



Sandwell

Metropolitan Borough Council

Annual Report of the Ethical Standards and Member Development Committee 2019-20 & 2020-21

Foreword – Chair of the Ethical Standards and Member Development Committee

I am pleased to present the combined Annual Report of the Ethical Standards and Member Development Committee for the periods 2019-2020 and 2020-21.

During 2019-20, the Committee continued to review the approach to member development and the revised Member Development Programme assisting members to lead their own development and ensure that they develop/acquire the requisite knowledge, experience and skills to succeed in their various councillor roles.

The Committee also undertook a review of personal safety for elected members. The review formed part of the Member Development Programme which incorporated training, support and well-being interventions, as requested by elected members in its design phase. This programme will continue to evolve over the coming year and will incorporate an exciting new 'My Councillor' portal, requested by members to assist with casework management, general enquiries and signposting to the latest information at Ward level.

Unfortunately, in April 2020, the Chair of the Committee, Councillor Geoff Lewis, passed away and I would like to take this opportunity to acknowledge all of the time and effort Geoff committed to his role.

This municipal year the focus has been on the review of the Member Code of Conduct and Arrangements for Dealing with Complaints under the Code. Following the consultation undertaken by the Committee on Standards in Public Life, along with the new Model Code of Conduct produced by the LGA, a series of member engagement sessions have taken place to inform the review of the Code.

I would take this opportunity to emphasise to all members the importance of attending the standards training that is offered every year. These sessions are essential to your understanding of the Code of Conduct and are also a useful discussion forum for members about ethical issues. This training is mandatory for all members every two years. In particular, members must pay attention to their disclosable pecuniary interests. Once the new Member Code of Conduct is adopted, training will be provided to all members.

I would like to thank members of the Ethical Standards and Member Development Committee and the Independent Persons for their attendance and contributions during the past year and also the Monitoring Officer and his officers have provided support throughout the year.



Councillor Ahmed - Vice Chair of the Ethical Standards and Member Development Committee

1. Business

- 1.1 During 2019/20, the Ethical Standards and Member Development Committee met on five occasions and considered the following matters:
- Allegations Updates;
 - Appointment of Ethical Standards Sub-Committees for 2019/20;
 - Annual Review – Members’ Register of Interests;
 - Annual Review - Members’ Gift and Hospitality;
 - Committee on Standards in Public Life Annual Report 2018/19;
 - Member Development Programme updates;
 - A review of the personal safety of elected members;
 - Standards Working Group – Remuneration for Independent Persons dealing with standards matters;
 - Review of Standards Complaint Preliminary Assessment Decision;
 - LGA Member Code of Conduct Review;
 - National Cases.
- 1.2 During 2020/21, the Ethical Standards and Member Development Committee met on five occasions and considered the following matters:
- Review of the Member Code of Conduct and Arrangements for Dealing with Complaints under the Code;
 - LGA Member Code of Conduct Review;
 - Committee on Standards in Public Life Best Practice Recommendations;
 - Allegations Updates;
 - Appointment of Ethical Standards Sub-Committees for 2020/21;
 - Updates on the work of the Standards Working Group;
 - Annual Review – Members’ Register of Interests;
 - Annual Review - Members’ Gift and Hospitality;
 - Committee on Standards in Public Life Annual Report 2019/20;
 - Member Development Programme updates;
 - Implementation of My Councillor Member Portal;
 - National Cases.

2. Commentary on the Work of the Committee

2.1 LGA Member Code of Conduct Review

In January 2019, the Committee on Standards in Public Life published a series of findings and recommendations following the consultation undertaken in respect of the ethical governance framework which included:

“The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government.”

The Local Government Association (LGA) commenced work on producing a new model code in September 2019 as part of a broader programme of work around civility in public life which aimed to address concerns about intimidation of those holding public office and the standards of public and political debate.

The LGA review of the model code influenced the direction of the Council’s review of its governance arrangements including revisions to the Council’s Code of Conduct for elected members which have been developed following publication of the revised model code.

The Ethical Standards and Member Development Committee has led on this and other developments relating to the conduct of elected members.

Following receipt of the LGA Model Code of Conduct in early December, a series of engagement sessions were held to which all elected members were invited to seek their views on:-

- the Council’s Member Code of Conduct/LGA Model Code of Conduct;
- social media;
- members’ interests;
- the Council’s Arrangements for Dealing with Complaints under the Code;
- the Duty to Promote and Maintain High Standards of Conduct.

The insight gained from the engagement exercise, and accompanying survey, was reviewed by the Standards Working Group to inform the changes required to the Code of Conduct and the Arrangements for Dealing with Complaints under the Code.

By way of consultation, the feedback and recommendations arising from the engagement exercise were presented as part of a further engagement session offered to all elected members in early February.

The recommendations of the Standards Working Group, based on feedback through consultation with all elected members, were reported to the Ethical Standards and Member Development Committee in order that the recommendations for the revised Member Code of Conduct, Arrangements for Dealing with Complaints under the Code and Social Media Policy could be considered by full Council at its meeting in March 2021. The revisions to the Member Code of Conduct, Arrangements for Dealing with Complaints under the Code and Social Media Policy, once adopted, will be accompanied by full training for all members, including scenario-based learning and be built into the ongoing Member Development Programme.

Member Development Programme

- 2.1 The Elected Member Development Programme has been designed and led by members.

At its inception, a Local Government Association Peer Review team were briefed on the progress relating to the Member Development Programme. Their feedback was outstanding, describing the progress relating to the MDP as 'phenomenal', adding that the programme was an 'exemplar' in relation to the approach taken and delivery to date. Officers from the LGA have kept in regular contact since to observe progress and help on request.

Regular bulletins have been circulated to elected members containing key information on forthcoming training, as well as updates related to the upcoming 'My Councillor' portal.

Since phase one of the Member Development Programme commenced in October 2018, close to 100 sessions have been delivered. In recent months, the programme has been adapted in light of the pandemic to offer a range of on-line and virtual learning/awareness raising modules. Take up has been encouraging.

Member feedback following sessions held to date has remained very positive. Members have also given constructive comments as to how some sessions can improve.

The new Member Development Programme continues to be more than just training, advice and guidance. As part of the initial programme design members identified, via workshops held, 26 key requirements a new Councillor Portal needed to meet, including: -

- a directory of key service areas/contacts;
- the facility for councillors to access what is key to them personally;
- an enquiries section with the ability to escalate;
- latest news and updates;
- learning menus; and
- links to Council websites.

Following a design stage, the new 'My Councillor' portal has recently gone through a robust pilot involving 14 elected members and is close to a full launch scheduled to commence mid-March 2021. This personalised member portal, integrated currently with CMIS, will meet the key requirements listed above with features including an in-built casework management system which allows Councillors to log, track and escalate requests reported on behalf of constituents plus access to information, useful links and tools relevant to their ward. It will also include robust reporting and analytics to support improved performance management. This is an exciting, essential element of the Member Development Programme and addresses all aspects associated with creating a sustainable digital solution for all elected members. Extensive training and guidance will be included to meet individual and collective needs.

A newly agreed peer process for conducting Personal Development commenced during January 2020. This process has helped inform phase two of the Member Development Programme, however, the impact of the pandemic has affected some aspects albeit that adjustments have been made to incorporate on-line and virtual learning. Induction requirements for newly elected members were identified and are being addressed ahead of the May 2021 elections.

2.3 A review of the personal safety of elected members

The Director of Law and Governance and Monitoring Officer was requested to oversee a review relating to the personal safety of elected members in pursuance of their role.

The review formed part of the Member Development Programme and drew on best practice, utilising the skill, knowledge and experience of specialist officers from West Midlands Police, who were available in an advisory capacity throughout. The review was based on the premise that Elected members needed, and had every right, to feel safe and assured when carrying out their roles, including the fulfilment of expectations relating to the delivery of Vision 2030 ambitions.

Senior officers from Civic and Member Services and the Council's Health and Safety Team conducted the review, which encompassed all aspects of personal safety for elected members following the most up to date guidance that had been produced both regionally and nationally.

To assist the review, a short survey was circulated to elected members in January 2019 which sought to validate information relating to surgery addresses, asked for any incidents or issues that had occurred in the past six months as well as any improvements that would make elected members feel safer and more effective during their surgeries.

Discussions had also taken place with elected members who had experienced issues that were directly attributed to personal safety concerns.

Existing processes and procedures relating to personal safety were also reviewed, with advice on key issues provided by West Midlands Police. A process for elected members to report incidents affecting their personal safety has been developed where members are able to report minor incidents via Civic and Member Services, to the West Midlands Police's Force Intelligence Bureau. Isolated incidents could then be recorded by area to assess trends and clusters of activity that may require further investigation.

In response to feedback, and as part of the Member Development Programme, four training sessions relating to Personal Safety and Lone Working for elected members have been delivered. Refresher courses, to include newly elected members, plus advice and guidance notes will continue to be offered or distributed during 2021.

Following survey responses and other comments received, the review had also investigated the main types and specification of personal alarms that could be obtained for elected members to carry with them in order to mitigate risks to their personal safety. The offer of alarms was included within the training sessions, along with a demonstration.

2.4 Committee on Standards in Public Life

The Ethical Standards and Member Development Committee has a duty to promote high ethical standards amongst members. As well as complying with legislation and guidance, the Committee needs to demonstrate learning from issues arising from local investigations and case law. The Ethical Standards and Member Development Committee is kept informed of any issues arising out of the Annual Report from the Committee on Standards in Public Life as they may also add to learning at the local level.

The Committee on Standards in Public Life launched a stakeholder consultation on the Local Authority Ethical Framework and the Monitoring Officer and the Standards and Member Development Committee responded to the consultation on behalf of the Council. The report was published on 30 January 2019 and the Standards Working Group addressed matters arising from the report, along with the Best Practice Recommendations, as part of the review of the Arrangements for Dealing with Standards Allegations.

3 The Ethical Standards and Member Development Committee

- 3.1 The Localism Act 2011 removed the requirement for a national code of conduct and statutory standards committees, and set out a light touch framework for a new ethical regime. The Act places a general obligation on the Council to promote and maintain high standards of member conduct.
- 3.2 Whilst there is no requirement to have a standards committee, standards issues and casework need to be dealt with due to the statutory obligation for a council to promote high ethical standards. The Council decided to retain a standards committee in 2019/20, including the wider remit of member development.
- 3.3 The main functions of the Ethical Standards and Member Development Committee are to:-
 - (a) promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Council;
 - (b) assist members and co-opted members of the Council to observe the Council's Code of Conduct;
 - (c) advise the Council on the adoption or revision of a Code of Conduct for members and co-opted members;

- (d) monitor the operation of the Council's Code of Conduct for members and co-opted members;
- (e) advise, train or arrange for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct;
- (f) develop and offer to all members an annual programme of development activities which provides members with development opportunities that support the Council's corporate priorities, identifying sufficient resources to deliver an effective Member Development Programme.

3.4 The Committee also has two sub-committees which form part of the arrangements for dealing with complaints about breaches of the Member Code of Conduct. These sub-committees may consider investigation reports referred to them by the Monitoring Officer and conduct hearings (including the imposition of sanctions).

These sub-committees operate according to the principles of natural justice and human rights legislation and ensure that both the complainant and the subject member receive a fair hearing.

4. Membership

- 4.1 Inclusion of experience from all areas of the decision-making process gives the Committee a broad base of experience from which to make well-rounded decisions on ethical matters.
- 4.2 The Council's Constitution includes role descriptions for the Chair of the Ethical Standards and Member Development Committee and for its members. The role descriptions emphasise the impartial and non-political nature of the conduct of the Ethical Standards and Member Development Committee.

Independent Person(s)

- 4.3 Section 28(7) of the Localism Act 2011 requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation. The Independent Person also advises a member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person, in general the Independent Person cannot be a councillor, officer of Sandwell Council or their relative or close friend.

The Act gives discretion to appoint one or more Independent Persons, but

provides that the Independent Person must be consulted before any decision is taken on a complaint which has been investigated.

The Council currently has two Independent Persons; Mr J Tew and Mr R Phillips. A further recruitment exercise will be undertaken to seek a further Independent Person.

The remit of the Independent Persons has been extended by The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 in relation to changes to statutory dismissal procedures for heads of paid service, monitoring officers and chief finance officers. In the case of a proposed disciplinary action against one of the statutory officers, the Council is required to invite Independent Persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel.

Independent Persons are invited to attend all meetings of the Ethical Standards and Member Development Committee as observers.

Officer Support to the Committee

- 4.4 The Monitoring Officer is one of the Council's statutory officers, appointed under Section 5(1) of the Local Government and Housing Act, 1989. The Monitoring Officer is responsible for ensuring that the Council and its members act lawfully; do not cause maladministration; and comply with the Code of Conduct for Members. He is the primary source of advice for members on the requirements of the Code of Conduct and also has specific statutory duties such as securing the investigation of complaints of member misconduct.

The Monitoring Officer is also the principal adviser to the Ethical Standards and Member Development Committee and its sub-committees and is assisted by the Deputy Monitoring Officer(s). More information about the role of the Monitoring Officer can be found in Article 12 of the Council's Constitution.

5. The Ethical Framework

Members' Code of Conduct

- 5.1 The Council's Code of Conduct assists members and co-opted members to meet the provisions of the Localism Act 2011 and is available on the Council's website.

All elected members are issued with a copy of the Code of Conduct and on appointment are required to sign an undertaking to comply with the Code. Members also receive induction training and subsequent refresher training on the provisions of the Code and how to carry out their duties in line with the Code. This training is delivered by the Monitoring Officer/Deputy Monitoring Officer(s). The Monitoring Officer also issues guidance to councillors appointed to outside bodies by the Council to assist them in understanding the impact of the Members' Code of Conduct.

Part 2 of the Members' Code of Conduct requires elected and co-opted members to give written notification to the Monitoring Officer of any disclosable pecuniary interests and other registerable interests to be included in the Council's statutory Register of Interests within 28 days of election or appointment, and to update their declarations as appropriate by notifying any amendments or new interests within 28 days of becoming aware of them.

This register of interest is available for public inspection, and individual members' declarations of interest can be inspected at any time on the Council's website through the Committee Management Information System. The Register of Interests and Declarations of Interest are periodically reviewed by the Monitoring Officer and are made available for inspection by the Ethical Standards and Member Development Committee on a regular basis.

Members are also obliged to disclose any interests at meetings where those matters are to be discussed. These declarations are recorded in a register open for public inspection and are also noted on the Committee Management Information System.

The Monitoring officer also maintains a register of sensitive data which is recorded on the elected members declaration but not the public record. The elected member must make a case to the Monitoring Officer to have information placed on the sensitive register.

A review of the Code of Conduct has been undertaken following the

publication of the LGA Model Code of Conduct (see paragraph 2.1 above)

The Council has a protocol for members on gifts and hospitality giving additional guidance on the requirement of the Members' Code of Conduct for members to declare gifts and hospitality received. These declarations are recorded in a register which is open for public inspection and are also recorded in their individual entries on the Committee Management Information System. The Register of Gifts and Hospitality is periodically reviewed by the Monitoring Officer and an update is provided to each meeting of the Ethical Standards and Member Development Committee, following the Committee on Standards in Public Life Recommendations.

Arrangements for Dealing with Standards Allegations

- 5.2 The Localism Act 2011 requires authorities to adopt arrangements for dealing with complaints about breaches of the Member Code of Conduct. The arrangements for dealing with standards allegations have been revised, alongside the review of the Member Code of Conduct (see paragraph 2.1 above).

Details of complaints received in relation to member conduct and the progress and outcome of consideration of these complaints are reported to each Ethical Standard and Member Development Committee.

Allegations of Misconduct by Members

- 5.3 Under the new ethical framework, all complaints of misconduct come direct to the Monitoring Officer. The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. Where the Monitoring Officer is unable to resolve the complaint informally and feels it merits formal investigation after consultation with the Independent Person(s), he will appoint an Investigating Officer who will prepare a report concluding whether or not there is evidence of a failure to comply with the Code of Conduct.

The Monitoring Officer receives the draft report and determines if the report is sufficient. If the Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct, he will either send the matter for local hearing before a sub-committee or, after consulting the Independent Person, seek local resolution.

Continuous Development

- 5.4 The Ethical Standards and Member Development Committee is responsible for advising, training or arranging for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct. The Monitoring Officer, his deputy(s) and a senior legal officer deliver relevant training to all members and co-opted members on behalf of the Committee.
- 5.5 The Committee considers summaries of cases of national interest to ensure that it is up to date with how complaints about member misconduct are being dealt with in other authorities around the country, so that members can bring this knowledge to any cases in Sandwell.
- 5.6 The Ethical Standards and Member Development Committee continues to develop its own skills and expertise, for instance, by looking at case summaries and appropriate refresher training.

6. The Committee's Main Achievements

- 6.1 A comprehensive review of the Member Code of Conduct, Arrangements for Dealing with Complaints under the Code and Social Media Policy. A series of member engagement sessions were held in December and February and the recommendations for the revised Member Code of Conduct and Arrangements for Dealing with Complaints under the Code and associated member policies, have been submitted to Council for approval.
- 6.2 The Committee ensured that all members have updated their interests in accordance with the revised Code of Conduct and register of interests.
- 6.3 The revised Member Development Programme has been designed to assist members to lead their own development and will ensure that they develop/acquire the requisite knowledge, experience and skills to succeed in their various councillor roles.
- 6.4 The pilot of the 'My Councillor' portal has taken place and the portal will be launched this year.
- 6.5 A review relating to the personal safety of elected members in pursuance of their role has been undertaken and training provided.
- 6.6 Various standards matters have and are being addressed.

7. Contribution to the Vision

- 7.1 Through its work in promoting high standards of conduct, the Committee makes a positive contribution to the quality of governance of the authority.
- 7.2 The standards of conduct influence public trust in the authority and enables Members to work effectively in the community.

8. Conclusion

- 8.1 The Localism Act 2011 has significantly changed the role of the Standards Committee, which is no longer statutory. However, the Council's decision to continue with a Standards Committee has meant there is a clear focus for the responsibility to promote and maintain high standards of conduct to good practice standards. Its work has helped to shape the new ethical framework and assist the Council in meeting the statutory requirements under the Act.