

**To the Chair and Members of the  
AUDIT COMMITTEE**

**ANNUAL REPORT OF THE MONITORING OFFICER**

**EXECUTIVE SUMMARY**

1. This paper sets out the Monitoring Officer's (MO's) Annual Report to the Standards Committee, including complaint handling activity carried out in consultation with the Independent Persons in relation to allegations of Member misconduct, details of disclosures made by members of staff under the Council's Whistleblowing Policy during the last 12 months and information on Member Development. This report is being presented to the Audit Committee as Ethical Governance is part of the Council's Corporate Governance Framework and, as such, the content of this report will be of interest to the Audit Committee. At its meeting held on 3rd April, 2014, the Standards Committee considered a similar report and approved the recommendations set out in paragraph 2 below.

**RECOMMENDATIONS**

2. It is recommended that the Committee:-
  - (i) notes the MO's annual report on complaint handling activity for the period 1st March 2013 to 28th February 2014;
  - (ii) notes the whistleblowing returns for 2013/14, as detailed in Appendix A to the report; and
  - (iii) notes the update on Member Development and the proposal that monitoring of mandatory training for Members and Officers is removed from the terms of reference of the Standards Committee for the reasons outlined in paragraph 5 of this report.

**BACKGROUND**

3. At its meeting in May 2012, the Council agreed a new complaint handling structure for dealing with allegations of Member misconduct. This new structure was more streamlined than the previous arrangements, allowing for enhanced delegation to the MO in assessing and resolving complaints informally, in consultation with an Independent Person (IP). In Doncaster, the role of Independent Person is carried out by Messrs Philip Beavers and Ian Daines.
4. The Standards Committee agreed at its meeting held on 28th March 2013 that it would receive on an annual basis a report by the MO on Standards complaint handling activity and monitoring of the Council's Whistleblowing Policy during the previous 12 months.

5. The Terms of Reference of the Standards Committee refer to monitoring and reviewing the mandatory training programme for Members. At the time this was drafted it was in respect of ethical governance training when a new model code of conduct for elected members was introduced back in 2002. The Council has now established a Member Development Working Group to oversee all aspects of Member training and development that includes Ethical Governance. In these circumstances, it is no longer necessary for this function to be undertaken by the Standards Committee. In terms of Officer training, arrangements are in place for monitoring of Officer attendance at training events.

### **Standards Complaint Handling Activity – 1st March 2013 to 28th February 2014**

6. Over the last 12 months, a total of 10 complaints against Parish/Borough Councillors have been received. These comprised 3 complaints against 6 different Borough Councillors, and 7 complaints against 4 different Parish Councillors. All of these have been dealt with informally by the MO in consultation with the Independent Persons, with none meriting formal investigation.
7. Three of the complaints related to Borough Councillors, a summary of which is detailed below:-
  - 7.1 The first complaint was made by a Town Councillor alleging that a Borough Councillor had spoken to him inappropriately in a public forum. Following informal enquiries being made by a DMBC legal officer on behalf of the MO with the complainant and a witness, and contact being made with the subject member by the MO, it was decided in consultation with the IP that no further action was needed and the case was closed.
  - 7.2 The second complaint was made by a member of the public against two Borough Councillors and centred around an alleged incident at the Full Council Meeting held on 17th January 2013 and a further alleged incident at the Full Council meeting on 21st February 2013. The complainant alleged that at the January Council Meeting, a Borough Councillor made disrespectful remarks towards the former Elected Mayor Peter Davies, and at the February Council Meeting, it was alleged that a different Borough Councillor had made threatening remarks towards a member of the public. Having considered the allegations in consultation with the IP, the MO did not consider the comments made at the January Council Meeting as being of sufficient seriousness to warrant any action. With regard to the incident at the February Meeting, having sought an explanation from the Member being complained about, the MO decided that the remarks had not been intended as any kind of threat and accordingly no further action was taken.
  - 7.3 A third complaint was submitted by a member of the public against 3 Borough Councillors. This alleged that there was a failure to declare Personal and Prejudicial/Disclosable Pecuniary Interests in a specific planning application by two of the Councillors at Planning Committee meetings held in 2011 (on two separate occasions) and 2013 (on one occasion). The complaint against the third Borough Councillor alleged that she had failed to treat others with respect at the Planning Committee meeting held in July 2013. Due to the MO having a conflict of interest

involving the complainant, this case was dealt with by the Deputy MO in consultation with the IP. Having considered the allegations in detail, the Deputy MO concluded that the Councillors in question did not have a Personal and Prejudicial Interest in relation to the application considered at the Planning Committee meetings held in 2011 (held under the auspices of the old DMBC Code of Conduct for Members), nor did they have a Disclosable Pecuniary Interest in the case of the Planning meeting held in 2013 (under the current Code of Conduct) and, therefore, no breach of the Code had occurred. The Deputy MO also rejected the complaint that a Member's actions during the Planning Committee meeting in July 2013 amounted to 'failing to treat others with respect'. Consequently, the complainant was informed of the Deputy MO's conclusion that these matters did not warrant further investigation and were considered closed.

8. The remaining seven complaints concerned four Parish Councillors, all from different local Councils. A summary of each of these cases is provided below:-
  - 8.1 The first two complaints concerned the alleged threatening behaviour of a Parish Councillor towards a member of the public at a Parish Council meeting. The complaints were submitted by a Parish Councillor on the same Parish Council as the Councillor being complained about, and her spouse, towards whom the alleged threatening behaviour had been directed. Following an informal investigation into the alleged incident, and discussions with the various parties concerned, the MO and IP both attended a subsequent meeting of the Parish Council as observers, and also met with all of the Councillors in a private session the following week, which resulted in the subject member sending a written apology to the member of public who had complained.
  - 8.2 The second pair of complaints were made by two Parish Councillors against a fellow Parish Councillor from the same Parish Council. These related to alleged offensive remarks and threatening behaviour by the subject member at a meeting of the Parish Council. [Note: One of the complainants subsequently withdrew their complaint for personal reasons]. Having informally investigated the matter by contacting some of the persons present at the Parish Council meeting in question, the MO wrote to the subject member advising him that he had concluded that the subject member's conduct was inappropriate and that an apology from him to the complainant would be a suitable resolution to the matter. Following this, the MO received a letter from Solicitors representing the subject member refuting the allegations against the Councillor concerned. The MO subsequently replied to the Solicitors reaffirming his view that an apology from the subject member would be appropriate in the circumstances and that he had accordingly written to the Clerk to the Parish Council confirming this view. In his letter to the Clerk, the MO also stated that he would not be taking any further action in this case beyond urging all members of the Parish Council to work together in the best interests of the community. He did suggest, however, that it might be appropriate for the Parish Council to consider engaging a third party to facilitate discussion between the complainant and the subject member with a view to moving on from this and seeking to establish an appropriate working relationship. The Clerk subsequently advised the MO that the Parish Council had

considered the MO's findings and had agreed to contact the Yorkshire Local Councils Association to ask for assistance in facilitating mediation for the parties concerned through a third party. To date, no further correspondence has been received by the MO from the subject member or his Solicitors, nor has an apology been received by the complainant.

- 8.3 A further complaint was submitted by a member of the public regarding a Parish Councillor. This related to a nuisance issue involving a playing field owned by the Parish Council which adjoined the complainant's property. Because this complaint essentially amounted to dissatisfaction over the way in which the Parish Council had dealt with a matter, it was subsequently dismissed by the MO on the basis that it did not relate to any breach of the Code of Conduct and was therefore outside of his jurisdiction.
- 8.4 The fourth complaint was submitted by two DMBC Officers against a Parish Councillor. It was alleged that the Councillor had made inappropriate and offensive comments against the Council and the two Officers as they attempted to retrieve a stray horse from the highway. As the Parish Councillor was not acting in an official capacity at the time of the alleged incident, the MO was unable to deal with the complaints under the Members' Code of Conduct. However, because the MO was concerned over the Councillor's apparent behaviour towards Council employees, he wrote to the Councillor stating that such behaviour was unacceptable from a community leader, irrespective of whether or not he was acting in his capacity as a Councillor, and suggesting that under the circumstances it would be appropriate for the Councillor to apologise to the Officers concerned in writing, which the MO offered to forward on to the Officers. The subject member subsequently contacted the MO stating that he was not prepared to make an apology. In the absence of any apology from the subject member, the MO advised the complainants that no further action could be taken as the Councillor had acted in a private capacity at the time.

#### **Whistleblowing Returns for 2013/14**

9. In accordance with the Council's Whistleblowing Policy, Directors are responsible for completing an annual return detailing any whistleblowing concerns within their Directorate, which is forwarded to the MO. The MO has overall responsibility for the maintenance and operation of the Policy, which includes keeping a record of all whistleblowing cases and presenting a summary of these to the Standards Committee on an annual basis.
10. Information received from Directorates reveals that there have been three disclosures made under the "Whistleblowing" Policy in the last twelve months, all of which were within the Children and Young People's Service Directorate. See Appendix A of this report for a breakdown of these disclosures.
11. A review of the Whistleblowing Policy will be undertaken during the next Municipal Year to ensure that it is fit for purpose.

## Member Training and Development 2013/14

12. Full Council at its meeting in July 2013 agreed a Member Development Framework (MDF) and a programme of Member Development activities for 2013/14. The MDF set out some best practice principles for Member Development e.g. identifying the types of training to be undertaken (e.g. compulsory or recommended) and how development would be undertaken e.g. briefings, internal seminars, workshops, mentoring etc. The Council also established a cross party Member Development Working Group (MDWG) to review the effectiveness of Member Development focusing on progress against the schedule of events, attendance information and feedback and evaluation.
13. In agreeing the schedule of Member Development activities for 2013/14 Council agreed that training on Safeguarding, Equalities and Information Governance should be compulsory for all Members. To avoid Members having to attend the same course annually Council agreed at its meeting on 6<sup>th</sup> March 2014 that Members should undertake these courses within a three year period but may be required to attend additional training where there are any significant changes to legislation for example, changes to equality legislation. To date 87% of Members have undertaken training on Safeguarding, 68% on Data Protection (a further event is being run on 15<sup>th</sup> April) and 79% on Equalities. All these courses will be rerun following the Borough Council elections to ensure new Councillors and existing Councillors who have not yet attended are given a further opportunity to access the training.
14. There are no national or local performance indicators relating to engagement by Councillors on Member training and development and it is difficult to compare attendance from year to year particularly where courses may be repeated (see paragraph 13 above). Certain training may also be open to all Members but is only taken up by specific groups e.g. basic social media skills may not be appropriate for those Members already using forums such as Twitter and Facebook.
15. To encourage attendance at seminars and training, sessions are generally run twice, once during the day and once during the evening to accommodate working Councillors. For all Member seminars attendance is generally around 20 Councillors (approximately a third). It is likely this figure would be reduced if events were only run once. Improved measures are now in place to record attendance and evaluate training activities with timely reminders sent to individuals and attendance information sent to Group Leaders where necessary.

### **The 2014/15 Programme**

16. A revised schedule of Member Training and Development was agreed by Council on 6<sup>th</sup> March 2014 (attached at Appendix B). This was informed by a skills audit questionnaire which was completed by Members. The compulsory training is front loaded to ensure training takes place early in the municipal year between June-September to ensure Members can apply their learning over the course of the year. The programme focuses on ensuring Members have the right skills to undertake their roles effectively both now and in the future.

## Technology

17. One of the key areas identified from the skills gap questionnaire was the use of technology. The 2014/15 programme takes account of this and includes opportunities to improve Member skills. The MDWG is also keen that any e-learning courses are available for elected Members to utilise and this will be considered further during the course of the year. Currently members can access the e learning portal to complete e learning modules relating to Information Governance.
18. There is an understanding that Councillors need to make better use of mobile technology to be more responsive to the needs of their communities. A growing number of Councillors are using their own tablets and smartphones to assist them in their duties. Consideration is currently being given as to how the Council can support all Councillors to have the necessary mobile equipment to assist them in undertaking their role.

## Social Media

19. There is a growing awareness among Councillors of how Social Media can be used to inform and engage with the public. On 13<sup>th</sup> February a session was held for a group of members around the skills needed to become a *Networked Councillor*. Draft outcomes from this session have recently been received from the provider and will be considered as part of the wider development of this programme over the coming weeks. Training around digital and social media particularly in connecting with communities is part of the 2014/15 programme.

## Partnership Working

20. The 2014/15 seminar programme (Appendix C) has also identified some key areas where Members need to meet future challenges by working in partnership e.g. links with Academies and schools, understanding how to deliver health priorities and understanding outcomes from budget consultations.

## OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

21. Not applicable – this report is for noting.

## IMPACT ON THE COUNCIL'S KEY OBJECTIVES

- 22.

Priority Outcome	Mayoral Priority	Implications of this initiative
6. The Council is operating effectively, with change embedded and sustained with robust plans in place to operate within future resource allocations.	Protecting vital services.	The work undertaken by the Standards and Audit Committees helps to ensure openness, transparency and probity in the way that the Council conducts its business. This, in turn, should help to increase public confidence in local governance through maintaining high standards of conduct by Members.

## **RISKS AND ASSUMPTIONS**

23. There are no identified risks associated with this report.

## **LEGAL IMPLICATIONS**

24. Section 27(1) of the Localism Act 2011 places a duty on relevant authorities to promote and maintain high standards of conduct by Members and Co-opted Members of the authority.

25. Section 28 of the Localism Act 2011 requires Principal Authorities to have in place arrangements for investigating allegations of Member misconduct and taking decisions on those allegations. It also requires Councils to appoint at least one Independent Person who is to be consulted as part of the complaint handling process. The Council has in place arrangements for discharging these arrangements.

## **FINANCIAL IMPLICATIONS**

26. There are no specific financial implications arising from this report.

## **BACKGROUND PAPERS**

Complaint File (exempt).

Report to Standards Committee – 3rd April 2014.

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## Appendix A

<b>Whistleblowing Statistics 2013-14</b>	
1. Number of referrals from 1 <sup>st</sup> April 2013 to 26 <sup>th</sup> March 2014	<b>3</b>
2. Following referral, number of times the decision was made to undertake an investigation	<b>2</b>
3. Outcome of investigations:	
- no substance in complaint, matter dropped	<b>2</b>
- malpractice identified and corrected	<b>0</b>
- disciplinary action taken in respect of any council employee	<b>0</b>
- investigation still on-going	<b>0</b>
4. Type of concerns raised:	
- unlawful behaviour, e.g. theft, fraud, corruption, false claims etc.	<b>1</b>
- behaviour against the Councils Standing Orders or policies	<b>0</b>
- behaviour which falls below established standards of practice	<b>3</b>
- improper conduct	<b>3</b>
- health and safety risk, including risks to the public as well as other employees	<b>1</b>
- damage to the environment	<b>0</b>
- racist incidents or racial harassment	<b>0</b>
5. Number of whistleblowers who have complained of harassment or victimisation against them since they raised their concern	<b>1</b>
- how the complaints were dealt with	Advised to follow the school grievance policy.
6. Number of whistleblowers who did not want their names disclosing	<b>3</b>



7. Number of complaints where no further action was taken, which were deemed to be of a malicious or vexatious nature	<b>0</b>
- number of times disciplinary action was taken against the complainant	<b>N/A</b>
8. In matters raised, numbers which were:	
- investigated internally	<b>2</b>
- referred to the Police	<b>0</b>
- referred to the external Auditor	<b>0</b>
- the subject of an independent inquiry	<b>0</b>
9. Number of employees who took the matter outside the Council in the first instance to either:	<b>1</b>
- a local Council Member	
- Ombudsman	
- the external Auditor	
- a relevant professional body or regulatory organisation	<b>1</b>
- a solicitor	
- the Police	
- other	
10. Number of whistleblowers who were concurrently, or subsequently involved in other procedures, e.g. grievance, capability, ill health etc.	<b>Not known</b>
- Type of procedure involved and outcome	

APPENDIX B

SCHEDULE OF TRAINING & DEVELOPMENT ACTIVITIES 2014/15

<b>COMPULSORY TRAINING – ALL MEMBERS</b>					
	<b>Topic</b>	<b>Purpose</b>	<b>Provider</b>	<b>When</b>	<b>How</b>
1	<b>Equalities</b> (incl public sector equality duties/ community leadership role / equality legislation)	Improve skills & knowledge All - Compulsory	Internal	June to September, 2014	Workshop style session and e-learning
2	<b>Children’s Services Safeguarding</b> including- Corporate Parenting and Performance management	Improve Skills & knowledge on this priority issue.  Compulsory to all new Members and those not attended in 2013/14	Internal	June to September, 2014	Workshop style session
3	<b>Information Governance – including Data Protection</b>	To improve knowledge and understanding	Internal	June/July, 2014	Workshop style session e-learning modules and drop in sessions
4	<b>Health &amp; Safety for Elected Members</b>	To ensure understanding of corporate and personal responsibilities.	Internal	June/July	Workshop style session
<b>COMPULSORY FOR COMMITTEE MEMBERS</b>					
5	<b>Planning Induction</b>	To enable Members to discharge their function effectively	Internal	June, 2013	Workshop style session
	<b>Planning – ongoing training as required</b>	Subject specific training provided as required in advance of each Planning Committee meeting.	Internal	Ongoing	Workshop style session
6	<b>Licensing Induction</b>	To enable Members to discharge their function effectively	Internal	June, 2013	Workshop style session
7	<b>Audit Induction</b>	To enable Members to discharge their function effectively	Internal	June, 2013	Workshop style session

**COMPULSORY FOR IDENTIFIED GROUPS**

	<b>Topic</b>	<b>Purpose</b>	<b>Provider</b>	<b>When</b>	<b>How</b>
<b>8</b>	<b>Roles &amp; Responsibilities of a Councillor –Induction learning activities for new Councillors</b>	To support new Councillors/refresher training for existing Councillors Role of Councillor, Code of Conduct, understanding Overview and Scrutiny, Work of the Directors and Chief Executive.	Internal	June/July, 2014	Range of learning methods used.
<b>9</b>	<b>Effective Chairing</b>	Skills & knowledge All new Chairs and Vice-Chairs Compulsory and continuation of those Members not undertaken training during current term of office.	External	June to August, 2014	Workshop style session.
<b>10</b>	<b>Performance Management</b>	Improve understanding, knowledge, scrutiny and challenge Compulsory for Cabinet Members Recommended for non Executive	Internal	June/July, 2014	Workshop style session.
<b>11</b>	<b>Local Government Finance</b>	Improve understanding, knowledge. Compulsory for Cabinet. Recommended for non Executive	Internal	June/July, 2014	Workshop style session.

**RECOMMENDED TRAINING (skills based)**

<b>12</b>	<b>Questioning and Listening skills</b>	To improve & develop skills. Particularly useful for Overview and Scrutiny Councillors	External	June/July	Workshop style session..
<b>13</b>	<b>Presentation and public speaking skills</b>	To improve and develop skills Recommended for All Members	External	June to September	Workshop style session..
<b>14</b>	<b>Speed Reading</b>	To improve and develop skills Recommended for All Members	External	June to September	Workshop style session
<b>15</b>	<b>Scrutiny and Challenge</b>	Work planning, analyse information, present arguments, speed reading, evidence gathering and recommendation development. Recommended for all Scrutiny Members	External	June to September, 2014	Workshop style session.

**RECOMMENDED TRAINING (skills based)**

	<b>Topic</b>	<b>Purpose</b>	<b>Provider</b>	<b>When</b>	<b>How</b>
<b>16</b>	<b>Future Role of Councillors</b>	To develop a series of activities to improve and develop skills - new ideas and ways of doing things (Recommended for All Members). Focus on negotiator, community advocate, networker, local leader.	External	On going	Workshop style session.
<b>17</b>	<b>Social Media</b>	To improve and develop skills.	Internal	June to September, 2014	Practical sessions
<b>18</b>	<b>ICT support</b>	To improve and develop skills. email, outlook, word, spread sheets etc	Internal E-learning.	June to September, 2014	Practical 1-2-1 sessions Drop in sessions
<b>19</b>	<b>Leadership Development</b> – where this is appropriate.	To improve and develop skills Recommended for All Members	Internal External	June to March, 2015	Development programme/ sessions with officers Leadership Development courses

**SEMINAR PROGRAMME 2014/15**

**1. Children & Young People's Services**

- Early help and collaboration with schools– April May 2014
- Children's Trust arrangements - TBC

**2. Finance & Corporate Services**

- Improvements delivered through Customer Access Programme and progress on Digital Assumed late 2014
- Budget Seminar– January 2015
- Local Council Tax Scheme - October/ November 2014

**3. Public Health**

- Public Health Priorities – TBC

**4. Adults & Communities**

- The Care Bill, including future funding for social care- September/October 2014.

**5. Regeneration & Environment**

**All late 2014/early 2015**

- Update on Major Projects'
- Assets
- Planning Obligations
- Affordable Housing

**6. Key outcomes from Budget Consultation Exercises (dates to be confirmed)**

- Libraries
- Adult Care Homes
- Children's Centres
- Day Centres.