



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 15th October 2009

Subject: Procedure for external Code of Conduct investigations

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to notify Members of a procedure for external Code of Conduct investigations which has recently been drafted. This procedure explains how investigations will be commissioned, how they should be conducted, how they will be monitored, and what is expected of the investigator in terms of the final report and its presentation to the Standards Committee.
2. The procedure has been broadly based on two guidance documents issued by Standards for England. These are "How to conduct an investigation" and "Local investigations and other action". However the procedure also addresses issues specific to Leeds City Council, such as the scope of the delegation to an external investigator.
3. Members of the Standards Committee have previously raised concerns with the management and length of investigations since the start of the local assessment regime. This procedure attempts to address these issues.
4. Members of the Standards Committee are asked to note the draft procedure and to provide any comments to be taken into account by the Assistant Chief Executive (Corporate Governance) when the procedure is finalised.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to notify Members of a procedure for external Code of Conduct investigations which has recently been drafted. This procedure explains how investigations will be commissioned, how they should be conducted, how they will be monitored, and what is expected of the investigator in terms of the final report and its presentation to the Standards Committee.

2.0 Background Information

- 2.1 This draft procedure has been broadly based on two guidance documents issued by Standards for England. These are “How to conduct an investigation” and “Local investigations and other action”. Many of the appendices have also been based on templates from the investigations toolkit which can be downloaded from the Standards for England website.
- 2.2 As well as seeking assistance from the Council’s Procurement Unit, the draft procedure has also been sent to one of the Council’s chosen external investigators for comments and feedback.
- 2.3 Members of the Standards Committee have raised concerns regarding Code of Conduct investigations in previous meetings. The main concern expressed by the Committee related to the length of time taken to complete investigations, and how these delays could be justified.
- 2.4 In addition, officers have learnt lessons from the recently completed investigations which include the need to:
- clarify the scope of the delegation to an external investigator;
 - have a clear and robust investigation plan, which includes a list of potential interviewees and the broad areas for questioning;
 - set clear deadlines which include deadlines for interviews to be completed, issuing the draft report and a final completion date and to regularly review the progress of the investigator against these agreed deadlines;
 - build in regular communications with one point of contact within the Council; and
 - liaise with Council officers who are to be interviewed as part of an investigation beforehand.

3.0 Main Issues

- 3.1 The draft procedure is split into seven distinct sections, as follows:
- Section 1 – Introduction and Purpose of the Procedure
 - Section 2 – Establishing and maintaining the list of approved investigators
 - Section 3 – Commissioning an external investigator
 - Section 4 – Monitoring the investigation
 - Section 5 – Conducting the investigation
 - Section 6 – Production of investigation reports
 - Section 7 – Presentation of the final report to the Standards Committee

- 3.2 The procedure also includes template documents for the investigators to use which should ensure consistency in the quality of information presented to the Standards Committee.
- 3.3 Members of the Standards Committee will note that the procedure clearly states that Leeds City Council expects investigations to be completed within the recommended six months from the date of the Assessment Sub-Committee meeting, wherever possible. However there is an acknowledgement that this may not be possible for many reasons, including the unavailability of the parties or the complexity of the case for example.
- 3.4 In order to ensure that investigations are completed as soon as possible the procedure puts in place mechanisms to ensure that reasonable timescales are agreed between the Council and the investigator when the investigation is first commissioned.
- 3.5 The draft procedure is attached as Appendix 1 to this report. This procedure will be approved by the Assistant Chief Executive (Corporate Governance) as soon as possible, but Members of the Standards Committee are asked for any feedback on the procedure beforehand.
- 3.6 This procedure will not be included within the Constitution, but will complement the Standards Committee Procedure Rules. The procedure will be reviewed annually and Members of the Standards Committee will be asked for any comments on the workings of the procedure as part of this review.

4.0 Implications For Council Policy And Governance

- 4.1 Having a procedure for external Code of Conduct investigations will help to ensure that investigations are carried out in a timely manner, and consistency in the quality of the information presented to the Standards Committee.

5.0 Legal And Resource Implications

- 5.1 The legal and resource implications involved in carrying out local investigations are set out in the attached procedure. However there are no specific legal or resource implications to noting this report.

6.0 Conclusions

- 6.1 A procedure for external Code of Conduct investigations has recently been drafted, which will help to address the concerns raised by members of the Standards Committee in relation to the management and length of investigations since the start of the local assessment regime.

7.0 Recommendations

- 7.1 Members of the Standards Committee are asked to note the draft procedure and to provide any comments to be taken into account by the Assistant Chief Executive (Corporate Governance) when the procedure is finalised.

Background Documents

“How to conduct an investigation”, Standards for England, available at <http://www.standardsforengland.gov.uk>

“Local investigations and other action”, Standards for England, available at <http://www.standardsforengland.gov.uk>

“Local investigations and other action – Toolkit”, Standards for England, available at <http://www.standardsforengland.gov.uk>