STANDARDS & ETHICS COMMITTEE

28 January 2014

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

Councillors: Georgina Phillips and Dianne Rees

Community Councillor John Hughes

Apologies: Councillor Kate Lloyd, Maureen Hedley-Clarke was not present.

S13 : 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.

S14 : WELCOME TO THE NEW CHAIR

The Monitoring Officer and the Committee welcomed Paul Stockton to his new role as Chair of the Standards and Ethics Committee.

S15 : ELECTION OF VICE-CHAIR

Richard Tebboth was proposed by Paul Stockton as Vice-Chair of the Committee, the proposal was seconded by Community Councillor John Hughes.

RESOLVED – That Richard Tebboth be elected as Vice-Chair of the Standards and Ethics Committee.

S16 : MINUTES

The Minutes of the meeting of the Standards and Ethics Committee held on 15 October 2013 were approved as a correct record and signed by the Chair.
S17 : UPDATE ON SOCIAL MEDIA POLICY

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 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 Cowan in relation to the use of Social Media by Councillors.

The Chair welcomed Councillor Jayne Cowan to the meeting.
The Legal Officer updated the Committee on progress and outlined the observations of Members present at the workshop.
The Workshop had considered several policies used by other organisations and in relation to style and content had favoured the policy adopted by Cheshire East.

The points made at the workshop were set out in the report. Members of the Committee were invited to bring any further observations to the next meeting.

The Monitoring Officer advised the Committee that this policy was timely in light of the fact that it was intended to roll out new technology solutions to Members. It was intended to report to Democratic Services Committee next week, and if approved, the project would be rolled out in March/April. A report would also come back to this Committee in March 2014.
Clarification was sought on observation 4(c) of the report, and Members were advised that at Regulatory Committees such as Planning and Licensing, it would not be appropriate to tweet as it might give the wrong impression to the public in this type of decision making meeting. Councillor Cowan commented that it would help people if there was a framework in place that people would have to adhere to.

RESOLVED – That

(1) The progress made to date in relation to the understanding of the issues surrounding the use of Social Media by Members be noted;
(2) The points made above be noted;

(3) The County Clerk and Monitoring Officer in consultation with the Chair of this Committee be requested to bring a draft policy relating to the use of Social Media to the next meeting of the Committee.

S18 : WHISTLEBLOWING POLICY

Under the Council’s current Whistleblowing Policy, the Monitoring Officer is required to maintain a record of concerns raised and the outcomes. 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’. The Committee last reviewed the Policy with assistance from the Council’s Internal Audit team in 2006/07. Following the review the Committee recommended a revised Policy to the then Executive, subject to consultation with staff and trade unions. The current Policy was approved by the Executive in July 2007.

At its last meeting the Committee agreed that the Council’s Whistleblowing Policy should be revisited as a priority and reported to the January 2014 Committee meeting. The Chair of the Committee requested an Informal Workshop be arranged to consider this issue and make recommendations to the Committee. The Workshop took place 16 December 2013. Issues and observations arising from the Workshop are detailed in the report.

The Chair welcomed Angela Bourge and Caroline Castle (Childrens Services) who had been invited to the meeting to explain how concerns relating to children are dealt with; and Helen Witham (Communications) with the regard to the Communications Plan to raise awareness of the policy.

The Legal Officer outlined the changes made to the policy (attached at Appendix B to the report) and the reasons for the changes.

The Committee made the following observations:

- The Committee discussed the various instances where it would be appropriate to make a complaint under the Whistleblowing Policy. The Monitoring Officer clarified that for any concerns relating to harm or potential harm of Children and Vulnerable Adults, the provision in the policy require that the matter should be reported to the Child Protection
Officer or the Protection of Vulnerable Adults Development Officer. Members of the Committee suggested this would benefit from being brought forward in the policy.

Angela Bourge advised the Committee that having considered the policy, it was her view that point 2.2.8 of the policy should be amended because it did not reflect current practice and could be strengthened in terms of the current arrangements. Child Protection referrals would apply throughout the whole policy.

It was explained that within Intake and Assessment there was a specific team of Social Workers known as the Children’s Access Point or CAP, that take referrals to Children’s Services, contact details for this team are on the Council’s website. Child Protection referrals to the CAP would be dealt with immediately under the relevant procedures and discussions would take place with Agencies to consider any immediate safeguarding action needed under the Child Protection procedures. In these circumstances the Police would be contacted.

Reference was made to paragraph 2.8 in the policy which refers to ‘Child Protection Officer’ Caroline Castle advised that this should be amended to read ‘Child Access Point’

- With regard to vexatious complaints it had been suggested there should be robust safeguards in place to deal with these, and the Committee was advised that this had been strengthened in the policy;

- In response to a query it was confirmed that on average 350-500 contacts were processed per week by Children’s Services (individual referrals would be needed for each member of a family) with approximately 90 of these being treated as referrals.

- Information was sought as to whether all staff were made fully aware of procedures, and it was suggested that Council staff be made aware of the provision for referrals and to encourage them to report anything that might be of concern.

- A Member suggested that Schools Governing Bodies should be given the information as schools are a vitally important link. The Committee was advised that Schools have their own policies, however there was nothing in the Council’s policy to show a link to the schools policy, it was confirmed that this would be checked.

- In response to a query about anonymous referrals, the Committee was
advised that if the referral was made by a professional this could not be anonymous.

- With regard to Recommendation 1, the Monitoring Officer advised there was a need to consult with the Director of Education and Lifelong Learning to ensure this policy complements any schools policies.

- It was noted that the policy indicates that the Council was responsible for ensuring staff are not victimised, and information was sought as to the position with regard to Care Agency staff.

- Confirmation was sought as to whether Agency staff have to be signed up to training and whether they have full access to the Council policies.

The Monitoring Officer advised that there would be a contract with the provider of the service, the terms and conditions would need to be checked, however the Council would expect Agencies to sign up.

- Reference was made to page 34 of Appendix A which relates to ‘Gagging Clauses’, and Officers were asked whether they were content that this policy would eradicate this practice.

The Monitoring Officer advised that she would provide a further report to the next meeting addressing the concerns.

- A Member referred to the monitoring aspect and requested data be provided on numbers of whistleblowing reports recorded by other Councils in Wales to enable the Committee to compare how Cardiff was performing against other Authorities.

The Committee agreed to the amendments and to recommend that a further report be brought back to Committee including details of how the policy relates to Social Care Contractors and information relating to the ‘Gagging clauses’.

**Communications Project Plan**

Helen Witham outlined the details in the Communications Project Plan for the Whistleblowing Policy attached at Appendix C to the report including the Project Brief, Main Objectives, Key Messages, Audiences, Activity, Evaluation and Customer Feedback, Budget, Time Plan and critical path.

The Committee was advised that to ensure the Whistleblowing policy was being fully utilised it was important to ensure staff were reminded about the
policy and staff that had joined the Authority after 2008 when the policy was implemented in order to increase awareness of the existence of the policy.

The target timeline for rolling out the revised policy is April 2014. There would be a month of activity to inform people through a number of channels including payslips, message box/staff news, staff intranet, core brief etc and a separate leaflet including a summary of the policy would also be available. There needs to be an internal focus first then a follow up in the media once the policy is signed off.

The Committee discussed the Communications Project Plan and made the following observations

- Information was sought as to how many of the initial cases reported in 2008 had been genuine and action taken and how many had been mistaken. The Monitoring Officer outlined the figures;

- Concern was expressed that there might be a fear factor that prevents a person making a complaint. Members were advised that this was the reason for the publicity, to get more people to speak out.

Examples of the proposed publicity material were circulated and feedback given. The channels of communication were reiterated, and it was confirmed that the messages would be tailored according to the audiences. It was confirmed that the policy was aimed at staff and not the public. The message that will be given out to the staff would be a positive message encouraging them to speak out and to advise them there was a policy in place to protect them.

The Chair thanked Officers and the Committee for their input.

RESOLVED – That

(1) The amendments to the Whistleblowing Policy and Report Form shown in Appendix B including the suggested amendments at the meeting be agreed and the Monitoring Officer in consultation with the Chair be authorised to finalise the revised Policy and to recommend to the Cabinet for adoption, subject to consultation with staff and trade unions as appropriate;

(2) The Communications Plan attached at Appendix C to the report be approved for disseminating and raising awareness of the revised Policy;
(3) In order to address some of the issues raised in the discussion a further report be brought back to the next meeting of the Committee.

S19 : REPORT ON THE DECISION OF THE ADJUDICATION PANEL FOR WALES

The Committee received a report informing Members of the recent decision of the Adjudication Panel for Wales (APW) in relation to the allegations against former Community Councillor Jones that came before the Committee in 2012.

The report detailed the background of the case and the timeline for consideration of the evidence together with the Minutes of the meeting of the Sub-Committee that had met on 27 June 2012 to hear the case against Mr Jones.

Arising from the discussion it was suggested that the Chair write to the Ombudsman to express the concerns of the Committee about the process and the frustration experienced by the Committee as a result of the delays.

RESOLVED – That

(1) The findings of the Adjudication Panel for Wales and its support for the findings of the Sub-Committee be noted;

(2) The Monitoring Officer be requested to work with Pentyrch Community Council to ensure the censure takes place in the proper form;

The Chairperson be requested to write to the Ombudsman to express the concerns of the Committee about the process and the delays in dealing with this matter.

S20 : MONITORING OFFICER’S VERBAL UPDATE

(i) Recruitment Programme – The Monitoring Officer advised the Committee that the terms of office of three of the Independent Members were due to expire in July 2014. The process for the appointments was outlined and it was agreed that dates for shortlisting and interviewing would be circulated together with a request for expressions of interest from Members of the
Committee to sit on the appointment Panel.

(ii) Ward Working Protocol – The Monitoring Officer outlined the Informal Protocol on Member Involvement in other wards which was attached to the agenda for information. The Committee noted the protocol.

(iii) Forward Plan – The Monitoring Officer advised the Committee of some outstanding items on the forward plan and the need to complete business with this Committee in order to hand over to the new Committee after July 2014. The Annual Report of the Committee was now due to be compiled, and the regular meeting with political Group Leaders and Party Whips was outstanding.

The Committee noted the Constitution Committee were considering reducing the number of meetings of Council and Scrutiny Committees and the suggestion that some Committees meet on a quarterly basis. The Monitoring Officer noted the Chair’s request for the Standards and Ethics Committee to retain 5 meetings per year, and would feedback this request to the Constitution Committee.

The Committee Closed at 6.20 pm