

Standards & Ethics Committee

18 March 2014

## STANDARDS & ETHICS COMMITTEE

18 March 2014

Present: Independent Members: Paul Stockton (Chairperson)  
James Downe, Deirdre Jones, Richard Tebboth

Councillors: Kate Lloyd, Georgina Phillips and Dianne Rees

Community Councillor John Hughes

Apologies: Maureen Hedley-Clarke was not present.

### S21: DECLARATIONS OF INTEREST

The Chairperson reminded Members of their responsibilities under Part III of the Members' Code of Conduct, to declare any interests in general terms and complete 'personal interest' forms at the start of the meeting and then, prior to the commencement of the discussion of the item in question, specify whether it is a personal or prejudicial interest. If the interest is prejudicial Members would be asked to leave the meeting, and if the interest is personal, but not prejudicial, Members would be invited to stay, speak and vote.

### S22: MINUTES

The minutes of the meeting of the Standards and Ethics Committee held on 28 January 2014 were approved as a correct record and signed by the Chair.

### S23: SOCIAL MEDIA POLICY

The purpose of this report was to provide the Committee with a draft handbook relating to the use of Social Media by Members for discussion.

At its meeting on 15 October 2013 the Committee discussed initial views in relation to use of Social Media by Members and agreed that an informal workshop to consider the use of Social Media should be organised to provide Members of the Committee with a good understanding of issues surrounding Social Media prior to considering the detail of this policy. The workshop took place on 12 December 2013 and included presentations from the Chair of the Committee in relation to the rise in use of Social Media generally and from Councillor Jayne Cowan

in relation to the use of Social Media by Councillors. At its meeting on 28 January 2014 it was resolved that the County Clerk and Monitoring Officer in consultation with the Chair of the Committee bring a draft policy relating to the use of Social Media to the next meeting of the Committee.

The Monitoring Officer informed the Committee that best practice has been looked at in order to put together a document that will provide useful guidance to Members who use Social Media. The consideration of the use of Social Media and the creation of the handbook is timely, as after Easter 2014 all Members will be given tablet computers. Further discussion of the handbook should be held with political group leaders and this should take place in May 2014.

The Chair invited comments on the draft handbook and the following points were made:

- There is some concern amongst Members that councillors are using Social Media to comment on issues concerning wards other than their own. It was suggested that the handbook should contain some guidance on this.
- Section 3 of the handbook, entitled ‘Staying out of trouble on Social Media’, is very important. On Twitter, users are limited to 140 characters when posting comments. This constraint plus perhaps haste or a lack of attention might lead to the posting of comments that might be easily misconstrued. The Monitoring Officer advised the Committee that the matter of Members using Social Media while in attendance at meetings has been looked at and it was felt that it is a useful way of communicating to the public what is occurring during the meeting. Members are not permitted to use Social Media while they are attending regulatory meetings.
- Section 4 of the handbook, entitled ‘Social Media Issues that are specific to Councillors’ includes a section on the Members’ Code of Conduct and reminds Members that the Code still applies when they are using Social Media. This reminder should appear earlier in the handbook and be given more emphasis. Also, some of the wording in this section is questionable. For example, the reference to ‘argumentative characters’.

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- Section 3 contains a paragraph entitled ‘Think about who you contact’ and yet there is nothing in the paragraph about the need to be conscious of the fact that the person you are in contact with online could be a minor. There should also be some warning about the risks of ‘liking’ other website users.
- It was felt that the handbook was perhaps repetitive and that more thought should be given to the ordering of the information it contains. Bullet points for the key points could be useful.
- It was felt that it would be useful if the handbook contained more information on what ‘moderating’ means in relation to Social Media.

RESOLVED – That the draft handbook should be amended to reflect the comments made and a revised draft of the handbook be considered at the next Committee meeting.

#### S24: WHISTLEBLOWING POLICY

The purpose of this report was to allow the Committee to consider further information on whistleblowing arrangements; a revised Whistleblowing Policy for approval; and to note the proposals in respect of communication of the revised arrangements.

Under its Terms of Reference, the Standards and Ethics Committee has responsibility to ‘oversee and monitor the Council’s Whistleblowing procedures and to consider ethical issues arising’. At its last meeting the Committee considered proposed changes to the Council’s Whistleblowing Policy and a proposed Communications Plan. The Committee approved the changes subject to certain amendments and requested further information on a number of identified issues.

The Committee noted the further amendments that had been made to the revised Policy since its meeting in January 2014. In relation to Whistleblowing in cases where there are concerns about children or vulnerable adults, section 2.8 of the Policy has been amended to reflect current procedures, as advised by officers from Children’s Services and Adult Services who attended the Committee meeting in January 2014.

The Committee was advised that Section 4 of the Policy, which concerns Confidentiality, has been amended to reflect the fact that disclosure of the whistleblower’s identity may, in some circumstances, be necessary in

order for the Council to properly address the concerns. However, the Policy assures whistleblowers that where disclosure is necessary, this will be discussed with them. A Member questioned whether the anonymity of whistleblowers would always be preserved and was advised that the decision about whether or not it was necessary or appropriate to disclose identity would be made by the investigating officer after discussion with the Monitoring Officer and the whistleblower.

The Committee was advised that the External Contacts list at the end of the Policy has been amended to ensure that it correctly reflects the statutorily prescribed Regulators to whom a 'Protected Disclosure' (meaning a whistleblowing report qualifying for statutory protection) may be made.

Whistleblowing arrangements for schools were discussed and the Committee was informed that the Welsh Government had published guidance on this in 2007. If a school has a delegated budget then the Governing Body is responsible for ensuring that the school has its own whistleblowing policy. For these schools the Council's Audit team checks to make sure that these policies are in place. The Council's own policy on whistleblowing applies to those schools which do not have delegated budgets. The Council's Governor Services section will be considering whether there is anything further the Council should do in respect of whistleblowing arrangements in schools.

The Committee discussed whistleblowing arrangements for the staff of contractors that are used by the Council. The Committee was advised that legislation does give protection to contractors and their staff and they are covered by the Council's Policy if the matter relates to failures within the Council. If the matter relates to the whistleblower's own employer, the whistleblower is likely to be better protected if they report their concerns to their employer. A member was concerned that the staff of contractors that are providing social care services should be able to report any concerns they have directly to the Council. The Committee was advised that whilst the Council would want to encourage people to report any concerns they have, it is also important to make sure that whistleblowers have the protection of the law. A Member was concerned that in cases involving harm to a vulnerable person, the Council, as corporate parent, should ensure concerns are reported. The Committee was advised that section 2.9 of the Policy provides specific channels for those who have concerns about the safety of children or vulnerable adults to report their concerns. Also, the Procurement team will check that those who submit tenders for contracts have whistleblowing policies in

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place and the Procurement page on the Council's website currently contains a link to the Whistleblowing Policy.

The Committee was advised that a Data Protection clause needed to be inserted into the revised Policy, and that the recommendation was to delegate authority to the Monitoring Officer to finalise the Policy in consultation with the Chair.

The Committee was referred to Appendix B of the report, which gave comparative data on whistleblowing in Welsh local authorities and noted that the figures for all authorities are quite low and that Cardiff's figures are similar.

RESOLVED –

- 1) To note the further information provided on whistleblowing arrangements, as set out in the report and Appendix B to the report;
- 2) That the draft revised Whistleblowing Policy attached as Appendix A to the report be agreed by the Committee, subject to the further amendments noted,
- 3) That the Monitoring Officer be authorised to finalise the revised Whistleblowing Policy, in consultation with the Chair, and to recommend the same to the Cabinet for adoption, subject to consultation with staff and trade unions as appropriate.
- 4) To note the updated Communications Plan appended as **Appendix C** to the report, and to authorise the Monitoring Officer to implement the Plan once the revised Whistleblowing Policy has been finalised and adopted.

## S25: MONITORING OFFICER UPDATE

(i) Community Councils update;

The Monitoring Officer informed the Committee that there is growing concern about compliance with the Charter between the Cardiff Council and Cardiff's Community Councils, especially regarding communication in relation to planning. The Monitoring Officer is arranging a meeting to address the concerns.

(ii) New Independent Members;

The Monitoring Officer informed the Committee that there has been a lot of interest in the vacancies on the Committee and that thirty application packs have been sent out. To date, seventeen applications have been received. Shortlisting is to take place on 28 March and interviews will be held on 23 May.

Councillor Rees informed the Committee that she would not be available to sit on the Appointment Panel for interviews on 23 May. Councillor Phillips agreed to take the place of Councillor Rees on the Panel.

#### S26: REPORT ON COMPLAINTS

The purpose of this report was to provide Members of the Committee with a brief update on complaints made against Members alleging breaches of the Code of Conduct.

The Monitoring Officer informed the Committee that she has started a new way of recording complaints and will provide reports quarterly. From 1 January to 6 March 2014 eight out of sixteen complaints relate to comments made on Social Media. Complaints about Community Councillors can be included in the report if that is the wish of the Committee. The Complaints data is in the public domain. A Member suggested that it would have been useful if the report had contained more detail on the complaints but it was observed that with such a small number of complaints it would be difficult to preserve the anonymity of those concerned if more detail were to be included.

RESOLVED – That the report be noted.

#### S27: WORK PLAN

The purpose of this report was to allow Members to consider the Forward Plan of matters for consideration by the Standards and Ethics Committee in 2014/15.

The Committee noted that the Monitoring Officer is reviewing the Council's arrangements in relation to disclosure of Officers Personal Interests and Politically Restricted posts, and that this matter will be reported to Committee in July 2014. The Committee also noted that item 6 of the Plan concerns planning processes and procedures (Members Planning Code of Good Practice). The objectives in relation to this topic

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are to improve public perceptions relating to openness and transparency and review procedure rules for continuous improvement. A Member noted that this matter is closely related to the issue concerning Community Councils and should perhaps be a higher priority. The Chair noted that the Committee does not currently receive a report on the training that Elected Members have undertaken and suggested that it might be useful if the Committee received an annual report on this. A Member asked if it is within the Committee's remit to look into the behaviour of Members at full Council meetings, to look at their general conduct rather than their behaviour over particular issues. The Monitoring Officer advised that the Lord Mayor has powers in this area and if the issue was covered by the Code of Conduct then it would be considered by the Committee.

RESOLVED – That the Work Plan be noted.

The Committee was advised that the Committee Clerk, Val Davies, who had supported the Committee for several years had retired, and asked the Chair to write on their behalf to thank her for all her support.

### S28: DATE OF NEXT MEETING

It was agreed that a meeting should be held in May, possibly on 20 May, so that the Social Media Handbook can be discussed with the Political Group Leaders.

The meeting closed at 6pm.

Signed \_\_\_\_\_  
Chairperson

Date \_\_\_\_\_