

BUSINESS REPORT**REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER****For Information****1. PURPOSE OF REPORT**

- 1.1 To up-date Members on the progress of the Committee on Standards in Public Life landscape review of the regulation of public standards 'Standards Matter 2'. Further, to appraise the Audit and Governance Committee of the 'Core Code of Ethics for Fire and Rescue Services' (England) as issued through the Local Government Association, the National Fire Chiefs Council and the Association of Police and Crime Commissioners.

2. RECOMMENDATION

- 2.1 That Members note the contents of this report.

3. 'STANDARDS MATTERS 2'

- 3.1 The Committee on Standards in Public Life (CSPL) was established in 1994 as an independent advisory non-departmental public body with the following remit;
- advising the Prime Minister on ethical issues relating to standards in public life,
 - conducting broad inquiries into standards of conduct,
 - promoting the 'Seven Principles of Public Life' (selflessness, integrity, objectivity, accountability, openness, honesty and leadership).
- 3.2 In January, 2018, the CSPL announced it was embarking on a review of Local Government ethical standards with a stakeholder consultation. The Authority through the Audit and Governance Committee submitted a response and the CSPL published its report 'Local Government Ethical Standards' in January, 2019. Amongst the CSPL recommendations was that a 'new' Model Code of Conduct should be introduced underpinned by a sanctions regime. This would require legislation to give such a Code statutory effect as was the previous case with the ethical standards introduced under the Local Government Act, 2000, but later amended through the provisions of the Localism Act, 2011. The Local Government Association (LGA) did produce a Model Code albeit without reference to sanctions, which was reported to the Audit and Governance Committee at their meeting on 26 February, 2021. The Committee recommended the adoption of the descriptions surrounding 'bullying, harassment and discrimination' and that of bringing an Authority into 'disrepute' from the LGA Model into the Authority's own Code of Conduct. The Authority resolved to follow this recommendation at their Annual Meeting on 4 June, 2021.

- 3.3 Whilst the CSPL awaits the Prime Minister's response to its report, it has mentioned it is to produce 'guidance' on the LGA Model Code and has begun a 'landscape review' of the regulation of public standards in unison with the seven principles of conduct in public life entitled "Standards Matters 2". The 'Terms of Reference' for this review is as follows;
- Review the evidence as to how well ethical standards are upheld in public life in the UK;
 - Review the evidence on the strength of the UK's arrangements for regulating and promoting ethical standards;
 - Review the adequacy and continuing relevance of the Seven Principles of Public Life;
 - Identify examples of best practice in the regulation of ethical standards;
 - Identify examples of best practice in the promotion of cultures that celebrate and encourage high ethical standards.
- 3.4 It is likely the CSPL will produce a final report with recommendations from this review which is anticipated in the Autumn. In April, 2021 the CSPL did hold a 'roundtable' with academics around two themes;
- The importance of high ethical standards in a liberal democracy,
 - The effectiveness of standards regulators.
- 3.5 The pertinent points emanating from that discussion, is as follows;
- Ethical regulation should support and reinforce good behaviour as well as providing a deterrent to bad behaviour.
 - Erosion of standards does affect public trust in the democratic process,
 - That probably some 80 – 90% of elected representatives and public officials do adhere to high ethical standards. Non-compliance and how to address it is probably limited to 10 – 20%.
 - Leadership that embodies and exemplifies the principles is critical, but so too is regular training.
 - looking to cultivate a culture in which people do the right things for the right reasons.
- 3.6 As an aside, an online petition has been launched on the UK Government and Parliament website calling for the Government to '*legislate to enable Councillors to be disqualified or suspended for poor conduct.*' As at 13 June, the petition had secured 2,984 signatures. Once a petition has 10,000 signatures then the Government will respond and 100,000 signatures would lead to a consideration of a debate in Parliament. Petitions run for six months and this particular petition has a deadline of 25 November, 2021.

4. CORE CODE OF ETHICS FOR FIRE AND RESCUE SERVICES

- 4.1 On 18 May, a new 'Core Code of Ethics' for Fire and Rescue Services (FRS) was launched by the Local Government Association, the National Fire Chiefs Council and the Association of Police and Crime Commissioners. The Core Code has been developed in response to Sir Tom Winsor's recommendation in the State of Fire report 2019, which was previously reported to the Authority. A copy of the Code is appended herewith (**Appendix 1**).
- 4.2 The forward to the Code indicates that the Core Code is designed to help FRS employees act in the best way towards each other and while serving the public. The Code will sit alongside the Code of Ethics Fire Standard developed by the Fire Standards Board. There is also the existing statutory duty upon Members and co-opted Members of the Fire Authority '*to promote and maintain high standards of conduct*' as required by Section 27 of the Localism Act, 2011.
- 4.3 The Core Code sets out five ethical principles, based on the Seven Principles of Public Life, which provide a basis for promoting good behaviour and challenging inappropriate behaviour, namely;
- **Putting our communities first** – *putting the interest of the public, the community and service users first*
 - **Integrity** – *acting with integrity including being open, honest and consistent in everything we do*
 - **Dignity and respect** – *making decisions objectively based on evidence, without discrimination or bias*
 - **Leadership** – *being positive role models, always demonstrating flexibility and resilient leadership. Being accountable for everything we do and challenge all behaviour that falls short of the highest standards*
 - **Equality, diversity and inclusion (EDI)** – *continually recognising and promoting the value of EDI both within the FRSs and the wider communities and standing against all forms of discrimination, creating equal opportunities, promoting equality foster good relations and celebrate difference.*
- 4.4 The organisations behind the Core Code have stated "As a 'Core' Code, it recognises there will be differing governance arrangements and is flexible enough to be adapted by every service, where any local values, behaviours and governance models can be added, for example where they are part of a county council and obliged to also comply with the council's code. It can be added to but not detracted from, thereby ensuring local values and expectations of behaviours can also be reflected."
- 4.5 Cleveland Fire Authority has within its Codes of Conduct the original seven general principles from the CSPL (which is a statutory requirement for the Members Code of Conduct under Section 28 of the Localism Act, 2011) and has expanded its Codes to include the additional principles of; Respect for Others, Duty to uphold the Law and Personal Judgement. These 'additional' principles are drawn from The Relevant Authorities (General Principles) Order, 2001.

4.6 The Brigade's strategic goals and values are also consistent with the Core Code. The strategic goals are:

- Safer, stronger communities,
- A proud, passionate, professional and inclusive workforce,
- Efficient use of resources.

Based around the mnemonic 'PRIDE', the values of the Brigade are;

- **P**rotect
- **R**espect
- **I**nnovation
- **D**oing the Right Thing – Being Professional
- **E**ngagement with Others

4.7 The Authority and its Brigade has done much in the area of 'equality, diversity and inclusion' and as a public body the Authority is subject to the 'Public Sector Equality Duty' (Section 149 of the Equality Act, 2010 refers) which requires that in the exercise of its functions, the Authority, must have due regard to the need to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

A 'protected characteristic' incorporates;

- age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

4.8 The Authority therefore has codes, practices, policies and procedures which are at least consistent with the principles of the Core Code and has examples of good practice that go beyond the five principles which underpin that Code.

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