



## Report of the Monitoring Officer

Special Standards Committee – 21 January 2022

### Review of Ethical Standards Framework

<b>Purpose:</b>	To update the Committee on the Welsh Government review of the Ethical Standards Framework.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) The Standards Committee note the contents of the review pending any formal consultation.  2) The Standards Committee supports the creation of a National Forum for Independent Chairs of Standards Committees.
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#### 1. Introduction

- 1.1 In March 2021 the Welsh Government commissioned Richard Penn to review the ethical standards framework for local government in Wales to ensure it remained fit for purpose and was effective in fostering high standards of conduct and public confidence in local government. A copy of the review is attached at Appendix A.
- 1.2 There was wide consultation over the summer of 2021 and the review has now been published in accordance with the terms of reference. The review included:
- An audit of the Codes of Conduct adopted by authorities.
  - An analysis of the effectiveness of the framework in fostering high standards of conduct in local government.
  - Whether the framework was still fit for purpose.
  - The role of the Standards Committee.

- An analysis of the arrangements and protocols in place to support members and staff.
- Consideration of the current sanctions and whether they are still proportionate.

## **2. Summary of Key Findings and Recommendations**

2.1 The overwhelming consensus was that the current framework was fit for purpose, works well in practice and was superior to that currently used in England. However, it was felt that with some minor adjustments, the number of low level complaints could be reduced and the need for formal investigations could be significantly reduced.

2.2 The review includes a number of statements as well as recommendations for consideration by Welsh Government some of which are highlighted below.

### **Code of Conduct**

2.3 A number of recommendations are made in relation to the Code of Conduct including:

- Setting a specified threshold for gifts/hospitality to ensure consistency across Wales.
- Removing the requirement for members to disclose their home address in the Council's Register of Interests.
- Extending the Code to include all protected characteristics under the Equality Act.
- Amending the Code to include use of social media.
- Amending the Code to include members reporting themselves for their own criminal conduct.
- A requirement to make code of conduct training mandatory.
- Increased use of local resolution.

### **Standards Committee**

2.4 The review recommends the need for consistency of approach and for the remit of the Standards Committee to be generally similar across Wales and for the Chair of the Standards Committee, the Chief Executive, the Monitoring Officer and the group Leaders to all play a leadership role in promoting high standards of conduct across the Council.

2.5 The review references the North and mid-Wales Forum for Independent Chairs of Standards Committees and suggests that an all-Wales Forum would encourage consistency of approach and the adoption of best practice across Wales.

2.6 The Committee will also note the recommendations for training on not only the Code but also on how to conduct hearings.

## **Public Service Ombudsman for Wales**

- 2.7 The Committee will note that the Ombudsman accepts that there is a need for more references back to Standards Committees when he declines to investigate complaints and whilst this may not require any legislative change the Committee will need to have additional powers as to sanctions i.e. to undertake necessary training / issue an apology to the complainant.
- 2.8 The review recommends that the Code should be amended to require that any complaint should be considered for local resolution before it can be referred to the Ombudsman. In addition greater use of the Ombudsman's discretion for referral back for local resolution would be a beneficial change to the current framework.

## **The Adjudication Panel for Wales**

- 2.9 A number of recommendations were made relating to reporting restrictions, anonymity of witnesses and the appeal process. The review also considered the Panel's sentencing powers and recommended that more varied sanctions would be appropriate similar to those available to the former Adjudication Panel for England.

## **3. Next Stage**

- 3.1 The second phase of the review will focus on working with partners to deliver changes to the framework and for Welsh Government to consider any legislative changes necessary in light of the findings and recommendations of the review.

## **4. Integrated Assessment Implications**

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
  - Deliver better outcomes for those people who experience socio-economic disadvantage
  - Consider opportunities for people to use the Welsh language
  - Treat the Welsh language no less favourably than English.
  - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 4.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 4.4 There are no integrated assessment implications directly associated with this report as the reports seeks to update the Committee on the work of Richard Penn in reviewing the ethical standards framework.

## **5. Financial Implications**

- 5.1 There are no financial implications associated with this report at this stage. In the event that matters are referred back to the Standards Committee and the Monitoring Officer for resolution then there may be a resource issue depending on the increased volume of work.

## **6. Legal Implications**

- 6.1 There are no legal implications other than those set out in the body of the report.

**Background Papers:** None.

### **Appendices:**

Appendix A Richard Penn - Independent Review of the Ethical Standards Framework in Wales.