



Regulatory statement

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This regulatory statement explains what we are seeking to achieve as a strategic regulator. We set out our regulatory philosophy and explain how we put that approach into practice.

Introduction

Standards for England is a strategic regulator, responsible for promoting and maintaining high standards of behaviour among members of English local authorities.

Members must comply with a Code of Conduct which governs their behaviour. The majority of complaints about members' behaviour are dealt with at a local level by the standards committees of local councils.

These committees are responsible for assessing complaints, initiating investigations and, where appropriate, deciding whether a member has breached the Code of Conduct and should be sanctioned accordingly.

Standards for England has overall responsibility for the effectiveness of this standards framework.

We also investigate any complaints that are unsuitable for local investigation, for example if it is a complicated case or there is a conflict of interest at local level. When we conduct the investigation there are four possible findings:

1. There has been no failure to comply with the Code of Conduct.
2. There has been a failure to comply with the Code of Conduct but no action needs to be taken.

3. The matter should be referred to the relevant authority for determination by the local standards committee.
4. The matter should be referred to the First-tier Tribunal (Local Government Standards in England) for adjudication.

The First-tier Tribunal was formerly known as the Adjudication Panel for England. It is independent of Standards for England. As well as adjudicating on referrals from Standards for England (and some referrals from local authority standards committees), the Tribunal is responsible for hearing appeals against a decision of the standards committee of a local authority.

This regulatory statement explains what we are seeking to achieve as a strategic regulator. We set out our regulatory philosophy and explain how we put that approach into practice.

A guide to who we are and what we do is provided in "An Introduction to Standards for England". This publication, together with further details of our activities, can be found on our website,

www.standardsforengland.gov.uk.



Regulatory outcomes

There are two key regulatory outcomes Standards for England is seeking to achieve:

- that there are high standards of conduct among members in authorities
- that there is an effective and proportionate standards framework in operation

We wish to see:

- a wide, shared understanding of what high standards of conduct are and how they can be championed in local authorities
- a proportionate local standards framework that delivers intended outcomes and minimises unintended ones
- local authorities having the right people, systems, skills and knowledge to discharge their responsibilities under the standards framework
- good decision making, based on good information, at all stages of handling a complaint under the local standards framework

Where an effective standards framework exists and members conduct themselves properly, this helps to:

- protect the public interest
- enhance the reputation of local democracy
- increase public confidence in the accountability of local politicians

We take steps, including carrying out empirical research, to establish whether we are achieving our regulatory outcomes.

Regulatory philosophy

The key elements of Standards for England's approach to meeting its regulatory responsibilities are:

- We believe in a balanced scheme of local self regulation and national oversight. This means that, where appropriate and practical, complaints about members' behaviour are dealt with at a local level.
- We want to work with authorities to maintain and improve high standards of conduct among members. We provide assistance and continuing support to nurture authorities and help them to help themselves.
- We have adopted a risk-based approach to our work, applying resources to those areas and activities where they are needed most.
- We operate on the basis that prevention is better than cure, and seek to prevent problems occurring. Where problems do arise, we take early action to address them.

Underpinning this approach is a commitment to regulate in a manner that is consistent with the Principles of Good Regulation. For example:

Proportionality

Standards for England monitors and assesses the operation of the local framework and risks to members' standards of behaviour. We seek to ensure that action taken to address identified issues is proportionate to the nature, likelihood, potential impact and seriousness of the identified failing or risk.

Targeted

Through our risk-based approach we identify authorities and deal with issues that pose the greatest risk to our regulatory outcomes.

Transparency

We take steps to ensure that the regulated community and other stakeholders understand our regulatory requirements. We keep them informed about the operation of the framework, our role and our approach to regulation.

Consistency

We take steps to ensure that there is consistent (and correct) decision making and operation of the framework at local level.

Accountability

We are accountable to all of our stakeholders; we aim to maintain good relationships with them.

These principles are reflected in, and reinforced by, the Hampton principles and Macrory characteristics. Standards for England also seeks to act in accordance with the relevant elements of these, in particular:

- We use risk assessment systems to ensure that our resources are applied where they are needed most.
- We are accountable for the efficiency and effectiveness of our activities, while remaining independent in the decisions we make.
- We ensure that the guidance we issue is easy to understand.
- We provide authoritative advice that is readily and cheaply available.

- If there are instances of a persistent failure to comply with the framework requirements, we identify and address them promptly.
- We only intervene when such action is clearly in the public interest.
- Where possible we minimise the burden of regulation. For example, we do not ask local authorities to provide unnecessary information, or supply the same information twice.
- We operate in a transparent manner, measuring outcomes and not just outputs.
- We seek to ensure that any sanctions imposed under the framework are proportionate, appropriate and meaningful. The intention is that sanctions should change behaviour and act as a deterrent.

While fulfilling our regulatory responsibilities, we also promote the public sector values set out in the Seven Principles of Public Life, which are shown on page 10.

What we do in practice

This section sets out how Standards for England's regulatory philosophy and approach are reflected in our work.

Information, guidance, advice and liaison

Standards for England takes a structured approach to providing information about the framework, general guidance and advice about specific issues.

We take steps to establish the needs of the regulated community and other stakeholders, and then support them by responding to those needs.

As well as identifying and developing the right content, we seek to make material easy to access and understand (using plain English).

We also try to make the status of any information clear (for example, a recommendation, notable practice or statutory requirement) and use the most appropriate means of presenting and communicating this information.

We are committed to making as much information as possible available on our website, but some of the other media used include:

- publications
- DVDs for training purposes

- events, including a two day Annual Assembly
- speaking engagements
- telephone helpline for officers, members and the public
- an online standards forum for monitoring officers and members of standards committees

The material we provide is kept under review and updated when required.

We work with the regulated community to identify issues and provide solutions. This includes producing practical support materials such as toolkits and training aids. We also encourage and support collaborative relationships and networks within the regulated community, and with key partners, thereby helping them to help themselves.

Monitoring

To help us monitor the effectiveness of the standards framework, we collect information about how the arrangements are operating. Most of this material is obtained from quarterly and annual returns that authorities must submit to us.

We keep the information that we ask for to a minimum, sufficient to enable us to carry out meaningful monitoring. We also look for ways of making the returns simpler and quicker to complete, for example through the use of online systems.

Relationship management

We analyse all information that we receive, from any source, about standards of conduct in authorities and about how the local standards framework is operating. This is to identify authorities that are presenting risks to our regulatory outcomes.

While we maintain contact with all authorities in our jurisdiction, we focus our resources on those that demonstrate higher risk. The action we take is proportionate to the level of risk identified.

In extreme cases, Standards for England can remove the power of an authority's standards committee to receive and deal with complaints about its members, where we believe it is in the public interest to do so.

Investigations

We investigate certain complaints against individual members ourselves. Investigations are carried out by one of our Ethical Standards Officers. These officers

are mindful of the importance of upholding standards in public life and will be impartial, fair and transparent.

We take a consistent approach to investigations, which are planned and conducted through systems and procedures that follow regulatory best practice. This work is also subject to quality assurance checks.

Research and knowledge management

We conduct research that supports our work and increases our expertise in ethical standards and regulation. This helps us to operate to best practice and shape the standards framework to make it as effective and proportionate as possible.

We have systems in place to identify future trends and issues that may affect the regulated community and the operation of the framework. This informs our strategic planning and allows us to take action to help reduce the risk of standards being undermined.

The Seven Principles of Public Life

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.



Further information

Further information about Standards for England, including more details of our various activities, can be found on our website, www.standardsforengland.gov.uk

You can also direct any enquiries to us at:

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