

UTTLESFORD DISTRICT COUNCIL

SUMMARY OF CHANGES PROPOSED TO POLICY DOCUMENTATION

Introduction

1. The following policies have been reviewed in accordance with the law and best practice:

- A.(i) Counter Fraud and Corruption Strategy 2022
- A.(ii) Counter Fraud Strategy - Action Plan
- B. Whistleblowing Policy
- C. Fraud Response Plan
- D. UDC Inherent Fraud Risk Assessment 2022
- E. Gifts and Hospitality Guidance for Members
- F. Code of Good Practice - Probity in Planning
- G. Councillors' Code of Conduct
- H. Member/Officer Protocol
- I. Procedure for considering a complaint under the Code of Conduct for Councillors
- J. Fraud and Integrity Strategy

2. Proposed changes, other than mere typographical corrections, are summarised below.

A(i) Counter Fraud and Corruption Strategy 2022

3. The existing definition of 'corruption' is very broad and so may be of limited assistance to those needing to identify it. Therefore, it is proposed to replace it with the more tailored definition used in the Local Government Association's *A councillor's workbook on bribery and fraud prevention* (February 2017).

A(ii) Counter Fraud Strategy - Action Plan

4. In accordance with best practice, it is proposed to:
- 4.1. Add an action point to commit the right support and resources to tackling fraud. The Local Government Association's guidance, *Fighting Fraud and Corruption Locally: A strategy for the 2020s* [p.22] suggests this should be considered part of acknowledging fraud risks.
 - 4.2. Add an action point to pursue the full range of sanctions, in order to better tackle fraud. This may prioritise fraud recovery and the use of civil sanctions, but may also include

pursuing criminal, disciplinary and regulatory sanctions (The Local Government Association's guidance, *A Councillor's Workbook on Bribery and Fraud Prevention* [p.13]).

- 4.3. Add an action point to better facilitate the protection of residents from fraud by providing support and guidance across the community.

B. Whistleblowing Policy

5. It is proposed to:

- 5.1. Insert references to the Employment Rights Act 1996 in order to accurately reflect the current legislative position. The policy currently refers to the Public Interest Disclosure Act 1998, which made amendments to the 1996 Act. However, as further amendments to the 1996 Act have since been made by alternative pieces of legislation, it is important to refer to the 1996 Act independently. For example, the Enterprise and Regulatory Reform Act 2013 amended the 1996 Act so as to require disclosure to be made in 'the public interest' rather than in 'good faith'.
- 5.2. Remove reference to members of the public, who are not protected by whistleblowing laws. Whistleblowing laws contemplate protection from the detriment that might be imposed upon employees. Members of the public would need to seek redress against any detriment by other means.
- 5.3. Name an officer with responsibility for the policy. This would help ensure efficiency by making it clear who should be the first point of contact and who may consider further revisions to the policy.
- 5.4. Clarify, in the section regarding external disclosure to prescribed persons, in what circumstances external disclosures to prescribed persons would be protected.
- 5.5. Insert a section providing for effective implementation of whistleblowing arrangements, including the training of staff, auditing arrangements, and independently overseeing and reviewing those arrangements.

C. Fraud Response Plan

6. Only typographical errors are corrected. It is considered the plan represents good practice.

D. UDC Inherent Fraud Risk Assessment 2022

7. It is proposed to amend this to confirm that, not only does the Council gather information to identify fraud risks and assess the likelihood and impact of the fraud risks, but that it will also develop a response to those that present the highest risk (The Local Government Association's guidance, *A Councillor's Workbook on Bribery and Fraud Prevention* [pp.20-21]).

E. Gifts and Hospitality Guidance

8. It is proposed to:

- 8.1. Includes reference to the Bribery Act 2010; a key piece of legislation governing the acceptance of any advantages in public office.
- 8.2. Clarify that the offence of receiving a fee or reward (s.117(2) Local Government Act 1972) applies to officers rather than members.
- 8.3. Amend the guidance to better clarify that it can apply to officers in addition to members.
- 8.4. Make minor amendments to the wording to clarify that any gift and hospitality should be considered under the policy and it should always be considered whether or not a gift is acceptable, even if made to the Council or a particular service area as a whole.

F. Code of Good Practice - Probity in Planning

9. Only typographical errors are corrected. It is considered the plan represents good practice.

G. Councillors' Code of Conduct

10. The Local Government Association produced a model code of conduct in 2020, taking account of recommendations made in the Committee on Standards in Public Life's report on Local Government Ethical Standards. It is proposed to adopt the model code of conduct, with minor revisions to reflect additional provisions in the existing code of conduct that are thought to be helpful.
11. The key change to note in the model code is that it expressly identifies conduct by theme: (1) respect, (2) bullying, harassment and discrimination, (3) impartiality of officers of the council, (4) confidentiality and access to information, (5) disrepute, (6) Use of position, (7) Use of local authority resources and facilities, (8) Complying with the code of conduct, (9) interests, and (10) gifts and hospitality.
12. It is proposed to amend the model code so as to include certain provisions in the current code that are thought to be helpful. For example:
 - 12.1. A requirement not to intimidate or attempt to intimidate anyone in relation to an allegation of failure to comply with the code [5.5, 2(4)].
 - 12.2. A requirement to observe Council policies [5.13, 6(2)].
13. The provisions around members interests remain the same, save that minor points are clarified, such as that the rules apply to joint committees, and that members are required to disclose disclosable pecuniary or personal interests at meetings.

H. Member/Officer Protocol

14. In accordance with best practice, it is proposed to amend the protocol at paragraph 3.2 to provide that members must have regard to the advice given by officers, and particularly that of statutory officers with a particular responsibility to ensure the Council proceeds lawfully.
15. It is also proposed to add an appendix clarifying members' entitlement to see council documentation.

I. Procedure for considering a complaint under the Code of Conduct for Councillors

16. It is proposed to re-draft this in order to take account of the recommendations from the Committee on Standards in Public Life's report on Local Government Ethical Standards and the Local Government Association's best practice guidance.
17. The key changes to note are:
 - 17.1. Clearly breaking down the policy into sections, to make it easier for readers to identify the relevant stage of any standards investigation.
 - 17.2. Clarifying what information should be included in a complaint, and referring expressly to the complaint form.
 - 17.3. Adding equality monitoring data to the complaints form.
 - 17.4. Clearly explaining the criteria to be applied upon an initial assessment of a complaint.
 - 17.5. Clearly identifying the information to be provided to complainants and subject members at the outset of any investigation.
 - 17.6. Clarifying that witnesses, including subject members, cannot be compelled to participate in an investigation, although subject members are strongly encouraged to do so.
 - 17.7. Clearly identifying the content to be expected in a report following a formal investigation.
 - 17.8. Clarifying the relevant timescales for steps to be taken, where appropriate.
 - 17.9. Clarifying the sanctions available to a hearings panel.

J. Fraud and Integrity Strategy

18. Minor changes are proposed to:
 - 18.1. Ensure the strategy reflects the changing titles of guidance provided by the Electoral Commission.
 - 18.2. Ensure the strategy makes realistic promises as to the steps that can be taken if a postal ballot paper is lost.
19. It should be noted that this may need to be updated when the relevant provisions of the Elections Act 2022 are brought into force.