the leaders of higher performing police forces are committed to engaging regularly with officers and being a visible presence. They are consistent in the messages they communicate and test if the messages are understood through a robust performance development process and external scrutiny panels that look at performance and how a force carries out its duties.

“One chief of a police force does a series of roadshows, for two months every year. Their workforce is made up of many thousands of people. The Chief Constable goes out and speaks to about 250 people at a time about the Code of Ethics, behaviours and the values of the force and makes clear their expectations. Another police force has a chief who holds smaller meetings and targets more junior members of staff and officers to gauge whether their messages to the senior team are getting through to the frontline.”

**Wendy Williams CBE, HM Inspector of Constabulary and HM Inspector of Fire and Rescue Services,
25 May 2022**

Keith Leslie, Chair of Samaritans, told us how he reached out directly to the charities' 200 branch directors, who manage the 22,000 Samaritans volunteers. The Chair and Chief Executive set up one-hour 'coffee chats' with groups of six to ten branch directors with an open agenda. Over the course of a year, they were able to communicate directly with all of the frontline management several times. Meeting in this way allowed the board to surface issues with the frontline and to discuss areas where further explanation from the centre was required.

Consistency

Leaders must convey the same messages about the values that are important to them, regardless of the context and the pressure they may be under. This requires leaders to role-model the behaviour they want to see in their own staff and to lead by example by making decisions that are consistent with the organisation's values. We heard how aligning people-related decisions with the values of an organisation can have a huge impact. For example, if people who are known to have demonstrated bullying behaviour are seen to be rewarded through end-of-year bonuses and promotion, this action speaks more strongly than any words supporting zero-tolerance of bullying and harassment.

Some contributors to the review emphasised the importance of transparency in decision-making for open communication. People will not always like the decisions their leaders take but are more accepting if they understand the complexities and can see the rationale. Sharing the decision-making process and the weight given to different factors not only helps to remove the scope for speculation, but also helps staff to develop their own judgement.

Leading by example can take many forms. One area several contributors raised with us was the importance of leaders talking about their own failures as a way of embedding a learning culture and making it safe to speak up. We explore this further in chapter 3.

We have discussed why consistency between the values of an organisation and how leaders behave is important for encouraging desired behaviours throughout an organisation. It is also important that there is consistency between how organisations present their purpose and values to the public and internal communications to the workforce about how public services must be delivered.

The public need to know what they can expect from organisations they interact with, or who makes decisions on their behalf, whether that is knowing they will be treated with compassion when attending a hospital appointment, or with respect and courtesy when reporting a crime. Officials therefore need to know what the organisation expects of its workforce within this context and leaders must ensure that the organisation's policies and practices are aligned with its values.

Case study 3 illustrates this point in the context of the COVID-19 pandemic, when the Government Chief Scientific Adviser (GCSA) and the Scientific Advisory Group for Emergencies (SAGE) secretariat ensured that the principle of openness was translated into practice through publishing a high volume of SAGE papers and minutes. The Government Office for Science provided the secretariat for SAGE, which was activated in response to the COVID-19 pandemic. There were huge challenges involved, including balancing the need to get the minutes and papers out quickly, with ensuring ministers had the chance to consider policy formation before publication. The approach adopted had many benefits, including allowing the public to understand and question how the government viewed and used the scientific evidence to make decisions affecting them.¹⁶

Consequences

We heard that zero tolerance of behaviour that does not align with the values of the organisation is essential for embedding good practice. Leaders must be clear that there is a line which, when crossed, results in consequences.

There is value in being as open as possible about the outcome of disciplinary action, while respecting the confidentiality of individuals, so that people can see that action is taken. Talking openly about complaints and the outcomes can build confidence in the system and is an opportunity for learning and reinforcing expectations about behaviour.

¹⁶ 'Openness' is one of the Principles of Public Life and a core value in the Civil Service Code.

“The strategic approach is to address it [disciplinary action] openly, otherwise you create poison. We think you should publish annual statistics – how many complaints, what stage they reached, are there good informal mechanisms, how many people got to the final stage and of those, how many are dismissed or resigned – to show there is no culture of impunity.”

Anand Aithal, Lead Non-Executive Director for the Cabinet Office, 6 June 2022

One Chief Executive of a public body told us about his experience of taking action in a specific case where staff who were managing a committee felt bullied by a senior board member who was sitting on the same committee. The Chief Executive spoke to the board member, who then adjusted the behaviour. This was very well received by staff who were interested in whether poor standards would actually be addressed by the leadership. Poor behaviour by senior people, whether executive or non-executive, is particularly harmful to the culture of an organisation as it undermines the values and creates the impression that leaders are not really serious about high standards.

Section 2: Leadership at all levels

“The key is middle management. It’s what’s done in a police van at 4am that determines the culture.”

Chief Constable Dr Richard Lewis, Ethics Portfolio Lead, National Police Chiefs Council, 19 May 2022

Senior leaders have a vital role in setting the tone from the top of an organisation. However, the ‘tone from above’ is critical to shaping organisational culture and the importance of leadership at all levels came through in the evidence we heard.

“Our survey data show that the leader is not just the chief executive, but everywhere in the organisation and that middle managers demonstrating leadership, judgement and making decisions for their team is really important.”

Dame Susan Rice, Chair, Financial Services Culture Board, 16 May 2022

Most people working in organisations, whether in the public, private or charitable sectors, will have limited visibility of the top team, but regular interactions with their more immediate managers. One leader in the private sector told us how the middle managers in the company offer the biggest opportunity to bring the culture to life.

Another leader shared his view that the COVID-19 pandemic has shown how middle managers can have a hugely positive impact on the culture of an organisation. Local teams solved local problems with empowerment delivered through circumstance and the most successful managers demonstrated empathy in how they managed their workforce.

Conversely, where teams work in silos and without adequate supervision, there is a risk that unhealthy micro-cultures can emerge, as seen in recent examples in the police.¹⁷ The culture an organisation aspires to will not emerge in a vacuum. Unless actively shaped and cultivated, cultures will develop independently, often based on what team members perceive to be important to, and valued by, their immediate line manager.

Middle managers play a critical role in an organisation. They are often required to reconcile conflicting demands from above – for example, to do more with less while improving wellbeing, and to juggle a wide range of priorities. To get to the point where leaders at all levels walk a common path with a consistent view of how the values should be reflected in day-to-day behaviours, all managers need to be supported and empowered from above and they need to understand the leadership responsibility they have. Prioritising training and space for discussion and reflection for middle managers is central to this, and we explore good practice in this area in chapter 4. Ensuring that recruitment and performance management policies are geared towards high standards of behaviour

(see chapter 6) is also critical to building a team of middle managers aligned to the ethical values of the organisation.

Former Permanent Secretary, Dame Clare Moriarty, told us that it is important to build expectations securely through the organisation. She would ensure her top team was genuinely and visibly aligned and then expect them to each discuss the required behaviours within their own teams. She said that in any organisation there are natural change makers who are trying to do things differently. She suggested leaders should seek out these change makers, who may be at any level, shining a spotlight on their ideas and “holding an umbrella over them when things go wrong” in order to hold some of that risk.

We also heard how on the frontline of policing, those people working on the ground with communities and engaging with the public can be responsible for shaping the culture. This is consistent with our view that all public office-holders must demonstrate leadership in adhering to the Principles of Public Life, regardless of their formal grade or management responsibilities.

**“
All managers need to be supported and empowered from above and they need to understand the leadership responsibility they have.”**

¹⁷ Independent Office for Police Conduct, Met accepts IOPC recommendations after Operation Hotton investigation uncovers bullying and harassment (7 April 2022). Accessed online August 2022: www.policeconduct.gov.uk/news/met-accepts-iopc-recommendations-after-operation-hotton-investigation-uncovers-bullying-and

The leadership role of professions

In chapter 1 we noted that public sector workers who are members of professions (such as lawyers, accountants, doctors and nurses, and human resource professionals) must comply with the values and principles set out by their regulators or professional bodies. Complying with high ethical standards is central to their ability to practise and to their good reputation as they go through their career. Professionals can therefore have a positive impact on the culture of an organisation. Professional bodies have a role to play in supporting those they represent. **Case study 4** explains how the Institute of Chartered Accountants of Scotland (ICAS) encourages chartered accountants to be an advocate for high ethical standards in the places they work.

Multi-disciplinary contexts, where different professions work alongside each other, can present challenges. We have seen high-profile examples in the health sector in recent years where this has created barriers and contributed towards poor outcomes for patients. We explore these issues further in chapter 4.

Questions for leaders

- How do the people in your organisation know that you care about the Principles of Public Life?
- What do you do to help people understand how the Principles of Public Life translate to the standards of behaviour expected in their day-to-day work?
- How do you address behaviour that is not consistent with the Principles of Public Life?
- How do you know that people across your organisation are hearing a consistent tone from their managers in relation to the standards of behaviour expected of them?

Chapter 3: Encouraging a ‘speak up’ culture

A clear theme throughout the evidence we heard was the importance of the role of senior leaders in creating an environment where people feel that they can speak up if they have concerns. In this section we look at what organisations stand to gain from a healthy ‘speak up’ culture, the barriers to speaking up, and the conclusions we have drawn about how to overcome these roadblocks and put in place good practice.

Section 1: Benefits and barriers

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If leaders are serious about creating a culture where people are willing to speak up, they must identify and dismantle the barriers to doing so.

Whistleblowing of certain categories of wrongdoing is protected in law.¹⁸ It is crucial for good governance that organisations have effective whistleblowing arrangements in place that support people to speak up when they see clear evidence of lawbreaking or serious wrongdoing.¹⁹ The best organisations also have a broad ambition for people to be comfortable raising concerns when things ‘just don’t feel right’.

In chapter 1, we mentioned the risk management benefits for organisations where workers are alert to ethical issues and willing to speak up if they feel uncomfortable. This provides leaders with the opportunity to surface potential problems and resolve concerns before they escalate. However, the value of speaking up lies not only in identifying risks but in helping organisations to excel. The NHS National Guardian’s Office encourages people who work in healthcare to speak up about anything which gets in the way of patient care and worker wellbeing. This may include raising concerns but it also encompasses making suggestions for improvements where systems and practices are good, but could be even better.²⁰

Viewed through the prism of the Principles of Public Life, if people do not feel able to question decisions or practices, it is unlikely that decisions will remain objective, that the institution will meet the requirements of accountability, or that those within it will be able to act with integrity.

In addition, we believe that if people feel safe to share their ideas or raise an alternative viewpoint, even against the majority opinion, this can guard against ‘groupthink’ and have the effect of strengthening the robustness of decision-making in the public sector.

18 Protect, Public Interest Disclosure Act 1998. Accessed online August 2022: protect-advice.org.uk/pida/

19 Institute of Business Ethics, New rules bring new risks – whistleblowing is a golden thread for ESG, guest blog by Elizabeth Gardiner, Chief Executive of Protect (7 September 2022). Accessed online September 2022: www.ibe.org.uk/resource/new-rules-bring-new-risks-whistleblowing-is-a-golden-thread-for-esg.html

20 National Guardian, Freedom to Speak Up, Speaking Up. Accessed online August 2022: nationalguardian.org.uk/speaking-up/

If leaders are serious about creating a culture where people are willing to speak up, they must identify and dismantle the barriers to doing so.

Research by the Institute of Business Ethics shows fear and futility remain powerful barriers to speaking up. People are silenced by fear for the impact on their career and a lack of confidence that action will be taken if they raise their concerns.²¹ In a multi-sector survey representing multiple organisational levels, the top reason for keeping quiet was the fear of being perceived negatively, closely followed by the fear of upsetting or embarrassing another person.²²

Elizabeth Gardiner, Chief Executive of Protect (the UK's whistleblowing charity), told us that 65% of whistleblowers who go to Protect say they have experienced some detriment as a result of speaking up. The Institute of Business Ethics' Ethics at Work Survey revealed that 43% of employees who had spoken up felt that they had experienced retaliation as a consequence. We discuss policies for addressing retaliation in section 2.

The 2021 Civil Service People Survey showed that of those who said they had experienced bullying or harassment in the past 12 months (7% of employees), 39% had reported these incidents. We were told that some civil servants are reluctant to speak up because when they do, it is not welcomed by senior leaders and is seen as career-limiting.

Recent high-profile examples in the NHS have shown that failing to speak up can lead to tragedy. The Ockenden report on maternity services at the Shrewsbury and Telford Hospital NHS Trust described a culture of "them and us" between the midwifery and obstetric staff, which made midwives fearful of escalating concerns.²³

In their report on leadership and management in the health and social care sector, General Sir Gordon Messenger and Dame Linda Pollard found that "complex inter-professional and status issues in the workplace" resulted in poor behaviours and attitudes such as discrimination, bullying and blame cultures in certain parts of the health and social care system, with some staff in the NHS in particular not feeling sufficiently comfortable to speak up about these poor behaviours.²⁴

21 Institute of Business Ethics, Ethics at Work: 2021 International Survey of Employees. Accessed online September 2022: www.ibe.org.uk/ethicsatwork2021.html

22 Reitz M and Higgins J, Speaking truth to power: Why leaders cannot hear what they need to hear. *BMJ Leader* 2021; 5: 270-273.

23 Ockenden Report – Final (2022). Available at: www.ockendenmaternityreview.org.uk/wp-content/uploads/2022/03/FINAL_INDEPENDENT_MATERNITY_REVIEW_OF_MATERNITY_SERVICES_REPORT.pdf

24 Leadership for a collaborative and inclusive future (June 2022). Available at: www.gov.uk/government/publications/health-and-social-care-review-leadership-for-a-collaborative-and-inclusive-future/leadership-for-a-collaborative-and-inclusive-future

Section 2: Policies and structures

Good practice on speaking up starts with effective policies, robust procedures and appropriate safeguards for people who raise concerns. The challenge for organisations is to ensure that issues are directed through the right channel. A whistleblowing hotline would be part of that, but there should also be different routes for people to speak up if they see bullying or have a safeguarding concern in relation to a vulnerable person – and of course, people may raise concerns with their line manager in the first instance, where appropriate and they feel comfortable doing so.

In some organisations, non-executive directors are appointed with responsibility for championing a ‘speak up’ culture. For example, in the financial services sector, the Financial Conduct Authority expects that a firm will appoint a non-executive director as its whistleblowers’ champion, with “the responsibility for ensuring and overseeing the integrity, independence and effectiveness of the firm’s policies and procedures on whistleblowing”.²⁵

All organisations providing NHS healthcare services are expected to appoint a senior lead responsible for Freedom to Speak Up and, if the organisation has a board, a non-executive director.²⁶

We note that part 2 of the Boardman review recommended that each government department should appoint a senior civil servant as the whistleblowing champion for the department – one of a number of recommendations on strengthening whistleblowing procedures in government.²⁷

Protect has established a whistleblowing benchmark against which organisations can assess their own practices.²⁸ We heard from contributors that visibility is key: employees need to know how to raise a concern, and ‘speak up’ guardians and board-level whistleblowing champions need to have a profile within the organisation.

‘Speak up’ schemes

Organisations and sectors have put in place models and structures to help workers to speak up. In the NHS, a network of Freedom to Speak Up Guardians is supported and led by the NHS National Guardian’s Office (see case study 5).²⁹ In the police, there are a variety of internal forums, and Crimestoppers and the Independent Office for Police Conduct are used as external mechanisms.

25 Financial Conduct Authority Handbook: SYSC 18.4 The whistleblowers’ champion. Accessed online November 2022: www.handbook.fca.org.uk/handbook/SYSC/18/4.html

26 NHS England, The national speak up policy. Accessed online August 2022: www.england.nhs.uk/publication/the-national-speak-up-policy/

27 A review into the development and use of Supply Chain Finance (and associated schemes) in government. Part 2: recommendations and suggestions (5 August 2021). Available online at: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1018176/A_report_by_Nigel_Boardman_into_the_Development_and_Use_of_Supply_Chain_Finance_and_associated_schemes_related_to_Greensill_Capital_in_Government_-_Recommendations_and_Suggestions.pdf

28 Protect, Our Whistleblowing Benchmark. Accessed online August 2022: protect-advice.org.uk/our-benchmark/

29 The National Guardian’s Office and the role of the Freedom to Speak Up Guardian were created in response to recommendations made in Sir Robert Francis QC’s report ‘Freedom to Speak Up’ in the wake of the tragedies at Mid Staffordshire Hospital: freedomtospeakup.org.uk/the-report/

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Speak up guardians or officers must have ring-fenced time to support people to speak up and raise awareness of how to do so, and senior leaders must actively support the speak up guardians or officers in their organisation.

In government departments, staff volunteer as Nominated Officers to offer impartial support and advice, outside the management chain, to those who suspect wrongdoing and may want to raise a concern. Nominated Officers can also provide information about the Civil Service Code and the role of the Civil Service Commission in acting as an appeal mechanism for concerns that relate to a potential breach of the Code.

Government departments also have Fair Treatment Confidants: employee volunteers who are trained to listen, offer support and signpost staff to the most appropriate routes if staff have a workplace issue that they are worried or anxious about.

When we spoke to a group of Nominated Officers, we discovered a lack of standardisation across departments in terms of the scope of the role, the training provided and the senior-level support the officers had received. Some departments are working on improving their policies and their leaders are focused on encouraging people to speak up sooner. In others, leaders had shown minimal interest

in the Nominated Officer role or even awareness that they have a responsibility for building a ‘speak up’ culture. We were surprised to note that there is no active network of Nominated Officers operating across government departments. This is a missed opportunity for invaluable peer support.

Two particularly critical aspects of an effective ‘speak up’ scheme came through in the discussions we had with NHS Guardians and government Nominated Officers. ‘Speak up’ guardians or officers must have ring-fenced time to support people to ‘speak up’ and raise awareness of how to do so, and senior leaders must actively support the speak up guardians or officers in their organisation.

Addressing retaliation

It is critical to confidence in ‘speak up’ processes that victimisation is dealt with firmly and seen to be done so. The Institute of Business Ethics strongly encourages senior leaders to state very clearly in their organisation’s code of ethics that retaliation will not be tolerated. Their research suggested that many of the UK’s largest companies now make such statements, although it was far less clear exactly what they were doing to prevent, detect and address retaliation.³⁰ One professional services company has put in place a formal process to contact at intervals staff who report concerns, to monitor whether they have suffered any detriment (**case study 6**). In another professional services company, future progression of staff is monitored over a five-year period to see if there is a pattern of consequences for those raising concerns.

³⁰ Vissslan, Institute of Business Ethics: Speaking up for whistleblowing, guest blog by Prof. Chris Cowton, Associate Director (Research), Institute of Business Ethics (12 May 2022). Accessed online August 2022: www.vissslan.com/en-blog/institute-of-business-ethics-speaking-up-for-whistleblowing

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It is critical to confidence in ‘speak up’ processes that victimisation is dealt with firmly and seen to be done so.

Section 3: Listening and acting on concerns

Policies, processes and structures do not themselves create a ‘speak up’ culture. We were surprised to hear that in one organisation not a single case had been reported over the last ten years, despite there being ‘speak up’ processes in place. There is no optimal number of ‘speak up’ reports in a successful organisation, although one US study found that on balance, more reports are a good thing, reflecting greater trust in management by employees and a greater flow of information to management about potential problems.³¹

‘Speak up’ data can provide valuable insight into areas of concern. In chapter 5, we look at how data on complaints raised under ‘speak up’ processes and staff survey results can be analysed with other data to provide a coherent overview of the culture of the organisation.

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People need to feel that leaders are genuinely interested in what they have to say and leaders need to become better at creating opportunities to hear from them.

Encouraging staff to trust the system requires the ongoing commitment of leaders. Experts have written about how leaders often underestimate how their power can silence others. People need to feel that leaders are genuinely interested in what they have to say and leaders need to become better at creating opportunities to hear from them, including in informal settings which may be less intimidating than formal meetings.³²

“It’s not just engagement, but a commitment from leaders to having the right culture. You need to have a policy and have that policy enacted every day. So people feel comfortable to talk about what needs talking about. And you also need to listen to the silence: why is there silence in some areas and not others?”

**Dr Jayne Chidgey-Clark,
National Guardian for the NHS,
28 April 2022**

31 Welch K and Stubben S, Throw Out Your Assumptions About Whistleblowing, Harvard Business Review (14 January 2020).

32 Reitz M and Higgins J, Speaking truth to power: Why leaders cannot hear what they need to hear. BMJ Leader 2021; 5: 270-273.

Contributors told us repeatedly that there is no substitute for being visible and contactable, listening attentively to problems and issues. Strong leadership requires a curiosity about their organisations and a genuine desire to make improvements.

We heard from contributors that leaders showing vulnerability can create a sense of psychological safety in an organisation. Tanuj Kapilashrami, Group Head of Human Resources at Standard Chartered, told us that an important part of the company's leadership work is encouraging leaders to become comfortable with sharing and learning from their failures. Keith Leslie, Chair of Samaritans, told us how he is committed to – conversation by conversation – slowly moving frontline volunteers from defensiveness about failures in quality or safety (fearing that it will damage the organisation) to a much more robust view that being open about mistakes and constantly improving training will benefit the organisation. Such an approach builds a learning culture where people are comfortable with discussing what went wrong in order to ensure a better response next time.

Learning from mistakes is behind the 'just culture' embedded within the civil aviation sector, where the overriding objective is passenger safety. Everyone is encouraged to speak out if something goes wrong so that the organisation can learn from mistakes and put in place measures to stop a repetition, potentially with more serious consequences. Individuals are still held accountable for gross negligence or wilful misconduct, but honest human mistakes are seen as a learning opportunity for the organisation and its employees. We heard

from contributors in the health sector that the NHS is talking more about the 'just culture' concept. It is clear there is a long way to go, but the more people see a just culture in action, the more confident people will feel to speak up.

We heard powerful evidence from a group of NHS Freedom to Speak Up Guardians that the way leaders respond when people raise concerns is critical to confidence in the system. If leaders do not listen with curiosity and appreciation and follow up on what they have heard, people can feel disheartened, which means they are less likely to raise concerns again or encourage their colleagues to do so. Conversely, when people have a good experience of speaking up, there is a positive ripple effect through the organisation. The NHS Guardians were clear that sharing the outcome of cases while respecting confidentiality is really important so people can see what action was taken in response and the positive difference people can make when they speak up.

"If leaders don't listen and follow up, people feel disheartened and wouldn't do it again or tell colleagues 'I've raised an issue but nothing happened'. Senior leaders need to think about what action to take and to feed back to the workforce what's been done in response. This is a cultural change piece, not an overnight fix, a hearts and minds campaign needed across the whole organisation."

**Freedom to Speak Up Guardian,
12 July 2022**

It was apparent from our meeting with the NHS Guardians that there is a disparity in the personal attention that leaders pay to building a 'speak up' culture in their organisations and in the level of support offered by senior leaders to the Guardians. Examples that were given of a positive approach were chief executives including speaking up and wider cultural issues in their blogs and other communications with the organisation, and a Trust Board development day focused on speaking up, supported by Guardians.

We heard some examples of organisations sharing good practice on creating a 'speak up' culture. For example, the National Guardian's Office convenes pan-sector meetings to share good practice across the public and private sectors.

Case study 7 features the network set up by the Wellcome Trust for charities to meet and share practical learning and experiences. The Institute of Business Ethics has long been at the forefront of sharing good practice on 'speak up' processes within the private sector, as part of its broader aim to support the highest standards of ethical behaviour in business.

Questions for leaders

- Are there clear and well-understood ways that people across your organisation can raise their concerns when things 'just don't feel right'? How do you know these routes are trusted?
- What do you do to ensure that retaliation is not tolerated in your organisation?
- How do you ensure you are listening to the concerns and suggestions of people in your organisation? Are you being open and transparent in communicating the outcome to people in your organisation, while respecting confidentiality?
- How do you know the managers in your organisation are listening and responding well to concerns that are raised directly with them?

Chapter 4: Training, discussion and decision-making

In this chapter we discuss how best to support public office-holders to develop the awareness, skills and ethical sensitivity to act in line with the Principles of Public Life. This support should involve training and other opportunities to reflect on the practical application of the Principles.

As we explained in the introduction, compliance with rules is not the same as understanding and acting in accordance with the ethical values that underpin them. There must be training on compliance with legal requirements and rules, such as prevention of fraud and bribery and policies on the disclosure of conflicts of interests. But there must also be attention given to supporting those in public life to internalise the values in the Principles, leading to improved judgement and ultimately, better decision-making in the public interest. We heard that civil servants want to discuss ethical values, but there is not much encouragement in the system to have those discussions.

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Compliance with rules is not the same as understanding and acting in accordance with the ethical values that underpin them.

“People really do want to talk about this... it fires them up, it brings back something human and important in their lives. One civil servant said to me, ‘I feel like I’ve been given my moral agency back’, as if it had been deadened by their work. Something had woken up in them. As our civil servants are our custodians of propriety, that matters, constitutionally.”

**Dr Claire Foster-Gilbert, Director,
Westminster Abbey Institute,
12 April 2022**

Section 1: Training and development

CSPL's first report identified guidance and education as one of three ‘common threads’ for ensuring the Principles of Public Life are properly understood and followed, alongside codes of conduct and independent scrutiny.³³ We believe that training is integral to embedding high standards, as part of a multi-faceted approach in which ethical values are reflected in all of an organisation's policies and practices – led with vigour from the top. We looked at induction training in our 2014 report, ‘Ethics in Practice: Promoting Ethical Conduct in Public Life’.³⁴ Induction provides an opportunity to set the ethical tone of the organisation and establish behavioural expectations.

33 Committee on Standards in Public Life, MPs, Ministers and Civil Servants, Executive Quangos (2015). Available at: www.gov.uk/government/publications/mps-ministers-and-civil-servants-executive-quangos

34 Committee on Standards in Public Life, Ethics in Practice: Promoting Ethical Standards in Public Life (2014). Available at: www.gov.uk/government/publications/ethics-in-practice-promoting-ethical-standards-in-public-life

We continue to believe that “a good indication of the ethical climate of any organisation and the extent to which ethics are truly embedded within that organisation is the profile of material on ethical principles and any codes of conduct within an induction programme”. However, as we noted in our 2013 report ‘Standards Matter’, the effects of induction can wear off quickly. It is important that learning about ethical issues is reinforced at appropriate moments by further training.³⁵

Raising awareness and skills development

Regular training helps raise awareness of ethical values and the codes of conduct that people are required to adhere to. It can also give people the tools for working through a situation where the right course of action is not immediately obvious. Scenario-based training is especially valuable in helping people to understand what is expected of them in the context of their workplace or role, and should be based around the organisation’s main risks.

Those in particularly influential positions or exposed to greater ethical risks may benefit from bespoke training to support them. For example, the Propriety and Ethics Team in the Cabinet Office has developed specific training for permanent secretaries’ offices and ministerial private offices, given the responsible and high-profile roles that private secretaries play in their respective departments (**see case study 8**).

The prospectus for the new Leadership College for Government explains how they will take a case method approach to learning and development. This approach allows “individuals and teams [to] reflect on ethics, leadership styles, changing cultures, and much more”.³⁶ The training and development provided by the Civil Service to its leaders is described in the National Audit Office’s report, ‘Leadership development in the civil service’.³⁷

Some professionals are required by their regulator or professional body to undergo training and development to ensure they are alert to the particular ethical challenges they may be exposed to. James Barbour, Director of Policy Leadership at ICAS, told us how ethics has become a more consequential part of professional training for chartered accountants, with the introduction of public trust and ethics exams which students must pass in order to qualify (these replaced an ethics essay that could be resubmitted until it was passed), and a new mandatory ethics continuing professional development requirement. Andrea Sutcliffe, Chief Executive and Registrar at the Nursing and Midwifery Council, talked to us about the importance of reflective practice in helping nurses, midwives and nursing associates to assess their professional experiences and consider how they can demonstrate they are living the standards of practice and behaviour set out in the Nursing and Midwifery Council Code.

35 The Committee on Standards in Public Life, *Standards Matter: A review of best practice in promoting good behaviour in public life* (2013). Available at: www.gov.uk/government/publications/standards-matter-a-review-of-best-practice-in-promoting-good-behavior-in-public-life

36 Leading to Deliver: A Leadership and Management Prospectus. Accessed online November 2022: [www.gov.uk/government/publications/leading-to-deliver-a-leadership-and-management-prospectus](http://www.gov.uk/government/publications/leading-to-deliver-a-leadership-and-management-prospectus/leading-to-deliver-a-leadership-and-management-prospectus)

37 National Audit Office, *Leadership development in the civil service*. Available at: www.nao.org.uk/reports/leadership-development-in-the-civil-service/

Facilitated training and discussion

Facilitated training allows space for people to discuss the ethical dilemmas they may encounter and to practise using ethical principles to help them reach an outcome that they can justify.

E-learning can be a cost effective way to train a large number of staff in the shortest available time. However, face-to-face training has the biggest impact on behaviours. In-person training provides the opportunity to delve deeply into the issues and participants can share what the scenarios really mean to them.

Scenarios are an effective training mechanism because they link learning to real life and the experiences of the participants. This connection is the key to creating the motivation to learn and embed the message of the training.

Extract from the Institute of Business Ethics website³⁸

Some organisations combine e-learning and face-to-face discussion. For example, a company we spoke to told us how partners have used scenario-based e-learning as a basis for having discussions with their teams. In the Civil Service, an online, interactive induction course has been developed for newly appointed civil servants. The first part explains civil servants' obligations under the Civil Service Code and the Principles of Public Life,

featuring scenarios civil servants might be faced with in their roles. The course encourages civil servants to discuss the Civil Service Code with their line manager or team and materials are provided to candidates for this purpose.

We heard how, as part of the 'One Home Office' transformation programme, the Home Office has supported managers to hold conversations within their teams about how they are living the Home Office values. Facilitators of all grades are also being trained and provided with toolkits to lead conversations about a variety of subjects related to the future of the Home Office. The aim is to involve everyone in the change, with feedback directed into the transformation programme.

Methods of delivery

How training is delivered can have an impact on its success. The Ockenden report identified that a failure to work collaboratively across disciplines was a key contributor to the poor outcomes experienced by mothers or their babies, and concluded that staff who work together must train together. The report recommended that all members of the multidisciplinary team working within maternity should attend regular joint training, governance and audit events.³⁹ The need to strengthen collaborative leadership was a key driver behind the recommendations from General Sir Gordon Messenger and Dame Linda Pollard for a new, national, entry-level induction for all who join health and social care.

³⁸ Institute of Business Ethics, Training and Reinforcement. Accessed online August 2022: www.ibe.org.uk/knowledge-hub/ibe-business-ethics-framework/training-and-reinforcement.html

³⁹ Ockenden Report - Final (2022). Available at: www.ockendenmaternityreview.org.uk/wp-content/uploads/2022/03/FINAL_INDEPENDENT_MATERNITY_REVIEW_OF_MATERNITY_SERVICES_REPORT.pdf

Their report, ‘Leadership for a collaborative and inclusive future’ also recommended a locally delivered mid-career development event, “designed to bring together professionals from all parts of health and social care around the triple lens of collaborative leadership, broader cross-sector awareness and understanding, and behavioural expectations.”⁴⁰

Contributors to our review shared with us different approaches to delivering training. Robert Smith, Director of Business Compliance and Ethics at Serco Group plc, shared an approach to cascading training through an organisation (**case study 9**), which empowered middle managers to build an ethical culture in their teams.

“All managers should be mindful of their responsibility to discuss the Principles of Public Life and what these mean for their team in the specific context of their roles and organisations.”

Debbie Allen, Group Director of Governance, Conduct and Sustainability at BAE Systems, told us how they have adopted manager-led training using scenarios based around issues identified through calls to their employee helpline. Managers are supported in facilitating conversations through a managers’ handbook which sets the scene for each scenario and includes questions to prompt conversation and areas where more guidance and advice is available. The focus is on making the discussions

relevant and not accusatory or threatening. The company fits the conversations into how teams carry out their work – for example, operational area managers have a one-page crib-sheet and conversations take place on the shop floor.

“We have a global call, almost once a month, where all people leaders are invited. Previously, other calls had been about cascading things. We said to ourselves – we’ve got leaders across levels who manage large teams – so let’s bring them together, discuss a topic and get them to learn from each other. I host all of these calls, and we invite a panel of leaders from all walks of life, put forth problems, situations as well as opportunities out there, and try to learn from each other’s experiences. It has become a very powerful forum – leaders are proud to be on the panel, to be sharing experiences, learning and shining a spotlight on good practices. We’ve often had almost 5,000 people leaders dial in for these calls.”

Tanuj Kapilashrami, Group Head of HR, Standard Chartered, 17 May 2022

It is clear that there is no one-size-fits-all approach to training and development on ethics and behavioural expectations. Organisations can select from a variety of methods and practices: they know best what will work for them, depending on the nature and culture of their organisation. However, it should include an organised programme of formal training, regular informal discussion and learning from other leaders.

⁴⁰ Department of Health and Social Care (June 2022), Leadership for a collaborative and inclusive future. Available at: www.gov.uk/government/publications/health-and-social-care-review-leadership-for-a-collaborative-and-inclusive-future/leadership-for-a-collaborative-and-inclusive-future

All managers should be mindful of their responsibility to discuss the Principles of Public Life and what these mean for their team in the specific context of their roles and organisations. They should take regular opportunities to do so.

Section 2: Ethics forums and counsellors

Some organisations have created forums and appointed ethics counsellors to provide their workforce with safe spaces to discuss ethical issues. In this section we discuss some of the examples that were shared with us.

Nearly every police force has its own ethics committee. They are made up of people of all ranks and grades, and include people external to the police service. Any police officer or staff member can pose a dilemma for the committee to consider. The committee will not ‘rubber stamp’ a decision but will facilitate an open discussion, exploring all angles and suggesting the issues that the officer or staff member could think about to inform their decision-making process.

Some police officers told us that there are challenges in encouraging frontline officers to bring cases for consideration, with suspicion and time constraints cited as possible reasons for reticence. Chief Constable Dr Richard Lewis, Ethics and Integrity Portfolio Lead for the National Police Chiefs Council, explained that there can be a tendency for the committees to focus on local staffing issues, and while these are important, the NPCC is trying to encourage the discussion of mental health, policing and digital ethics and police leadership – key ethical concerns which are driving the debate at the national level.

Case study 10 shows how issues raised in one ethics committee led to the development of practical guidance to support frontline officers in similar cases.

Case study 11 shows how the exchange of ethical dilemmas between police and medical ethics committees has been mutually beneficial in offering a different perspective and suggests this approach could have wider application in the public sector.

Staff forums provide an opportunity for the workforce to come together to talk about ethical values and expected standards of behaviour. The Wellcome Trust told us about their series of lunchtime talks open to all staff called ‘The Only Way is Ethics’. On a quarterly basis, they host a new ‘episode’ in which they tackle a different integrity topic.

“We structure the sessions so that the external speaker talks about the ‘big picture’ and why that integrity topic is fundamentally important – this tends to attract a good audience. I (or one of my team) then link that topic to Wellcome’s mission and values – why it is important for our organisation – and then we unpack what each of us can do individually in pursuit of that: our individual actions, taken collectively, drive our impact.”

**Fraser Simpson, Associate
General Counsel, Wellcome Trust,
29 April 2022**

Many companies also have a network of volunteer ethics ambassadors to disseminate messages from the central ethics function across the organisation and act as advisers to local staff.⁴¹

The UK's three intelligence and security agencies have ethics counsellors whose role is to encourage open internal discussion of ethical issues and act as a point of contact for any officer who has a concern of an ethical nature. **Case study 12** explains how this role works in GCHQ.

Section 3: Decision-making tools

When ethical values are embedded in an organisation, they guide actions and decisions and become integral to 'how things are done around here'.

Decision-making models can help people to make difficult decisions while living up to the highest ethical standards expected by their organisations. They can bring to the forefront core ethical principles and prompt people to ask themselves questions so they can reach a decision they are comfortable with justifying. The police national decision model is an example of such a tool, and is the primary decision-making model for police in England and Wales. Each component provides the user with an area for consideration, with the Code of Ethics at the centre. This recognises the need for all police decisions to be consistent with the

principles and standards of behaviour set out in the Code. Decision-makers can use the national decision model to structure a rationale of what they did during an incident and why. Managers and others can use it to review decisions and actions, and promote learning.⁴²

The Institute of Business Ethics has created a decision-making model consisting of a series of simple questions and many companies have included a similar framework within their Code of Ethics or Code of Conduct. When faced with a difficult ethical dilemma, the models encourage colleagues to ask questions that might not otherwise be front and centre in their deliberations, including questions such as:

- Is it in line with our values?
- Would I be comfortable explaining my decision to my family?
- Would it still be acceptable if everyone did it?
- Have I taken into account the impact of my decision on others?
- How would I feel if it happened to me?

The question 'is it legal' is a vital question to answer but should not be the only question. Just because something is legal does not mean it is right.

41 Institute of Business Ethics blog, Ethics ambassadors: Helping hands across the organisation (26 January 2022). Available at: www.ibe.org.uk/resource/ethics-ambassadors-helping-hands-across-the-organisation.html

42 National decision model. Available at: www.college.police.uk/app/national-decision-model/national-decision-model

Responding to a recommendation of the Windrush Lessons Learned Review, the Home Office has introduced an ethical decision-making model for decision-makers. The review was critical of the immigration decision-making process and found that some decisions were made based on completing a checklist, rather than assessing or evaluating a case in its full context.⁴³ **Case study 13** provides an example of how the ethical decision-making model has worked in practice. The model is in its infancy, and Wendy Williams noted in her progress update on the Windrush Lessons Learned Review that it was too early to measure its impact and further progress was needed to develop and weave it into normal practice.⁴⁴

Case study 14 explains how the NSPCC has developed a framework to support its employees to make decisions about celebrity endorsements and corporate donations.

Decision-making frameworks support employees to make fair, just and transparent decisions. This is in the interests of those directly impacted by the decision and it is in the interests of the organisation. Boards and senior management want colleagues at all levels to make consistently good decisions when faced with ambiguity and uncertainty. In the public sector, making the right decision the first time reduces the cost and time involved in defending and potentially losing legal challenges. It also promotes confidence in the delivery of public services.

Questions for leaders

- Is your staff training specific to the ethical risks and challenges faced by your organisation?
- How do you encourage leaders at all levels to discuss the practical application of the Principles of Public Life in their teams?
- Have you considered whether the people in your organisation might benefit from dedicated support for considering ethical issues, such as ethics committees or counsellors?
- How do you know that people in your organisation are making consistently good decisions that take into account the Principles of Public Life?

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Decision-making frameworks support employees to make fair, just and transparent decisions.

43 The Windrush Lessons Learned Review recommended that: “The Home Office should develop a set of ethical standards and an ethical decision-making model, built on the Civil Service Code and principles of fairness, rigour and humanity, that BICS staff at all levels understand, and are accountable for upholding... (Recommendation 17)”

44 Windrush Lessons Learned Review Progress update: Independent report by Wendy Williams (March 2022). Available at: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1065012/14.12_HO_Windrush_Lessons_Learned_Review_Accessible_6_.pdf

Chapter 5: Governance

In Chapter 2 we looked at the way in which leaders communicate and role-model expected behaviours creates social norms that influence the ethical culture of organisations. In this chapter we look at another aspect of the ‘tone from the top’: the role of the board in promoting ethical conduct and ensuring that an organisation is living up to its values.

At a joint event held by the Association of Chief Executives and the Public Chairs Forum in June 2022, participants explained the benefits that boards can bring for understanding and mitigating ethical risks and ensuring that an organisation makes decisions in line with its values.

“Boards can be really good at asking a slightly bigger question about what, when viewed through narrow operational decisions, one after the other, all look reasonable, but add up to something that actually starts to diminish the ethical reputation of the organisation.”

**Peter Thompson, Chief Executive,
Human Fertilisation and
Embryology Authority,
15 June 2022**

“It’s important for the board to have a good knowledge of the core mission of the business and actually discuss things well in advance of them becoming challenges. The board can give a longer wavelength to decision-making than just the executive left to their own devices.”

**Mark McAllister, Chair, Office for
Nuclear Regulation, 15 June, 2022**

“Our role as a board is to make sure that our values permeate the way that we do our business and that we monitor them. And frankly, I think if you’re a good chair and a good board, you would also try to understand the levers, the drivers that will encourage that buy-in of your staff and indeed your clients and customers as well.”

**Colin Mellors, Chair,
Local Boundary Commission
for England, 15 June 2022**

In the private sector, attention to business ethics has accelerated since the 2008 financial crisis led to a downturn in trust. This caused many business leaders to return to basics and consider the purpose of their organisation, beyond shareholder interests and returns.

The Financial Reporting Council's UK Corporate Governance Code sets out the principles for good governance practice and promotes the importance of establishing a corporate culture that is aligned with the company's purpose, values and strategy.⁴⁵ The Code requires all directors to act with integrity, lead by example and promote the desired culture.⁴⁶ It also states that: "The board should assess and monitor culture. Where it is not satisfied that policy, practices or behaviour throughout the business are aligned with the company's purpose, values and strategy, it should seek assurance that management has taken corrective action. The annual report should explain the board's activities and any action taken."

The Financial Reporting Council's 2021 Review of Corporate Governance Reporting found that overall reporting is improving but more progress is needed. The Financial Reporting Council expects more companies to take a more rigorous approach to culture and set up effective ways of monitoring and assessing both the culture and its alignment with purpose, values and strategy.⁴⁷

Section 1: Board oversight in practice

The Institute of Business Ethics Business Ethics Framework sets out the main elements of a mature ethics programme.⁴⁸ Many organisations have a team responsible for leading their ethics programme, although there can be significant variation in terms of the team's place in the organisation and its responsibilities. While some organisations run standalone ethics functions, others combine the ethics and compliance functions or sit the ethics function within HR. The organisation's approach to high ethical standards needs to be owned and led by the executive team.

A board's core purpose is to promote the long-term success of the company in line with its values. Boards that embrace ethical standards explicitly in the way they and the company operate are best placed to achieve the durable benefits that come from doing business ethically.

Institute of Business Ethics website: Knowledge Hub⁴⁹

45 Financial Reporting Council, The UK Corporate Governance Code (July 2018). Available at: www.frc.org.uk/getattachment/88bd8c45-50ea-4841-95b0-d2f4f48069a2/2018-UK-Corporate-Governance-Code-FINAL.pdf

46 All companies with a Premium Listing of equity shares in the UK are required under the Listing Rules to report in their annual report and accounts on how they have applied the Code.

47 Financial Reporting Council, Review of Corporate Governance Reporting (November 2021). Available at: www.frc.org.uk/getattachment/b0a0959e-d7fe-4bcd-b842-353f705462c3/FRC-Review-of-Corporate-Governance-Reporting_November-2021.pdf

48 Institute of Business Ethics, The IBE Business Ethics Framework. Accessed online August 2022: www.ibe.org.uk/knowledge-hub/ibe-business-ethics-framework.html

49 Institute of Business Ethics, Corporate governance. Accessed online August 2022: www.ibe.org.uk/knowledge-hub/corporate-governance.html

Organisations take different approaches to how they practise oversight of their ethics programme, with some setting up an ethics-related sub-committee and others reserving responsibility for ethics with the main board. The Institute of Business Ethics is clear that there is no ‘one size fits all’ approach to organising for ethics, but has issued guidance on some of the key issues to address and the advantages and disadvantages of different approaches.⁵⁰ In cases where ethics are reserved, the Institute of Business Ethics would expect to see an independent non-executive director who is the identifiable lead on these matters. In either case, issues of ethics, values and purpose should be covered on the full board agenda. As we noted in chapter 2, it is common for boards to appoint non-executive directors who are responsible for making sure that systems for whistleblowing are working appropriately.

Governance in central government

There is no single ethics programme in government. Permanent Secretaries are ultimately responsible for the ethical culture of government departments and the systems and roles that support this. The Propriety and Ethics Team (PET) provides advice across central government. PET is often required to be reactive, but they told us they are keen to develop the proactive aspect of their role and have been working

on training and systems integrity to encourage people to think about standards and ethics in a wider sense as part of day-to-day decision-making. However, PET is a small team and therefore limited in how much they are able to do.

The Home Office has appointed a member of the Home Office Executive Committee to the role of Ethics Adviser to lead the ethics agenda for the Home Office.⁵¹ The role of Ethics Adviser is held alongside and in addition to the substantive role of a Home Office Executive Director and is supported by a small team. We are not aware of other government departments taking this approach. In the particular circumstances of the Home Office and the Windrush affair, we recognise the need for a visible and organisational response of this kind and will be interested to see how effective and transferable it proves to be.

We spoke to Michael Jary, Government Lead Non-Executive Director, and Anand Aithal, Cabinet Office Lead Non-Executive Director, to understand the role of the departmental board in building and monitoring the ethical culture of central government departments.⁵² Anand Aithal told us that the role of the boards is limited inasmuch as some of the powers of corporate boards (such as appointing leaders and being the highest body to which leaders are accountable) do not apply.

50 Institute of Business Ethics, Discussion Paper, Organising for Ethics. Accessed online August 2022: <https://www.ibe.org.uk/resource/organisingforethics.html>

51 Home Office, Response to the Windrush Lessons Learned Review: A Comprehensive Improvement Plan, paragraph 94 (September 2020). Accessed August 2022: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/922973/CCS001_CCS0820050750-001_Resp_to_Windrush_Lessons_CP_293_Accessible.pdf

52 A departmental board model has operated in central government since 2011. See: Corporate governance in central government departments: Code of good practice. Accessed August 2022: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/609903/PU2077_code_of_practice_2017.pdf

Instead, boards have soft power and an important role to play in ‘walking the talk’ and leading by example. Michael Jary explained that the agenda and realised purpose of departmental boards differ across departments, and reflect the preferences of the individual Secretary of State. The attention given to values, ethics and propriety is not standardised across departments and will depend to a degree on the agenda of the departmental risk committee. Michael Jary told us it is unrealistic to expect that non-executive directors in government can have the same influence and power that they do in the corporate world, as their role is entirely advisory.

“The only way you embed principles and shift culture is by constant reinforcement, a lot of talk, build-up of micro decisions on promotion, succession, appraisals, this may involve turnover, who stays and goes, a lot of those practices are not so explicit. So the Principles are fine but are not always carried into proactivity with the same vigour and practice you find elsewhere.”

**Michael Jary, Government
Lead Non-Executive Director,
12 May 2022**

As we explored in chapter 1, the leadership model in government departments, shared between ministers and civil servants, is not found in other organisations, and we acknowledge the differences between government boards and those in the corporate world. However, departmental boards have an important role in terms

of the influence they can exert, and it is clear that what they are interested in can have a significant impact on how departments are run.

“
We would like to see stronger guidance developed on the focus that departmental boards should give to ethical issues.

We note that the ‘Corporate governance in central government departments: code of good practice’ states that the board and its members should support actions to ensure that officials comply with the Civil Service Code.⁵³ When CSPL members have spoken at public-body non-executive director induction training run by the Cabinet Office since 2021, we have conveyed that not only are non-executive directors expected to live up to the Principles of Public Life in their own behaviour, but they should also question whether the existence and application of the Principles are fully understood and actively monitored in departments. This is an important part of the value that non-executive directors can bring, as well as offering programme expertise.

We would like to see stronger guidance developed on the focus that departmental boards should give to ethical issues. We are not arguing for standardisation in how boards are run, but it is clear to us that boards should be concerned with how departments ensure that the Principles of Public Life and the Civil Service Code are understood, internalised and translated into behaviours and decisions.

⁵³ Corporate governance in central government departments: code of good practice, paragraph 2.8. Available at: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/609903/PU2077_code_of_practice_2017.pdf

This includes ensuring that civil servants are supported in providing objective and impartial advice to ministers that takes into account the ethical implications of policy proposals. Boards should not be concerned purely with compliance matters, such as managing conflicts of interest – as important as these are – but with how to influence behaviour positively so that employees will make good decisions in the public interest, work together constructively and deliver public services effectively.

In ‘Upholding Standards in Public Life’, we supported the recommendation of the Boardman report that the government should take a more thorough and professional approach to ethics rules and develop a compliance function across government. Compliance takes a legalistic, rules-based regulatory approach, whereas ethics has a values-based focus. However, they are certainly linked. If the government takes forward the Boardman recommendation, it should consider whether there should be a joint ethics and compliance function.⁵⁴

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Boards should not be concerned purely with compliance matters, such as managing conflicts of interest – as important as these are – but with how to influence behaviour positively so that employees will make good decisions in the public interest, work together constructively and deliver public services effectively.

Oversight of arm’s-length bodies

It was clear from our conversations with arm’s-length bodies that there is limited input from sponsoring departments on setting expectations on the consideration they should give to embedding the Principles of Public Life within their organisations. The evidence from a meeting with chief executives and chairs was that much of the relationship between an arm’s length body and the sponsoring department is about compliance, process and operational delivery. Values and behaviour are not generally a topic of conversation. Interest in standards issues therefore depends on the personal interest and focus of chief executives and chairs. This will vary, although those we spoke to clearly consider ethical conduct to be a priority for their organisation.

“We’ve been speaking to the Cabinet Office, saying there are huge reputational risks to ministers if this [ethics and standards] goes wrong in arm’s length bodies. I think there is a case for investing in this, saying ‘what do you expect from these bodies’.”

**Martin Jones CBE, Chair,
Association of Chief Executives
and Chief Executive of the
Parole Board, 5 April 2022**

⁵⁴ Committee on Standards in Public Life, Upholding Standards in Public Life (2021). Available at: www.gov.uk/government/publications/upholding-standards-in-public-life-published-report

“Sponsoring departments should make clear to arm’s length bodies that leaders are expected to prioritise the ethical culture of their organisations.”

Alex Chisholm, Chief Operating Officer for the Civil Service and Permanent Secretary for the Cabinet Office, told us that the government is addressing oversight of arm’s length bodies through new guidance and the programme of public body reviews as announced in the Declaration on Government Reform.

We think that sponsoring departments should make clear to arm’s length bodies that leaders are expected to prioritise the ethical culture of their organisations, ensuring that the Principles of Public Life are internalised and reflected in policies and practices.

Risk assessment

Good governance requires organisations to identify the ethical risks to which they are exposed. The Institute of Business Ethics advises companies to incorporate an ethics risk assessment within their ethics programme as this allows the approach to ethics and culture to be tailored to the organisation’s risk profile. The results can also highlight gaps or new developments that need addressing in the organisation’s ethics programme. A company we spoke to told us that ethical conduct risk is one

of the risks they track and report to the executive committee on a regular basis. They have also developed a ‘doing the right thing’ dashboard, which is an amalgamation of data going into ethical risk analysis and broader, people risk measurements which brings in things like the public interest – for example, the clients they choose to or choose not to work with.

In government, the HM Treasury-owned Orange Book specifies the risk categories that departments use to define risks. Risks arising from adverse events, including ethical violations, are included within ‘reputational risks’.⁵⁵

“Boards should be curious about what is really going on in their organisation and proactive in ensuring that the culture is truly aligned with the organisation’s purpose and values.”

Section 2: Assurance and monitoring

As noted earlier in this chapter, boards have a crucial role in assessing and monitoring the culture of their organisation. The Institute of Business Ethics recommends that a programme of assurance is put in place to monitor the effectiveness of the ethics programme and the extent to which the organisation lives up to its values.

⁵⁵ The HM Treasury-owned Orange Book specifies the risk categories that departments use to define risks. Risks arising from adverse events, including ethical violations are included within ‘reputational risks’ (annex 4, page 38). Accessed online August 2022: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/866117/6.6266_HMT_Orange_Book_Update_v6_WEB.PDF

The Financial Reporting Council reports that an increasing number of companies are moving towards a more sophisticated and integrated approach to reviewing corporate culture with large, publicly listed companies and those operating in the financial services sector leading the way.⁵⁶ It is important that boards do not take at face value any assurance from the executive team that denies or minimises problems. Instead, boards should be curious about what is really going on in their organisation and proactive in ensuring that the culture is truly aligned with the organisation's purpose and values.

Ensuring that the board has the data it needs, organised in a way which allows them to triangulate, is key. Often, it takes joining the dots for a range of indicators to realise that something is not quite right in an area of the business. Such indicators may include 'speak up' reports, high turnover of staff, high levels of sickness, unusual patterns of staff survey scores, and customer complaints numbers. A big challenge for the board is that often the information that would allow them to analyse issues is fragmented into different reports, with some of it only seen at a committee level. Bringing together sets of data into a single insight allows the board to assess what the data is revealing about the culture of the organisation. **Case study 15** explains how NatWest Group took this approach to their culture measurement framework and used a single culture report to set targets to improve their people and culture measures.

Benchmarking is an important part of the process as it helps to ensure that the data is understood in context. This can be external, focusing on comparisons with other organisations (for example, the Financial Services Culture Board publishes aggregate results from across all member firms in its Employee Survey)⁵⁷ or internal, highlighting differences between business units and geographical locations within an organisation. This can both highlight areas of good practice and help to identify potential areas of concern. We heard how problems tend to be reflected in low scores in a number of areas. For example, one company found that a contract with a high number of 'speak up' reports and high staff turnover was linked to a new director (since replaced) running the contract in a way that did not reflect the values of the organisation.

In the public sector, Dr Jayne Chidgey-Clark, the National Guardian for the NHS, told us how the National Guardian's Office encourages organisations to triangulate the data provided by their Freedom to Speak Up Guardian with HR data on equalities and bullying and patient safety data, and to look at the different sources of information together to assess the culture of the organisation.

A critical aspect of assessing the extent to which an organisation is living up to its values is the perception of the workforce. Staff surveys are a common and helpful source of this insight. In the Civil Service a single survey is sent to over half a million civil servants, across some 100 government departments, bodies and agencies.

56 Financial Reporting Council, *Creating Positive Culture: Opportunities and Challenges* (December 2021). Available at: www.frc.org.uk/getattachment/9fc6c466-dbd2-4326-b864-c2a1fc8dc8b6/FRC-Creating-Positive-Culture-Report_December-2021.pdf

57 The 2021 Financial Services Culture Board's Employee Survey received over 45,000 responses from employees across 24 banks and building societies in the UK.

It includes core attitudinal questions covering perceptions and experiences of working for a Civil Service organisation, future intentions to stay or leave, awareness of the Civil Service Code, Civil Service Vision and the Civil Service Leadership Statement, experiences of discrimination, bullying and harassment, and ratings of individual subjective wellbeing.

Civil Service benchmark figures are published, as well as scores for all participating organisations. The Public Administration and Constitutional Affairs Committee (PACAC) announced an inquiry into the effectiveness of the Civil Service People Survey in July 2022. The inquiry will examine the delivery of the People Survey and how departments act on the results. It will also explore best practice in staff survey design and the application of results.⁵⁸ The inquiry was in part prompted by concerns that the People Survey results are not acted on satisfactorily by government departments.⁵⁹

Michael Jary (Government Lead Non-Executive Director), told us that departmental boards pay close attention to what the People Survey results say about speaking up and incidents of bullying, and whether people trust their managers to do the right thing. In the Cabinet Office, where bullying, harassment and discrimination scores were higher than the Civil Service average in 2021, an independent review into respect and inclusion has been overseen by Anand Aithal (Cabinet Office Lead Non-Executive Director) and the Cabinet Office has committed to implement the report's recommendations in full.⁶⁰

The Department of Health and Social Care told us that they produce a quarterly scorecard on culture and 'safe to challenge' activity, which is discussed at the People Board and shared on the departmental intranet. The scorecard includes a range of data and insights which enables senior leaders to monitor and review progress against plans on 'safe to challenge' activity. This includes: People Survey and pulse survey results, insights from Culture and Engagement Champions, data from their Speak Up Adviser service, communications and events, grievances, and whistleblowing cases.

58 Public Administration and Constitutional Affairs Committee, MPs seek evidence on effectiveness of Civil Service People Survey (13 July 2022). Accessed online August 2022: committees.parliament.uk/work/6820/civil-service-people-survey/news/172042/mps-seek-evidence-on-effectiveness-of-civil-service-people-survey/

59 Civil Service World, MoJ staff urged to boycott 2021 Civil Service People Survey (1 October 2021). Accessed online August 2022: www.civilserviceworld.com/professions/article/moj-staff-urged-to-boycott-2021-civil-service-people-survey

60 Civil Service World, 'Damning' review of Cabinet Office calls for action on discrimination (23 August 2022). Accessed August 2022: www.civilserviceworld.com/professions/article/cabinet-office-discrimination-review-bullying-harassment-stronger-leadership-perm-sec-down

Questions for leaders

- Is your board clear on their role in relation to the ethical culture of the organisation?
- Does your risk assessment process identify and monitor the key ethical risks for your organisation?
- Does your board have access to the range of data needed to assess and monitor the ethical health of your organisation and to identify potential areas of concern?
- How do you ensure that your organisation takes necessary action where the data suggests that changes are needed?
- When things have gone wrong in your organisation, could the signs have been spotted and addressed earlier?

Chapter 6: Recruitment and performance management

Embedding ethical values within the recruitment, selection and performance management policies of an organisation sets clear expectations about behavioural norms and the conduct that will and will not be rewarded.

Section 1: Recruitment and selection

Many of the leaders we spoke to, in a range of organisations, were clear that assessing values was an important aspect of the recruitment process. Organisations described the variety of methods they use for integrating values into recruitment and selection processes. **Case study 16** explains how Standard Chartered uses a values-based assessment to select candidates whose values align with those of the Bank, and describes the positive effect on staff retention and staff survey engagement scores.

The NSPCC's trained values-based interviewers use a bank of questions to probe each of the charity's values when recruiting for paid employees. The charity also uses values-based interviewing to select trustees, who are asked questions that are revealing of values as well as competence. In the fundraising context, they use 'best endeavours' to ensure people associated with the NSPCC are familiar with what the charity stands for. Sir Peter Wanless, Chief Executive of NSPCC, told us how values-based questions have swung decisions between candidates, sometimes in unlikely and unexpected ways. **Case study 17** illustrates how the Office for Environmental Protection used a staff engagement exercise that focused on behaviours to recruit their new executive team.

As well as bringing in people who are already aligned with the values of the organisation, including values within the recruitment process sets expectations from the start. People coming into these organisations receive the clear message that their behaviour and decision-making should be in keeping with the ethical values of the organisation and that how they go about their role will be considered central to the delivery of their objectives. This is particularly important when appointing leaders who have come from other sectors and may be used to a different operating culture. It is also important when appointing leaders to public bodies and departments who have a greater degree of autonomy in shaping the culture of their organisations. Once in post, it is critical that ethical values are a clear feature of the induction programme and ongoing training, as we explored in chapter 4.

Michael Jary, Government Lead Non-Executive Director, told us that for appointment panels for non-executive directors, it was standard practice to ask questions about how people would deal with issues with an ethical dimension, to understand whether they had thought through the problem from a principled point of view. Alex Chisholm, Chief Operating Officer for the Civil Service and Permanent Secretary for the Cabinet Office, explained that in interviews for Civil Service roles, people are asked about issues to test their judgement and how they think about such issues, which explores, indirectly, the way they value things.

“Government non-executive directors have been trying to say this [ethical culture] is a strategic issue. If you can’t create the right working environment, train and recruit the right people, then it’s a problem. That’s where culture comes in. It’s not a tick box exercise. If you want to do X, the people are really important and how they behave. There is a war for talent, we need to hire and retain – or fail.”

Anand Aithal, Lead Non-Executive Director for the Cabinet Office, 6 June 2022

Civil Service Commissioners currently chair panels for the appointment of civil servants at SCS2 (director level) and above.⁶¹ Executive search companies are used by departments to identify candidates who may wish to apply for these positions. The First Civil Service Commissioner, Rt Hon Baroness Gisela Stuart, told us that alignment with values in the Civil Service Code is not built into the executive search briefs that government departments prepare for senior roles, although values may be revealed through the staff engagement exercise and psychological assessment (a feature of the recruitment process for all positions at SCS2 level and above).

“**As well as bringing in people who are already aligned with the values of the organisation, including values within the recruitment process sets expectations from the start.**

“I find the staff assessment, engagement exercises and psychological assessments are really interesting in terms of people’s values. When you get an application painting one picture and then the staff engagement feedback, you go into the interview very curious – which one will I get?”

Rt Hon Baroness Gisela Stuart, First Civil Service Commissioner, 11 July 2022

At the short-list stage, the panel will consider potential conflicts of interest and may ask the executive search company to ask further questions. Baroness Stuart told us that Commissioners specifically ask candidates about issues relating to diversity, but not specifically about the ethical values in the Civil Service Code. When the Civil Service Commission signs off appointments, it writes to departments to advise that the appointees should be made familiar with the values of the Civil Service.

⁶¹ As a result of the policy to advertise all Senior Civil Service jobs externally, the Civil Service Commission now has oversight of the recruitment of all senior civil servants and is considering how it will regulate these appointments.

While it would be naive to suggest it to be true in every case, many people who choose to work in the public sector are motivated by public service. This belief in the primacy of acting in the public interest can be harnessed by leaders to build ethical organisations.

The Principles of Public Life support the delivery of public services. We would encourage public sector organisations to consider how they can best incorporate within their recruitment and selection processes an assessment of how the personal values of candidates align with the Principles of Public Life, particularly for senior leadership positions.

For senior civil servants, government departments should ensure that values are considered at the executive search stage. Interviews should test how candidates would handle situations where the Principles of Public Life are under stress and how they would demonstrate to their workforce that the values matter to them.

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We would encourage public sector organisations to consider how they can best incorporate within their recruitment and selection processes an assessment of how the personal values of candidates align with the Principles of Public Life, particularly for senior leadership positions.

Section 2: Performance management

It is now standard practice in the private and public sector to look not only at the delivery of objectives, but also at how they have been met. If people who behave in a way that is incompatible with the values of the organisation are rewarded for getting the job done at any cost, this suggests high standards are not really that important after all, despite any words to the contrary.

We heard how some companies approach this in the private sector. Serco has a ‘values gate’ for their bonus scheme. This means that if a leader had seriously breached the organisation’s values, they would be automatically precluded from a bonus at the end of the year. Another company we spoke to told us they have a dashboard approach to performance management for their partners with a qualitative piece to focus on behaviours, which also impacts on partners’ profit share. Ethics and compliance also play into the consideration of promotion decisions, with partners who have performed well commercially having been held back a year due to ethical failings.

Tellingly, the chair of a public body told us that their organisation had just awarded the bonuses for their senior staff and said it was possible to map, almost perfectly, behaviour to the size of the bonus, which meant that one or two really effective senior people were awarded very low bonuses because their behaviour fell short of the standards expected by the organisation.

In the Civil Service, performance is managed through assessment against business objectives set at the start of the reporting year. These objectives set out ‘what’ civil servants need to achieve and ‘how’ they are expected to work, referring to the Civil Service Behaviours element of the Success Profiles.⁶² All line managers are required to have a leadership and line management objective. Published guidance for the Senior Civil Service includes the ‘demonstration of Civil Service values’ within the criteria that managers should consider when making a judgement over whether objectives have been met, not met or exceeded. There is an emphasis on the importance of leadership and seeking feedback from stakeholders to inform performance assessment. In addition, the Civil Service Diversity and Inclusion Strategy 2022 to 2025, which was published in February 2022, requires all members of the Senior Civil Service to have a diversity and inclusion-related objective as part of their management and leadership responsibilities.⁶³

The government is currently implementing reforms to the Senior Civil Service, including the introduction of capability-based pay and assessments of leadership capability.⁶⁴

How people get things done is important as well as getting them done

Attitude and behaviour are part of performance – you can and should manage them.

As communicators how we present ourselves, handle situations and market our profession are part of getting the job done well. You need to address attitude and behavioural problems even if ‘technical’ performance or delivery is good. This isn’t about deeming a specific leadership style better or worse than any other, but about demonstrating both the corporate and organisational behavioural expectations. Corporate expectations are set out in frameworks like the Leadership Model. They also form part of our Civil Service values set out in the Civil Service Code. Departments should set out clearly any organisational expectations so that objectives can be linked to the business aims. In both cases job holders and managers need to be clear about what is expected of them and how this will be measured.

Extract from Annex C – Good Practice Guide: Improving Performance, in ‘Performance Management Arrangements for the Senior Civil Service’ (April 2022)

62 HM Government, Success Profiles – Civil Service Behaviours. Accessed online August 2022: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/717275/CS_Behaviours_2018.pdf

63 Civil Service HR, Performance Management Arrangements for the Senior Civil Service (April 2022). Accessed online August 2022: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1080684/SCS-PM-UpdatedGuidance-APRIL-2022-V.2.pdf

64 Declaration on Government Reform (2021). Available at: www.gov.uk/government/publications/declaration-on-government-reform

Awards and recognition

Some organisations have awards to promote and inspire people to exhibit ethical values in the course of carrying out their roles. Awards and ceremonies can positively reinforce the importance of the behaviours people exhibit at work and help to keep values alive in internal communications. The Civil Service Awards align with the Civil Service vision for 'A Modern Civil Service that is more Skilled, Innovative and Ambitious'. In addition to the specific category criteria, promoting or demonstrating the Civil Service values is one of the core criteria for each award category.⁶⁵

Questions for leaders

- Does your recruitment and selection process place sufficient weight on the extent to which candidates' personal values align with the Principles of Public Life?
- How does your organisation's selection process test the ability of candidates to exercise sound judgement when faced with ethical dilemmas?
- Do the performance management processes of your organisation give sufficient weight to how individuals deliver on their objectives, as well as the outcomes that are achieved?

"Our annual Pulse Awards mirror our values. We typically get over 700 nominations from across the organisation giving out some 90 divisional and 45 global awards annually. This is not about being the best salesman but about real people who have lived the values."

**Robert Smith, Director,
Business Compliance and Ethics,
Serco Group plc, 16 May 2022**

"We have value stars which we can award, one to five value stars for actions, activities and behaviours which are consistent with our values. We also have an annual people award for employees and volunteers, and there's an award for each of the five values. This year we have over 300 nominations, for people who have achieved things in relation to these values."

**Sir Peter Wanless, Chief Executive,
NSPCC, 17 May 2022**

⁶⁵ Civil Service Awards 2022, Categories. Available at: www.civilserviceawards.com/categories

Conclusion

Focusing on how to ensure that ethical values are woven into every aspect of how an organisation operates is critical to good leadership. Yet, disappointingly, it often takes a crisis for senior leaders to prioritise action in this area.

There are clear advantages for an organisation if employees at all levels are ethically aware and feel comfortable speaking up if something doesn't feel right. The organisation benefits from an early warning system about ethical hotspots that could lead to scandal and a negative impact on public trust. It also builds an engaged and productive workforce who feel empowered by its leaders. This 'ethical fluency' cannot be achieved solely by rules and regulations, as important as these are in setting clear standards. If people are given the space and encouragement to become familiar with the fundamental values underpinning the rules, this will equip employees to act in line with the spirit and the letter. An approach to high standards which pays attention to values also overcomes the limitations of rules, since it is not possible to codify every element of the workplace or predict future developments where ethical issues may arise.

In this report we have distilled the insight shared with us by leaders in a range of organisations in the public, private and third sectors. We have featured real-life examples of how organisations have sought to embed ethical values in their policies and practices. These include examples of creating safe spaces for discussion of ethical dilemmas, structures and policies to support a 'speak up' culture, frameworks to support good decision-making, making values integral to recruitment processes, and bringing together data to measure culture and act on the findings.

We do not hold up these case studies as exemplars to adopt in their entirety, but as examples of how organisations have sought to integrate ethical values into how they operate. We hope they will inspire leaders in the public sector to think about what more they can do to embed a values ethos in their own organisations. To help leaders with this process, we have identified 20 questions for leaders to ask themselves under chapters 2 to 6 of this report. We have also made comments and suggestions throughout the report which we hope will give food for thought.

Our strong view is that the ethical health of an organisation cannot be left to chance. Leaders must ensure that the Principles of Public Life are integral to how public sector organisations operate and how the people in them make decisions and treat each other. Nor can leaders afford to become complacent – cultures do not stand still but evolve with changes to staff and working environments. Recent, well-publicised examples have shown that things can go badly wrong in public sector organisations if ethical health is not addressed. Shaping expectations and understanding of high ethical standards requires constant attention and reinforcement.

Appendix 1: Case studies

Case study 1: The Framework for Ethical Leadership in Education

The Ethical Leadership Framework is a set of values and virtues for the school and college context. It has two parts: it adapts the descriptors of the Seven Principles of Public Life to explain what they mean in the context of educational leadership, and it sets out a set of personal characteristics or virtues expected of leaders.

The National Governance Association has supported school and college leaders to use the framework by recording and sharing how the sector used the framework through their pathway project and by making available on their website an ethical audit, board activities and discussion topics.⁶⁶

Example of applying the Ethical Leadership Framework in practice

School behaviour leads come together in regional 'sharing panels' to consider the future of children who are not coping in their school for behavioural reasons.

Karen Cornell, Assistant Head Teacher and Behaviour Lead, used the framework to reframe the approach to this challenge in Warwickshire.

Traditionally, teachers would try to avoid accepting a child so they didn't need to answer to their headteacher or governor or other parents for bringing a perceived 'naughty child' to their school. Karen and her fellow behaviour leads felt that this approach wasn't good enough and a change was needed.

Karen realised that there was a need to build trust in the group, to provide mutual support and to set aside any perception that the schools were in competition with each other. She used the Leadership Framework to help colleagues to reflect on the Nolan Principles, to trust each other, and to work together in the best interests of the excluded child.

"The framework gave everything we needed to say to colleagues: this is how we need to conduct ourselves. We've changed our meetings, no longer do we place the children, people say, 'can I have that child please, I can offer them 'this' because I've got a great inclusion unit', and so it really has revolutionised and given us the confidence to be the professionals we are."

Karen Cornell, Assistant Head Teacher, The Coleshill School, Warwickshire,
5 February 2021⁶⁷

66 Paving the way for Ethical Leadership in Education (2021). Available at: www.nga.org.uk/getmedia/b66f7207-0d86-484f-9589-80b5090ce9e6/Ethical-Leadership-Report-2021.pdf

67 National Governance Association, Governing Chatters podcast episode 9: Ethical Leadership and how it works. Available at: www.nga.org.uk/News/Podcasts.aspx

Case study 2: Leading with integrity and exploring values-based behaviour – Department for Environment, Food and Rural Affairs (Defra)

“I place a great deal of emphasis in Defra on leading with integrity and understanding and living by the Civil Service Code. To do that I seek to create safe spaces to explore what the Code means and values-based behaviour.

In recent times we have had sessions with directors and director generals as a group to explore these issues, and encouraged them to hold similar fora with their teams. For my direct executive team we hold a private check-in session each week before our formal meeting. It is a place where we share how we are and provides a safe space to explore dilemmas.

We have done some work with the Westminster Abbey Institute on connecting with our Civil Service values and had a session recently for senior Defra leaders. We were led at the session by Dr Claire Foster-Gilbert, Director of the Westminster Abbey Institute, and Rabbi Shoshana Boyd Gelfand, Director of Leadership and Learning at the Pears Foundation. We considered our personal values and how we apply them in what we do every day from a range of perspectives. At the end of the session, colleagues felt reflective and motivated to have further discussions.

Following on from this we are planning a series of speaker events open to all at Defra on leading with integrity, to hear from a range of public and private sector leaders on how they lead in a way consistent with their values and the codes of their professions, and how they deal with challenges in this space.”

Tamara Finkelstein, Permanent Secretary, Defra, 6 September 2022

Case study 3: Aligning policies with values – Government Office for Science

This case study illustrates how the Government Office for Science and the Government Chief Scientific Adviser (GCSA) put into practice the principle of ‘openness’ during the COVID-19 pandemic.

In March 2020, the GCSA made the strategic decision to make publicly available in as timely a manner as possible, the scientific evidence that was either produced, considered by or available to the Scientific Advisory Group for Emergencies (SAGE), along with the group’s meeting minutes containing consensus advice on the emergency. Since then, the SAGE secretariat has released over 1,200 papers and minutes from the 105 SAGE meetings on GOV.UK. This transparency has:

- connected the global scientific community with current research
- allowed the public to understand and question how the government viewed and used the scientific evidence to make decisions affecting them
- allowed other governments to use the evidence
- helped improve trust in and understanding of science, as well as SAGE’s role in the emergency response
- set a precedent for making scientific evidence publicly available, thereby encouraging others to do so.

The GCSA and senior leaders regularly communicated their expectations for transparency both within the organisation and publicly in Select Committee appearances. We set up a dedicated team to manage a streamlined process for releasing a high volume of papers. We gave the team licence to champion transparency, and the GCSA remained engaged and supportive throughout the process. As a result, the average time from meeting to release of a paper was reduced from 149 days in 2020 to 9 days in 2022.

We continue to build a culture of transparency within the Government Office for Science. We have created comprehensive publishing guidance for future SAGE activations. Additionally, we have embedded transparency expectations in our objective to improve the government’s science system.

This endeavour throughout the COVID-19 response involved the heroic efforts, collaboration, and co-ordination of many government officials and scientists. We are extremely grateful to the goodwill of all involved. The Government Office for Science has built trusting and enduring relationships across government and beyond. We believe this will be extremely beneficial for future collaborations.

The Government Office for Science, 30 August 2022

Case study 4: Leadership within professions – Institute of Chartered Accountants of Scotland (ICAS)

ICAS encourages all chartered accountants to take personal responsibility for practising the ethical principles of their profession in the organisation within which they work.

ICAS has produced a series of publications, guidance and resources under their 'The Power of One' initiative to support members. This includes papers on personal responsibility and ethical leadership, moral courage, and the importance of listening.⁶⁸

The Power of One recognises that, no matter their career stage or level of seniority, through their ethical behaviour, every chartered accountant can be a force for good in the organisations in which they work. They can also influence those around them, and thereby help shape the culture and values of their organisation.

“The Power of One reminds people that all individuals have power. We have been pushing this message and we want our members to be advocates within their organisations. The title resonates with our membership – they are all aware of it.”

James Barbour CA, Director, Policy Leadership, (ICAS), 7 April 2022

⁶⁸ ICAS, Ethics and The Power of One. Accessed online August 2022: www.icas.com/professional-resources/ethics/resources-and-support/finance-plus-leadership-ethics-and-the-power-of-one

Case study 5: Network of ‘speak up’ officers – NHS National Guardian’s Office and Freedom to Speak Up Guardians

Every NHS provider in England is expected to adopt the national Freedom to Speak Up Policy, including a Freedom to Speak Up Guardian to give independent support and advice to workers who want to speak up about anything impacting on their ability to do their job – this could be a concern or an idea for improvement. There are over 800 Freedom to Speak Up guardians in primary and secondary care, independent sector organisations, hospices and national bodies.

The Guardian is recruited by their organisation and follows the universal job description drawn up by the National Guardian’s Office.⁶⁹ There are two elements to the role. One is reactive – to support people who speak up. The second is proactive – to support their organisation to help remove the barriers which can stop people from speaking up.

The NGO leads and supports the network and delivers training to Freedom to Speak Up Guardians. The Guardians also have access to local and national networks for peer support. The NGO shares learning through thematic reviews and by publishing real-life case studies.⁷⁰ The NGO also has a leadership role in promoting the importance of speaking up, holding the system to account and sharing best practice within healthcare and across the public and private sectors.

Could a similar model be introduced in other sectors?

“I’d say you need to first look at what is and isn’t working within your organisation. Do a deep dive with your staff. The next step would be to look at what will work in your organisation. I wouldn’t advocate for just putting a guardian everywhere, it needs leadership buy-in, and time and resources to do the job. And it’s not just about having a guardian, it’s about having a wider ‘speak up’ culture, are people comfortable to speak to line managers, to the Chief Executive etc. But if you’ve found you need an extra route, then I think our universal job description would be applicable everywhere.”

Dr Jayne Chidgey-Clark, National Guardian for the NHS, 28 April 2022

The Guardians have a crucial role to play, but their success is dependent on the support of their senior leaders. Guardians should have ring-fenced time for the reactive and proactive parts of their Guardian role and direct access to their Chief Executive and the senior lead and non-executive director with responsibility for the speak up culture in the organisation.

To be effective, the guardian model must be supported by leadership who value the role and are committed to listening to their workforce and taking action as a result.

69 National Guardian, Universal Job Description. Accessed online August 2022: nationalguardian.org.uk/for-guardians/job-description/

70 National Guardian, Case Studies. Accessed online August 2022: nationalguardian.org.uk/learning-resources/case-studies/

Case study 6: Retaliation monitoring – professional services company

Retaliation can come in many forms, from being excluded from meetings or team social activities to receiving poor performance reports (without justification) or even being looked over for promotion. Fear of retaliation is often cited as a barrier to speaking up and is a point raised by many of those who contact the Company's Ethics team to discuss reporting a concern about wrongdoing. Everyone who is the subject of an ethics complaint is reminded that retaliation is not tolerated and that they should be very careful to ensure they do nothing that could be, or perceived to be, retaliatory behaviour.

In 2020, the Company introduced a new process to monitor those that report concerns, to ask whether they have experienced any negative repercussions. In limited circumstances the team may decide not to monitor – for example if the reporter is no longer with the company.

Once a case has been closed, regardless of whether the matter was substantiated or not, the Ethics team will contact the reporter and any key witnesses typically on three separate occasions – one month, three months and six months – to check their experiences following the case conclusion. Depending on the circumstances, monitoring may be extended further and the frequency of contact modified. Additionally, all those being monitored are made aware that even after the proactive contact by the Ethics team has ceased, they remain available to be consulted should any subsequent concerns or questions materialise.

The practice is always welcomed by reporters. The very fact that this process is in place is a clear indication and message to all personnel that 'zero tolerance to retaliation' goes beyond mere words. Since the process was implemented, the monitoring has identified one substantiated incident of retaliation. In that instance, the reporter felt sufficiently comfortable to tell the Ethics team about an incident of retaliatory behaviour which was then dealt with by way of a disciplinary process and a material sanction. This example has been widely shared on a no-names basis, the aim being to send a powerful message across the organisation that retaliation will not be tolerated.

The Ethics team believes that the retaliation monitoring mechanism increases confidence in the 'speak up' process. When a reporter contacts the Ethics team, the investigation process and the retaliation monitoring process are explained, and it is evident that this increased understanding gives more confidence to reporters: anonymous reporters go on the record, and consequently matters are more likely to progress. Knowledge of retaliation monitoring is also checked through an annual Ethics Survey.

A professional services company, 5 October 2022

Case study 7: Speak Up Network – Wellcome Trust

The Wellcome Trust has set up a network for charities to share best practice on building a ‘speak up’ culture.

Convinced of the value of joining forces with other charities to drive progress across the sector, Fraser Simpson, Wellcome’s Associate General Counsel, set up a network of charities that are enthusiastic about catalysing ‘speak up’ cultures in their organisations and across the sector.⁷¹

The network, run by Fraser, is framed as being led for charities by charities, and meets quarterly online. The network comprises staff members from nearly 40 charities, who meet to share practical learning and experiences of establishing a ‘speak up’ programme and culture. The agenda is shaped by the ‘curriculum’ behind the Protect benchmark tool and external experts are invited to talk to the network about best practice in relation to key activities.⁷²

It is free to join and the external experts who present do so for no fee. Examples of recent network sessions include:

- the importance of speaking up in relation to good culture, good governance and good compliance – led by the Head of Guidance and Practice at the Charity Commission for England and Wales
- an introduction to speaking up: what it is and why it is important, the relationship between speaking up and grievances, how speaking up supports safeguarding, the particular challenges for the charity sector, Protect’s benchmark tool and findings of Protect’s Time to Transform charity sector campaign, as well as tips for a healthy ‘speak up’ culture – led by the Chief Executive of Protect
- the importance of psychological safety and how this can contribute to a resilient organisation – led by the Centre for Organisational Resilience at Lincoln University.

“It is great to see so many charities enthused and learning together about catalysing a speak up culture. This sort of network could work really well in other sectors, in particular if it can be properly resourced, as it is challenging to manage in one person’s spare time and with no budget.”

Fraser Simpson, Associate General Counsel, Ethics, Governance and Compliance, Wellcome Trust, 26 July 2022

71 Charity Sector Speak Up Network. Available at: charityspeakup.com/

72 Protect, Our Whistleblowing Benchmark. Accessed online August 2022: protect-advice.org.uk/our-benchmark/

Case study 8: Targeted training for ‘high risk’ roles – Cabinet Office

Permanent secretaries’ offices and ministers’ private offices occupy highly responsible and high-profile roles in their respective departments. It is therefore crucial that they are able to make judgements on propriety and ethics issues and know when to escalate them to the permanent secretary, who is accountable for decisions on propriety and ethics within departments. Equally important is that these offices understand when to seek advice from the Propriety and Ethics team (PET).

PET began an annual cycle of training for departmental private offices and permanent secretaries’ offices in October 2020. The training covers the foundations of propriety and ethics, the Civil Service Code, the Ministerial Code and the Special Adviser Code of Conduct. It includes various scenarios to help private secretaries think through how they might approach different issues, and allows opportunity for discussion.

PET runs and provides through the Principal Private Secretary Network and the Heads of Permanent Secretaries’ Office Network, bitesize information and updates to ensure that these staff are given the support they need in dealing with issues of propriety and ethics. PET runs a drop-in session once every six weeks to assist with any questions on training and ensure departments are provided with adequate support.

In 2021, PET and the Government Skills and Curriculum Unit delivered a private office conference, which included some sessions that fell within the propriety and ethics area. A second conference held this year had a leadership focus. The plan is for the conference to be an annual event.

In the last quarter of 2021, an inaugural private office basecamp was run by the Private Office Professionals Network for new private office staff across the Civil Service. This marked the start of a structured curriculum. The pilot basecamp included sessions on propriety and ethics and other broadly related topics, such as collective agreement and managing public money. This was a pilot run for what will be a biannual induction for new private office members.

Propriety and Ethics Team, Cabinet Office, 5 October 2022

Case study 9: Cascaded ethics training – Serco Group plc

Serco's 2014 corporate crisis drove the development of a new approach to ethics in the company, centred around a refreshed set of values.

Serco has run innovative training sessions at their annual leadership conferences which were then handed over to frontline leaders to deliver, empowering middle managers to create an ethical working culture in their teams.

“While the group Chief Executive is the leader and you need the tone to be set from the top, if you take one of our hospital contracts, the leaders that influence our workforce most are their managers plus their managers’ managers. Clearly you can’t invite everyone to a conference so we were only getting to the higher level of leaders. For me it is really important that frontline leaders equally understand the messaging – and that’s why we cascaded the training in this way.”

**Robert Smith, Director, Business Compliance and Ethics, Serco Group plc,
16 May 2022**

At their 2020 leadership conference, Serco ran a session designed to remind leaders of the need to create environments conducive to sustaining and building trust in Serco by acting ethically. They created a video of a fictitious news programme, with four main protagonists setting the scene where there had been misreporting in a contract. Delegates had to think about each of the characters – all of whom had done things wrong – and rank which was the worst. There was no right answer – the scenarios were designed to stimulate debate. This was followed by another video of a fictitious news programme where everything had been done appropriately, with the types of processes that were in place to ensure that the right things were done.

Those leaders attending the leadership conference were then encouraged to complete a similar training session with their management teams using a facilitators’ pack that had been provided for local application.

At the 2021 leadership conference, delegates were challenged to answer a set of questions within their teams and to report back. These questions centred around how to mitigate compliance risk and sustain and build trust in Serco through adhering to the organisation’s values. They received over 700 responses across the organisation and this fed into recommendations to the board for improvements.

This approach is echoed in other aspects of how Serco approaches ethics and compliance. For example, Serco’s new Code of Conduct, which has been produced by the centre but the roll-out is the responsibility of the various divisions within the organisation.

Case study 10: Role of police ethics committees in supporting decision-makers

The Devon and Cornwall Police Ethics Committee has been operational for six years and during this time has provided advice on over 100 ethical dilemmas.

The cases discussed in the Committee support decision-makers to manage some of the most complex and ethically challenging situations that police officers face and support wider organisational learning and improvement.

One such example involved discussion of the appropriate response when police officers are called to deal with incidents of self-harm in a home address.

Police officers are duty-bound to prevent people causing harm to themselves. However, where the harming isn't life-threatening, restraining people from harming themselves is legally very complex and could amount to the tort of False Imprisonment. In these circumstances, police officers frequently rely on 'duress of circumstance', the common law defence to commit a crime, which is a lesser evil to prevent a greater evil. Police officers dealing with these cases are in a very difficult position, faced with conflicting obligations.

The Ethics Committee debated the complex issues raised by these cases. Officers did not have access to people's medical records and were not medically qualified to make decisions around mental health incidents.

The Ethics Committee discussion assisted officers in Devon and Cornwall Police who were considering how best to develop the Force's response to mental health policing, and supported proposals for a range of actions that have since been implemented.

These include:

- guidance to help officers and staff determine how to respond when dealing with people in mental health crisis
- refreshed mental health training to officers and staff
- a dedicated mental health line set up by each of the Mental Health Trusts in the Devon and Cornwall area, allowing officers to speak to professionals who have access to medical records
- appointment of enhanced crisis control officers in the Contact and Resolution Command (dealing with 999 and 101 call handling).

Mike Stamp, Director of Legal, Reputation and Risk, and Chair of Devon and Cornwall Police Ethics Committee, 13 September 2022

Case study 11: Exchange of ethical dilemmas between police and medical ethics committees

Avon and Somerset Police Ethics Committee is chaired by Vassilios Papalois, Professor of Transplantation Surgery at Imperial College and former Chair of the Imperial College Healthcare NHS Trust Clinical Ethics Committee. This meant that Avon and Somerset were able to exchange appropriate cases with the Imperial College NHS Clinical Ethics Committee.

Exchanging dilemmas has been valuable where there is an overlap in the work of the police and the medical profession.

One example is a referral initially in 2015 to the ethics committee of the Avon and Somerset Constabulary on how best to protect girls born in the UK to women who have had female genital mutilation (FGM). The referring officer was subsequently invited to present the case to the medical committee. It was a complex scenario, raising complex issues such as the protection of individuals, confidentiality, family dynamics, community issues and how far the NHS and police can intervene in such cases.

A local risk assessment tool for use by all agencies likely to encounter FGM risk was subsequently created. This considers a host of likely risk factors and not just Maternal FGM, which has helped relieve tensions resulting from some communities feeling unfairly and disproportionately targeted by the statutory response to FGM risk. At national level, the NHS introduced the FGM Indication system (FGM-IS) which is a record that accompanies girls where there is a family history of FGM and other relevant risk factors.

“The issues were debated very thoroughly in both forums. The discussion was of a very high quality. Many different approaches were discussed but the outcome was gold for taking issues forward.”

**Professor Vassilios Papalois, Chair, Avon and Somerset Police Ethics Committee,
29 June 2022**

Sharing dilemmas has also been used successfully in areas that were not obviously connected; for example, the NHS brought an ethical dilemma relating to transplantation to the police committee and the medical committee considered issues relating to undercover policing. This sharing has helped to develop the thinking of both committees around ethics and it has provided the referring officers with a broader range of considerations to reflect on.

“Sharing ethical dilemmas can definitely be replicated in other parts of the public sector. There is a real richness and depth of understanding and knowledge that can be gained through seeing and engaging with ethical challenges faced in other areas of public service. Through working together in this way, we can better explain why people make decisions and help to develop a common ethical culture.”

**Professor Allyson MacVean, Vice Chair, Avon and Somerset Police Ethics Committee,
29 June 2022**

Case study 12: Ethics counsellor – GCHQ

GCHQ is an intelligence, security and cyber agency which helps keep the country safe from terrorists, hostile states and criminals operating online and in the real world. Its people can be presented with ethical challenges which go beyond the questions of whether an action is lawful.

GCHQ first appointed an Ethics Counsellor in 2014 to provide support for staff and to encourage a more open approach to discussing ethical concerns. The current Counsellor is an experienced senior officer, with a background in intelligence work and policy making.

GCHQ's ethical framework is based on its values, especially integrity, and different perspectives are seen as vital to sound decision making. The Ethics Counsellor is regularly approached to work alongside teams and leaders, helping identify emerging ethical risks and advise on handling contentious ethical issues.

GCHQ strongly encourages staff to raise ethical issues within their teams. However, it also provides a confidential outlet via the Ethics Counsellor. Concerns may relate to operational work, such as how the organisation conducts its mission to counter terrorism, serious crime and child sexual exploitation. Other concerns are around aspects of National Security policy or the ways in which staff live up to GCHQ's values.

Interventions on individual cases will vary, depending on the circumstances. Often the Ethics Counsellor can seek information or clarify context to resolve the matter. On other occasions, they can challenge decision makers or introduce a different perspective on behalf of their colleague. In many circumstances, the real benefit is giving people a chance to talk through personal ethical challenges and helping them articulate their thoughts to work towards resolution. Although not its primary purpose, having an independent, confidential outlet for raising concerns is also an important factor in managing the risk of unauthorised disclosure by disaffected members of the community.

Importantly, the Ethics Counsellor is independent of the organisation's corporate policy functions. Nevertheless, to be successful, the role needs, and receives, full commitment from the highest levels of leadership. It can be tasked to provide a challenge function in areas of perceived high risk. In the recent past this has included work on a range of corporate initiatives, from HR policies to technology innovation. An annual round-up is prepared for the GCHQ Board, identifying trends and emerging risks and making recommendations for growing the ethical health of the organisation.

The responsibility for ethics does not sit solely with the Ethics Counsellor. Everyone is expected to ensure their actions are ethically sound and leaders are expected to create an open and supportive culture. Nevertheless, this role is a fundamental part of upholding GCHQ's values in a classified and often highly pressurised working environment.

GCHQ, 25 August 2022

Case study 13: Ethical Decision-Making Model – Home Office

The Ethical Decision-Making Model introduces a step in the decision-making process that prompts decision-makers to consider any issues that cause ‘decision discomfort’.⁷³ Its purpose is to encourage critical thinking and where appropriate to either support border and immigration staff to exercise the discretion they already have or to escalate a case where they feel they cannot satisfactorily resolve the issue within the current legal and policy framework.

Example of the EDM in action

A national of an EU country sought entry to the UK as a returning resident but did not hold the necessary immigration status. They explained that they considered themselves to be British, but it was clear from the information provided that they were not entitled to British Citizenship. The Border Force officer noted that the passenger’s passport confirmed that they had been born in the UK. The officer established that the passenger had lived in the UK for their entire life and had no significant ties to their country of nationality or any other country.

The officer assessed the information gathered so far. The starting point for an EU national claiming to be resident in the UK, but without holding the required immigration status or visa, is refusal. However, the officer applied the principles of the Ethical Decision-Making Model to consider whether refusal of entry, while technically correct, was an appropriate outcome in this scenario and the ‘right’ thing to do.

Given the passenger’s specific circumstances, the officer was fully satisfied that any late application they made for settled status would be successful. For that reason, the officer granted the passenger three months’ leave outside the rules on the understanding that they seek to regularise their stay in the UK by applying for EU Settlement Scheme status as soon as possible.

“In her Windrush Lessons Learned Review, Wendy Williams, found that the Home Office took a very rules-based approach to decisions that didn’t always reflect the complexity of the case and as a result people were not always treated fairly. We don’t want to introduce more tick boxes on a checklist, this time labelled ‘ethics’. The EDM is more than that, it is a signal of cultural change; that alongside their duty to follow the rules our people have ‘permission’ to consider the consequences of their decisions and flag those, where they feel ‘discomfort’. That change will take time, we will have to continue to demonstrate that the ‘permission’ exists, but we have begun a programme of awareness raising across the department and I’m pleased that we can illustrate the impact that it is having.”

Abi Tierney, Home Office Ethics Adviser, 20 May 2022

⁷³ The Ethical Decision-Making Model. Accessed online August 2022: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1032399/The_Ethical_Decision-Making_Model.pdf

Case study 14: Sensitive Decision-making Framework – NSPCC

The NSPCC has developed a framework to support its employees to make difficult and sensitive decisions about celebrity endorsements and corporate donations that are consistent with the values of the charity.

In 2019, Munroe Bergdorf announced that she was Childline’s first LGBT+ campaigner. Ms Bergdorf was removed from the campaign days after the announcement following protests, claims and counter-claims. The Chief Executive gave Ms Bergdorf a full and frank apology for the way the charity abruptly ended the relationship with her, but confusion and upset on all sides demonstrated that the processes and procedures for approving celebrity endorsements were not understood or being applied consistently at all levels.

The NSPCC did not want to require trustee approval for all future celebrity relationships so worked hard to build a framework that would enable decisions to be taken in confidence at lower levels of the organisation. The framework is formed of red lines and red flags.

There is a very short list of absolute red lines: for example, the NSPCC will not work with individuals that have committed a crime against a child, or appeared in pornography, or done something egregious against the NSPCC’s values and not apologised. There is a longer list of red flags; which must be considered explicitly and proportionately to the role under consideration. Input is sought, where appropriate, from young people and from lived experience groups who may have a perspective. Where uncertainty remains, a case can be escalated to an experienced committee of staff, the Chief Executive, and in extreme circumstances onwards to a sub-committee of the board.

The framework was publicised through an awareness raising exercise across the organisation, with an intensive familiarisation process for people who work on celebrity engagement, appointments and corporate partnerships. Over time, the expert committee have become increasingly confident about their decisions, as they have become increasingly familiar with the red flags and their relationship with what the NSPCC stands for.

“Individuals making these sensitive judgments are equipped to do so because they are working within a frame of reference. They are empowered to make decisions, whilst assessing risk in a focused and proportionate way, which means that not every decision needs to go to the board... It’s about applying the NSPCC values to our charitable purpose – to prevent cruelty to children. We are supported in doing this by the framework we put in place.”

Sir Peter Wanless, Chief Executive, NSPCC, 19 August 2022

Case study 15: Culture Measurement Framework – NatWest Group

NatWest Group's Culture Measurement Framework pulls together over 100 measures from business units and control functions, as well as independent external sources, into a single insight into the Group's culture. Examples include audit and behavioural risk data, independently produced 'whistleblowing' data including numbers of cases and outcomes, independent data to assess customer service culture, and colleague engagement feedback and staff survey results.

NatWest Group found that the measures for culture they had in 2015 were not effective enough to help track progress against their culture change programme, so they designed new ones influenced by best practice.

The People Strategy and Insights Team started reporting to the Board using these basic measures, then upgraded them in 2016-17, and in 2021 integrated all the measures into a 'one-Bank' culture report for the Board that triangulates the data across functions.

The Group ensures that the measurement work leads to change where needed. Culture is led from the top. Alison Rose, NatWest Group's Chief Executive, sponsors the work, together with the Bank ExCo.

Targets are set for the people and culture measures and these are published in the Annual Report and Accounts. Key measures are shared with line managers every six months through an interactive toolkit. This toolkit allows managers to compare their team's results with others in the Group and via external benchmarks. Managers use this insight to action-plan, integrating this into their people plan and tracking progress throughout the year.

Focusing on culture has had a positive impact. In 2016, both the engagement levels of staff and the leadership index were below the Global Financial Services Norm benchmark. By 2021, engagement had increased from 73% to 89% and leadership effectiveness improved from 68% to 85%.

"My top tips for others seeking to gain a better understanding of their culture are:

1. Start small and build – don't wait for all your systems to talk to each other.
2. Try to get a coalition of the willing engaged from across the organisation – our work has been turbo-boosted through working with colleagues across finance, audit, risk, customer services etc.
3. Shape your approach based on best practice – we found the Financial Reporting Council guidance to UK Boards on 'Corporate Culture and the Role of Boards' as well as the Financial Services Culture Board review of NatWest Group, and insight from the Prudential Regulation Authority, Financial Conduct Authority, Institute of Risk Management, and the Institute of Internal Auditors really helped us."

**Greig Aitken, Group Head of People Strategy and Insights, NatWest Group,
16 May 2022**

Case study 16: Values based assessment – Standard Chartered

Standard Chartered uses a values-based assessment to select high-quality candidates whose values align with those of the Bank.

The values-based assessment is based on the Bank's Valued Behaviours framework, which was created after inputs were sought from the company's 80,000 employees through a global employee survey. The Bank specifically asked employees to provide input on the behaviours that are required to bring the bank's purpose to life.

Since the launch of the framework, the Valued Behaviours have been embedded across the organisation and are reinforced consistently by leaders and in internal communications.⁷⁴ All employees set objectives against them, they are the foundation of 360-degree feedback, they are built into the Bank's executive and management development programmes, they are at the centre of onboarding programmes, and every applicant is screened using a values-based assessment as part of the application process.

The values-based assessment is used across the bank's footprint, primarily spanning Asia, Africa and the Middle East, and to a lesser extent, Europe and the Americas. Within the first year of the assessment's rollout, Standard Chartered invited more than 52,000 candidates to complete it as part of the application process. Of the candidates who completed the assessment, 88% of candidates met the criteria and 12% were screened out for not meeting the behavioural standards expected.

"Our hypothesis has been that those who are more likely to behave in line with our Valued Behaviours (and perform better on the test) are more likely to stay longer, perform better and be more engaged in their journey with the Bank. And our data suggests that hypothesis is proven."

David Wilson, Head, Organisation Development, Standard Chartered, 17 May 2022

An analysis of 18,000 assessments completed as part of the development and pilot process found that:

- candidates who scored higher on the assessment showed 5.8% lower new joiner attrition than the global average
- individuals who were hired after completing the test and participating in their annual 'My Voice' staff survey had a 13.41 percentage point higher employee net promoter score than the global score
- higher performing candidates on the assessment had a 9% higher chance of being hired after progressing through subsequent selection stages.

⁷⁴ Standard Chartered, About us: our culture, valued behaviours and purpose. Accessed online August 2022: www.sc.com/en/global-careers/early-careers/who-we-are/culture-values-and-purpose/

Case study 17: Recruitment staff engagement exercise focusing on behaviour – Office for Environmental Protection

As a new public body, the Office for Environmental Protection (OEP's) entire executive team of four was hired in one go. All the short-listed candidates had to take part in a staff engagement exercise in front of a panel of volunteers representing different grades and teams across the OEP and an external assessor. This is now a common element of recruitment to senior roles in the public sector, and the Chief Executive of the OEP found this stage the most insightful part of the application process.

The reporting from the exercise was focused on behaviours. Candidates gave five-to-ten-minute presentations on their leadership style, followed by a Q&A. Staff wanted to know: are these people who share values with me? Are these people who will be a good leader and do I feel inspired by them?

The exercise assisted in building a rounded picture of candidates and was used to brief the selection panel and influenced questions or areas for discussion at final interview. While a strong performance in the exercise didn't necessarily correlate to skills and experience, candidates only made it to this stage of the selection process if they were above the bar on these requirements. That some candidates performed exceptionally well and some candidates did not could not be predicted from the paper application. The four successful candidates were each rated highest in the staff engagement exercise for their role.

"It has proved incredibly successful in our recruitment. I am looking for leaders who will nurture and grow their people and who will lead by example. This exercise requires candidates to demonstrate that they have the skills that my staff need their leaders to have. I think it's an absolutely essential part of the appointment process and I would not recruit to a senior post without running a similar exercise."

Natalie Prosser, Chief Executive, Office for Environmental Protection, 15 June 2022

The Office for Environmental Protection was created in November 2021 with the mission to protect and improve the environment by holding government and other public authorities to account.

Appendix 2: About the Committee on Standards in Public Life

The Committee on Standards in Public Life (CSPL) advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on arrangements for upholding ethical standards of conduct across public life in England. The Committee is an advisory non-departmental public body sponsored by the Cabinet Office. The chair and members are appointed by the Prime Minister.

CSPL was established in October 1994, by the then Prime Minister, with the following terms of reference:

“To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.”

The remit of CSPL excludes investigation of individual allegations of misconduct.

On 12 November 1997, the terms of reference were extended by the then Prime Minister:

“To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.”

The terms of reference were clarified following the Triennial Review of CSPL in 2013. The then Minister for the Cabinet Office confirmed that CSPL “should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies”, and that “the Government understands the Committee’s remit to examine ‘standards of conduct of all holders of public office’ as encompassing all those involved in the delivery of public services, not solely those appointed or elected to public office”.

CSPL is a standing committee. It not only conducts inquiries into areas of concern about standards in public life, but can also revisit those areas to monitor whether and how well its recommendations have been put into effect.

Membership of CSPL for the period of this review

The review was conducted from March 2022 to November 2022.

Lord (Jonathan) Evans of Weardale KCB DL,
Chair

Rt Hon Dame Margaret Beckett DBE MP

Ewen Fergusson

Dame Shirley Pearce DBE

Professor Gillian Peele

Rt Hon Lord (Andrew) Stunell OBE
(until 30 November 2022)

Rt Hon Sir Jeremy Wright KC MP
(until 20 November 2022)

Chair of CSPL's Research Advisory Board

Professor Mark Philp

Secretariat

CSPL is assisted by a secretariat consisting of Lesley Bainsfair (Secretary to the Committee), Nicola Richardson (Senior Policy Adviser), Amy Austin (Policy Adviser) and Lesley Glanz (Executive Assistant). Press support is provided by Maggie O'Boyle.

Declarations of Interest

Members' declarations of interest can be found on CSPL's website and are updated regularly.⁷⁵

Maggie O'Boyle also provides part-time press support to the Office of the Commissioner for Public Appointments, the Advisory Committee on Business Appointments, the House of Lords Appointments Commission, and the Civil Service Commission.

⁷⁵ CSPL website. Available at:
www.gov.uk/government/organisations/the-committee-on-standards-in-public-life

Appendix 3: The Seven Principles of Public Life

The Seven Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The Principles also apply to all those in other sectors delivering public services.

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner.

Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Appendix 4: Stakeholder list

A list of all stakeholders who held discussions with CSPL is below.


CSPL was grateful for the opportunity to have preliminary discussions with the following stakeholders before the launch of the review, to help shape thinking on the scope of the review:

- Mark Chambers, then Associate Director (Governance) and Guendalina Donde, then Head of Research, Institute of Business Ethics
- Siobhán Sheridan, Chief People Officer, Financial Conduct Authority
- Professor Paul Heywood, University of Nottingham
- Professor James Arthur, Jubilee Centre for Character and Virtues, University of Birmingham

Meetings (oral evidence), March to July 2022

1	Anand Aithal	Lead Non-Executive Director, Cabinet Office
2	James Barbour	Director, Policy Leadership, Institute of Chartered Accountants of Scotland (ICAS)
3	Geoff Barton	General Secretary, Association of School and College Leaders
4	Dr Jayne Chidgey-Clark	National Guardian, NHS
5	Alex Chisholm	Chief Operating Officer for the Civil Service and Permanent Secretary for the Cabinet Office
6	Jacqueline Davies	Director of Leadership and Lifelong Learning, NHS Leadership Academy
7	Pamela Dow	Then Executive Director, Government Skills and Curriculum Unit
	Dame Sara Thornton	Chair, Government Skills and Curriculum Unit Leadership Advisory Board
8	Sir Jeremy Fleming	Director, GCHQ
9	Dr Claire Foster-Gilbert	Director, Westminster Abbey Institute
10	Elizabeth Gardiner	Chief Executive, Protect
11	Oonagh Harpur	Senior Board Adviser
12	Michael Jary	Government Lead Non-Executive Director
13	Martin Jones CBE	Chair, Association of Chief Executives
14	Tanuj Kapilashrami	Group HR Director, Standard Chartered
	David Wilson	Head, Organisation Development, Standard Chartered

15	Keith Leslie	Chair, Samaritans
16	Chief Constable Dr Richard Lewis	Chief Constable, Dyfed-Powys and National Police Chiefs' Council Ethics Portfolio Lead
17	Rupert McNeil	Then Chief People Officer, Civil Service HR, Cabinet Office
18	Dame Clare Moriarty	Chief Executive, Citizens Advice
19	Dame Alison Peacock	Chief Executive, Chartered College of Teaching
20	Dave Penman	General Secretary, First Division Association
21	Helen Pitcher OBE	Chair, Public Chairs' Forum
22	Dame Susan Rice	Chair, Financial Services Culture Board
23	Anita Aul Antonia Simpson	Deputy Ethics Partner, Deloitte LLP Director of Ethics, Deloitte LLP
24	Robert Smith	Director Business Compliance and Ethics, Serco plc
25	Rt Hon Baroness Gisela Stuart	First Civil Service Commissioner
26	Andrea Sutcliffe CBE	Chief Executive and Registrar, Nursing and Midwifery Council
27	Abi Tierney	Ethics Adviser, Home Office
28	Darren Tierney Tristan Pedelty	Director General, Propriety and Ethics Then Director, Propriety and Ethics
29	Sir Peter Wanless	Chief Executive, NSPCC
30	Wendy Williams CBE	HM Inspector of Constabulary and HM Inspector of Fire and Rescue Services
31	Various	Cabinet Office Staff Board
32	Various	NHS Freedom to Speak Up Guardians
33	Various	Police officers and staff
34	Various	Civil Service Nominated Officers
35	Various	Chief executives and chairs, Association of Chief Executives and Public Chairs' Forum joint event



Committee on Standards in Public Life
1 Horse Guards Road, London, SW1A 2HQ
January 2023

**Standards & Audit Committee
Work Programme
2023/24**

Dates of Meetings: 19 July 2023, 6 September 2023, 30 October (Extraordinary), 23 November 2023 and 29 February 2024.
Extraordinary 21 March 2024

Topic	Lead Officer	Description of the Report
19 July 2023		
Terms of Reference	Democratic Services	
Audit Progress Report for 2020/ 21 External Audit	BDO/ Jonathan Wilson	
Internal Audit Strategy 2021/22 to 2023/23 & Annual Internal Audit Plan 2023/24	Gary Clifford	
Chief Internal Auditor's Annual Report – Year ended 31 March 2022	Gary Clifford	
Gifts and Hospitality	Asmat Hussain	
Complaints received under the Members' code of conduct	Asmat Hussain	
Member Training Report	Asmat Hussain	

Work Programme	Democratic Services	Standing Item
6 September 2023		
External Audit Progress Update Report	BDO	
Annual Complaints & Enquiries Report 2021/22	Lee Henley	
Annual Information Governance Report April 2021 - March 2022	Lee Henley	
Regulation of Investigatory Powers Act (RIPA) 2000 – Activity Report 2021 /22	Lee Henley	
Counter Fraud & Investigation Annual Report 2022/23	Michael Dineen	
Dispensations	Asmat Hussain	
Publication of Councillors Home addresses on Register of interest	Asmat Hussain	
Work Programme	Democratic Services	
30 October (Extraordinary Meeting)		
Internal Audit Progress Update Report 2023-24	Gary Clifford	

Public Sector Internal Audit Standards Self-Assessment 2023	Gary Clifford	
Review of Risk and Opportunity Management, Strategy Policy and Framework Report	Andy Owen	
Verbal Update - Housing and Waste Complaints	Ewelina Sorbjan Claire Demmel	
Work Programme	Democratic Services	
23 November 2023		
External Audit Progress Update Report	BDO	Standing Item
Counter Fraud & Investigation Quarterly Update (Q1)	Michael Dineen	
Complaints received under the Members Code of Conduct	Asmat Hussain	
Work Programme	Democratic Services	
29 February 2024		
Audit Progress Report for the Year Ended 31 March 2022 – Verbal Update	BDO / Steven Mair	
Internal Audit Progress Report	Mark Chalkley/ Colin Ratcliffe	Standing Item

In Quarter 2 Refresh of the Strategic/Corporate Risk Register	Colin Ratcliffe	
Updates on Committees on Standards in Public Life	Asmat Hussain	
Code of Corporate Governance deferred	Mark Chalkley/ Asmat Hussain	
Members Attendance Statistics	Matthew Boulter	
Mid-Year (2023/24) Complaints and Information Governance Activity Report	Lee Henley	
Member Development Strategy	Matthew Boulter	
Members Training Schedule Report	Matthew Boulter	
Splitting Standards and Audit functions	Matthew Boulter	
Update on Procurement Briefing note provided		
Work Programme		
EXTRAORDINARY 21 MARCH 2024		

Financial Statements and Annual Governance Statement 2020/21 Audit Completion Report	BDO / Steven Mair	
A report on the Counter Fraud Strategy	Michael Dineen	
Whistle blowing, Corruption and Bribery policy	Asmat Hussain	
Internal Audit Charter 2023	Mark Chalkley/ Colin Ratcliffe	
Internal Audit Protocol	Mark Chalkley / Colin Ratcliffe	

Reports for 2023/24:

To be covered by Internal Audit –

Update of Program and Project Management – Mark Bradbury

A13 Widening Project – Mark Bradbury / Kevin Munnelly

Stanford-Le-Hope Transport Projects - Mark Bradbury / Kevin Munnelly

Investment Briefing – Jonathan Wilson

An item on Contract Management/ lessons learnt could be brought back to Committee and the person in charge of contracts can confirm that provisions are now in place.

A briefing note on the new changes to Procurement law in 2024 to be provided.

Update from Member Learning and Development Sub Committee – Sub Committee first

Member Training Attendance – Sub Committee first

First meeting of municipal year 2024/25

Register of Interests Report – Monitoring Officer

Review of the Risk Management

The Strategy Policy and Framework Report

Clerk: Rhiannon Whiteley
Last Updated: October 2023