
REPORT OF THE HEAD OF DEMOCRATIC SERVICES

INITIAL DRAFT - MEMBER PROTOCOL FOR ACCESSING RESEARCH SUPPORT AND INFORMATION

Reason for this Report

1. The purpose of this report is to update the Democratic Services Committee (DSC) on the initial draft of a “Member Protocol for Accessing Research Support and Information”. The committee is requested to provide their views on the draft and proposals to ensure ease of use and access to information which can subsequently be incorporated into an updated version of the protocol.

Background

Role of the Democratic Services Committee

2. The Local Government (Wales) Measure 2011, Part 1, Chapter 2, <https://www.legislation.gov.uk/mwa/2011/4/part/1/chapter/2> requires local authorities to appoint a Democratic Services Committee to oversee the Democratic Services functions of the Council, ensure that the work is adequately resourced and report to the full Council accordingly. The Democratic Services functions include Members’ Services, Committee Services and Scrutiny Services, but not Cabinet Support Services.
3. At its meeting on held on 13 November the Democratic Services Committee were informed of the updated Statutory and Non-Statutory Guidance for Principal Councils in Wales relating to Research Support and Services for Councillors. Initial proposals for “Developing the Research Protocol” were considered at its subsequent meeting on 5 February 2024 where the committee agreed to receive a draft Research Protocol

Issues

The Draft Protocol

4. The Head of Democratic Services (HoDS) in liaison with the Principal Scrutiny Research Officer have utilised the information provide at the Democratic Services Committee to develop the Research Protocol. During this development it was identified that the protocol should also cover the proactive provision of information and support for Members. Therefore, the research protocol was renamed as the Member Protocol for Accessing Research Support and Information.

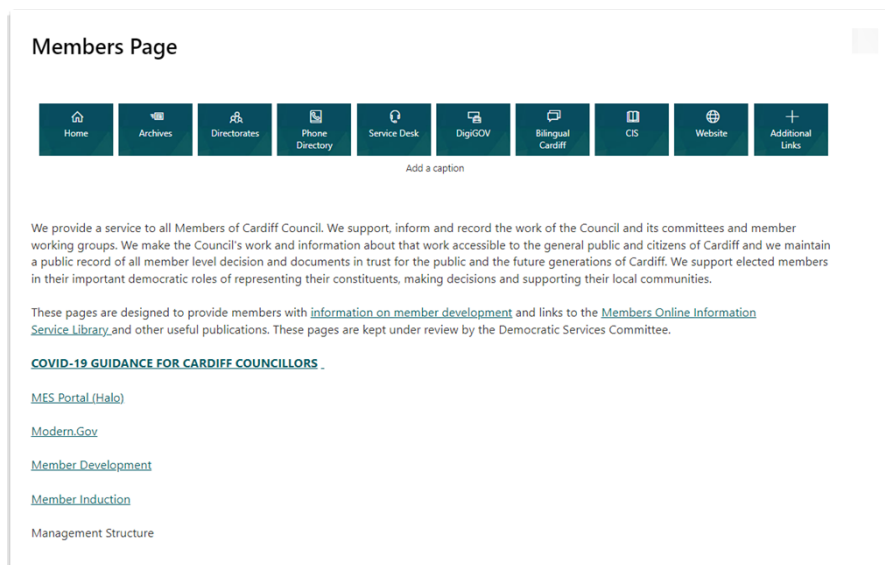
5. The new draft protocol identifies the types of information that will be provided for members (Elected, Independent and co-opted Members) to access and the support that can be provided to support members research as outlined in the Statutory and Non-Statutory Guidance.
6. The revised protocol also identifies the:
 - a. principles of good practice and compliance with existing legislation which will apply when conducting research for those involved in research to support the work of Members.
 - b. three types of research that are available for Members:
 - Self-Directed Research
 - Supported Research
 - Complex Primary Research
 - c. Corporate and open data information that can be accessed by Members.
 - d. process and requirements when requesting support to undertake research either for assisted secondary research or for providing simple small-scale primary research.
 - e. process for providing complex primary research commissioned by Scrutiny, Democratic Services or the Standards and Ethics Committees.
 - f. guidance and checklists to assist Members when developing self-directed or supported research requests.

Access to Documents and Information relating to Council or Cabinet Business

7. The Committee should be aware that this protocol is not intended to change the existing access arrangements to documents and information related to Council or Cabinet business as outlined below:
 - a) The Access to Information Procedure Rules, found within Part 4 of the Constitution [Access to Information Procedure Rules.pdf \(moderngov.co.uk\)](#), specifically Rules 17 and 18, set out Members' additional statutory rights of access to documents relating to Council and Cabinet business; and
 - b) *The Protocol on Members' Rights of Access to Information and Documents, found within Part 5 of the Constitution: [Protocol on Members Rights of Access to Information and Documents.pdf \(moderngov.co.uk\)](#)*, clarify for Members what documents and information held by the Council they are entitled to see and how to request access to such information.

Improving accessibility to research information and data

8. Members currently have access to a Members Page on the Council's intranet.



9. To maximise access to data sources, guidance and checklists, it would be beneficial to develop this page and include links to open-source data and websites rather than list these evolving sites in a static document appendix.
10. The re-design of this page would provide easy access to all of the links to support the protocol with any new data and resources easily added to this intranet site. The guidance and checklists could be made available on this site as online forms which could be either downloaded for completion or enable the Supported Research requests to be able to be submitted online directly to the HoDS.
11. The intranet website will take some time to develop with the research information and deliver and it is anticipated that this could be completed by September 2024. This may also result in some changes to the finalised version of the “Member Protocol for Accessing Information and Research Support” which would then be subsequently submitted to the committee for approval.

Resources

12. The Democratic Services Team has limited resources to extend the existing arrangements for providing research facilities for Members. However, funded additional capacity is being created to support the Democratic Services Team to deliver the requirements of the Local Government and Elections (Wales) Act 2021. This post will have a cross cutting role in the team and will provide Members with additional Supported Research facilities.
13. The Democratic Services Team has access to the SNAP electronic survey software with two primary users able to create online surveys and two additional users with web access to the software to run the high-level analysis reports.
14. It is proposed that Supported Research requests will be submitted via the Members Enquiry system to the HoDS who will prioritise the requests to ensure that the available resources are not exceeded. The HoDS will also ensure that these research requests are not overtly political and that they will not compromise the neutrality of officers.

Additional resource developments

15. Recent budget savings across the Authority are being implemented and are likely to have an impact on the provision of the planned supported research. The main impact will be the arrangements for printed correspondence for small scale primary research and the provision of return envelopes for any surveys.
16. It was intended that the provision of these surveys would use part of the monthly allocation of Members Correspondence for each member to meet the costs of printing and distributing these surveys. These would normally be provided using internal facilities and which would support the inclusion of a return envelope. Clarification of how the agreed budget savings may impact this process and alternative solutions will need to be identified.
17. Options to avoid these issues may be for members to identify a suitable drop off point within their ward for any responses or alternatively the response could be scanned or photographed for return to Member Services by email.

Data Analysis Training

18. Following the previous Democratic Services Committee, free data analysis training was provided by Data Cymru including
 - [Data 101 – An introduction to understanding and using data](#)
 - [Understanding and using performance data](#)
19. These sessions were attended by a total of seven Members and were well received. Following these sessions Data Cymru advised of other courses and costs options for subsequent training. Available sessions can be found on their [website](#) and include:
 - a. [Presenting Data](#)
 - b. [Summary Statistics](#)
 - c. [Designing and delivering focus groups](#)
 - d. [Survey design and analysis](#)
20. These Courses are approximately 2.5 hours in duration and cost £50 plus VAT per delegate. Data Cymru also provide training courses specifically for an organisation. Although attendance is normally limited to 15 delegates, Data Cymru are able to provide this training at a time and date to suits the authority for up to 20 delegates and at a cost of £600 plus VAT.
21. They also publish their [training guides](#), which you can use alongside the training and offer a training programme, called [DataBasicCymru](#). The programme is designed to help individuals build their data culture by building skills and, perhaps more importantly, confidence in using and analysing data. It's a fun and interactive programme that was originally developed by researchers at MIT and was "adapted" for use in Wales by Data Cymru.

Data Governance and Protection

22. All research activities must comply with the General Data Protection Regulations (GDPR) and the Councils' Information Governance Policies and procedures.

The Next Steps

23. Following consideration of this draft protocol and any revisions proposed by the committee an updated draft protocol will be shared with Members and colleagues to ensure it meets with their requirements.

Financial Implications

24. The current research facilities for Elected Members are met from existing Democratic and Members Services budgets and reserves. There is funding for an additional post to provide further research capacity to support the draft Member Protocol for Accessing Research Support and Information. Any costs associated with potential changes to the arrangements for printed correspondence for small scale primary research would need to be identified and managed within existing resources. Any further increase to the research capacity, or the provision of additional training, would require additional sources of funding be identified in agreement of the Director of Governance and Legal Services

Legal Implications

25. Under the Local Government (Wales) Measure 2011 ('the 2011 Measure'), section 8(1)(b), a local authority must provide its Head of Democratic Services (HDS) with 'such staff, accommodation and other resources as are, in its opinion, sufficient to allow his or her functions to be discharged'; and must have regard to statutory guidance issued by the Welsh Ministers. The statutory functions of the Head of Democratic Services (under s.9 of the 2011 Measure) include the provision of support and advice to each member of the authority in carrying out the role of member of the authority.
26. The Democratic Services Committee (DSC) is responsible (under s.11 of the 2011 Measure) for overseeing the democratic services functions of the Council, ensuring this work is adequately resourced; and reporting to full Council accordingly.
27. When exercising the Council's functions in respect of providing the HDS with sufficient staff, accommodation and other resources, the Council must have regard to the statutory guidance issued by the Welsh Ministers: <https://www.gov.wales/statutory-and-non-statutory-guidance-democracy-within-principal-councils-members-support-training#125308> which includes statutory guidance on Research Support and Services for Councillors (in Part 2, Chapter 3, 'the Statutory Guidance').
28. The Statutory Guidance includes the following guidance:
 - a) 'In order to undertake their roles effectively all elected members should be able to access a range of information and support.'
 - b) 'It is for the DSC to advise on the nature and level of support for research by elected members that would be suitable for their council and the level of resources that the HDS might require to provide a sufficient set of services in this regard.'

- c) 'Councils should, through their democratic services committee, put in place a protocol or other set of rules governing how councillors should expect to be able to access and use research services, to ensure that it is accessible to all councillors and that it is used equitably and proportionately.'
29. The Statutory Guidance goes on to give examples of the research support and services the DSC should consider when making its deliberations and advises that it is 'important the DSC and HoDS should consult and involve members to shape and regularly review the usefulness and effectiveness of the support provided.'
30. The Statutory Guidance also states that 'Councils should adopt a proactive and permissive approach in how they engage with councillors' information needs' (under the heading 'Support in accessing information') and sets out a number of specific actions in this regard, including that Councils should:
- a) 'frame councillor access to information procedure rules expansively with a presumption in favour of the release of information to councillors unless a clear public policy reason exists not to'; and
- b) 'proactively provide councillors with management information and other data to ensure that they are kept informed about the business of the authority. Councils could produce an information bulletin or digest for councillors on a regular basis, subject to resources as suggested above'.
31. However, the Statutory Guidance also notes that, 'Equally, councillors should be made aware that councils are frequently under legal obligations to others with regard to maintaining the confidentiality of certain information, in particular, commercial information and personal information, and such releases could open up the council to challenge.'
32. The Council's Access to Information Procedure Rules are found within Part 4 of the Constitution [Access to Information Procedure Rules.pdf \(moderngov.co.uk\)](#) and Rules 17 and 18 deal with Members' additional rights of access to documents relating to Council and Cabinet business (reflecting the statutory provisions of section 100F of the Local Government Act 1972 and the Local Authorities (Executive Arrangements)(Decisions, Documents and Meetings)(Wales) Regulations 2001). The Constitution Committee has responsibility for considering any changes which may be made to the Access to Information Procedure Rules in light of the Statutory Guidance (specifically, the guidance referred to in paragraph 28a) above), subject to the approval of full Council, although the Democratic Services Committee may make any recommendations in this regard.
33. The Council has also adopted a Protocol on Members' Rights of Access to Information and Documents, found within Part 5 of the Constitution: [Protocol on Members Rights of Access to Information and Documents.pdf \(moderngov.co.uk\)](#) clarifying for Members what they are entitled to see and how to access it. Corresponding changes may need to be made to this Protocol to reflect the new Statutory Guidance and the provisions of the new draft Protocol on Accessing Research Support and Information. Any such changes will be considered by the Constitution Committee and are subject to the approval of full Council.
34. In considering this matter, the Committee should have regard to the full provisions of the Statutory Guidance, Part 2, Chapter 3.

RECOMMENDATIONS

35. The Committee is requested to:

- a. note the content of the report and the draft Member Protocol for Accessing Research Support and Information as shown at **Appendix A**
- b. identify any changes that may be needed to the proposed improvements for using the intranet to enhance access to the research information and support arrangements.
- c. agree that wider consultation be undertaken with Members via Group Whips and colleagues prior to the final version of the Member Protocol for Accessing Research Support and Information being submitted to a subsequent meeting of the committee.

GARY JONES
HEAD OF DEMOCRATIC SERVICES
9 April 2024

Appendix A: Member Protocol for Accessing Research Support and Information (draft)

Background Papers:

[Welsh Government Statutory and Non-Statutory Guidance for Principal Councils in Wales](#)

[Developing the Research Protocol](#) report to Democratic Services Committee dated 5 February 2024.