

Assessment against best practice

Best practice 1	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition	<p>The Herefordshire Council code of conduct does include a prohibition on bully, harassment and intimidation as part of the Openness section under E, but there is no definition.</p> <p>Recommendation 1a – Arrangements should include definitions in line with ACAS guidance</p>
Best practice 2	Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors	<ol style="list-style-type: none"> 1. As part of the initial assessment of code of conduct complaints, the monitoring officer can reject complaints which are trivial or malicious. 2. If a monitoring officer resolution is not complied with a specified time limit, the monitoring officer cannot resolve the complaint and the complaint will be sent to be determined by the standards panel. This is provided for in the standards panel terms of reference and in the council's arrangements

Assessment against best practice

Best practice 3	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities	The code of conduct was reviewed in 2017 and 2018 and is scheduled to be part of the biennial review of the Constitution. A report on the arrangements for this review is due to be presented to the committee on 19 November 2019 and will consider what consultation is appropriate.
Best practice 4	An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises	The code of conduct part of the council's constitution and in the section for making a complaint on the council's website.
Best practice 5	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV	<p>Herefordshire Council councillors are required to declare gifts and hospitality on their declaration of interest forms. This ensure that the information remains as up to date as possible.</p> <p>Since the introduction of this requirement in 2017, there has been an increase in councillors declaring gifts or hospitality.</p> <p>Councillors are now reminded on a quarterly basis to review their declaration of interest form.</p>

Assessment against best practice

Best practice 6	Councils should publish a clear and straightforward public interest test against which allegations are filtered	There is currently a two stage filter as part of the arrangements for dealing with complaints. The information access team undertake a pre-qualification criteria. The monitoring officer then undertakes an initial assessment of all complaints against the criteria which is contained with the process. This includes the public interest test when a complaint is about an event a significant time ago or where the councillor has resigned.
Best practice 7	Local authorities should have access to at least two Independent Persons.	Herefordshire Council currently has 8 independent persons.
Best practice 8	An Independent Person (IP) should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial	<p>The current arrangements say that the IP may, in accordance with the Localism Act be consulted at the initial assessment stage where the monitoring officer is minded to dismiss a complaint as being without merit, vexatious, or trivial. The current practice is that although it says may IP's are consulted on all decisions under the initial assessment .</p> <p>The current arrangements do not refer to IP's being consulted on the decision to</p>

Assessment against best practice

		<p>undertake a formal investigation although thjs is what happens in practice.</p> <p>Recommendation 1b - change the arrangements from IP's may be consulted to will be</p> <p>Recommendation 1e – include that the decision on how to proceed will be made by the monitoring officer “after seeking the views of the IP’s”.</p>
Best practice 9	<p>Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied</p>	<p>Since May 2018, decision notices in respect of breaches of the code by councillors are published on the council's website. The decision notice does contain a brief statement of facts, the provisions of the code engaged by the allegation, the reasoning of the decision maker and the sanction applied.</p> <p>At present, the view of the independent person is not reflected in the decision notice. This is due to the need to ensure the effective conduct of public affairs and to ensure free and frank advice.</p>

Assessment against best practice

Best practice 10	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes	The council does have a code of conduct complaints process which is available on the council's website.
Best practice 11	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	This is a matter for parish councils. Recommendation 1c – Include this guidance in the arrangements
Best practice 12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work	This is provided.
Best practice 13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	Our current practice is that the monitoring officer delegates to the deputy monitoring officer or another monitoring officer where conflict arises. This is not specified in our arrangements. Recommendation 1d – include in the arrangements
Best practice 14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with	The annual governance statement does include references to the separate bodies set up and the relationship. Group

Assessment against best practice

	those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.	accounts are also produced and included within the Council's Statement of Accounts. Nolan principles / publish agendas.
Best practice 15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	This is on the agenda for the next group leaders meeting 4 November 2019