

Agenda

Ethical Standards and Member Development Committee

Tuesday, 22 March 2022 at 2.30 pm
in Committee Room 1 - Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1 Apologies for Absence

To receive any apologies for absence

2 Members to declare any interests in matters to be discussed at the meeting

To receive any declarations of interest from members relating to any item on the agenda, in accordance with the provisions of the Code of Conduct and/or S106 of the Local Government Finance Act 1992.

3 Minutes

7 - 14

To confirm the minutes of the meeting held on 22 February 2022 as a correct record.



11	Gifts and Hospitality Register	95 - 98
	Standing Item to consider the gifts and hospitality register.	
12	National Cases	99 - 106
	Standing item to consider national cases in relation to Member Code of Conduct.	
13	Complaints Update	107 - 112
	Standing Item to consider the update on complaints.	
14	Work Programme	113 - 118
	Standing item to note the progress of the work programme and forthcoming items.	

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Distribution

Councillor Allcock (Chair)
Councillors Akhter, Dhallu, W Gill, Hussain, Jones, Kausar and C Padda

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Minutes of Ethical Standards and Member Development Committee

**Tuesday 22 February 2022 at 2.30pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Allcock (Chair)
Councillors Dhallu, Z Hussain and C S Padda.

Observer: Mr John Tew (Independent Person).

Also present: Surjit Tour (Director of Law and Governance – Monitoring Officer), Elaine Newsome (Service Manager - Democracy), Phil Challoner (Civic and Member Services Manager), Andrew Langford (Senior Lead Officer Digital Transformation), Trisha Newton (Senior Democratic Services Officer) and Connor Robinson (Democratic Services Officer).

1/22 **Apologies for Absence**

Apologies for absence were received from Councillors Akhter, Kausar and Mr Richard Phillips (Independent Person).

2/22 **Declarations of Interest**

No declarations of interest were made.

3/22 **Minutes**

The minutes of the meeting held on 9 November 2021 were agreed as a correct record and signed by the Chair.



4/22 **Additional Item of Business**

There were no additional items of business to consider.

5/22 **My Councillor Portal Update**

The Committee received an update on the My Councillor Portal.

Member usage of the portal had continued to increase in line with the roll-out. The member enquiry mechanism continued to prove popular, between 65 councillors a total of 5,850 enquiries have been routed through the portal's Raise a new Case (4,446 enquiries) and Report it (1,404 enquiries) functions. On average around 50 councillors per month were using the portal.

The portal would undergo continuous improvement and updates would be submitted to the Committee.

Following comments and questions from members of the Committee it was confirmed:-

- there were a host of reports available that would allow the system to monitor and identify performance rates. Service areas could be looked into and the quality of responses could be monitored;
- the speed and quality of responses to enquires made through the Portal had been raised with directors and senior managers.

The Committee also noted that Sandwell had entered the Municipal Journal awards for the design, implementation and performance of the portal in the category of Digital Transformation.

6/22 **DBS Checks for Elected Members**

The Committee considered DBS checks for elected members in certain roles.



The Council was under a statutory duty to promote and maintain high standards of conduct, as set out in the Localism Act 2011.

The introduction of DBS checks for members had been raised as part of the consideration of this duty at the Member Engagement sessions held in December 2020. One of the recommendations was that further consideration be given to the benefits of DBS checks and whether they should be introduced at this Council. There were three levels of checks, a basic DBS check, a Standard DBS Check (for certain defined roles) and an enhanced DBS Check.

Prior to 2012, Local Authorities routinely carried out Criminal Record Bureau (CRB) checks on elected members. However, the Protection of Freedoms Act 2012 created the Disclosure and Barring Service and a new system of checks. This included a more restrictive set of criteria to determine when checks could be carried out and on whom. Since 2012, the issue of DBS checking for Councillors has become a policy matter for individual Councils.

The matter was reported to the Ethical Standards Working Group at its meeting on 5 October 2021, with a full report due to be submitted to the Committee. In the meantime, there had been a motion submitted to Full Council at its meeting on 7 December 2021 proposing that all elected members should be vetted. There was considerable debate in the Chamber and the approved motion welcomed the decision of the Council's standards committee to include the consideration of enhanced DBS checks for elected members in their work programme.

Standard and Enhanced DBS checks could only be undertaken if the specific role, or the specific activities carried out within the role, were included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), and were also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates). These laws only provided eligibility for DBS checks, they did not make them a requirement.

Decisions on when and whether to undertake a DBS check were for the relevant employer or regulator to make. If the Council were considering asking a person to apply for either a standard or



enhanced DBS check, as the employer, the Council was legally responsible for making sure the job role was eligible. The job roles of Councillors did not meet the requirements for a standards DBS check.

There was currently no legal basis on which the Council could require or seek Enhanced DBS Checks for all Elected Members.

In response to questions, it was confirmed:-

- the Council could not be involved in any DBS checks prior to Election, this was a Group matter;
- basic DBS checks contained limited information, however, enhanced checks would include all offences. Enhanced checks could not be undertaken as a matter of routine, only for specific roles;
- there was no legal requirement for elected members to undertake a DBS check.

The Committee approved the introduction of DBS Checks for specific member roles, which would be subject to Council approval. Prior to submission to Full Council for consideration, a DBS Protocol would be prepared (in consultation with the Ethical Standards Working Group) and a further report would be submitted to the next meeting of the Committee.

Resolved:-

- (1) that the DBS policy and procedure for elected members and co-opted members be considered by the Ethical Standards Working Group and a further report be submitted to the next meeting of Committee in order to make recommendations to Full Council for the following members being asked to consent to Enhanced DBS Checks:-

- The Leader
- Deputy Leader
- Cabinet Members for Children and Adults
- All Members of Children's Services and Education Scrutiny Board and Health and Adults Social Care Scrutiny Board



- Members of the Corporate Parenting Board
- Members of the Health and Wellbeing Board, and
- Any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role.

7/22

Review of Members' Code of Conduct and Arrangements for Dealing with Complaints under the Code

The Committee considered the review of Members' Code of Conduct and Arrangements for Dealing with Complaints under the Code.

Last year the Council had adopted the Local Government Association's (LGA) Model Code of Conduct and updated its Arrangements for Dealing with Complaints under the Code of Conduct.

It had been agreed that the Code of Conduct and Arrangements would be reviewed on an annual basis alternating between a desktop review and an annual review.

The desktop review had taken place and minor amendments were proposed to the Members' Code of Conduct, as suggested by the LGA. There were no amendments required to the Arrangements.

Recommended to Council:-

- (1) that the revisions to the Members' Code of Conduct be approved;
- (2) that, subject to (1) above, the Director of Law and Governance be authorised to make the necessary changes to the Council's Constitution.



8/22

Annual Review - Register of Members' Interests

The Committee considered the annual review of the Register of Members' Interests.

The Director of Law and Governance confirmed that the Council's present arrangements complied with statutory provisions.

As part of the rollout of the Council's committee management system, Mod.gov, it was proposed that a self-serve option would be available for members to update their own registers of interest.

9/22

Gifts and Hospitality Register

The Committee considered the Gifts and Hospitality Register and declaration of interests made by Members.

Following the Best Practice recommendations made by the Committee on Standards in Public Life, the Gifts and Hospitality Register was a standing agenda item for meetings of the Committee.

No new entry to the Gifts and Hospitality Register had been made since the last meeting of the Committee.

10/22

National Cases

The Committee received and discussed details of national cases, as part of its learning and development.

11/22

Complaints Update

The Committee received details of complaints received in relation to member conduct and the progress on the complaints.



12/22 **Work Programme**

The Committee noted the Ethical Standards and Member Development Work Programme for the remaining 2021/22 municipal year.

Meeting ended at 3.26pm

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Report to Ethical Standards and Member Development Committee

22 March 2022

Subject:	Appointment to Ethical Standards Sub-Committees
Director:	Surjit Tour - Director of Law and Governance and Monitoring Officer
Contact Officer:	Surjit Tour

1 Recommendations

That, following changes to the membership of the Committee:

- 2.1 the appointments to the two Ethical Standards Sub-Committees for the remainder of 2021/22 municipal year, with flexibility between membership to cater for availability and workload, with delegated powers to carry out the functions set out in the following terms of reference, be revised with the membership set out below:

Terms of reference of the Ethical Standards Sub Committee

- To consider investigation reports referred to it by the Monitoring Officer.
- To conduct hearings (including the imposition of sanctions).









Membership

SUB-COMMITTEE 1		SUB-COMMITTEE 2	
Member	Substitute	Member	Substitute
Allcock	Substitute members taken from remainder of committee	Allcock	Substitute members taken from remainder of committee
Dhallu		Kausar	
Akhter		O Jones	
Z Hussain		C S Padda	
W Gill		W Gill	
+ Independent Person		+ Independent Person	

2 Reasons for Recommendations

- 2.1 The Localism Act 2011 requires authorities to adopt arrangements for dealing with complaints about breaches of the Member Code of Conduct. The Council's arrangements for dealing with complaints provide for a Sub-Committee of the Ethical Standards and Member Development Committee to consider investigation reports referred to it by the Monitoring Officer and to conduct hearings (including the imposition of sanctions).

3 How does this deliver objectives of the Corporate Plan?

		High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services.
		
		

4 Context and Key Issues

- 4.1 The Council at its annual meeting held on 25 May 2021 agreed the membership of the Ethical Standards and Member Development Committee. Following the appointment of a new Committee member, it has become necessary to revise the appointments to the Ethical Standards Sub Committees.



5 Alternative Options

- 5.1 The Committee is required to appoint members to the sub-committees to ensure relevant standards complaints are effectively addressed.

6 Implications

Resources:	There are no resource implications arising directly from this report.
Legal and Governance:	Section 28(6) of the Localism Act 2011 provides that a relevant authority must have in place arrangements under which allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct can be investigated, and arrangements under which decisions on allegations can be made. There is no statutory requirement as to the nature of these arrangements.
Risk:	There are no direct risk implications arising from this report.
Equality:	There are no direct equality implications arising from this report.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.

7. Appendices

None.

8. Background Papers

None.



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Report to Ethical Standards and Member Development Committee

22 March 2022

Subject:	DBS Checks for Elected Members
Director:	Surjit Tour - Director of Law and Governance and Monitoring Officer
Contact Officer:	Surjit Tour Surjit_tour@sandwell.gov.uk

1 Recommendations

- 1.1 That Committee consider the DBS Protocol and, subject to approval, recommend to Council:-

That Council approve the DBS protocol and proposal to undertake annual Enhanced DBS checks for the following member roles and positions:-

- The Leader
- Deputy Leader
- Cabinet Members for Children and Adults
- All Members of Children’s Services and Education Scrutiny Board and Health and Adults Social Care Scrutiny Board
- Members of the Corporate Parenting Board
- Members of the Health and Wellbeing Board, and
- Any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role.



2 Reasons for Recommendations







- 2.1 The Council is under a statutory duty to promote and maintain high standards of conduct, as set out in the Localism Act 2011. The introduction of DBS checks for members was raised as part of the consideration of this duty at the Member Engagement sessions held in December 2020.

One of the recommendations was that further consideration be given to the benefits of DBS checks and whether they should be introduced at this Council.

The matter was reported to the Ethical Standards Working Group at its meeting on 5 October 2021, with a full report due to be submitted to the Committee. In the meantime there has also been a motion submitted to Full Council at its meeting on 7 December 2021 proposing that all elected members should be vetted. There was considerable debate in the Chamber and the approved motion welcomed the decision of the Council's standards committee to include the consideration of enhanced DBS checks for elected members in their work programme.

At its meeting on 22 February 2022, the Ethical Standards and Member Development Committee gave approval to recommend to Council that members in the roles set out in recommendation 1.1 be subject to annual DBS checks. The matter was referred to the Ethical Standards Working Group to prepare a DBS protocol which is now attached at Appendix 1 for consideration.

3 How does this deliver objectives of the Corporate Plan?

		Maintaining high standards in public officer is important in providing assurance to the Council and the public that standards matters are being dealt with effectively, fairly and proportionately.
		
		



4 Context and Key Issues

- 4.1 In December 2020, a series of Member Engagement sessions took place. Feedback from the sessions was considered at Committee on 12 March 2021. One of the issues highlighted at the sessions was whether Members should be asked to consent to DBS checks.
- 4.2 Prior to 2012, Local Authorities routinely carried out Criminal Record Bureau (CRB) checks on Elected members. However, the Protection of Freedoms Act 2012 created the Disclosure and Barring Service and a new system of checks. This included a more restrictive set of criteria to determine when checks could be carried out and on whom. Since 2012, the issue of DBS checking for Councillors has become a policy matter for individual Councils.

Level of DBS Check

- 4.3 Standard and Enhanced DBS checks can only be undertaken if the specific role, or the specific activities carried out within the role, are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), and are also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates). These laws only provide eligibility for DBS checks, they do not make them a requirement.
- 4.4 Decisions on when and whether to undertake a DBS check are for the relevant employer or regulator to make. If the Council are considering asking a person to apply for either a standard or enhanced DBS check, as the employer, the Council are legally responsible for making sure the job role is eligible. The job roles of Councillors do not meet the requirements for a standards DBS check.
- 4.5 There is currently no legal basis on which the Council can currently require or seek Enhanced DBS Checks for all Elected Members. The role does not constitute a 'named position' eligible for checks, and Ward Councillors do not carry out 'regulated activity' as defined by the Freedom of Information Act 2012.



- 4.6 The Council is of course aware that some Elected Members may have had DBS checks, albeit in another capacity, for example if they are School Governor etc. Elected Members who do not carry out any of the specific educational and/or social service functions but who attend community events, take surgeries or visit local residents in their own home where they have access to the general public, including children, do not meet the legislative criteria, as outlined above. However, a Basic Check could still be requested.
- 4.7 The legislative framework allows discretion on the issue of Basic checks. As such all elected members could agree to undergo a Basic DBS check. Basic checks show “Unspent Convictions & Cautions” from the Police National Computer (PNC) only, (*those that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974*). These checks do not show spent convictions, cautions, warnings, reprimands, other relevant police information, or children or adults barred list and are therefore are often considered of more limited value.
- 4.8 An enhanced check provides full details of a criminal record. This includes cautions, warnings, reprimands, spent and unspent convictions. It can also search the children and vulnerable adults 'barred list' to see if the applicant is prohibited from working with these groups. An individual can not request one themselves only the employer/organisation can request one.
- 4.9 With regard to Enhanced checks, for specific roles with more regular contact with children and vulnerable people, there is no statutory requirement on Councillors to undergo these checks. The eligibility criteria for an enhanced check is defined separately for contact with adults and Children. For children 3 criteria must be met, 1. the Establishment your in should be a specialist environments that involves working alongside children (e.g. schools, academies, colleges, residential children’s care homes etc), 2. The activity should be a regulated one i.e working with children and 3. The activity is either 4 or more times within a 30-day period, or once or more times a week. Examples of regulated activities for Adults are provided in the table below:



Regulated Activity	Definition
Healthcare	Provided by any healthcare professional or under the direction or supervision of one
Personal care	Washing, dressing, eating, drinking and toileting
Social work	In relation to adults, who are clients or potential clients, includes assessing or reviewing the need for health or social care services and providing ongoing support to clients
Assistance with household affairs	Anyone who provides day to day assistance to an adult because of their age, illness or disability, where it includes managing the person's money, paying the person's bills, or shopping on their behalf
Assistance with the conduct of affairs	Power of attorney/deputies appointed under the Mental Capacity Act
Conveying an Adult	For health, personal or social care requirements due to age, illness or disability. This includes hospital porters, patient transport services, driver's assistants, Ambulance Technicians and Emergency Care Assistants. Please note transporting/conveying is not necessarily in a vehicle and could be in a wheelchair/stretchers

4.10 It is unlikely that the identified roles such as Leader will meet the criteria to be eligible for an enhanced DBS Check but each role would require individual analysis on the circumstances.

Costs of DBS checks

4.11 There is a cost involved in carrying out DBS checks. This is £40 for Enhanced checks. There is currently no allocated Council Budget. The Working Group recommends that the checks be undertaken on an annual basis.



4.12 Based on the suggested list of members, the annual cost for Enhanced DBS Checks would be approximately £1280 (this could fluctuate depending on membership of bodies/multiple roles). Should there be any changes to appointments during the municipal year, additional DBS checks would need to be undertaken (£40 per enhanced check).

5 Alternative Options

- 5.1 There is no legal obligation to obtain DBS checks for elected members the status quo could be maintained.
- 5.2 Standard and Enhanced DBS checks can only be undertaken if the specific role, or the specific activities carried out within the role, are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), and are also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates).
- 5.3 Enhanced checks could be completed only for those specific posts which meet the eligibility criteria. It is likely that very few of any of the selected posts will meet the eligibility criteria.



6 Benchmarking

Colchester Borough Council

- 6.1 At the request of their Governance and Audit Committee, Colchester Borough Council were asked to consider whether the Council should implement Disclosure and Barring Service checks for Elected Members. Their investigation into the matter included obtaining information on the approach of neighbouring, second tier local authorities, towards DBS checks (*both in October 2017 and February 2018*), to which they report, all eight responses confirmed that no checks (*including Basic Level checks*) are carried out by neighbouring authorities.

Harlow Council

- 6.2 A similar exercise was undertaken by Harlow in 2019, they report that the following Council's; *Dacorum, Maldon, Castlepoint, East Herts, Colchester, Brentwood, Basildon, Welling & Hatfield, Chelmsford, Braintree, Stevenage, Uttlesford and Epping Forest*, responded to confirm that they do not carry out DBS checks on Councillors. Following their research, Harlow is not proposing to start carrying out DBS checks on Elected Members.

Knowsley Council

- 6.3 In Knowsley, all councillors who carry out prescribed functions are DBS checked. In 2019 they were subject to a comprehensive check by DBS in relation the administration and appropriateness of DBS checks within the organisation. It was concluded that DBS checks undertaken were appropriate and no safeguarding risks were identified.

Resources:	There is a cost for carrying out the checks. Enhanced checks cost £40 and the annual cost for the positions identified would be approximately £1280 (this could fluctuate depending on membership of bodies/multiple roles). The figure would increase should there be any further in-year revisions to appointments. Should it be determined that the Council should fund the checks a budget will be required to fund them.
Legal and Governance:	The Council would work within the terms of the Government's DBS Eligibility Guidance
Risk:	Carrying out the checks would help mitigate risks in relation to Member convictions



Equality:	All Members would be treated in the same manner regardless of any protected characteristics.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.

7. Appendices

None

8. Background Papers

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

<https://www.gov.uk/government/publications/dbs-workforce-guidance>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804668/Child_workforce_guide_v10_0_280_52019.pdf

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/735504/Adult_workforce_guide_v10_0_030_818.pdf

<https://www.gov.uk/government/publications/new-disclosure-and-barring-services>

<https://www.knowsleynews.co.uk/dbs-checks-for-councillors-the-facts/>

<https://www.gov.uk/government/publications/dbs-code-of-practice>



DBS Checks Protocol for Councillors

Introduction

Section 27 of the Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. There is no statutory requirement for councillors to undergo basic DBS checks. A basic check provides limited information and does not give a full account of an individual's criminal record as such the level of assurance provided by the basic check is limited. Consideration was given to seek all elected members consent to undergo a basic check but given the limited assurance provided by basic check there is limited value to this, elected members will not be asked to consent to undergo a basic DBS check.

Certain posts do however, have greater involvement with vulnerable adults and children, there is no statutory requirement, but there are eligibility criteria and the Council would need to ensure that the members concerned met the criteria. The criteria largely relates to 'regulated activity' with vulnerable adults or children. The Council would at all times work within the Government's DBS Eligibility Guidance, which can be found via the following link:

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

Enhanced DBS Checks

An enhanced check provides full details of a criminal record. This includes cautions, warnings, reprimands, spent and unspent convictions. It can also search the children and vulnerable adults 'barred list' to see if the applicant is prohibited from working with these groups. An individual cannot request one themselves only the employer/organisation can request one.

Enhanced checks are for specific roles with more regular contact with children and vulnerable people, there is no statutory requirement on Councillors to undergo these checks. The eligibility criteria for an enhanced check is defined separately for contact with adults and Children. For children 3 criteria must be met, 1. the Establishment your in should be a specialist environments that involves working alongside children (e.g. schools, academies, colleges, residential children's care homes etc), 2. The activity should be a regulated one i.e. working with children and 3. The activity is either 4 or more times within a 30-day period, or once or more times a week. Examples of regulated activities for Adults are provided in the table below:

Regulated Activity	Definition
Healthcare	Provided by any healthcare professional or under the direction or supervision of one
Personal care	Washing, dressing, eating, drinking and toileting
Social work	In relation to adults, who are clients or potential clients, includes assessing or reviewing the need for health or social care services and providing ongoing support to clients
Assistance with household affairs	Anyone who provides day to day assistance to an adult because of their age, illness or disability, where it includes managing the person's money, paying the person's bills, or shopping on their behalf
Assistance with the conduct of affairs	Power of attorney/deputies appointed under the Mental Capacity Act
Conveying an Adult	For health, personal or social care requirements due to age, illness or disability. This includes hospital porters, patient transport services, driver's assistants, Ambulance Technicians and Emergency Care Assistants. Please note transporting/conveying is not necessarily in a vehicle and could be in a wheelchair/stretchers

The following members will be asked to consent to Enhanced DBS checks, subject to meeting the DBS criteria:

- The Leader,
- Deputy Leader,
- Cabinet Members for Children and Adults
- All Members of Children's Services and Education Scrutiny Board and Health and Adults Social Care Scrutiny Board
- Members of the Corporate Parenting Board
- Members of the Health and Wellbeing Board, and

- Any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role.

Costs

Enhanced DBS checks currently cost £40 each.

Frequency of Check

The Enhanced check will be completed on appointment to the relevant committee and every 12 months from the date of appointment, until the appointment ceases.

What Happens if a Check Reveals an Offence?

In the case of the Enhanced check revealing an offence, then this will in the first instance be referred to the Monitoring Officer. The Monitoring Officer will in consultation with the Chair of the Ethical Standards and Member Development Committee consider such things as the severity of the offence and the amount of time that has elapsed since the conviction took place. He/she will then decide whether it should be referred to the Ethical Standards and Member Development Committee for consideration. It is recognised that the data will be personal data and confidence will be considered.

Other actions- assurance from Political Parties

It is recognised that a DBS check is only valid on the day that it is provided, and circumstance may change at any time. The Council will work with the Political parties and ask political parties to remind their members that they have an obligation to declare any criminal offences/convictions (other than minor offences such as traffic offences) to the Monitoring Officer as soon as reasonable practicable after conviction. Such declaration would then be considered as outlined above.

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Report to Ethical Standards and Member Development Committee

22 March 2022

Subject:	Review of Protocol for Independent Persons Appointed under the Localism Act 2011
Director:	Director of Law and Governance and Monitoring Officer – Surjit Tour
Contact Officer:	Maria Price Deputy Monitoring Officer

1 Recommendations

- 1.1 That the Committee consider the review of the Protocol for Independent Persons appointed under the Localism Act 2011







2 Reasons for Recommendations

In line with the review of the complete suite of documents relating to member code of conduct and arrangements for dealing with standards complaints, the Protocol for Independent Persons appointed under the Localism Act 2011 has been reviewed.

Following approval by the Ethical Standards and Development Committee, the document will be submitted to Council, in addition to the review of the suite of documents in relation to Member Code of Conduct, Arrangements for Dealing with Standards Complaints and Social Media policy.



3 How does this deliver objectives of the Corporate Plan?

		High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services. The Protocol for Independent Persons complements the Arrangements for Dealing with Complaints under the Code of Conduct.
		
		

4 Context and Key Issues

The protocol is intended to be used by Independent Persons who have been appointed under section 28 (7) of the Localism Act 2011, when undertaking their duties.

It makes clear the role of the independent persons and their relationship with the authority and others.

The protocol should be read in conjunction with the Council’s “Arrangements” for dealing with standards allegations under the Localism Act 2011.

5 Implications

Resources:	There are no resource implications arising from this report.
Legal and Governance:	The Protocol is intended to be used by Independent Persons appointed under Section 28(7) of the Localism Act 2011 when undertaking their duties.
Risk:	There are no risks arising directly from this report. The Council would be more at risk by setting out a Protocol to make clear the role of the independent persons and their relationship with the authority and others.
Equality:	There are no direct equality issues arising from this report.



Health and Wellbeing:	There is no impact on health or wellbeing arising from this report.
Social Value	There are no implications for social value arising directly from this report.

6 Appendices

Appendix 1 – Protocol for Independent Persons appointed under the Localism Act 2011

7. Background Papers

None.



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Protocol for Independent Persons Appointed under the Localism Act 2011

1. Context

This protocol is intended to be used by Independent Persons who have been appointed under section 28 (7) of the Localism Act 2011, when undertaking their duties.

It will make clear the role of the independent persons and their relationship with the authority and others.

This protocol should be read in conjunction with the Council's "Arrangements" for dealing with standards allegations under the Localism Act 2011.

2. Role of the Independent Persons

Independent Persons are trusted, experienced and objective consultants who must remain (as the name suggests) independent at all times.

Independent Persons views are to be sought, and taken into account, by the authority before it makes its decision on an allegation against a member or co-opted member, that it has decided to investigate.

The views of the Independent Persons can be sought by the authority and by a member, or co-opted member, of the authority **if that person's behaviour is the subject of an allegation.** An Independent Person's role is not to act as an 'advisor' to the subject member.

When a Member is seeking the views of the Independent Person the Independent Person can provide guidance in relation to the code of conduct and the arrangement they can not advice the Member what the Member should say or how to respond nor can they accompany the Member to meetings. In practice, it will be the Monitoring Officer or Deputy Monitoring Officer from the authority who will contact the Independent Persons for their views which will then be incorporated into any relevant decision notices.

The views of the Independent Persons may also be taken into account by the Monitoring Officer at various stages during the informal process.

Independent Persons will consider all the information relating to a complaint, the views of the parties involved in the complaint, the Code of Conduct and the law as it affects standards matters, before offering their view.

3. Methods of Consultation

The Monitoring Officer may contact the Independent Person by telephone, email, in writing or arrange a meeting. Any communication should be formally recorded.

The Independent Person will be provided with sufficient information in order to provide their view and be given sufficient time to consider that information before providing their view. This will change on a case by case basis.

The Independent Person should provide their views in written form, even if the views have already been given verbally.

When providing their view to the Subject Member, the same principles apply.

The Monitoring Officer will advise the Subject Member of their right to contact the Independent Persons and will provide contact details. It should be made clear to the Subject Member by the Independent Person that any communication between them is potentially disclosable to the authority. Communications between the authority and the Independent Persons may also be disclosable to the subject member.

Where a matter is referred to the Standards Committee or its Sub-Committee for determination, the Committee will seek the views of the Independent Persons before reaching its conclusions. Those views will be recorded in any decision notice.

4. Relationship with the Standards Committee

Independent Members will be invited to attend meetings of the Standards Committee, with agreement of the Chair, and will be provided with agendas and minutes of such meetings.

5. Distinct Roles

The Local Authority does not want to fetter the independence of the Independent Person; therefore, we will not allocate specific roles (e.g. one to advise the Council and one to advise the Subject Member). If an Independent Person is consulted by the Subject Member, this would not preclude the Complainant consulting the same Independent Person in the same matter or advising the Standards Sub-Committee or Committee.

6. Other Considerations

Where the Independent Person feels that they cannot provide their views due to a conflict of interest, they should advise the Monitoring Officer of this without delay. The Monitoring Officer will then inform the parties and an alternative Independent Person will be utilised.

The Independent Person may at any time raise any concerns about standards or the implementation of the process with the authority's Chief Executive, the Monitoring Officer and/or the Chair of the Standards Committee.

The Independent Persons may be consulted on any proposed changes to the 'arrangements', the Code of Conduct and any other procedures or policies involving the handling of allegations.

The Independent Persons will agree to sign a Code of Conduct, including a register of interests to be held by the Monitoring Officer and will declare any relevant interests in relation to cases to the Monitoring Officer.

The Independent Persons shall not make any comments to the media on any matter without prior the agreement of the Monitoring Officer.

The Independent Persons may be requested by the Monitoring Officer or Standards Committee to assist in any training on conduct issues as appropriate.

Report to Ethical Standards and Member Development Committee

22 March 2022

Subject:	Social Media Policy for Elected Members
Director:	Surjit Tour - Director of Law and Governance and Monitoring Officer
Contact Officer:	Vanessa Maher-Smith Principal Lead for Governance and Business Support & Solicitor

1 Recommendations

- 1.1 That consideration be given to the revised Social Media Policy prior to submission to Full Council for approval.

2 Reasons for Recommendations

- 2.1 The Social Media Policy was approved in March 2021 and is therefore due for review.

- 2.2 It has now been considered by Officers (see Appendix 1) who have determined that the content is still relevant. As such, no changes are required to the body of the document, other than 2 minor proposed amendments as follows:

- i) On page 4 under title “Members Should” there is a typographical error and ‘sire’ should read ‘side’.
- ii) On page 4 under title “Members Should” the following paragraph:

“These images are owed by the council (you as an individual) and the council (“I”) do not agree to the publication/ sharing/ retweeting of these images without our consent”



Should be amended to:

“These images are owed by the council (“me”) and the council (“I”) do not agree to the publication/ sharing/ retweeting of these images without our (“my”) consent”







This will ensure clarity if members wish to copy the paragraph.

- iii) On page 5 under the heading “Members Should Not” the reference to the Data Protection Policy should be amended to the Information Governance Framework. This will avoid any confusion as to which policy is being referred to.

2.3 As part of the Member Development Programme, Social Media Training should be offered to all members.

2.4 Given this is a specialist area, it is considered that this would best be delivered by an external trainer. Options for the training are being investigated and a further report will be submitted to a future meeting.

3 How does this deliver objectives of the Corporate Plan?

		The Social Media Policy for Elected Members forms part of the suite of documents associated with the Members’ Code of Conduct and Arrangements for dealing with complaints under the Code. There is not a direct link to the objectives of the Corporate Plan, however, high standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services.
		
		

4 Context and Key Issues

4.1 Social media can be a fantastic tool for Councillors in promoting themselves and the Council when it is used properly. It is necessary to have a Social Media Policy and also provide member training on all aspects of social media so they are equipped to use it to their advantage and avoid some of the pitfalls.



5 Implications

Resources:	There are no resource implications arising from this report.
Legal and Governance:	The Social Media Policy will ensure that members are aware of their obligations and use of social media effectively. It will also reduce the risk of any potential threats of litigation that may result from it being used incorrectly eg claims of defamation, copyright and will be complemented by provision of training.
Risk:	As above, this will reduce the risks of any potential threats of litigation due to social media being used incorrectly.
Equality:	There are no equality issues.
Health and Wellbeing:	There is no impact on health or wellbeing
Social Value	There are no implications for social value.

6 Appendices

Appendix 1 – Social Media Policy

7. Background Papers

None.



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SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS POLICY FOR ELECTED MEMBERS

1. Introduction

Social media and other electronic communications such as e-mail, WhatsApp, Facebook, Twitter, LinkedIn, YouTube, blogs, enable members to readily engage with citizens, partners and stakeholders. It enables people to get involved in local decision making, encourages better engagement and feedback, and helps the authority to improve the services it provides.

For the purposes of this policy, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, LinkedIn, Flickr, YouTube, Zoom, WhatsApp, tiktok, blogs, discussion forums, wikis and any similar sites which may emerge after the creation of this policy.

Electronic communications includes the use of e-mail, private messaging on sites (in a councillor capacity) and forums such as WhatsApp.

This policy should be read in conjunction with the social media guidance for elected members, which is attached at appendix 1.

2. Aims of this policy

The Council acknowledges social media as a useful tool and supports members in the use of social media channels to communicate with the public, partners and stakeholders.

This policy is aimed at ensuring social media is used effectively and to ensure its use does not expose elected members or the Council to security risks, legal or reputational damage or breach of the GDPR (data protection Act 2018).

There are often risks associated with the use of social media, some have been identified below:

- Disclosure of confidential information
- Damage to the reputation of the Council
- Social engineering attacks (often conducted by individuals fraudulently claiming to be a business or client)
- Disclosing commercially sensitive information
- Civil or Criminal action relating to breaches of legislation
- Breach of safeguarding for vulnerable adults or children)
- Unwanted conduct from individuals misusing social media (often referred to as trolls)
- Virus or other malware (malicious software) infection from infected sites

In light of the risks, this policy aims to regulate the use of social media and provide guidance to members on how to successfully engage with social media.

3. Members' responsibilities

In their use of social media, members should ensure:

- They do not breach the Code of Conduct for Members.
- Council information remains secure and is not compromised through the use of social media.
- The Council's reputation is not damaged or adversely affected or left open to action under criminal (for example, harassment) or civil law (for example, libel).
- That they are aware of safeguarding issues and report any concerns immediately.
- That members fully understand the risk associated with using social media
- That social media is used in line with this policy

When using social media members should note that in the event of a complaint, the first consideration will be whether the member has been acting in his or her official capacity. Social media should not contain content that holds the member out to be acting in his/her official capacity or give that impression unless this is intended, or the site is specifically meant to be used in an official capacity. Depending on the circumstances such communication might be regarded as conducting the business of the office of a member. Examples may include:

- Communication with individual constituents regarding council matters
- Communications with constituents at large about local issues in your ward or matters of local political interest.
- Making reference to the Council in tweets, blogs, Facebook etc with your council accounts or private accounts where the audience believe you are doing so as a councillor identifying issues discussed by the Council or matters which are within your knowledge due to your position as a councillor.
- Referring to identifiable persons in the Council.
- The link between the Councillor's office and the conduct should have a degree of formality

The above list is not exhaustive and care should be taken in this area.

4. Advice for members using social media

Members should be aware that they are personally responsible for any content they publish on any form of social media.

The Council reserves the right to request the removal of any content that is deemed to be in breach of this policy.

Social media sites are in the public domain and comments/content remains available on the internet as a permanent record unless specifically removed. It is important to ensure that members are confident of the nature of the information they publish. Once published, content is almost impossible to control, it can be shared on other sites, and may be manipulated without their consent, used in different contexts, or further distributed.

Members SHOULD:

- When sharing information with constituents such as through a local Facebook or WhatsApp group ensure that only factual information is shared on the group
- Set up admin rights on local groups and only allow the posting of comments once the admin have reviewed them to ensure that inappropriate/offensive or confidential information is not inadvertently shared on local groups which you manage.
- Make use of privacy settings for personal accounts - particularly if they do not want their social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure they understand their confidentiality/privacy settings. Facebook, for example, has a Data Use Policy that includes privacy settings on how information is shared and used.
- State, if appropriate, that their views are their own personal views and may not represent the views of the Council.
- Keep safeguarding in mind. Social media sites are often misused by offenders. Safeguarding is everyone's business – if members have any concerns about other site users, members have a responsibility to report these immediately to the Monitoring Officer, the LADO and or the Police depending upon the circumstances of the matter.
- Observe copyright laws. Using images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything members are unsure about or seek permission from the copyright holder in advance.
- If you load any images of yourself or council pictures on local sites agree these with the press office and have a rider on the **sire** which states "These images are owed by the council (**you as an individual**) and the council ("I") do not agree to the publication/ sharing/ retweeting of these images without **our** consent".

- Report any threats, abuse or harassment via their use of social media to their political group leader, the Monitoring Officer, Members' Services and/or the police. Any incidents should be recorded on an incident log sheet and if harassment is alleged they should be reported on the complaint form at appendix 2.
- If any information is shared with third parties that should not have been shared this may be considered as a data breach and should be reported to the Council's DPO.
- https://intranet.sandwell.gov.uk/downloads/file/11680/data_breach_form

Members should NOT:

- Disclose others' personal details such as home addresses and telephone numbers – even inadvertently. Members should ensure that they handle any personal or sensitive information in line with the Council's **Data Protection Policy**.
- Publish or report or share with third parties meetings or information which are private or internal council business (where no members of the public are present or where the information is of a confidential nature) or contain confidential information or matters which are exempt.
- Use the Council's logo on a personal social media account.
- Send or post inappropriate, abusive, bullying, racist or defamatory messages to members of the public, other councillors, any partnering organisations or officers either in or outside the work environment.

5. Principles when using social media

Members should follow the following five guiding principles for any social media activities:

- **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people’s confidentiality – do not disclose non-public information or the personal information of others.
- **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
- **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role, in particular a clear distinction should be drawn between use of an account in your personal capacity and use in your capacity as a councillor. Note that merely stating you are acting in your private capacity may not be sufficient.
- **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.
- **Think twice** – think carefully about all your social media posts. Once published it will be too late to change your mind. Following these rules and seek further guidance if you need it.

6. Further information

If members have any queries about this policy, please contact the Monitoring Officer or, in their absence, the Deputy Monitoring Officer. Incidents should be recorded on an incident log sheet and when formalising a complaint collated into the complaint form at Appendix 2. Upon receipt of a complaint the Monitoring Officer will consider the complaint, provide advice and guidance and update the Member of the potential options available including an investigation where appropriate.

Social Media and Electric Communications Guidance for Councillors

1. Introduction

- 1.1 The Council welcomes and wishes to encourage Councillors' use of new technology, including social media. It is not a requirement for Councillors to have a Facebook or Twitter account or use other forms of social media. If Councillors are already using or planning to use social media in connection with their work as a councillor, they should ensure that they are familiar with the guidance set out below and that their use of social media does not use Council resources for party political purposes or put the organisation's information and security systems at risk.
- 1.2 Most people are familiar with doing things online and residents will increasingly expect the Council to provide its services online, with the same level of interactivity that they find everywhere else. However, there are challenges that may discourage Councillors and the Council from using social media. For example, inappropriate use (which may occur inadvertently) can cause significant damage to a Councillor's (or the Council's) reputation and can lead to legal claims. In addition, technology is changing fast. This can mean that it is hard to keep up and maintain useful interaction with residents.
- 1.3 There are also some pitfalls to be aware of, and this Guidance is produced to help Councillors avoid these. This Guidance does not tell Councillors what social media is, or which blogs or networks might be used effectively. It assumes that Councillors are aware of those. It deals with the pitfalls that specifically apply to the role of local Councillors.

2. Legal Considerations

- 2.1 Three of the important Nolan Principles applying to those in public life are “Openness”, “Accountability” and “Leadership”. That means Councillors should be as open as possible about the actions and decisions they take, submit to an appropriate level of public scrutiny, and lead by example. Social media can be a vital tool for public debate and its use by Councillors is encouraged.
- 2.2 In the same way as anyone else publishing material, Councillors will need to be aware of the laws that apply to published material. Some of the main ones are these:
- a. **Defamation:** if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages;
 - b. **Copyright:** publishing information that is not yours, without permission, may also result in an award of damages against you;
 - c. **Harassment:** it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment or distress;
 - d. **Data protection:** do not publish personal data of other people, including photographs, without their express permission to do so;
 - e. **Incitement:** it is an offence to incite any criminal act;
 - f. **Discrimination and ‘protected characteristics’:** it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010);
 - g. **Malicious and obscene communications:** it is an offence to send malicious or obscene communications

- 2.3 Likewise, inappropriate and offensive material should not be published. This includes revealing confidential or commercially sensitive information belonging to the Council, personal or confidential information about an individual, publishing something that could reasonably be considered insulting or threatening and something that promotes illegal activity or is intended to deceive.
- 2.4 Additional considerations apply to Councillors.

Bias and pre-determination

- Members sitting on regulatory committees such as planning or licensing should be aware that they are allowed to have a view but must not have gone so far as to have predetermined their position on a matter. Any views aired on social media could be used as evidence of making a decision in advance of hearing all relevant information. The Council's decision is then open to challenge and could be invalidated, and the 'disrepute' provisions of the Code of Conduct for Members could be engaged.

Equality and discrimination

- The Council is a public authority required to comply with the Equalities Act 2010. As noted above it is an offence to discriminate against anyone based on their protected characteristics. The Council must also have 'due regard' to the Public Sector Equality Duty (which consists of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations) and that applies to Councillors when appearing to act in their official capacity.

Electioneering

- Council resources, including any the use of social media on Council mobile devices or IT equipment, should not be used for political/campaign purposes. Particular care should also be taken when using social media during the pre- election period. The Electoral Commission has further guidance including on the requirements to provide a return of expenditure on election advertising which includes web advertising.

Human Rights

- Article 8 of the European Convention provides that public authorities should not interfere with the right of individuals to a private and family life without lawful authority to do so, and where it is necessary, proportionate, and in pursuit of one of the aims set out in Article 8(2). (These are national security, public safety, economic well-being, health or morals, prevention of crime or disorder, or protecting others' rights).

Code of Conduct

- Councillors may use social media in both an official and personal capacity but they must be aware that the public may perceive them as acting in either capacity when that is not their intention. Any social media account which could be potentially linked to a councillor would need to meet the standards of the code of conduct.

3. Responsibilities of Councillors

- 3.1 Councillors will need to monitor and, where appropriate, censor or remove the contributions made by others to their sites. Allowing defamatory or offensive statements to remain on a site can become the Councillor's own legal problem as the 'publisher' of the material and could also give rise to Code issues where allowing comments to remain could be seen as condoning or endorsing them.
- 3.2 Similarly, 'liking', 'sharing' or 're-tweeting' posts could be seen as an endorsement of them and legally this can be a separate instance of publication, by the Councillor, to which all the legal and Code considerations would apply.
- 3.3 Beyond that it is generally best to allow disagreement rather than to seek to censor it. However, there is no need to respond to everything and unhelpful online arguments should be avoided. Be professional, respectful and polite, even (or especially) when corresponding with those who do not return the courtesy.
- 3.4 Careful use of language is required. Sarcasm, irony and ambiguous comments should be avoided.

- 3.5 Promptly admit to mistakes.
- 3.6 Avoid using social media when you are tired, angry, upset or your judgment may be impaired as something permanently published can't be easily taken back
- 3.7 Think carefully about who to 'follow' or 'befriend' online. Online 'friendships' with council officers should be avoided as they may compromise the appearance of impartial advice. It is inadvisable to 'follow' anyone without a good reason – some constituents may find it uncomfortable (and see the Human Rights comments above). Many Councillors wait to be 'followed' before returning the compliment.
- 3.8 Always ensure the security of your devices to prevent unauthorised access by third parties who may make inappropriate use of the device.

4. Principles for using Social Media

You should follow these five guiding principles for any social media activities:

- **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people's confidentiality – do not disclose non-public information or the personal information of others.
- **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
- **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role, in particular a clear distinction should be drawn between use of an account in your personal capacity and use in your capacity as a councillor. Note that merely stating you are acting in your private capacity may not be sufficient.

- **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.
- **Think twice** – think carefully about all your social media posts. Once published it will be too late to change your mind. Following these rules and seek further guidance if you need it.

5. Use of Social Media during Committee Meetings

- 5.1 Use mobile devices sparingly, discreetly and with common sense at meetings, considering the impression they are giving to others. Councillors should be mindful that regulatory committees such as planning or licensing require the Councillor to alert officers to any lobbying material they have received. This would be difficult if it arrives on Twitter and is read by the Councillor during the course of a meeting.
- 5.2 Mobile devices enable councillors to manage their busy lives when time is at a premium. There may be occasions when texting or e-mailing between Councillors during meetings on matters relevant to the debate at hand may be valuable (on the same basis as circulating paper notes) However it is important for Councillors not to give the impression that insufficient attention is being given to the discussion at the meeting. That could lead to the relevant decision coming under challenge if Councillors are perceived to have made a decision without having properly listened to the debate. It could also result in Code complaints of a failure to treat others with respect or of bringing the Council into disrepute.

6. Inappropriate use of Social Media by Others

- 6.1 Anyone receiving threats, abuse or harassment via their use of social media should report it to the police and the Monitoring Officer. Member are asked to complete an incident log sheet for each incident and then to collate all of these into the complaint form at appendix 2.

- 6.2 Other inappropriate content can be reported to the social media site directly to ask for it to be removed. You may wish to save a screenshot in the circumstances.

7. Further Reading Materials

- 7.1 Connected Councillors – A guide to using social media to support local leadership. Local Government Association.
https://hedonblog.files.wordpress.com/2010/04/connected_councillors.pdf
- 7.2 The Local Government Association’s webpage on social media
<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

8. Complaints

- 8.1 These guidelines do not form part of the Code of Conduct for Members but there may be instances where councillors’ use of social media amounts to a breach of the Member’s Code of Conduct and the Monitoring Officer may take these guidelines into account when considering whether such a breach has taken place.

9. Contact details

For further information please contact:

Surjit Tour, Monitoring Officer on 0121 569 3172

Email: Surjit_Tour@Sandwell.gov.uk

Maria Price, Deputy Monitoring Officer and DPO on 0121 569 3175.

Email: Maria_Price@Sandwell.gov.uk

Social Media Incident Report Form

Reporting incidents of abusive/harassing behaviour
You should report and incidents of harassing behaviour
directly to the police.

Unfortunately, there are rare circumstances where individuals abuse social media. We recognise that this can have an unpleasant and profound effect on you and your emotional wellbeing. The Council can support and assist you and in certain circumstances can take action on your behalf to manage such behaviours. In order to assist you we require you to provide some information.

Please refer to the Social media and policy guidance for members. This form should not be used to report incidents/allegations of breach of the social media policy by other elected members. In such circumstances the members code of conduct/arrangements should be referred to.

Your details

1. Please provide us with your name and contact details.

Title:	
First name:	
Last name:	
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this Form:

- The Monitoring Officer of the authority and appropriate officers supporting the Monitoring Officer.

2. Please provide us with the name of the Individuals(s) you believe have harassed/abused you on social media:

Title	First name	Last name

3. Please explain in this section (or on separate sheets) exactly what has occurred, when it occurred, why you feel it is harassing and or abusive and what action you have taken to ask the individual(s) to stop the behaviour. In order to progress this matter you will need to provide screen shots of all of the messages/tweets/ re-tweets and or blogs. You should also supply dates, documentary evidence and details of any witnesses that you believe would substantiate the allegations.

Please include the following,

- If you asked for the conduct to stop and when
- Details of any reports you have made to the Police about this allegation and when
- All correspondence that you have had with this individual (s)
- Details of if you reported to the incident to a host site, when and what action was taken such as taking posts down.
- You should be specific, wherever possible, about exactly what you are alleging and what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- Details of any incidents that have occurred of a harassing/abusive nature in addition to those on social media
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

- If your allegation(s) relate to behaviour or conduct that occurred some time ago clearly explain why your complaint was not made earlier.

Please provide us with the details of your complaint.

Please provide the relevant screen captures at the back of this form

Only complete this next section if you are requesting that your identity is kept confidential

4. Please indicate the remedy or remedies you are looking for or hoping to achieve. i.e. taking offensive posts down, apology, other action

5. Please indicate whether you have raised your complaint directly with the individual(s) concerned and if so what response you received.

(Continue on separate sheet(s), as necessary)

Additional Information

6. Your concerns need to be submitted in writing along with supporting evidence in order of the Monitoring Office to properly consider the options available to you and the council. Please use this Form to submit your complaint.
7. In line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you raising your concerns. We can also help if English is not your first language.
8. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

PLEASE RETURN YOUR COMPLETED FORM TO:

Surjit Tour

Director of Law and Governance
& Monitoring Officer

Sandwell Metropolitan Borough Council
Law and Governance
Sandwell Council House
PO Box 2374
Oldbury
West Midlands
B69 3DE

T: 0121 569 3264

E: surjit_tour@sandwell.gov.uk

W: www.sandwell.gov.uk

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Report to Ethical Standards and Member Development Committee

22 March 2022

Subject:	Review of the Committee on Standards in Public Life Best Practice Recommendations
Director:	Director of Law and Governance and Monitoring Officer – Surjit Tour
Contact Officer:	Vanessa Maher-Smith Principal Lead for Governance and Business Support & Solicitor

1 Recommendations

- 1.1 That the Committee considers the review of the Council's current position and progress made in relation to the Committee on Standards in Public Life Best Practice Recommendations.







2 Reasons for Recommendations

As part of its review of ethical standards in local government, the Committee on Standards in Public Life set out a number of Best Practice Recommendations.

Following the Council's response to the recommendations and the review of the Member Code of Conduct and Arrangements last year, a further review of the Best Practice Recommendations has been undertaken to highlight the Council position and progress made.



3 How does this deliver objectives of the Corporate Plan?

		High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services.
		
		

4 Context and Key Issues

- 4.1 In 2018 the Committee on Standards in Public Life announced a review of ethical standards in local government. The report into Local Government Ethical Standards was published on 19 January 2019, which included a number of recommendations.
- 4.2 The first recommendation of the report into Local Government Ethical Standards was that the Local Government Association should draft a model code of conduct. The LGA model code of conduct was adopted last year as part of the Members' Code of Conduct review.
- 4.3 In addition, the Committee on Standards in Public Life provided some best practice recommendations to be taken into consideration. Twelve months on, these have been reviewed and the current position is identified in the appendix.

5 Implications

Resources:	There are no resource implications arising from this report
Legal and Governance:	The Best Practice Recommendations set out by the Committee on Standards in Public Life complement the review of the suite of documents in relation to Member Code of Conduct, Arrangements for dealing with complaints under the code, etc.
Risk:	There are no risks to implementation of the changes. The Council would be more at risk by not making the changes recommended by the CoSiPL.



Equality:	There are no equality issues arising from this report.
Health and Wellbeing:	There is no impact on health or wellbeing arising from this report.
Social Value	There are no implications for social value arising directly from this report.

6 Appendices

Appendix 1 – Updated position in relation to Committee on Standards in Public Life Best Practice Recommendations.

7. Background Papers

None.



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CSPL local government ethical standards 15 best practice recommendations

Name of local authority: Sandwell MBC

1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Progress: The Council has embarked upon a full review of its Code along with the Arrangements for dealing with Standards Complaints as part of a wider ongoing Governance Review. It is also carrying out a review of the Council's Ethical Framework. Any BPRs that have not been fully met will be addressed as part of this review.

Prohibition on bullying already included in current Code, but not harassment. Intention is to adopt New Model Code which will have definitions of both in the definition section. The authority will include examples of bullying and harassment as an appendix to Code.

[Update 28.02.2022](#)

The Council has adopted the new Model Code of Conduct with effect from March 2021, which includes prohibitions on bullying and harassment.

2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Progress: Code currently states 'You must at all times facilitate and engage with the council and its committees on probity and ethical matters and submit yourself to the scrutiny necessary to ensure this without any undue delay.' This will be broadened to require councillors to comply with any formal standards investigation when the New Model Code is adopted.

[Update 28.02.2022](#)

Paragraph 8 of the new Model Code of Conduct deals with the requirement to engage with any code of conduct investigations.

Prohibiting trivial or malicious allegations is covered by the more general aspects of the code. The Council's updated Arrangements also set out the preliminary considerations when a complaint is received, which includes at stage 2 whether the complaint is "malicious, trivial, politically motivated or 'tit-for-tat'". Councillors will be aware through their training on the code of conduct that such complaints are unlikely to progress.

3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Progress: An annual report is submitted to Council. The Council is currently reviewing its Code along with the Arrangements for dealing with Standards Complaints. Arrangements for future reviews is part of discussions with the working group working on the current review.

[Update 28.02.2022](#)

The Council undertook a large scale review of the code of conduct and arrangements for dealing with standards complaints throughout October 2020 – March 2021. The Council will conduct an annual review, alternating between a desktop exercise and a consultation based exercise.

The Council conducted its desktop review in February 2022.

4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Progress: Currently accessible to all. The Council is however looking to update the website to include an Ethical Framework page to make the documents more prominent as part of its continuous improvement drive.

[Update 28.02.2022](#)

The code of conduct is available on the Council's website through modern.gov. It is accessible through clicking the relevant tabs, or by using the search facility, but it could be made more prominent on the Council's homepage. This is something that needs to be improved.

5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Progress: This is already included as standing item for Ethical Standards Committee which meets quarterly. Each member's register is published on the Council's Committee Management Information System (CMIS) and is easily accessible. We are looking at options with regard to publication of full register.

[Update 28.02.2022](#)

Standing item on Ethical Standards Committee which meets quarterly. The gifts and hospitality register is not currently published on the website.

6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Progress: The public interest test is currently considered in all allegations and this is clearly referenced in the decision notices. Once the Model Code is finalised, the Council will address this issue as part of the ongoing review of the ethical framework and include the publication of the public interest test.

[Update 28.02.2022](#)

The public interest test is included at Stage 3 of the Council's Arrangements for dealing with standards complaints.

7: Local authorities should have access to at least two Independent Persons.

Progress: Already achieved. We are looking at the possibility of engaging a third Independent Person and exploring regional resilience through a collaborative approach with other West Midland Councils. Also, we are investigating whether there is any merit in introducing a remuneration package.

[Update 28.02.2022](#)

As above this has already been achieved.

8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Progress: Requirement of Localism Act – already in place. Explicitly referenced in the Arrangements for dealing with Standards Complaints.

[Update 28.02.2022](#)

As above, this is already achieved.

9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Progress: Already achieved – agenda,/minutes and decision are published and considered by Standards Sub Committee.

[Update 28.02.2022](#)

As above, already achieved.

10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Progress: Webpage includes this information which is easily accessible. With regard to timescales, once instructed the investigator should be able to give a time estimate to ensure it is reasonable/realistic.

[Update 28.02.2022](#)

This is set out in the Council's updated Arrangements for dealing with Standards Complaints. This includes a copy of the complaint form, with clear guidance on how to complete it, together with a flow chart setting out the process and timescales involved.

11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Progress: n/a

12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Progress: n/a

13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Progress: Arrangements include the ability for the Deputy Monitoring Officer to be utilised and the possibility of using the MO from another authority or other external person (independent investigator) to address any conflicts of interest and capacity issues to ensure complaints are managed effectively and consistently and in a timely fashion.

[Update 28.02.2022](#)

As above, this has been achieved. The process where a conflict arises is set out in the updated Arrangements for dealing with Standards Complaints.

14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Progress: Wherever appropriate and practicable to do so, subject to other legal arrangements or agreements that oversee the operational arrangements of that body and other primary legislation governing operations, the council does provide performance and other information on such bodies such as to its Audit Committee, Scrutiny Boards. However, different companies/bodies have separate accountability arrangements depending on nature of company. The Council will consider this issue further as part of the ongoing review of the ethical framework.

[Update 28.02.2022](#)

XXX

15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Progress: Monitoring Officer will be addressing this issue as part of the ongoing review of the Ethical Framework. The MO will be proposing that there be regular meetings with the Group Leader/Whip/Chair/Vice Chair. These arrangements will be formalise arrangements as part of the Arrangements for dealing with Standards Complaints refresh.

[Update 28.02.2022](#)

This has been included as part of the Council's updated Arrangements for dealing with Standards Complaints. Paragraph 12: Review Meetings states there will be quarterly meetings between CEO, MO, Group Leader(s) and Group Whips.

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Report to the Ethical Standards and Member Development Committee

22 March 2022

Subject:	Annual Report of the Ethical Standards and Member Development Committee
Director:	Director of Law and Governance and Monitoring Officer - Surjit Tour
Contact Officer:	Surjit Tour Director of Law and Governance and Monitoring Officer surjit_tour@sandwell.gov.uk







1 Recommendations

- 1.1 That the Ethical Standards and Member Development Committee considers the draft Annual Report of the Ethical Standards and Member Development Committee 2021-22.

2 Reasons for Recommendations

- 2.1 Members will have the opportunity to review the draft Annual Report and ask questions/discuss the information presented before it is referred to Full Council for consideration on the 12 April 2022.

3 How does this deliver objectives of the Corporate Plan?

		Through its work in promoting high standards of conduct, the Committee makes a positive contribution to the Council's governance and decision-making arrangements of the authority
		
		

4 Context and Key Issues

- 4.1 The Ethical Standards and Member Development Committee's terms of reference requires the committee to produce an annual report detailing the activities undertaken throughout the municipal year. The annual report will be referred to Full Council for consideration at its next meeting on 12 April 2022.

5 Alternative Options

- 5.1 The purpose of the report is for the Ethical Standards and Member Development Committee to consider the draft Annual Report for the Ethical Standards and Member Development Committee 2021-2022. As such, there are no alternative options.

6 Implications

Resources:	There are no resource implications arising from this report.
Legal and Governance:	<p>The Authority has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by Members. The Authority is also obliged to have in place a Code of Conduct, a procedure for investigating complaints against Members and ensure that any complaints made are investigated in accordance with that procedure.</p> <p>The new standards arrangements are set out in chapter 7 of the Localism Act 2011, and in secondary legislation made under the Act, particularly in The</p>

	Relevant Authorities (Disclosure of Pecuniary Interests) Regulations 2012.
Risk:	There are no direct risk implications arising from this report.
Equality:	There are no direct equality implications arising from this report.
Health and Wellbeing:	There are no direct implications for health and wellbeing from this report.
Social Value	This report contains no social value implications.

7. Appendices

Appendix 1 - Draft Annual Report of the Ethical Standards and Member Development Committee 2021-22.

8. Background Papers

No background papers.

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Annual Report of the Ethical Standards and Member Development Committee 2021-2022



Chair's Foreword

I am pleased to present the Annual Report of the Ethical Standards and Member Development Committee for 2021-22.

I became Chair of the Committee in October 2021 and welcomed the new challenge. The role is completely different to those I have undertaken previously.

I would like to take this opportunity to reflect on all of the hard work undertaken by the previous Chairs of the Committee. In particular, the member engagement sessions around the review of the Code, Arrangements and all the member policies in this area was a hugely successful piece of work leading to more stringent and workable policies which are clearly demonstrating positive outcomes and improvement.

In particular, I would also like to refer to the new MyCouncillor Portal, a very successful tool which is continuously being improved upon to assist members in their roles.

Similarly, I am looking forward to working on enhancing the member development programme and induction training in the coming months.

Alongside all the positive work, there has been some sadness following the tragic event involving Sir David Amess MP, triggering an urgent review of our own processes. I can give assurance that further work is being undertaken to ensure the safety of elected members when undertaking their duties.

I would also like to 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.



Finally, 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 who have provided support throughout the year.



Councillor Keith Allcock
Chair of the Ethical Standards
and Member Development Committee



Committee Activity Overview

1.1 Work Programme Spotlight

Following on from the comprehensive review of the Members' Code of Conduct and Arrangements for Dealing with Standards Allegations undertaken last year, the Committee's work programme has continued to look at those matters identified as part of the review and also its regular programme in relation to member development programme, personal safety of elected members, gifts and hospitality, national cases and the work of the Committee on Standards in Public Life. In particular the business of the Committee included:-

1.2 Ministry of Housing, Communities and Local Government – Response to Local Authority remote meetings: call for evidence

On 25 March 2021, the Ministry of Housing, Communities and Local Government opened a call for evidence to seek views on the use of the arrangements which had provided express provision for local authorities to hold meetings remotely or in a hybrid format during the coronavirus pandemic.

The call for evidence sought to understand the experience of local authorities in the whole of the UK regarding remote meetings.

The Committee considered that for smaller committees, virtual meetings had led to improved attendance and engagement. It was also considered that online meetings provided extra convenience to members of the public who could watch the livestream or an online recording of the meeting.

The Committee recognised that physical meetings were still necessary, especially for larger committees and full council meetings.

The Committee noted the wider benefits associated with remote meetings such as reduced travel costs and CO₂ emissions and greater participation by members and public alike.



The Director – Law and Governance and Monitoring Officer prepared a response behalf of Sandwell based on the views of the Committee.

1.3 Gifts and Hospitality

The Monitoring Officer maintains a public register of members' interests and also a record of any gift or hospitality received. The revised Gifts and Hospitality guidance was approved by Full Council on 23 March 2021. The value of gifts and hospitality required to be declared by members was reduced to £50.00 (previously set at £100.00).

Following the Committee on Standards in Public Life Best Practice recommendations (attached), gifts and hospitality has been added as a standing item for each meeting of the Ethical Standards and Member Development Committee, allowing the Committee to review new entries to the Council's register for elected members' gifts and hospitality declarations.

Guidance is available to all Members on how to treat offers of gifts and hospitality and the process for declaring such offers. This guidance forms part of the Council's Constitution.

1.4 Complaints Updates

An updated on the activity of the Council's Monitoring Officer in relation to complaints received under the Councillor Code of Conduct is submitted to each meeting of the Ethical Standards and Member Development Committee.

Analysis below setting out statistics for a three-year period highlights the volume of cases dealt with compared to the most current period showing a more manageable caseload.

Member Complaints	
Calendar Year	Number of Cases
2019	6
2020	20
2021	12
2022	4



1.5 Review of Personal Safety of Elected Members

The Committee had considered personal safety of elected members in October 2019 with a further review to be undertaken in 12 months' time. The review had, however, been delayed due to the pandemic.

There was an ongoing programme of personal safety training for elected members.

Councillors had received revised guidance notes on general personal safety in the wake of the recent incident involving an MP (i.e. lone-working, undertaking surgeries and walking to their vehicles).

A further review of personal safety for elected members will be undertaken by the Ethical Standards Working Group to ensure all options had been considered and addressed.

1.6 Member Development Programme

The Elected Member Development Programme has been designed and led by members since phase one began in 2018.

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.

Since phase one of the Member Development Programme commenced in October 2018, over 130 sessions have been delivered. An inevitable switch to virtual learning in light of the pandemic has not affected the quality and effectiveness of the training delivered. Phase two of the programme has taken on board feedback from Member Personal Development Plan (PDP) meetings and emphasis on key issues affecting the borough have been introduced. These include Climate Change, Universal Credit, Understanding Extremism, Midland Metro briefings, hate crime and much more. Take up continues to be encouraging.



These phases have served member development well over the past 3 years, but it is time to refresh the member development programme from the new Municipal Year. Currently, a Member Development Strategy is being drafted that will take on board feedback from the Governance and LGA peer reviews. A new member development programme will include essential, important, specialist and bespoke learning that is underpinned by robust support arrangements and development plans where applicable. PDP's will continue to act as a key review mechanism at timely intervals of the monitoring process.

1.7 Review of Independent Persons for Dealing with Standards Matters

There are currently two Independent Persons in place. Mr Tew's term of office had been extended by Full Council in January 2022 for a further four year period. Mr Phillips' term of office is until March 2024. There is currently one vacancy.

Following a recent recruitment exercise, a further review is being carried out by the Ethical Standards Working Group as to options available.

The Protocol for Independent Persons appointed under the Localism Act 2011 has been reviewed and will be included in the suite of documents submitted to Council following the annual review of the Members' Code of Conduct, Arrangements for Dealing with Complaints under the Code and Social Media Policy.

1.8 MyCouncillor Portal

The MyCouncillor portal was introduced in March 2021 as a platform hosting a range of tools and information to support elected members in their roles. Governance arrangements and a phased approach were agreed with high member participation in focus groups and workshops.

Member usage of the portal has continued to increase in line with the roll-out. The member enquiry mechanism continues to prove popular, between 65 councillors a total of 5,850 enquiries have been routed through the portal's 'Raise a new Case' (4,446 enquiries) and Report it (1,404 enquiries) functions up to 18 January 2022. On average around 50 councillors per month are using the portal. The average rating of the system, as scored by Councillors remains high at 4.8 out of 5.



The portal is more than a casework management system and signposts members to important information such as crime maps, planning applications, ASB incidents, FAQ's, press releases and coronavirus updates that can be utilised at surgeries or as part of their day to day roles.

To ensure that the platform continues to evolve in line with member needs, feedback has been actively sought via training sessions, member briefings, 1-1's and e-mail exchanges.

Based on 75 items of feedback the following changes, new functions and improvements have been developed which went live in January 2022. Members were encouraged to adopt these changes as they added improvements to make the system more intuitive, as well as provide added functionality.

An updated version of the Councillor User Guide was circulated to all members to adopt these improvements.

To further develop the portal to meet member's needs, and to ensure that we are working with the latest technology available by the MyCouncillor supplier (Granicus), the look and feel of the 'Dashboard' & MyCasework' list functions in the portal is being updated and will be rolled out when extensive testing has taken place.

Governance arrangements and extensive reporting is in place to inform Senior Officers and Members of key performance statistics that are driving continuous improvement to achieve response times in line with service level agreements established. These will be reviewed at regular intervals.

In February, Sandwell entered the Municipal Journal awards for the design, implementation and performance of the portal in the category of 'Digital Transformation'. The shortlist will be announced at the end of March.



1.9 DBS Checks for Elected Members

The Council is under a statutory duty to promote and maintain high standards of conduct, as set out in the Localism Act 2011. The introduction of DBS checks for members was raised as part of the consideration of this duty at the Member Engagement sessions held in December 2020.

One of the recommendations was that further consideration be given to the benefits of DBS checks and whether they should be introduced at this Council. There are 3 levels of checks, a basic DBS check, a Standards DBS Check (for certain defined roles) and an enhanced DBS Check.

The matter was reported to the Ethical Standards Working Group at its meeting on 5 October 2021. There was also a motion submitted to Full Council at its meeting on 7 December 2021 proposing that all elected members should be vetted.

The Committee has considered the matter and recommended that members in specific roles should be asked to consent to enhanced DBS checks and a protocol has been prepared for consideration by Full Council.

1.10 Annual Review of the Members' Code of Conduct and Arrangements for Dealing with Complaints under the Code

On 23 March 2021, the Council adopted the Local Government Association's (LGA) Model Code of Conduct. It also updated its Arrangements for dealing with Complaints under the Code of Conduct to ensure they were effective.

It was agreed by the Ethical Standards and Member Development Committee that the Code of Conduct and Arrangements would be reviewed on an annual basis, alternating between a desktop review and an annual review. A desktop review of the Arrangements has been completed and no amendments are recommended at this stage.



However, the LGA has made some amendments to the model Code of Conduct, and the Committee therefore recommended that the same amendments are made to the Council's Code of Conduct.

1.11 Review of the Committee on Standards in Public Life Best Practice Recommendations

As part of its review of ethical standards in local government, the Committee on Standards in Public Life set out a number of Best Practice Recommendations.

Following the Council's response to the recommendations and the review of the Member Code of Conduct and Arrangements last year, a further review of the Best Practice Recommendations has been undertaken to highlight the Council position and progress made (see attached).

1.12 Review of Social Media Policy

The Social Media Policy was approved in March 2021 and an annual review has been undertaken.

The Committee determined that the content is still relevant, as such, no changes are required, other than some minor amendments for clarity.

Social media can be a fantastic tool for members in promoting themselves and the Council when it is used properly. It is necessary to have a Social Media Policy and also provide member training on all aspects of social media so they are equipped to use it to their advantage and avoid some of the pitfalls.

As part of the Member Development Programme, Social Media Training will be offered to all members. Given this is a specialist area, it is considered that this would best be delivered by an external trainer. Options for the training are being investigated.



The Committee

- 2.1 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.
- 2.2 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 2021-22, including the wider remit of member development.
- 2.3 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.



- 2.4 The Committee also appoints to 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.

Membership of the Committee

- 2.5 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.
- 2.6 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 Persons

- 2.7 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.
- 2.8 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.
- 2.9 The Council currently has two Independent Persons; Mr John Tew and Mr Richard Phillips. A recruitment exercise is underway (see para 1.7).



- 2.10 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.
- 2.11 Independent Persons are invited to attend all meetings of the Ethical Standards and Member Development Committee as observers.

Officer Support to the Committee

- 2.12 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.
- 2.13 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. More information about the role of the Monitoring Officer can be found in Article 12 of the Council's Constitution.

The Ethical Framework

Members' Code of Conduct

- 2.14 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.



- 2.15 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. 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.
- 2.16 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.
- 2.17 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.
- 2.17 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.
- 2.18 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.



- 2.19 A review of the Code of Conduct was undertaken following the publication of the LGA Model Code of Conduct. As part of the Best Practice Recommendations of the Committee on Standards in Public Life, an annual review is taken of the Code of Conduct (a desktop review one year and a full review the following year). A desktop review has been undertaken and no changes have been recommended. However, some changes have been recommended by the LGA and these have been submitted to the Committee/Full Council for approval.
- 2.20 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 Best Practice Recommendations.

Arrangements for Dealing with Standards Allegations







- 2.21 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).
- 2.22 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

- 2.23 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.
- 2.24 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.

How the work of the Committee contributes to the Corporate Plan

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

Continuous Development

- 3.1 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.



- 3.2 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.
- 3.3 The Committee also considers the Annual Report of the Committee on Standards in Public Life to broaden understanding and current topics.
- 3.4 The Ethical Standards and Member Development Committee continues to develop its own skills and expertise.

Looking Ahead

To help promote high standards and conduct and continuous development of elected members, the Committee will continue to work on the Member Development Programme, developing the MyCouncillor Portal and building on the review of the Members' Code of Conduct, Arrangements for Dealing with Complaints under the Code and the suite of supporting documents.



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Report to the Ethical Standards and Member Development Committee

Tuesday 22 March 2022

Subject:	Gifts and Hospitality Register
Director:	Director of Law and Governance and Monitoring Officer – Surjit Tour
Contact Officer:	Trisha Newton Trisha_Newton@sandwell.gov.uk







1 Recommendations

- 1.1 That the Ethical Standards and Member Development Committee considers the Gifts and Hospitality Register and declaration of interests made by Members.

2 Reasons for Recommendations

- 2.1 Following the Best Practice recommendations made by the Committee on Standards in Public Life, the Gifts and Hospitality Register is a standing agenda item for meetings of this Committee.

3 How does this deliver objectives of the Corporate Plan?

		Maintenance of the Members' Register of Interests contributes to public confidence in local democracy and is an essential part of good corporate governance.
		
		The Members' Register of Gifts and Hospitality is an important instrument of openness and good governance. It provides an accessible record of the gifts and hospitality received by members. Monitoring and review of the Register will help to contribute to better corporate governance which underpins the delivery of high quality services.

4 Context and Key Issues

- 4.1 Guidance is available to all members on how to treat offers of gifts and hospitality and the process for declaring such offers. This guidance forms part of the Council's Constitution.
- 4.2 The Monitoring Officer maintains a public register of members' interests and also a record of any gift or hospitality received with an estimated value of at least £50.00. The Register of Members' Gifts and Hospitality is available for inspection by the public at all reasonable hours. Declarations of gifts and hospitality by individual members are also recorded on the Council's committee management system, sandwell.moderngov.co.uk, on the Council's web site and can be accessed at any time from the internet.
- 4.3 The Registers are periodically reviewed by the Director of Law and Governance and Monitoring Officer.
- 4.4 At the point of publishing the agenda, there has been no new entry to the Gifts and Hospitality Register since the last meeting of the Committee.

5 Alternative Options

- 5.1 The purpose of the report is for the Ethical Standards and Member Development Committee to consider the Gifts and Hospitality Register and the declarations of interests made by Members. As such, there are no alternative options.

6 Implications

Resources:	There are no strategic resource implications arising from this report.
Legal and Governance:	<p>The Authority has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by Members. The Authority is also obliged to have in place a Code of Conduct.</p> <p>The new standards arrangements are set out in chapter 7 of the Localism Act 2011, and in secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosure of Pecuniary Interests) Regulations 2012.</p> <p>The Localism Act 2011 strengthens requirements on members to register and disclose interests.</p> <p>The Localism Act 2011 (and Regulations made under the Act) did not include any provisions requiring Members' or co-opted Members' to register Gifts and Hospitality, which was formerly the case. However, the Council does still have a duty to promote high standards of conduct by Members' and co-opted Members'.</p> <p>The Members' Code of Conduct describes the interests of any person from whom a member has received a gift or hospitality with an estimated value of at least £50.00 as other registerable interest of the member.</p> <p>The Protocol for Members' on Gifts and Hospitality sets out important guidance for Members' on the acceptance of Gifts and Hospitality.</p>

	Maintaining a Protocol on Gifts and Hospitality also assists the Council to comply with the requirements of the Bribery Act 2010. Under the Bribery Act 2010 all employees and Elected Members' are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances.
Risk:	The Committee considers the Gifts and Hospitality register and members' declarations of interests to protect Members from the acceptance of any unlawful or inappropriate gifts, which would affect the reputation of the Member or the Authority.
Equality:	There is no requirement for an equality impact assessment.
Health and Wellbeing:	There are no direct health and wellbeing implications from this report.
Social Value	There are no direct social value implications from this report.

7. Appendices

None

8. Background Papers

Declarations made by Elected Members are available to view under Councillors' profiles at sandwell.moderngov.co.uk.

Report to the Ethical Standards and Member Development Committee

22 March 2022

Subject:	National Cases
Director:	Director Law and Governance and Monitoring Officer - Surjit Tour
Contact Officer:	Trisha Newton Trisha_Newton@sandwell.gov.uk

1 Recommendations







- 1.1 That the Ethical Standards and Member Development Committee considers the contents of the report and the cases at Appendix 1 and 2 and consider any issues for the Council.

2 Reasons for Recommendations

- 2.1 Officers will inform the Ethical Standards and Member Development Committee about issues arising from local investigations and case law to add to learning at the local level and enhance understanding of ethical standards.



3 How does this deliver objectives of the Corporate Plan?

		High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services.
		
		

4 Context and Key Issues

4.1 Within its terms of reference, 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 will need to demonstrate learning from issues arising from local investigations and case law. Furthermore, it is advisable for the Committee to be kept informed of any particularly notable cases which are publicised as they may also add to learning at the local level.

5 Alternative Options

5.1 The purpose of the report is for the Ethical Standards and Member Development Committee to promote high ethical standards amongst Members through learning from local investigations and case law. As such, there are no alternative options.



6 Implications

Resources:	There are no resource implications arising from this report.
Legal and Governance:	By considering national cases of significance the Ethical Standards and Member Development Committee will be better informed and placed to discharge its duty to promote high ethical standards.
Risk:	Awareness of national cases will enhance the Ethical Standards and Member Development Committee's understanding of promoting high ethical standards within its duties.
Equality:	There are no direct equality implications arising from this report.
Health and Wellbeing:	There are no direct implications for health and wellbeing from this report.
Social Value	This report contains no social value implications.

7. Appendices

Appendix 1 – Extract taken from

<https://www.sussexexpress.co.uk/news/politics/conservative-group-leader-found-to-have-breached-code-of-conduct-3469632>

dated 24 November 2021

Appendix 2 – Extract taken from

<https://www.mylondon.news/news/south-london-news/councillor-broke-rules-anonymous-twitter-22613865>

– dated 31 December 2021

8. Background Papers

No background papers.



Maldon district councillor sanctioned for ‘serious’ code of conduct breaches over bullying claims

A Maldon district councillor has been sanctioned after two investigations into his behaviour recommended that he had bullied council members.

The district council’s joint standards committee unanimously agreed that Independent councillor Chrisy Morris had breached the council’s code of conduct following the findings of two reports into his behaviour.

The first report concerns complaints made by councillors, while the second deals with complaints from the district council’s corporate leadership team.

Mr Lewin, who conducted the second investigation, told the committee: “These are your employees and they are entitled to a safe workplace in which they are not subject to unacceptable behaviour.”

Mr Lewin’s report found that Councillor Morris had shown “a clear pattern of aggressive, intimidating behaviour targeted at an individual officer in an attempt to undermine and humiliate her”.

He also concluded that Councillor Morris had breached the code by “bullying” another officer.

The first report found a “failure to treat people with respect” and “bullying” in relation to Councillor Morris’ behaviour during meetings and in an email which was copied to all members.

It also found that he had disclosed confidential information regarding a former councillor on social media.

Mr Oram, who carried out the first investigation, said: “It’s absolutely important that members are able to express genuine concerns about the conduct of officers as part of their role.

“But it must be done in an appropriate manner and in a manner that allows firstly for the officers to defend themselves against any allegations, and also to respect the privacy of that process while it takes place.”



Both investigators recommended in their report that Councillor Morris “be found to have bullied others” and “conducted himself in a manner which could reasonably be regarded as bringing his office or the authority into disrepute”.

Councillor Morris, who disputed the report’s findings, said: “I have grave concerns and have had grave concerns - as members will confirm.

“I have tried to get these concerns investigated and addressed, and literally I can’t - no one will listen.”

Revealing the committee’s decision, Councillor Mark Bassenger, the chairman, said: “Although we have found serious breaches of the code of conduct, we note that Councillor Morris does not appear to realise how he comes across to others.

“We would therefore recommend that Councillor Morris is provided with and accepts training in conflict management and resolving disputes.”

The committee proposed to “formally censure” Councillor Morris by restricting his access to I.T. and email.

It also recommended that Councillor Morris be removed from all committees and working groups or outside bodies for the municipal year, although he does not currently sit on any.

Extract taken from <https://burnhamanddengie.nub.news/n/maldon-district-councillor-sanctioned-for-serious-code-of-conduct-breaches-over-bullying-claims>

Dated 7 September 2021



Sheffield City Councillor's face mask pull broke code of conduct

A councillor has been found in breach of code of conduct rules for pulling down a man's face covering during a picket line fracas.

Tony Damms removed the man's mask as councillors became involved in an angry exchange during a strike by University of Sheffield staff in December. The incident, caught on video, came after Sheffield City Council leader Terry Fox was called a "scab".

A standards board inquiry found Mr Damms' behaviour was "unacceptable". Mr Damms said he had pulled down the man's mask to "hear him better". The panel's report said Labour group whip Mr Damms had "failed to respect the member of the public's right to personal space and behaved in a manner which could bring the council into disrepute".

It added: "The wearing of face coverings in the current climate of a pandemic is culturally acceptable, appropriate and demonstrates responsible behaviour. "Mr Damms' behaviour in attempting to remove the face covering was unacceptable."

The board ruled he must have a refresher with the monitoring officer on acceptable behaviour and conduct, the Local Democracy Reporting Service said.

Responding to the findings, Mr Damms said: "The man was very aggressive and I pulled down his face covering to hear him better. I will be acting on the guidance I'm given."

Mr Damms' actions during the incident on 1 December were reported by former Labour Party member Martha Foulds.

Reacting to the panel's ruling, Ms Foulds, who quit the Labour Party the day after the row, said: "Whatever the excuse, moving someone's face covering during a pandemic that has killed millions of people around the world is simply unacceptable.





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Report to Ethical Standards and Member Development Committee

Date 23 March 2022

Subject:	Complaints and Allegations Update
Director:	Director of Law and Governance and Monitoring Officer – Surjit Tour
Contact Officer:	Surjit Tour Surjit_Tour@sandwell.gov.uk

1 Recommendations







- 1.1 That the update position on complaints received under the Councillor code of conduct be received.

2 Reasons for Recommendations

- 2.1 The report provides an update on the activity of the Council’s Monitoring Officer in relation to complaints received under the Councillor Code of Conduct arrangements.



3 How does this deliver objectives of the Corporate Plan?

		The Council's ethical governance framework and arrangements support the Council toward achieving its strategic objectives and ambition.
		
		

4 Context and Key Issues

- 4.1 The Committee has oversight of the Council's ethical governance framework and arrangements for dealing with complaints received under the Code of Conduct in relation to elected Members.
- 4.2 The table at Appendix A provides an update position on complaints received under the code of conduct. Items 1 and 2 details activity that has been progressed since previously reported to the last meeting of the committee on 22 February 2022. Items 3-6 are the complaints that have been received since the last meeting of the committee.

5 Alternative Options

- 5.1 None – the report is provided for information.

6 Implications

Resources:	The Council is required to ensure that sufficient resources are provided to the Monitoring Officer in order that they are able to exercise their statutory functions.
Legal and Governance:	The Local Government Act 2000 and Localism Act 2011 make provision for the arrangements for dealing with standards related matters.



Risk:	The Council must have in place, arrangements for dealing with matters relating to the conduct of elected members. These are regularly reviewed in line with the best practice recommendations of the Committee for Standards in Public Life
Equality:	There are no direct equality implications arising from this report.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.

7. Appendices

None.

8. Background Papers

None.



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
1. MC/22/10/21-a	Elected member	<p>This complaint is against 2 elected members.</p> <p>It is alleged that the subject members have breached the code of conduct and their position as Cllrs</p> <p>Potential breaches of the members code of conduct 1.1,1.2, 3.1, 5.1</p>	<p>Complaint received 22/10/21.</p> <p>DMO assessing the complaint</p> <p>Matter referred for investigation 10/12/21</p> <p>Investigation due to be completed 28/2/22</p> <p>Due to availability witness investigation completion delayed. Investigation due to be completed by 18 March 2021</p>	Green		
2. MC/171221	Member of the public	<p>It is alleged that the subject member has breached the code of conduct</p> <p>Potential breaches of the members code of conduct 2.3, 5.1 and 6.1</p>	<p>Complaint received 17/12/21</p> <p>Complainant provided further evidence 21/1/21</p> <p>Decision notice completed 2/2/22,</p>	Green	Matter to be closed	



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
			no further action, no breach of the code identified.			
3. MC/ 010322	Member of the public	It is alleged that the subject member has breached the code of conduct Potential breaches of the members code of conduct 1.1, 1.2, 2.2, 2.3, 5.1	Matter currently under assessment by the Monitoring Officer	Green		
4. MC/010322 – 2 (a)	Officer	It is alleged that the subject member has breached the code of conduct Potential breaches of the members code of conduct 1.1,1.2, 2.1, 3.1, 5.1	Matter currently under assessment by the Deputy Monitoring Officer	Green		
5. MC/010322 – 2 (b)	Officer	It is alleged that the subject member has breached the code of conduct Potential breaches of the members code of conduct 1.1,1.2, 2.1, 3.1, 5.1	Matter currently under assessment by the Deputy Monitoring Officer	Green		
6. MC/020322	Member of the Public	It is alleged that the subject member has breached the code of conduct	Matter currently under assessment by the Monitoring Officer	Green		



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
		Potential breaches of the members code of conduct 5.1. 9.1				



Report to Ethical Standards and Member Development Committee

8 February 2022

Subject:	Work Programme 2021-22
Director:	Surjit Tour - Director of Law and Governance and Monitoring Officer
Contact Officer:	Trisha Newton Trisha_newton@sandwell.gov.uk

1 Recommendations




That the Committee notes the updated work programme for 2021/22 and also the work of the Ethical Standards Working Group.

2 Reasons for Recommendations

- 2.1 The work programme for 2021/2022 is attached at Appendix 1. The programme covers the areas that are within the remit of the Ethical Standards and Member Development Committee under its current terms of reference and will be submitted to each meeting of the Committee to keep under review.
- 2.2 Sub-Committees of the Standards Committee will deal with any case work.



3 How does this deliver objectives of the Corporate Plan?

		High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services. A planned work programme will help the Ethical Standards and Member Development Committee in promoting high ethical standards.
		
		

4 Context and Key Issues

Following the comprehensive work undertaken by the Committee during the 2020-21 municipal year, involving the review of the Member Code of Conduct, Arrangements for Dealing with Complaints under the Code and related policies, outstanding matters have been built into the programme for this municipal year.

Ethical Standards Working Group

Since the last meeting of the Committee, the Ethical Standards Working Group has met to consider DBS guidance/protocol (report included on agenda), the review of the Independent Persons Protocol, Social Media Policy and Committee on Standards in Public Life Best Practice recommendations (reports included on agenda).

The Working Group recommended that a review be undertaken with regard to recruitment of Independent Persons and a further report will be submitted to a future meeting.

A further meeting of the Working Group is being called to consider the Member Development Programme and a report will be submitted to the Committee in due course.

5 Alternative Options

- 5.1 There are no alternative options. The matters outlined in the work programme fall within the remit of the Ethical Standards and Member Development Committee.



6 Implications

Resources:	There are no resources arising directly from this report.
Legal and Governance:	Whilst there is no longer a statutory requirement to establish a Standards Committee, there is a need to promote high ethical standards so the Council has agreed to continue with an Ethical Standards and Member Development Committee as part of its arrangements to deal with standards.
Risk:	There are no risks arising directly from this report.
Equality:	
Health and Wellbeing:	
Social Value	

7. Appendices

Work programme for the 2021-22 municipal year

8. Background Papers

None



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Ethical Standards and Member Development Committee Work Programme 2021/22

11 June 2021

- Appointment to Sub Committees/Standards Working Group
- Outstanding Matters
- Response to Consultation – Ministry of Housing, Communities and Local Government – Response to Local Authority remote meetings: call for evidence
- Complaints Update (Standing Item)
- Gifts and Hospitality (Standing Item)
- National Cases for information (Standing Item)
- Work Programme 2020/21 (Standing Item)

9 November 2021

- Member Development Programme Update
- Member Portal update/governance
- Committee on Standards in Public Life – Annual Report
- Recruitment of Independent Persons for Dealing with Standards Matters
- Review – Personal Safety for Elected Members
- Complaints Update
- Gifts and Hospitality
- National Cases for information
- Work Programme

8 February 2022

- Member Portal Update
- Register of Members' Interests – Annual Review
- DBS Checks for Elected Members
- Independent Person – Review
- Review/Effectiveness of Member Code of Conduct and Arrangements for Dealing with Complaints under the Code
- Complaints Update
- Gifts and Hospitality
- National cases for information
- Work Programme
- Dispensations (dealt with under delegated authority to Monitoring Officer in consultation with the Chair)

22 March 2022

- Annual Report of the Ethical Standards and Member Development Committee
- Review of CoSiPL Best Practice Recommendations
- Review of Social Media Policy/Training
- Review of Protocol for Independent Persons
- Complaints Update
- Gifts and Hospitality
- National cases for information
- Work Programme

Outstanding Matters

- Duty to Promote
- Lobbying
- Review – Personal Safety for Elected Members
- Review - Member Development Programme
- Review – Recruitment of Independent Persons
- Training on Social Media
- Review of the Composition of Committee and Operation