

**Independent investigation into alteration of Overview and Scrutiny Reports
to Copeland Borough Council**

LEAD MEMBER: Councillors Elaine Woodburn / David Moore

REPORT AUTHOR Councillors Elaine Woodburn / David Moore

Summary:	Following a discussion at the Full Council meeting held on 8th September 2009 it was agreed that an independent investigation be carried out into how changes to the distributed version of the report had been made, by a person appointed by the Acting Chief Executive in consultation with the Leader of the Council and Leader of the main opposition party.
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Recommendations	Council is recommended to a) to commission the services of an independent specialist through the Choosing To Change Programme to assist the Council in drawing up the requisite protocols and b) to provide training and development for Officers, and Members, in order to respond to the findings of the independent investigation.
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INTRODUCTION

At the Copeland Borough Council meeting held on Tuesday 8th September agenda item 7 was considered by the Council. Following concerns raised by some members the Council agreed to establish and have carried out an independent investigation why this regular progress report to Council from Overview and Scrutiny had been changed by officers from the original report that was produced. The appointment of the investigation was delegated for agreement to the Acting Chief Executive in consultation with the Leader of the Council and the Leader of the main opposition party. In discussion after the meeting and as the Acting Chief Executive is a member of Corporate Team it was agreed that the appointment of an investigator and the investigation brief was to be agreed by the Leader of the Council and the Leader of the Main Opposition party.

INVESTIGATION SCOPE

The investigator was asked to review and report on the following:

- how and when changes were made to the report
- who caused the changes to the report to be made
- the nature of the changes that were made
- the appropriateness of changes being made within the context of the Council's

- constitution, procedures and protocol
- if appropriate, recommend any changes in the Council's constitution, processes, procedures, protocols or behaviours of staff or members involved in the process.

The investigator would need to produce a report which covers the following:

- a) A summary of the scope and methodology.
- b) A summary of the information and supporting evidence upon which the conclusions are based.
- c) Conclusions drawn from the evidence in line with the scope above.
- d) Any recommendations for change in processes or behaviours.

Michael Bonner, Copeland Borough Councils Independent Chair of Audit was asked to carry out this investigation and his report is attached. (Appendix A)

We would like to take this opportunity to thank Mr Bonner for his report and the manner in which he carried out this investigation.

**Independent investigation into alteration of Overview and Scrutiny Reports
to Copeland Borough Council
by Michael Bonner**

REPORT

At the Council meeting held on 8th September concerns were raised by some members that a progress report from Overview and Scrutiny had been altered from the original draft approved by members.

It was agreed to establish and have carried out an investigation into why this report had been changed.

The appointment of the investigation was delegated to be agreed between the leader of the Council and the leader of the principal opposition party.

I was nominated to carry out the investigation, and, acting on behalf of the Leader of the Opposition as well as herself, the Leader of the Council gave me a written brief of what the Council required of me, copies of the original draft and final altered report, along with copies of Overview and Scrutiny Committees Terms of Reference and Procedure for Consultation on OSC/Task and Finish Group Reports.

We agreed a timescale for the investigation, and that I would report my findings to members at the meeting of the Council on 8th December, 2009.

The Scope of the investigation and the methodology employed

I was asked to review and report on

- how and when changes were made to the report
- who caused the changes to the report to be made
- the nature of the changes that were made
- the appropriateness of changes being made within the context of the Council's constitution, procedures and protocols
- if appropriate, recommend any changes in the Council's constitution, processes, procedures, protocols or behaviours of staff or members involved in the process.

I reviewed the relevant papers and procedures, and interviewed the officers and members involved in the issue under investigation.

The Acting Chief Executive provided me with background to the issue under investigation, and to the standard reporting practices for the Council and its committees.

The Chair of OSC Management Committee gave me both background and specific detail in respect of this matter

The Scrutiny Officer provided me with copies of all three versions of the report, together with copies of e-mails he considered relevant. He also provided a written summary of events surrounding the production of the reports. We discussed the matters covered in some detail

The Democratic Services Manager gave me both background and detail concerning this report, also showing me supporting e-mail

I discussed the matter from both a legal and a factual point of view with the Head of Legal and Democratic Services

I discussed the matter from a factual point of view with the Head of Finance

All of the interviews were conducted in an open and cordial manner, and I found everyone I spoke to very helpful

Findings

Were changes made? How and When? By whom?

My investigation confirmed, and it was agreed by all involved, that the original draft report had been altered twice.

The original draft was produced by the Scrutiny Officer and circulated to the four chairs of Scrutiny and Overview Committees by e-mail on 18th August 2009. The e-mail was copied by the Scrutiny Officer to the Democratic Services Manager (the line manager of the Scrutiny Manager). Within an hour of the e-mail being sent, the Democratic Services Manager responded to the Scrutiny Officer, also by e-mail, with concerns about the tone, style and content of one section of the draft report, pointing out the risk associated with that particular use of the wording. In the response the Democratic Services Manager stated his intention to draft an alternative version. On 24th August 2009 the Democratic Services Manager e-mailed a revised version of the report to the Scrutiny Officer, then recalled the e-mail, as subsequent to its issue, the Corporate Team had raised further concerns with the draft.

A second revision was subsequently produced by the Democratic Services Manager incorporating further changes requested by the Corporate Team. It was the second revision which was considered by the Council on 8th September. Neither of the revised drafts were shared with the committee chairs.

What changes were made? Why?

The changes made in the first revision of the draft report concerned the first section of item 1 of the report, dealing with the "Place Survey". The original draft of this section consisted of five bullet points. The first four highlighted the findings of the Place Survey Results, with the final point reporting the committee's progress. In the two revised versions the "history" was removed, and thus the section consisted of only the final bullet point.

The changes made in the second revision concerned the first section of item 4 of the report, dealing with "Whitehaven Multi Storey Car Park". The original draft of this section consisted of 3 bullet points. The second and third bullet points were expansions of elements of the first. In the final revision only the first bullet point remained.

In both instances the explanation for the making of the changes was similar. That the additional bullet points appeared to go beyond the reporting of progress, and perhaps pre-empt the outcome of the unfinished scrutiny. It was certainly felt that they implied a lack of balance.

The alterations made by the Democratic Services Manager at the behest of the Corporate Team did no more, in my view, than restore a balanced view in respect of the two issues concerned.

It was agreed by both Corporate Team members and the Scrutiny Officer that this was not the first occasion on which there had been the expression of concern from the Corporate Team of the style, tone and content of such progress reports. This was, however, the first occasion on which there had been a unilateral alteration of a report without consultation with Committee members, although I am satisfied that this resulted from a communication breakdown.

Corporate Team members were very clear that it would be quite improper for them to attempt to veto or censor reports of committees; however, they were equally clear of their statutory duty to protect the reputation of the Council and the integrity of

Council Members by ensuring that Members comply with the Council's Code of Conduct relating to having regard to the advice of statutory officers in making their decisions.

Conclusions

It was acknowledged by all that there is no formal protocol covering progress reports from Overview and Scrutiny Committees.

It is recognised that the Scrutiny Manager was an experienced local government officer, and that, as such, his line manager was justified in employing a "light touch" approach. However, the Scrutiny Manager clearly held a view about certain issues in the Council, and appeared committed to a personal "change agenda".

There is no doubt in my mind of the conviction of the line manager in this instance that intervention was necessary. However, it does appear, too, that tensions in the management line resulted in failures in communication.

Recommendations

1. In order to reduce the risk of repetition of this type of issue, it would be appropriate for the Council to have formal protocols dealing with committee progress reports which are presented to the Council, and are, therefore, documents in the public domain.

The protocol should cover the role of officers in the preparation of such reports, including their responsibility to strive for balance, whilst not interfering with the integrity or independence of committees.

2. Officers supporting members in committees, whilst being encouraged to be open and work without restraint, should be reminded of their responsibilities to the Council as a whole, and to their line managers.

Similarly, line managers should be reminded that whilst "light touch" working is to be encouraged, and "micro management" discouraged, the necessity for monitoring and, where appropriate, formal supervision is vital, as is unambiguous communication with not only the officer supervised, but with the members supported by that officer.