3ʳᵈ International Conference

on Public Policy (ICPP3)

June 28-30, 2017 – Singapore

Panel T09P18 Session 1

Integrity in Government

Explaining changing ethical conduct in local government: shifting orders of worth in integrity systems

Richard Cowell, Cardiff University, UK, cowellrj@cardiff.ac.uk

James Downe, Cardiff University, UK, downej@cardiff.ac.uk

Karen Morgan, University of Bristol, UK, karen.morgan@bristol.ac.uk

29ᵗʰ June 2017

Abstract

While the factors associated with high levels of integrity have received significant attention, there is little research that explains how improvements in ethical conduct are achieved in practice. Research tends to downplay the significance of conflictual situations, where multiple values may be at stake, and neglect the ways in which the modes of ethics governance co-evolve with the objects (goals, norms, issues) deemed appropriate for regulation. To address these gaps, this article uses Boltanski and Thévenot's theory of 'orders of worth' to examine the effects of the 'ethical framework' on the conduct of politicians in English local government. The study finds that changes in personnel and practice were important factors in conduct improvements, but that formal procedures of the ethical framework were used less frequently as actors questioned the efficacy of this as a way of adjudicating the rightness of actions. Problems at local level were translated into national institutional changes in ethics regulation that left some categories of misconduct by politicians to be judged at the ballot box.

Integrity; ethical conduct; orders of worth; ethics regulation; local government

Introduction

Across a variety of private and public sector contexts, research has delivered a growing understanding of the organisational and contextual factors associated with high levels of integrity and ethical governance (Perry et al. 2014). Nevertheless, there remains relatively little research that explains how improvements in ethical conduct are achieved in practice (Van der Wal 2011). In particular, insufficient attention has been placed on the combination of policies, practices and institutions that work together in achieving high integrity (Six and Lawton 2013).

Mounting effective explanations for change faces important challenges. First, it is difficult to determine the factors, operating inside and outside organisations that may impact upon norms of conduct into some orderly explanatory construct. It is then a challenge to interpret these effects across diverse contexts. There are also ontological challenges as existing research tends to treat the norms of good conduct – the ethics that are to be promoted – as arising from outside the context of study (West and Davis 2011). In so doing, it tends to disconnect ethics regulation from the wider social and historical changes in the ways that conduct problems are constructed. This includes the ways in which navigating clashes between plural public values in practice can have wider generative effects (de Graaf et al. 2016).

This paper responds to this gap in a number of distinctive ways. To unpack causal mechanisms, we utilise a framework offered by French 'new pragmatist' theorists, Boltanski and Thévenot (2006), that give centre stage to the 'orders of worth' that are used to justify actions in situations of dispute. 'Macro' and 'micro' aspects are brought together by the way that the framework deals with the relationship between agreement and discord in pursuing social order (Boltanski and Thévenot 2006), and places the governability of objects (behaviours, norms, values) towards the centre of understanding of organisational learning

and change. Empirically, this article examines the effects of a regulatory system – 'the ethical framework for local government' – and whether the conduct of local politicians in English local government changed over time. The research adopted a multiple case study qualitative research design with data gathered at two time points (in 2008 and 2010). Such a longitudinal approach offers important advantages over snapshot, cross-sectional research as a strategy for examining how organizations learn about the use and causal effects of ethics regulation in practice over time (Meyer et al. 1993), and how concerns from practice shape wider institutional development.

The paper addresses three research questions:

- To what extent did the standards of conduct displayed in English local government change over time, and what explains these outcomes?
- Have there been changes in view about the norms of conduct to be subjected to formal regulation, with what consequences?
- Are there connections between local experiences on the ground and central government decisions to abolish the national provisions of the ethical framework?

The following section outlines the theoretical concepts used and relates those to the empirical context of ethics regulation in local government. The methodology and key data sources are then summarised before the presentation of key findings. This analysis section begins with a summary of change and continuity in patterns of conduct, before unpacking the ways in which orders of worth have been used to justify or contest regulatory practices across our cases. The final section offers conclusions and reflections on the theoretical framework as well as practical implications of our results for policy-makers.

Understanding changes in integrity governance

Orders of worth

In much ethics governance research, the norms of good conduct to be promoted tend to be imported from the policy or philosophical realm, as benchmarks for assessing practice or the effectiveness of interventions. Concomitantly, the objects to be governed – usually categories of good conduct – are themselves often treated unproblematically. However, this general approach fails to recognise how struggles to regulate conduct on the ground can be constitutive of ongoing debates about value systems and social practices (Patriotta et al. 2011; Fuller 2012). Indeed, research that examines value pluralism – the tendency for public values to be multiple and incommensurable – is also rather scarce (de Graaf 2015). The 'orders of worth' approach from French pragmatist theory, as developed by Boltanski and Thévenot, offers an alternative perspective for understanding ethics regulation.

Central to Boltanski and Thévenot's framework is that there is not one single social order, but that society is structured by a plurality of conceptions of a common good and 'worth' that co-exist within social situations (Boltanski and Thévenot 2006). Social order is maintained and coordination is produced not as the result of some superior 'macro-structures' (Wagner 1999) but through the relationships within situations between person-states and things-states (Boltanski and Thévenot 2006). Likewise, actors in situations are not viewed deterministically, but are able to engage discursively and strategically with orders of worth to justify particular modes of ordering.

Orders of worth can be seen as repertoires of justification - of political and moral evaluation – but they are more than discursive constructs. What gives them the capacity to foster order and coordination is that orders of worth bring together what needs to be valued in a given situation to establish stable forms of association. Of particular interest to analysts of ethics

regulation, is that the legitimacy of actions and objects are constantly subject to 'tests' (processes of verification) arising from those orders of worth. If these tests are seen to be effective in resolving worth-related issues, they accumulate over time, creating stability, with order emerging from the 'sum of collective justifications known to date' (West and Davis 2011: 237). Using this framework, one can see how the micro- (individual situations) and macro- (wider social structures) become linked.

In *On Justification,* Boltanski and Thévenot (2006) elaborate on the derivation of orders of worth, locating them in 'worlds of justification' with each representing 'major legitimate frameworks within western society' that have been historically produced (Fuller 2012: 649). Table 1 shows how orders of worth have their corresponding sets of components, including tests. The qualities of domestic, civic and industrial orders of worth are particularly important as they bear significantly on ethics governance. In the domestic orders of worth, principles of order emanate from belonging to some body through which individuals are linked by personal dependencies, with traditions, seniority and precedent invoked. This contrasts with civic orders of worth, in which it is collectives that have worth, to which individuals are subordinate, in which all relations must be publicly known, and testing processes emphasise independence and impartiality. With industrial orders of worth, effective and efficient performance are the ultimate arbiter of judgement.

Table 1 here

Boltanski and Thévenot do not claim that the six orders are exhaustive. Moreover, their framework has prime relevance in situations of *public* disputes, requiring the deployment of

regimes of justice and the making of common, *public* agreements, such that actions are seen as legitimate by others. This is important because, situations of public dispute are only 'one aspect of the social world' (Wagner 1999: 343). There are other, non-public, regimes of action, which might be more personal, limited and situated in the goods that they generate than regimes of justification. For example, Boltanski (1990) identifies the regime of familiarity, based on routines and regularities to stabilize social interaction. Equally important, 'situations may pass from one regime to the other' (Jagd 2011: 346), an insight that has implications for the scope of ethics regulation.

In regimes of justice, the need for justification requires tests of worth, to find legitimate agreement on the relative importance of beings – peoples and things – implicated in a situation. Tests can be problematic. In some instances, the validity of a test rooted in a particular order of worth can be challenged by reference to an alternative test that is valid within a different order of worth. Disputes concerning which mode of justification is relevant to the particular situation is something others have noted in contexts of value pluralism (Oldenhof et al. 2014). However even more straightforward disputes (in the sense that only one order of worth is agreed to be relevant) can find testing less than perfect in practice as other factors caught up in situations influence outcomes (Annisette and Richardson 2011). Alternatively, situations can be addressed through various compromises, which vary in their durability and efficacy. Those more likely to attain at least short-term stability may involve concessions that are local or private in their scope but with some reference to a higher order common good (Thévenot 2001; Boltanski and Thévenot 2006). Importantly, in all compromises, the absence of an effort to address the fundamental clash of principles leaves them open to being exposed and denounced as a sacrifice of one principle or another.

Orders of worth and ethics regulation

The conceptual framework adopted offers distinctive insights for the understanding of ethics governance. We can understand the governance of ethics not as something eternal and hegemonic, but as a set of objects and practices that exist in relation to alternatives, through which there are endemic processes of negotiation in the search to create coordination and stability. The central concern with situations helps to conceptualise how organizational struggles to promote or maintain good conduct are constitutive of wider shifts in ethical goals, enabling the assessment of change across time (Thévenot 2001).

Boltanski and Thévenot's framework has been applied to various settings, notably to the study of competing orders of worth within and between organizations (Jagd 2011) and the conflicts that emanate from tests derived from new initiatives e.g. for quality assurance of the audit profession (Ramirez 2013), accountancy (Annisette and Richardson 2011) and the provision of health care (Oldenhof et al. 2014). Surprisingly perhaps, the framework has not been applied to organisations like local government, despite it having qualities that make it eminently suitable.

Boltanski and Thévenot explain that organizations can be seen as 'composite assemblages that include arrangements deriving from different worlds … yet it is the plurality of mechanisms deriving from the various worlds that account for the tensions pervading organizations' (2006: 18). English local government is a composite *par excellence*, bringing together political modes of operation, based on the role of local politicians, who are accountable for a wide range of services to local populations. Different orders of worth are in operation – civic (elections and demonstrations of impartiality), industrial (in the concern for service delivery performance), domestic (in terms of the bonds within political parties) and the 'fame' dimension of electoral competition. Moreover, politicians are themselves manifest

in these multiple worlds simultaneously (Philp 2001; Annisette and Richardson 2011). Senior managers also operate within this environment, and may have critical roles in disputes in deciding which test to apply or in fostering compromises. The key actors, then, politicians and professionals 'remain a passageway between worths and objects of tension' (Boltanski and Thévenot 2006: 292). Overall, local government amply illustrates Thévenot's suggestion that organisations should be treated as a 'compromising device' (2001: 411), constantly pursuing (more or less fragile) compromises that enable beings to be kept together. Ethics regulation is just one element in this world.

Ethics regulation in English local government

The 1997 Labour Government set about 'modernising' local government across a range of dimensions, including reforming the ethical regulations under which it operated. They were responding to a particular set of conduct-related issues, including perceived public mistrust in government and a desire to respond to high profile scandals. The reforms are summarised in table 2 below.

Table 2 here

The reforms can be interpreted as adding a new layer of compulsion, independence and standardisation onto the procedures for ethics regulation that existed previously for local government (Lawton and Macaulay 2014). One might read it as an amplification of civic orders of worth, at a national scale, in that the ethical framework sought to specify acceptable

conduct and police it publicly, bringing possible transgressions more clearly into regimes of justice with common testing processes. Its introduction generated much debate on whether such external imposition of compliance-based policies could be effective, especially in terms of whether it would foster value internalisation by the subjects concerned. Indeed, this has been the main focus of research (Lawton 2005; Greasley 2006). Also warranting attention however, is how new efforts to standardise modes of regulation for conduct related to *objects* of governance – the norms of good conduct to be promoted – as summarised in table 3, below.

Table 3 here

The content of the code of conduct built on previous national and local efforts to codify acceptable conduct in public life, but researchers have given little attention to the way that it embraces a range of principles and practices that are profoundly heterogeneous. Three main issues arise. Firstly, the categories of (mis)conduct have their own distinct moral histories. Concerns for selflessness reflect long-standing conceptions of integrity in the UK, and the broadly founded desire to ensure public managers and politicians are not benefiting financially from their decisions. In effect, a criticism from civic orders of worth is addressed to the personal ties of the domestic world and profiteering of the market world, with registers of interests and declarations of interest – both public – being utilised as mechanisms for resolving the tension. However, efforts to promote 'respect' and avoid 'disrepute' are more contested, confronting long-standing norms of adversarialism and impoliteness within political practice and discourse (Harris 2001). Such practices reflect the competitive ethos of party politics (Mulgan 2006), provide a vehicle for attracting attention or damaging

credibility (reflecting 'fame' as an order of worth), yet incivility is known to have adverse effects, such as eroding trust in political institutions (Mutz and Reeves 2005).

Secondly, codifying the line between acceptable and unacceptable conduct is problematic, as simple abstract principles struggle to settle the enormous diversity of situations in local government in which conduct might come under dispute. This results in a constant effort to better define, refine and extend the definitions and categories of ethical principles, often through ever more detailed guidance, but without ever exhausting the potential for disagreement (West and Davis 2011).

Thirdly, even within the civic world, the ethical framework has fuzzy boundaries and potential overlaps with other elements of the wider integrity system (Six and Lawton 2013), each with their own tests. Aspects of conduct in local government are regulated by the Local Government Ombudsman (e.g. maladministration complaints) and criminal justice system, which has a growing role in addressing equalities and discrimination. As noted above, politicians derive their mandate from electoral processes, spanning civic and fame-based orders of worth. And while systems of performance management might be seen as promulgating industrial orders of worth, such tests also embrace civic aspects like procedural transparency. Thus, the tests of the ethical framework can be seen as potentially in tension with others (as also noted by Oldenhof et al. 2014); but possibly also further underpinned by other processes where the same goal is supported (e.g. good conduct by politicians supporting performance (industrial)). Whether tensions or synergies arise is an empirical question.

On the basis of the above, there is merit in viewing the ethical framework as having qualities of a compromise or convention (in Thévenot's sense): combining diverse conduct elements rooted in particular dimensions of civic orders of worth, but embodying relations – functional and conflictual - with others. Like all compromises, it had qualities of an experiment – the

veracity of its assumptions being tested by its ability to determine relative worth and order in practice – and fragility (Ramirez 2013: 850).

The task then, is to identify how a concern for orders of worth help to elucidate whether and how conduct in local government has changed over time, and assess how shifts in the modes and objects of ethics regulation co-evolved. The next section explains the methodology by which this analysis was conducted.

Methodology

The research sought to track the effects of the ethical framework in relation to patterns of conduct in English local governments over time. Detailed longitudinal analysis was achieved by visiting the field in 2008 and again in 2010. In 2008, the ethical framework had been in place for seven years, undergoing constant procedural evolution, including passing more powers of complaints investigation from the national Standards Board to local standards bodies. When we returned to the field in 2010, mounting dissatisfaction with the functioning of the ethical framework, against a backcloth of financial crisis and public sector austerity, saw the national government that came into power in 2010 take steps to abolish the framework.[1] Our research thus tracks a wider arc of change in the 'external' guardians of integrity governance (Six and Lawton 2013), and relates this to a diversity of 'internal' organizational responses.

The field research was structured around a comparative, multiple case study design, in which five local governments were visited in each time period. Each visit entailed investigation of

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[1] At the same time, the issue of ethics and politics were kept high profile by a scandal around national MPs abusing the expenses system, which broke in 2009.

the factors shaping conduct in each organization, but the two-year gap between visits created a passage of time around which specific changes could be more closely investigated. This approach offers 'an archive of perspectives from different periods of time and vantage-points, one that provides a rich and comparative basis for understanding patterns of continuity and change' (McLeod 2003: 202).

The same methods were applied in each case study visit. The main data source was semi-structured interviews with key individuals, both politicians and managers. Among politicians, all political leaders were interviewed, along with leaders of the main party groups, and a sample of other politicians, especially those that had been involved in conduct complaints or had served on the local standards committee. All chief executives were interviewed, as were the Monitoring Officer (MO) (a manager with an official role in overseeing the operation of the ethical framework), along with managers in posts with relevance to conduct issues, such as the Chief Planning Officer and head of democratic services. Where a key stakeholder was in place in 2008 and 2010 they were interviewed at both points in time. Twelve interviews were conduct for each case in the first visit and ten in the second, making 110 interviews in total.

The five local governments were chosen to represent a range of conditions and changes, as summarised in table 4 below. The selection deliberately embraced different economic situations (affluent/poor), context (urban/rural, large/small) and also different political conditions in terms of political control. The numbers of complaints under the code is a simplistic measure of conduct, but we chose local governments with large numbers of complaints and those with few, thus incorporating those in which ethics and its regulation had created few situations and those where it had created many, enabling an array of responses to be examined.

Table 4 here

The interviews were all fully transcribed and subject to qualitative, thematic coding. The questions pursued in the interviews focused on particular situations that had arisen connected to conduct, what was done about them and with what effect, allowing respondents to explain the role played by the ethical framework vis-a-vis other steps. Participants were encouraged to explain and justify what happened, operationalising the emphasis on justification in our conceptual framework. As other analysts have noted (Ramirez 2013), operationalising the archetype-based categories of Boltanski and Thévenot to real world situations is challenging, but was addressed by giving careful attention to the coding descriptors, enabling justifications given to be related to orders of worth and strategies of compromise. The next section analyses our first research question which asked whether the standards of conduct displayed in English local government changed (or stayed the same) over time and what could explain this situation.

Analysis

Changes in conduct?

The broad tenor of academic research and the Standards Board's own investigations is that the introduction of the ethical framework has led to improvements in conduct. Ethical issues had a higher profile and were being treated more seriously than before 2000 (BMG 2007, 2008), with respondents reporting on the value of the code and associated training in clarifying expectations of councillors, with sanctions sometimes serving to remove councillors engaged in serious misconduct (Cowell et al. 2011). Few would claim that the

institutions are no more than window dressing, as has been levelled at state ethics commissions in the U.S. (Smith 2003). However, outcomes and experiences up until 2008 suggested a wide spectrum of different experiences and outcomes between councils, between those which rarely experienced any problems with misconduct, to others where misconduct issues kept arising, creating situations for which there seemed to be no adequate response. Understanding change in conduct, but also apparent consistency, requires closer attention. Summary points about the nature of conduct in each organization up to 2008, and changes between then and 2010, are given in table 5 below.

Table 5 here

In the three local governments reporting good conduct through to 2008 (cases A, B and E) and no apparent change by 2010, in two of them resilience was required to maintain this, precipitated by more challenging economic and political circumstances. Within case A, various interviewees mentioned increasing situations in which a few local politicians were treating officers poorly. This was attributed to an increase in Conservative party support around the 2010 election, which brought with it politicians highly critical of public spending in general and seeing the pay and performance of public servants as a problem. Previously dominant norms governing politician-officer relations, based on domestic orders of generalised civility and politeness were under pressure, with interviewees describing a shift in political priorities towards market orders of worth. The new leader of the council explained that 'we now have a much more business-like, performance-focused, financially-focused Cabinet than we have in the past'. For managers, this shift in focus also brought with it a critique of pre-existing orders of worth focused on service delivery; with politics becoming

'more macho', especially about cuts, with the 'mentality of all public servants being rubbish'. As a result, previously positive working relations have wobbled in the face of a new situation, linking changing external environment (financial austerity) and internal actions (a cuts-driven reorganisation of senior management). Why this has not led to more complaints in case A is explained below, reflecting capacities for generating compromises.

Arguably the most marked change is that the two councils with conduct problems in 2008 (cases C and D) experienced significant improvements by 2010. In case C, the political leader reported that, 'It's massively better than it was two years ago. It's a lot more constructive and it's a lot more positive'. However, one needs to understand the benchmarks used in gauging change, which can be seen as reflecting aspects of the external, political context. One facet of this was the shift from single party dominance by the Labour Party to a multi-party situation, including 'every persuasion I can think of, from the extreme right to the extreme left' (Leader). One result is that 'ultimately, we've got this situation where you've got groups that just dislike, hate, each other' (Monitoring officer). These divides and the fractiousness attributed to that affects expectations – 'I think we're always going to have complaints' (Monitoring officer). In addition, the social constituency for this local government generates conduct issues that challenge the merits of tests embodied in the ethical framework. Thus:

> What's accepted round here, particularly from a language point of view, is probably not
> acceptable somewhere else and you can't seemingly get through to a lot of these people …
> they'll come round to you and say, "But that's what I've always said", and we have it around
> equalities types of issues often as well (Monitoring officer).

The expectations for the improvement of conduct, especially on matters of respect and disrepute, were expressed in a similar way in case D. Here, the deputy monitoring officer suggested that in their organization, 'things are never going to be normal' and for the Leader, it's just a 'hard core of councillors who cause problems' but 'five out of 55 is not bad'.

Key factors influencing levels of misconduct

In the three case studies where there was little change in patterns of conduct, this cannot be taken as straightforward organisational continuity. In cases B and E, the basic pillars of the integrity system – the mayor, the chief executive, the monitoring officer – were all unchanged, along with measurements of service performance and the relations with the media. Elections can bring about some churn in elected representatives (see table 6 below), raising questions about how order is maintained. In case E, a shift from no overall control to Conservative control failed to disturb norms of good conduct. This outcome was widely attributed to the persistence of practices associated with domestic orders of worth such as a strong collaborative culture across party groups, positive relations with officers and a willingness to take advice.

Table 6 here

In case A, however, the period 2008-2010 saw cost-driven management restructuring lead to a reduction in senior legal advice and the demotion of the monitoring officer. This is potentially significant in terms of addressing ethics situations, with the MO being a key gatekeeper for steering situations either into public regimes of justice (i.e. allowing conduct complaints to proceed to tests, within civic orders of worth), or towards some alternative compromise (Macaulay and Lawton 2006). The fact that at the same time the political leader changed to someone more prepared to intervene informally and pre-emptively on ethical situations militated against problems. In effect, in this case, the multiple modes of

coordination (from an orders of worth perspective) have maintained good conduct despite changes that potentially increased the risk of ethical problems.

We also observed instances where changes to the people involved affected the balance between the orders of worth invoked in justifications, and whether formal conduct complaints arose. Loss of individuals and groups associated with poor conduct is visible in our cases, with some dividends for better conduct. For example, in case C, a politician described as being from the 'extreme right wing' (Leader) left the local government after refusing to apologise, as instructed from a standards committee hearing. One might see this as an instance of a test resolving successfully a disturbed situation in line with civic orders of worth.

In case D, independent politicians (outwith any political party), had been widely blamed for conduct problems, but between 2008 and 2010 their number had reduced in favour of a larger ruling Conservative group. As a result, the actions of the independent group were more readily outweighed and challenged. Moreover, to improve conduct, the leader of the Conservative group took greater efforts to pre-empt or reduce poor conduct within his party, as did opposition party leaders. Party discipline can be associated with domestic orders of worth in particular, built on relations of proximity and loyalty, to group and to place (Thévenot 2001). Even in the cases displaying generally good conduct (A, B and E), this was maintained by the relatively swift expulsion of politicians creating ethics situations from parties. In case E for example, politicians that 'you always felt weren't toeing the line a bit ... are no longer councillors or didn't last long and have moved on to other things'. Here the ethical framework added to the leverage of actors seeking to remove problematic politicians but, as explained below, the tests it creates are not always the main mechanism for maintaining order.

Our case studies also saw positive effects from the arrival into key roles of figures that proved better able to mobilise good conduct. Case C saw several such changes. The introduction of a new political leader brought with it a conscious change of style, deemed to defuse personal animosities. He explained that, 'I don't believe in personality politics. So, I never insult people personally', which 'wasn't the case' with the leaders of other groups. The status and expertise of the MO was enhanced, employing someone with a legal background and enabling them to sit on Corporate Management Group. This person felt better able to field queries from politicians, and was more inclined to act pre-emptively, to steer potential conduct away from formal complaints e.g. advising politicians against responding to provocations with language likely to lead to complaints. The chief executive also claimed to have brought in a more open style of management than his predecessor. One effect is that politicians that had previously challenged the integrity of the leading group became less inclined to believe the organization is 'bent' or 'wasn't run straight', whereas now 'it seems more open and more transparent'.

The shifting efficacy of modes of justification also reflects changes in actors and the credibility they enjoy. Interviewees from those cases that had been experiencing ethical issues referred to external interventions as helping to drive change. In case D, an external inspection of corporate governance in 2007 which rated the performance of the organization as 'poor' and indicated that the conduct of politicians was a problem, was widely seen as initiating change. In case C, the chief executive pointed to the creation of a 'Voluntary Improvement Board', and people 'brought in specifically to deal with change, and the culture around performance change ... so that's an external support mechanism we've also put in place to work closely with the members and that's actually paid off'. Moreover, 'the council has always been more prepared to listen to external advice than its own officers' (chief executive), who tend to be treated with suspicion. This illustrates how the legitimacy of

justifications deployed in resolving situations, using civic (and to some extent industrial) orders of worth depended on voices uncontaminated by the loyalty relations of domestic orders of worth.

Changes in the use of formal regulation

The second research question asked whether there been any changes in how the norms of conduct are subjected to formal regulation. Previous research has captured the diverse and complex ways in which the ethical framework has been used to regulate conduct, and the mixed evidence of its effectiveness (Cowell et al. 2011). A common pattern in our analysis was that in local governments experiencing generally good conduct (cases A, B and E), the framework was just one mode of governing conduct, with a greater reliance on informal intervention and formal tests (complaints and adjudication) being rare. Returning to the field in 2010, two years after our initial visit, revealed a remarkable convergence in how the ethical framework has been used among those local governments that had previously experienced poor conduct.

Cases C and D had extensive experience of vexatious, 'tit-for-tat' complaints between politicians – based on claims about poor language (disrespect), failure to declare interests (selflessness) and around bullying/intimidatory behaviour. Complaints were based on actions argued to be unacceptable under the Code, though it is widely suspected that civic orders of worth were being deployed strategically in the pursuit of political attention and to damage the reputation of the accused (exploiting fame as an order of worth). However, by 2010 this pattern of complaining had dramatically reduced. As discussed above, this is partly because individuals at the centre of complaints left the organization, but more importantly, it can be attributed to key figures coming to learn that enacting the formal complaints process is

ineffective and unhelpful in respect of achieving wider goals. In cases C and D, political leaders began acting in ways that could set a positive example to others, and became more proactive in addressing conduct problems and averting them from formal complaints processes. For example, the leader of case C explained, 'I'd always made it abundantly clear ... the Labour Group would never take anybody to a Standards Board ... I think the [complaint] figures have gone down massively since we did that'. In case D, the political leader also moved to a position where, for his party, 'reporting people to the Standards Board' became anathema.

One driver for this was the accumulating experience that the formal complaints process was costly, time-consuming and heavy-handed in relation to the situations being faced and unlikely to produce significant outcomes. There was a recognition that complaints 'wasted a lot of officers' time', such that 'I think we've come down to some very good reasons for taking things to ... the Standards' (Politician, case E). Partly, this reflects the limited sanctions available under the ethical framework, which is itself a product of compromises between two dimensions of civic orders of worth within the ethical framework, the acceptability of their conduct as inscribed and the electoral mandate of politicians, which limits the use of suspension/removal as a sanction. In case D, the chief executive recalled when he had encouraged an officer to bring a bullying case against a politician, but it had led to no real sanctions and the officer involved ended up leaving the organisation. Those complained about were also seen to view receiving complaints as 'badge of honour' (Leader, case D) and 'almost as a token of esteem' (Politician, case C); in effect, bonds to their group or constituency in the domestic world, and the notoriety attained (fame) outweighed the sanctions of a discredited civic order.

These examples show that the formal process for adjudicating complaints came to be seen as failing as a test i.e. as a procedure for resolving situations by asserting the primacy of civic

orders of worth and thereby demarcating acceptable from unacceptable conduct. Its efficacy was too readily challenged and contaminated by arguments and elements from other orders of worth. Instead, therefore, cases C and D belatedly followed A, B and E, in using other devices for restoring order. Some of these might be regarded as compromises, formed between the civic world and the social relations associated with domestic orders of worth: loyalty, but also good manners and polite behaviour (Boltanski and Thévenot 2006: 306), and the domestic order principle that differences ought not be aired in public. Another aspect of these compromises is officials showing good sense in deciding how and when to apply the rules; a strategy supported by having trusted senior officers, such that these 'arbiters' are 'well known people whose authority is reputed' (Boltanski and Thévenot 2006: 307).

We also found that certain objects of governance – i.e. categories of conduct – were felt to be less amenable to ordering by formal civic tests than others. The political leader of case C was clear that adjudicating whether language was or was not respectful was problematic:

> My auntie would think practically everything is rude unless you called her Madam beforehand. So, it's subjective and that kind of subjectivity I think is something that is the issue I have about the Standards Board. So, for example, I mean if I bring it back to my own case, they'd said that the way I'd spoken to him in the email was rude. Well I didn't think it was rude. I thought it was robust. So, they were saying I was rude. Was I rude? I'm the only person I need to justify it (Case C).

We can see how the prospect of a civic, impartial process of testing the acceptability of language is thrown into question. Moreover, in Case D, 'it's a fact of life' (Leader) that the opposition would engage in personal attacks, justified in relation to the competitive nature of party politics (though not apparently in cases A, B and E, where civility across parties was the norm).

However, for other aspects of conduct there remained support for formalised actions, even though creating transparent public processes would appear equally vulnerable to chronic interpretative disputes – i.e. around declarations of interest. These have taken much time to bed in and generated difficulties as politicians often struggled with the idea of identifying interests, in working out those which were prejudicial, and following procedures for absenting themselves from relevant decisions. Many of these issues required delicate separation of their various roles as community representative and civic decision-maker (Cowell et al. 2014); in Boltanski and Thévenot's words, (2006: 186) showing themselves to be 'detached from the bonds of personal dependence'. Yet despite this, and the fact that occasionally politicians made errors, none of our interviewees raised the object of governance – demonstrating selflessness – as itself a problem.

One sees here, the nature of the code of conduct as a convention, that seeks to construct consistent testing procedures across multiple principles of good conduct, but which is fragile in the face of the awkward facts of situations, as only some principles are regarded as benefiting from formal regulatory adjudication. One illustration concerns a politician in case D, who was a serial subject of complaints on issues of poor language and bullying, but was nevertheless 'scrupulous' on the registration of interests. Another comes from officers, explaining how the need for a 'fair trial' (i.e. formal tests rooted in civic orders of worth) depends on the severity of the issue: incorrect declarations in planning could 'muck up the whole process' and 'you could end up with a judicial review'; but 'when it's someone has been rude to somebody and it's very minor ...' then informal advice is fine (Deputy MO, case A).

Objects of governance are shown to matter in justifying the efficacy of ethics regulation, such that the apparent failures of tests do not always drive their abandonment and search for alternatives. For some objects (poor language), it is widely argued that it is the ethical

framework - the test - that causes the problem by imposing orders of worth deemed inappropriate. In these situations, such solutions are not to be found in the situation itself but at a higher institutional level – a connection between the micro and macro that we return to later.

From civic to industrial orders of worth?

Previous applications of the orders of worth framework in organizations have remarked on the growing dominance of industrial and market orders over the civic and domestic (Jagd 2011). Such interpretations find their echo in a wider body of research tracing the growing dominance of managerial practices across the public sector, and subservience of politics to New Public Management (Bryson et al. 2014). One can readily detect the mobilisation of industrial orders in debates over conduct across our five cases.

We found interviewees using justifications drawing upon notions of being business-like and drawing connections between good conduct and performance. In those local governments displaying good conduct, such connections had long been the norm, as in case E: 'It's always been very consensual... so it's never been political with a huge "P" because the emphasis has always been on providing services to the customer rather than playing politics'. Instrumental arguments were also invoked in case A, where emerging situations of some politicians treating senior officers poorly was being addressed:

> On a number of occasions, it's been necessary to pull certain members of the cabinet, in particular, aside and say, "this is not the way that we wish to behave". This is a team process and if you alienate officers and you don't treat them with respect then you won't get the performance that you are looking for (Leader).

In cases experiencing poor conduct, linkages to performance formed part of justifications for change. In case D, criticisms made in the corporate governance inspection report in 2007 were finally being accepted by 2010. Interviewees felt 'I think that penny has dropped; in terms of the merits of running a 'peaceful council', where people act professionally, and where links from conduct to good governance and performance were recognised (Deputy MO). Similarly, in case A, the political aspects of being a politician – as reflecting a particular compromise between civic and fame-based orders of worth – were seen by officers as subordinate to elements of the industrial: 'it's a job, it's an important job ... I think being a councillor is another profession and they need this structure and ethics to go with it' (Deputy MO). From the industrial order of worth, ethical problems undermine optimal functioning and use resources unproductively; indeed, the chief executive from case C explained that developing a culture of respect and understanding was seen as averting the 'huge drain on the Council's resources' spent on conduct complaints.

However, it would be simplistic to suggest that conduct was being disciplined principally by concerns for organizational performance. As Boltanski and Thévenot suggest, the relationship is often situational – it is especially circumstances where major change is required and an argument needs to be won that regimes of justice are drawn upon. For most politicians in those cases where good conduct was the norm (A, B and E), it was less a calculative concern for productivity that held good conduct in place, but a series of practices that had domestic and civic orders of worth as their basis. Thus, in case E, elected members had no problem with the MO keeping a close eye on the registers of members' interests, because 'that's about preserving the reputations of the Council and also making sure that things are done right'. Reputational risks – adverse public opinion (fame) - was important here, as in case B. More widely, norms of good behaviour associated with these organizations strongly echoed

domestic orders of worth, in which party groups took responsibility for conduct, but also that courtesy between all politicians and managers was the norm.

Changing the integrity system

Soon after its election in 2010, the Conservative-led coalition government abolished 'The Standards Board Regime' (DCLG 2010). Public sector budget cuts in the wake of the banking crisis and desires to reverse the previous Labour government's centralised 'control freakery' (Wilson, 2003) formed the wider context, but the shift was justified in the following terms:

> The Government considers that the Standards Board regime, consisting of a centrally prescribed model code of conduct, standards committees with the power to suspend a local authority member and regulated by a central quango was inconsistent with the principles of localism. In addition, there is a concern that the regime is a vehicle for vexatious or politically motivated complaints. The Government considers that it is the right and the responsibility of the electorate to determine who represents them and that the abolition of the regime will restore power to local people.

This section explores the final research question which considered whether there are any connections between local experiences on the ground and the government's decisions to abolish the ethical framework. In practice, abolition was not a simple, binary move in which the issues governed by the ethical framework were moved wholly outside regimes of justice, thereby no longer requiring public justification. The complexities are shown in table 7. What central government sought to do was resolve at national, institutional level the problems that had arisen within the multifarious, local situations of implementation, and the proposals were contested by those who thought situations needed different solutions.

'Abolition' might be seen as a rebalancing of tests, most of which are rooted within civic orders of worth. The steps reinforce the pre-eminence of the electoral test of politicians as policing the acceptability of their conduct. In cases C and D, with their experiences of poor conduct, politicians widely supported this justification. 'The Standards Board really shouldn't supersede local democracy' (Leader, case C), and nor should local standards committees:

> The idea of having "ordinary people" overseeing politicians, again I don't really understand it because ordinary people oversee politicians through the ballot box ... setting up a quango to do it I think is a dangerous precedent.

Table 7 here

Others also objected to 'a board judging behaviour' and saw abolition as removing something that 'inhibits' them, and that 'allows officers to use it to keep members in line' (Politician, case D). In Boltanski and Thévenot's terms, abolishing the ethical framework removes a contaminating element from the electoral test of civic worth; 'mending situations' by removing formal procedures that had themselves become the problem (Ramirez 2013).

As we noted above, however, the types of situations used to inform arguments for abolishing the ethical framework – and where the superiority of electoral tests was invoked - tended to involve misconduct categories centred on the use of language. However, practices around the registering and declaration of interests remain firmly in place, with the Government still issuing detailed guidance, and with new linkages to the tests of the criminal justice system. Specifically:

> The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors *everywhere* are putting the public interest first and are not benefiting their own financial affairs from being a councillor (Emphasis added) DCLG (2013, p.3).

If the first sentence quoted indicates a new space for local compromises between domestic and civic worlds, the second shows that seeking to ensure selflessness remains a national concern, to be addressed within national regimes of justice, and retains superiority. The scale of polity to which orders of worth apply in the face of tests and the spatial reach of compromises is an under-explored aspect of Boltanski and Thévenot's work and ethics governance research more widely.

Interviewees were also asked directly about the kind of arrangements they thought necessary following the abolition process. Here too, replies were as much shaped by reflection about situations that would need solutions as by abstract principles, especially along fault lines between 'the serious' and 'the trivial'. Senior officers were concerned that elections (as tests of politician's conduct) were infrequent, placing excessive reliance on the voting public as external integrity guardians, and that situations where officers were being poorly treated and pressurised by politicians faced having have no test for bringing resolution. With problems regarded as 'more serious', interviewees saw a need for a higher level test or 'extra tier' (Chief executive, case A) involving some agency detached from the local context. In describing such issues as 'impossible' to deal with locally (Leader, case A), the need for tests that exemplify civic rather than domestic orders of worth becomes clear. Otherwise, for minor issues, internal informal action would suffice.

Conclusions

Our research has shown that standards of conduct of politicians in English local government improved over the period up to 2010. More particularly, organizations that exhibited conduct problems in the period up to 2008 subsequently managed to find some solutions. Viewed simply, one might conclude that the ethical framework is associated with positive instrumental, regulatory effects. However, this deduction requires interpretation through the complexity of the contexts of its operation, which allows a richer account of change to emerge. One observation is that organizations have different views on what constitutes achievable levels of 'good conduct', reflecting wider norms circulating among personnel and the wider social context (Cloutier and Langley 2013). Another observation is that 'no change' in apparent conduct problems does not mean no action, as all case study local governments had to navigate situations where misconduct risks emerged.

Rather than regulation having a direct effect on conduct, our case studies have shown that key actors adjusted their practices to *avoid* use of formal regulations where they could. Indeed, our poor conduct cases started emulating practices of informal action and intervention seen in our good conduct cases. This confirms previous research highlighting the 'on the ground' skills of political and managerial leaders (Downe et al. 2016), and the weakness of reliance on 'external' and compliance-based elements of integrity systems (Six and Lawton 2013).

One might conclude that our research has unearthed simply another story of organisational learning. However, this is to place the emphasis of explanation too heavily in the social and procedural realm, and neglects the transformative potential of situations, in which the fate of modes of governance are connected to the objects that they seek to govern. The orders of worth perspective from Boltanski and Thévenot provided an insightful characterisation of what was happening. Across our case studies, senior politicians and managers came to

recognise that the tests required by the ethical framework did not always help to establish the relative priority of competing worths and, in many respects, created their own situations. The results of these failing tests were twofold. Firstly, compromises were struck, often drawing on domestic orders of worth to address conduct issues without the arduously achieved and often contested impartiality of formal complaints procedures. Secondly, the perceived failure of the ethical framework to achieve order at local level was reflected at national level in the recasting of the ambit of national ethics regulation for local governments, with one key outcome being to reduce the extent to which certain conduct issues – e.g. use of language deemed disrespectful – would be an object of formal regulation, while misconduct issues around selflessness remain the subject of efforts to regularise norms through civic tests. If there is learning, it is not just about how to govern, but about what situations are amenable to (civic) forms of governance and the need to differentiate the 'serious' from the 'trivial', which shifts over time and between places.

This outcome is not costless. In an era in which English local government is experiencing ongoing austerity, widening social inequality, deepening public mistrust of expertise and, in some places, the re-alignment of politics towards political extremes, public servants may be right to worry that issues of disrespectful language, disrepute and bullying may now lack recourse to formal regulation. Our longitudinal approach and conceptual framework has been valuable in enabling these links between micro-situations, shifting local compromises and changing macro-institutions to become visible. Further research would be valuable in confirming whether the UK is experiencing a wider shift in orders of worth around (local) government, in which politicians are more inclined to elevate market orders of worth (based on seizing opportunities to reduce spending and the scope of the state), over the civic, the domestic, and even the industrial orders of worth associated with new public management, reflecting Tea Party tendencies of the type seen with US Republicanism.

The adopted conceptual approach has helped to address a weakness in ethical governance research in which, on one side, there is research reflecting on the kinds of principles and values that should be promoted (Van der Wal et al. 2011) and, on the other, research examining the efficacy of particular interventions often pegged to narrow instrumental objectives, with a tendency to frame problems as an 'implementation gap'. While philosophical reflection on ethics and integrity has its own moral and intellectual legitimacy, analysis of implementation reminds us of the obduracy of heterogeneous problems in demarcating acceptable from unacceptable conduct in the field. Our research has also shown how wider (macro) shifts in ethics can be linked to justificatory practices in myriad situations, where the ethical framework is put to the test of experience, not to some 'external' re-appraisal of the values at stake. Following Boltanski and Thévenot and seeing systems of ethics regulation as compromises over what should be included (and what excluded), and between universal and local judgement, is also valuable in explaining why they might falter.

Although Boltanski and Thévenot's framework offers a useful way of conceptualising how social order is produced, the emphasis on justification has its limits. While acknowledging the advantages of not attaching essential, enduring qualities to persons and their identities (West and Davis 2011), it is still important to consider the configurations of actors that can access situations. As the research has shown, for certain orders of worth to be mobilised requires that there are people in positions to do it, embodying certain forms of authority, making the configuration of the 'integrity system' important (Six and Lawton 2013). Personnel and positions matter in explaining changes in ethical conduct. In addition, the central concern with 'regimes of justice' – situations where disputes are public and so are the justifications for particular solutions – has its own limits. Methodologically, differentiating where public justification rooted in civic orders of worth slides into domestic orders of worth, or into more private compromises, or into the regimes of familiarity or friendship is not easy,

since the relevant practices are inevitably harder to see than the 'civic'. This is important, not just for the researcher, but because whether 'private' measures are appropriately resolving situations that have public significance is exactly the kind of question that generates disputes creating the potential for further institutional change.

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Table 1: Orders of Worth

	Domestic	**Fame**	**Civic**	**Market**	**Industrial**	**Inspired**
Superior principle	Tradition, loyalty, hierarchy	Public opinion	Collective good	Competition	Effectiveness, performance	Inspiration, originality
Individual qualities	Dedicated, wise	Prestige, public recognition	Representative official	Defence of self-interest	Dedication to work	Creative, passionate
Listed subjects	Superiors and inferiors	Star and fans	Elected representatives	Competitors, clients	Professionals, experts	Visionary
Specific investments	Sense of duty	Pursuit of publicity	Renunciation of personal interests,	Search for personal opportunities	Making progress	Risk
Test	Family, ceremonies	Electoral mandate	Public, transparent demonstration (electoral mandate)	Contract	Rational tests	Adventure, solitude
Drawn from Boltanski and Thévenot (2006), as well as Annisette and Richardson 2011, Denis et al. 2007, and Thévenot (2001)						

Table 2: Key instruments of the ethical framework for local government

- requiring all local councils to adopt a code of conduct, based on a national model, which all councillors had to sign;

- requiring all local councils to establish a register of councillors' interests;

- instituting procedures for assessing and adjudicating complaints made about councillors against the code, including powers for disciplinary action;

- creating a new national public agency, the Standards Board for England, with a strategic role in supporting the system and (until 2007) the prime role in dealing with complaints;

- requiring local councils to set up Local Standards Committees, including independent members and chairs and (from 2007), the prime role in assessing complaints.

Table 3: Categories of misconduct under the Local Government Act 2000

Ten Principles of Public Life (local government)	Categories of Misconduct (Part of the Code)
Selflessness	• You must not use your position to improperly confer an advantage or disadvantage for yourself or any other person (Part 1 6(a)) • Prejudicial interest – seeking to improperly influence (Part 2 12(1)(c)) • Prejudicial interest – attended meeting for purposes not available to the public (Part 2 12(2))
Honesty and integrity	• You must not conduct yourself in a manner which could bring your authority into disrepute (Part 1 5)
Objectivity	
Accountability	
Openness	• Personal interest – failure to declare (Part 2 9(1)) • Prejudicial interest – failure to withdraw (Part 2 12(1)(a)) • Failure to register interests (Part 3 13(1))
Personal judgement	
Respect for others	• You must treat others with respect (Part 1 3(1)) • You must not bully any person (Part 1 3(2)(b)) • You must not do anything which could cause your authority to breach equality laws (Part 1 3(2)(a)) • You must not intimidate or threaten to intimidate any person who is likely to be involved in a complaint (Part 1 3(2)(c)) • You must not compromise or attempt to compromise the impartiality of anyone who works for the authority (Part 1 3(2)(d))
Duty to uphold the law	• You must not disclose confidential information (Part 1 4(a))
Stewardship	• You must only use the authority's resources in accordance with it requirements and must not use the authority's resources for political purposes (Part 1 6(b))
Leadership	

Source: Table draws upon Standards Board for England (2007) and categories of misconduct applying at that time.

Table 4: Contextual information on the case study councils

Case study	Type of local authority	Size (population '000)	Conduct history (Ethical complaints May 2008 - March 2010)	Management (measured using CPA scores)	Political history	Strength of Independents (percentage of Independent councillors – 2006-2011)	Thumbnail sketch
A	District council	131	12	Excellent (03/04, 08)	Generally Conservative controlled, Conservative 2007-2011	5%	A relatively affluent district in southern England, with a mainly stable pattern of political control. The council has achieved excellent CPA scores, and has experienced very few cases under the code of conduct.
B	London borough	276	0	Good (02, 03, 04), 3* (05, 06), 4* (07, 08)	Generally Labour controlled, no overall control 2006-2010	10%	A London borough, with pockets of affluence and deprivation, in which the former dominance of a single political party has declined. The council has experienced good-excellent CPA scores, and has been proactive in its approach to ethical governance. The borough has experienced no formal complaints under the code.
C	District council	119	25	Fair (03/04), Good (07)	Generally Labour controlled, no overall control 2003-2011	32%	A district in the Midlands in a relatively deprived area where the traditional dominance of one political party has given way to turbulent change. The council is improving its

							CPA score over time. There have been a large number of complaints under the code, most of them amongst members and between officers and members.
D	District council	149	26	Fair (03/04, 08)	Mix of Independent and no overall control, Conservative 2007-2011	16%	A relatively affluent district in southern England, with a largely rural area, in which recent years have seen growing single party control. The council has received 'fair' CPA scores but has experienced problems with its corporate governance, including a large number of complaints under the code, most of them amongst members and between officers and members.
E	Unitary	334	138	Good (02), Excellent (03, 04), 3* (05, 06), 4* (07, 08)	No overall control 1995–2007, Conservative 2007-2011	8%	A unitary council in the north of England, covering a largely rural and affluent area, in which only recently has one party secured overall control. The council has achieved good-excellent scores in the CPA and many complaints under the code (mainly from parish councils).

Table 5: Issues with conduct, 2008 to 2010

Council	State of conduct 2008	Has conduct changed 2008-2010?
A	Very good – no complaints; civilised norms of conduct and good relationships between officers and members	Little change – still good. Emerging concerns about some politicians' poor treatment of officers and weakening attention to interest declaration
B	Very good – no complaints; civilised norms of conduct and good relationships between officers and members	No change – still very good, but political figures under public pressure on service cuts; one complaint.
C	Poor – lots of complaints between members and repeat offenders	Improved – significant reduction in the number of complaints.
D	Poor – lots of complaints between members and some bullying issues with officers	Improved – virtual disappearance of complaints between members; diminution (not disappearance) of officer concern at treatment by members.
E	Very good – no complaints; civilised norms of conduct and good relationships between officers and members	No change – still very good.

Table 6: Internal changes in personnel and procedures

Council	Personnel changes since 2008	Links to conduct changes 2008-2010
A	Officer: loss of senior legal expert in MO role; reduction in legally trained people in senior posts. Politicians: constant change, no major shift in political balance but new leader.	Legal advice no longer available in key arenas relevant to interest declarations (e.g. local planning committee)
B	Officer: no change in key figures (CEO, MO). Politicians: no change in Mayor, moved from NOC to Labour majority.	No new issues.
C	New political leader and changed control of the council; loss of previous councillors; Officer – change in MO and chief executive	New political leader setting out new expectations re their use of the Code of Conduct (i.e. not using it anymore); More pre-emptive action by new leaders on conduct issues. External advice used.
D	Officer: CEO the same, partial change in MO staff and capacity. Politicians: increased Conservative majority, reduced no. of Independent Councillors; no change in leader.	Political leader/party groups no longer making complaints under the ethical framework. More pre-emptive action by party group leaders on conduct issues. More internal working around setting norms of conduct, with external advice.
E	Officer: no change. Politicians: no change.	No new issues.

Table 7: Recasting the ethical framework for local government

Elements removed, as initially proposed in DCLG 2010	Elements retained/created, as set down in the Localism Act 2011 (DCLG 2011)
Revoking model code of conduct and obligation on councils Abolishing requirement to have local standards committees	Members will be required to continue to register and declare personal interests and will not be allowed to use their position improperly for personal gain. The Government intend that wilful failure to comply with these requirements will constitute a criminal offence.
Abolishing Standards for England, with none of its functions transferred to other bodies, and with the tribunal body that addressed appeals concerning the conduct of local councillors losing its jurisdiction in this sphere	Local authorities must adopt a code of conduct consistent with the seven Nolan principles of public life, and adopt some mechanism for investigating complaints, including some provision for involving an independent person, but this will not be able to suspend or disqualify councillors.