

# Strengthening the standards and conduct framework for local authorities in England

A Submission by:  
The Chartered Institute of Public Finance and Accountancy

26 February 2025

**CIPFA, the Chartered Institute of Public Finance and Accountancy**, is the professional body for people in public finance. CIPFA shows the way in public finance globally, standing up for sound public financial management and good governance around the world as the leading commentator on managing and accounting for public money.

Further information about CIPFA can be obtained at [www.cipfa.org](http://www.cipfa.org)

Any questions arising from this submission should be directed to:

Iain Murray  
Director of Public Financial Management  
CIPFA

Email: [iain.murray@cipfa.org](mailto:iain.murray@cipfa.org)

Diana Melville  
Governance Advisor  
CIPFA

Email: [diana.melville@cipfa.org](mailto:diana.melville@cipfa.org)

# Response to the Ministry of Housing, Communities and Local Government's consultation

## 1. Executive summary

- 1.1 CIPFA welcomes the proposals to strengthen the operation of the standards regime in local government bodies in England. In CIPFA's view it is essential that local government operates to a high level of ethical standards to ensure the integrity of its decision making and to keep public confidence and trust. While the majority of elected representatives operate to robust ethical standards, there are exceptions. These exceptions are damaging to public confidence and can place sound decision making in jeopardy at affected bodies. Currently the available sanctions are insufficient to deal with persistent abuses or significant cases of misconduct. There is a clear case for change.
- 1.2 In January 2019 the Committee on Standards in Public Life published a comprehensive report, Local Government Ethical Standards. CIPFA supported the recommendations made by the Committee and we can see that many of the proposals are consistent with those recommendations. Since 2019 many authorities have adopted a revised model code of conduct developed by the Local Government Association, but it is not universal. CIPFA has worked with Lawyers in Local Government and Solace to issue the Code of Practice on Good Governance for Local Authority Statutory Officers. However, many of the issues raised in the Committee's report remain current. In the 2023 report [Trust in government](#) by the Office for National Statistics, only 34% of respondents said they had 'high' or 'moderately high' trust in local government.

## 2. General comments

- 2.1 CIPFA is broadly supportive of the proposals but deems there to be further consideration needed on some aspects. These include the process of decision making around disqualifications, reasons for disqualification, and the role of a national body in appeals. The consultation does not propose which body could take on any role around appeals or disqualifications and CIPFA considers further work is needed in these areas. CIPFA also recommends the financial implications of the proposed changes for authorities are identified and recognised.

## 3. Strengthening the standards and conduct framework

- 3.1 Mandatory minimum prescribed code of conduct (Questions 2–4)

CIPFA supports the introduction of a minimum prescribed code to ensure consistency across the sector but allowing some local flexibility to enhance the code. The process of managing investigations by the principal authority is more efficient where all councils in the area use the same code. It also provides greater clarity to

members who sit on more than one tier of local government. Authorities can embed the code locally by developing their own guidance to support it. Members should be required to cooperate with an investigation into code breaches.

### 3.2 Standards Committees (Questions 5–10)

CIPFA supports a requirement to form standards committees. As well as developing expertise in responding to allegations of misconduct, the committee should review the authority's arrangements to establish and promote high standards. CIPFA considers it preferable that decisions should lie with the standards committee rather than full council to ensure consistency and avoid standards matters being resolved alongside more political discussions.

When the standards committee is established, CIPFA recommends that the committee should not be combined with other functions to avoid dilution of its role. This is also important to ensure clarity of the role of independent members. For example, if the standards committee were to be combined with the audit committee, the independent members required for standards matters and audit matters require different sets of knowledge and expertise. Expecting a co-opted independent member to undertake both roles is likely to make the appointment of those members more difficult and is likely to result in skill-gaps on the committee.

CIPFA supports strengthening the role of the Independent Person by allowing them voting rights on standards committees. We also agree that the Independent Person chairing the committee would reinforce the committee's independence.

It is crucial that complaints are handled fairly to maintain confidence in the system. As part of the process, authorities should take steps to reduce incidences of vexatious complaints. For example, all authorities should provide regular training on standards matters to their elected representatives. Induction training should be mandatory and should be supplemented by further awareness training. In addition, authorities should take steps to raise public understanding of the role of councillors and the standards expected.

CIPFA also recommends that the financial implications of all the proposed changes for authorities are identified and recognised.

### 3.3 Publishing investigation outcomes (Question 11)

In 2019, the Committee noted in their report that it is hard to track the number and type of standards complaints. As a result it is hard to identify trends and monitor whether standards are falling or improving. Publishing data would facilitate this monitoring. It is also important that an accurate record is available publicly. Overall, CIPFA supports the suggestion but where an allegation is rejected for investigation, for example it is vexatious, the statistics should be reported anonymously.

### 3.4 Requiring the completion of investigations if a member stands down (Question 12)

CIPFA agrees that investigations should be continued when the member stands down. This provides a satisfactory resolution for both the complainant, the member and for the authority. CIPFA notes that a member could be re-elected in the future at the same or different authority and standing down should not be a way to avoid the resolution of a complaint.

- 3.5 Empowering individuals affected by councillor misconduct to come forward (Questions 13–16 are not applicable, Question 17)

Within all authorities the prevailing organisational culture should set an expectation of high ethical standards. Actively working to support this culture will help create the right circumstances to empower individuals to come forward. In addition, those with concerns should have a safe space to raise concerns and seek advice, prior to lodging a formal complaint. For members of the public there should be clear information publicly available of the standards that might be expected and how to raise any concerns.

## 4. Introducing the power of suspension with related safeguards

- 4.1 Powers (Questions 18–20)

Authorities do not have the power to suspend elected members and in CIPFA's view the available sanctions are insufficient when dealing with serious misconduct. CIPFA supports the introduction of this power. CIPFA agrees that the decision to suspend should lie with the standards committee. It is important for constituents to have an alternative point of contact during the period of suspension and CIPFA agrees with the suggestion for alternative points of contact.

- 4.2 Length of suspension (Questions 21–22)

CIPFA agrees with the suggested maximum length of six months suspension and notes that this was the limit suggested by the Committee in its report. In CIPFA's view the maximum suspension period would be applied infrequently.

- 4.3 Withholding allowances and premises and facilities bans (Questions 23–25)

CIPFA agrees with the proposals to give authorities the power to withhold allowances from suspended councillors and to have the power to ban suspended councillors from council premises and withdraw facilities where they deem it appropriate. The Committee noted that the law is currently unclear in this area and recommended clarity. The power may be helpful where it is related to the breach, such as bullying or harassment, or where it is needed to prevent further wrongdoing. CIPFA agrees that this sanction could also be applied as a standalone sanction.

- 4.4 Interim suspension (Questions 26–30)

Authorities should always strive to complete investigations promptly, and many complaints can be investigated without suspension being necessary. However in exceptional circumstances this may not be the case and interim suspension could be an appropriate measure to take. This power should be supported by guidance to ensure it is used only when necessary. Similarly, powers to apply a premises and facilities ban on councillors suspended on an interim basis should be introduced. The interim suspension should be for the minimum time necessary and CIPFA agrees the suggested maximum period of three months is reasonable. It is important that there are safeguards to prevent interim suspensions running unchecked. Reporting and monitoring by a national body could provide a safeguard. In addition the support of the Independent Person should also be required.

- 4.5 Disqualification for multiple breaches and gross misconduct (Questions 31–32)

Circumstances may arise where disqualification would be appropriate, but this is likely to be exceptional. Each case should be considered on its merits, rather than an automatic escalation resulting in disqualification. Repeated breaches of the code of conduct could merit disqualification as gross misconduct. Where the case for disqualification is linked to standards breaches, as opposed to the current definitions in legislation, the decision could be a matter for a national body rather than individual standards committees.

CIPFA agrees that there could be cases of gross misconduct where immediate disqualification is justified. It is always appropriate that an investigation hearing is undertaken first. There could be a role for a national body to monitor the application of this power.

In CIPFA's view there is merit in reviewing the current disqualification criteria to ensure that they remain fit for purpose.

#### 4.6 Appeals (Questions 33–37)

CIPFA agrees that members should have a right to appeal against a decision to suspend them. Prompt resolution is important, but the suggested five days is insufficient. Any time limit should be expressed as working days.

CIPFA does not agree that complainants should have a right of appeal when a decision is taken not to investigate their complaint, or if an allegation is not upheld. Adding a further appeal stage would make dealing with vexatious complaints even more difficult. The focus should be on ensuring that the process works efficiently and with integrity. Alternative routes already exist to complain about a failure of process.

#### 4.7 Potential for a national appeals body (Questions 38–39)

CIPFA considers that there is a case to explore a role for an external national body. A body would support impartiality and confidence that the overall process is fair and robust. Alternatively there could be options to provide an independent appeals process on a regional basis. A national or regional body would be best suited to hearing appeals from elected members rather than complainant appeals. Other possible functions would be the review of disqualifications and overall monitoring of the system. There is no suggestion in the consultation of which body could take on this role or whether a new separate body would be needed. Further work needs to be undertaken to explore this option.

## 5. Public Sector Equality Duty

### 5.1 (Question 40)

CIPFA considers that overall the proposed reforms would neither benefit nor disadvantage individuals with protected characteristics. Authorities should ensure that the operation of its processes for the investigation of complaints do not include barriers to those with access needs, etc.