

## Appendix 1

Best Practice Advice	Current arrangements	Proposed
<p>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>	<p>Code of Conduct No. 9. prescribes that:</p> <p>You must treat others with respect. This means treating people fairly and equitably and with courtesy, compassion and sensitivity. You should treat other people equally as you yourself would expect to be treated. You must never use behaviour which a reasonable person would consider as offensive, overbearing, intimidating, malicious, insulting or humiliating.</p>	<p>Inclusion of more specific reference to bullying and harassment including definitions and examples of behaviour within those definitions.</p>
<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.</p>	<p>Code of Conduct No. 13 prescribes that:</p> <p>“If a complaint is made under this Code of Conduct then you must not interfere with the administration or investigation of the complaint and you must not intimidate any complainant, witness or likely witness or engage with them in any way which undermines the investigation.”</p> <p>There is no requirement in either the Code of Conduct or the adopted Arrangements for dealing with allegations of misconduct, to comply with any standards investigation.</p> <p>Paragraph 25 of the Arrangements provide for “the Monitoring Officer to reject complaints which are vexatious, frivolous or malicious or which are politically motivated or in some other way an abuse of process.” There is no reference at all to ‘trivial allegations’.</p>	<p>Review Arrangements and Code of Conduct to consider whether to include provisions requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p>
<p>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.</p>	<p>The Code of Conduct was last reviewed in April 2016.</p>	<p>A review is overdue and needs to be scheduled.</p>

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<p>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.</p>	<p>The Code of Conduct is available for viewing on the Council's website: <a href="https://www.spelthorne.gov.uk/article/16516/Making-a-complaint-against-a-councillor">https://www.spelthorne.gov.uk/article/16516/Making-a-complaint-against-a-councillor</a></p> <p>It is also available on request at the Council offices.</p>	<p>No changes required.</p>
<p>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>	<p>Proposals to publish monthly register were agreed at Council on 21/2/19 and this has been implemented from August 2019.</p>	<p>No changes required.</p>
<p>Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>Clear and straightforward Arrangements process is published on the website (the same link above) to explain how allegations are dealt with.</p> <p>Allegations are filtered by Monitoring Officer in consultation with the Independent Person for those that are vexatious, frivolous or malicious or politically motivated, that can be resolved informally, that relate to a service, policy or Council decision.</p> <p>A public interest test is not explicitly stated in our Arrangements.</p>	<p>Review the Assessment Criteria to see whether it should include a more specific reference to a public interest test.</p>
<p>Best practice 7: Local authorities should have access to at least two Independent Persons.</p>	<p>We have access to a Panel of 7 shared Independent Persons across Surrey Authorities.</p>	<p>No changes required.</p>
<p>Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.</p>	<p>This is included in the Council's Arrangements.</p> <p>The Independent Person is consulted on both formal investigations and all allegations the MO is minded to dismiss.</p>	<p>No changes required.</p>

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<p>Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.</p>	<p>A decision notice is currently prepared as soon as reasonably practicable and sent to all parties. It is made available on the Council's website if required by the Hearings Panel. Our decision notices include all areas identified by best practice.</p>	<p>No changes required.</p>
<p>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.</p>	<p>Guidance on how to make a complaint, including the process for handling complaints is available for viewing on the Council's website:</p> <p><a href="https://www.spelthorne.gov.uk/article/16516/Making-a-complaint-against-a-councillor">https://www.spelthorne.gov.uk/article/16516/Making-a-complaint-against-a-councillor</a></p>	<p>No changes required.</p>
<p>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.</p>	<p>N/A</p>	<p>N/A</p>
<p>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.</p>	<p>N/A</p>	<p>N/A</p>

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<p>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.</p>	<p>Our current arrangements provide that:</p> <ul style="list-style-type: none"> <li>a) in .. circumstances where the Monitoring Officer may have a conflict of interests, then the Deputy Monitoring Officer will undertake functions of the Monitoring Officer as set out in these arrangements.</li> <li>b) If a complaint merits formal investigation, the Monitoring Officer will appoint an Investigating Officer in consultation with Chairman, who may be another senior officer of the Council, an officer of another Council or an external investigator</li> </ul>	<p>No changes required.</p>
<p>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 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.</p>	<p>No provision made.</p>	<p>Members' views sought on issues raised by this suggestion for consultation with KGE Board.</p>
<p>Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues</p>	<p>Whilst the Chief Executive meets regularly with group leaders, meetings are not exclusively about standards issues.</p>	<p>Members' to consider this suggestion.</p>