

<b>REPORT TO:</b>	Standards Committee
<b>REPORT NO:</b>	HCCS/35/16
<b>DATE:</b>	3 March 2016
<b>LEAD:</b>	Deputy Monitoring Officer
<b>CONTACT OFFICER:</b>	Sioned Wyn Davies, Legal Services Manager/Deputy Monitoring Officer (Tel: 292221)
<b>SUBJECT:</b>	Review of the Code of Conduct for Members – Confidential Reporting Procedure for Members
<b>WARD:</b>	N/A

## **1. PURPOSE OF THE REPORT**

- 1.1 To review the Code of Conduct for Members and approve the Confidential Reporting Procedure for Members.

## **2 EXECUTIVE SUMMARY**

- 2.1 On the recommendation of the Standards Committee in March 2008 the model Code of Conduct for Members was adopted by resolution of Council on 26 March 2008 and came into effect on 5 May of that year.
- 2.2 The Council Code of Conduct for Members was modified in September 2008 on the recommendation of the Standards Committee by increasing the threshold for registration of gifts and hospitality from £10 to £25. The Model Code of Conduct for Members was further amended in 2014 in order to reflect legislative changes in terminology in that organisations formerly known as “industrial and provident societies” are now referred to as “registered societies”.
- 2.3 The model Code refers in paragraph 6(1)(b) to a confidential reporting procedure and in order to supplement the Council’s Model Code of Conduct the Committee is invited to approve the procedure attached at Appendix A.

## **3 RECOMMENDATION**

- 3.1 **To recommend to Council approval of the Confidential Reporting Procedure for Members.**

## REASON FOR RECOMMENDATION

To ensure clarity for Members on the process for Members to raise concerns internally which fall within the ambit of paragraph 6(1)(b) of the Code of Conduct for Members.

### 4 BACKGROUND INFORMATION

- 4.1 The Code of Conduct for Members was adopted in its present form in 2008 in accordance with the requirements of the Local Authorities (Model Code of Conduct) (Wales) Order 2008. The value limit applied by the Council for registration of gifts and hospitality under paragraph 17 of the Code was set initially at £10 but following a review by the Standards Committee later the same year this sum was increased to £25 by the Council in September 2008.
- 4.2 The Model Code of Conduct was amended in 2014 to reflect legislation changing the status of industrial and provident societies to registered societies. In 2015 the Council's Code was amended accordingly.
- 4.3 The Council has no power to remove from the Code the mandatory provisions contained in the Model Code. There is however power to incorporate additional requirements which if breached would attract potential sanctions in the same way as mandatory provisions.
- 4.4 Rather than expanding the obligations contained in the Code the Council has adopted various protocols which supplement the provisions of the Code of Conduct for Members in the form of the Local Protocol for Member/Officer Relations, The Local Resolution Protocol and Procedure and the Code of Corporate Governance, all of which contribute to the Ethical Framework applicable to Members.
- 4.5 Concerns have been raised by Members that the Council's procedures lacked clarity in the proper manner for them to raise concerns and complaints relating to Council services and/or officers. Furthermore as a result of an investigation into such a concern a recommendation was made that this gap be addressed.
- 4.6 The procedure attached at Appendix A is intended to record a clear process for Members to raise concerns themselves. This Committee is invited to consider the procedure for recommendation to Council to supplement the Code of Conduct for Members.
- 4.7 There have been no further legislative changes requiring amendments to the Code of Conduct for Members. Training in respect of the obligations contained in the Code is included in the annual Member Development Programme and the next training session is scheduled during April this year.

### 5 IMPLICATIONS

- 5.1 **Policy Framework** – A strong ethical framework and governance arrangements support the Council Plan outcome of Creating Conditions for Success.
- 5.2 **Budget** – There are no immediate budgetary implications arising from this report.

- 5.3 **Legal** – By virtue of Section 51(2) of the Local Government Act 2000 the Authority is required to adopt a Code as regards the conduct which is expected of Members and co-opted Members of the Authority and which they must undertake to observe during their period of office in accordance with Sections 51 and 52 of the Local Government Act 2000. Monitoring the Code of Conduct and associated Protocols and Procedures and advising thereon falls within the remit of this Committee.
- 5.4 **Staffing** – There are no staffing implications arising from this report.
- 5.5 **Equalities/Human Rights** – There are no specific equality and human rights issues arising from this report. Any impacts will be considered as part of the Review of the Council's Constitution under EIA CCS/EIA00123/2016.
- 5.6 **Risks** – There are no specific risks arising from the report.
- 5.7 **Consultation** – There has been no consultation in respect of this report.
- 5.8 **Scrutiny Committee** – This matter has not been subject to Scrutiny as the content of the report falls within the remit of this Committee.

**Confidential Reporting Procedure for Members**

**1. INTRODUCTION**

- 1.1. This is the Council's confidential reporting procedure for Members referred to in paragraph 6(1)(b) of the Code of Conduct for Members which states:-

*“You must report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty).”*

- 1.2. The purpose of this procedure is to provide clarity for Members on the process for raising such concerns within the Council.

**2. SCOPE OF THIS PROCEDURE**

This procedure applies to concerns about conduct by the following types of individuals (list not exhaustive):-

- i. Other elected Members of the Council;
- ii. Officers of the Council;
- iii. Agency workers, consultants and contractors engaged by the Council;
- iv. Volunteers who participate in the provision of services by the Council.

**3. MATTERS TO WHICH THIS PROCEDURE DOES NOT APPLY**

This procedure will generally not apply in the following cases:-

- i. Matters subject to a current or closed investigation into a matter (either internally or externally);
- ii. Concerns falling within the ambit of the Council's Whistleblowing Policy;
- iii. Complaints arising out of a breach of the Protocol on Member/Officer Relations;
- iv. Concerns about the safety and/or well-being of a person (child or adult); Members should contact the duty team on **01978 292039/292066** or email [socialservices@wrexham.gov.uk](mailto:socialservices@wrexham.gov.uk) in normal office hours or the Out of Hours Emergency Duty Team on **0845 0533116** or email [emergency.hours@wrexham.gov.uk](mailto:emergency.hours@wrexham.gov.uk) or **in the case of immediate direct danger contact the police on 999.**

#### **4. CONFIDENTIALITY**

- 4.1. Reports or referrals made under this procedure are treated by the Council as made in confidence and will generally not be made public (or communicated to other Members or officers) unless required by law or in circumstances where this is necessary.
- 4.2. A Member who makes a report under this procedure will be expected to keep their report confidential and will ensure that any investigation is not impeded by disclosure of the report or complaint they have made.

#### **5. REPORTING CONCERNS**

Wrongful activity to which this procedure applies should be reported to the Council's Monitoring Officer who will determine how to take the matter further. Reports may be made verbally or in writing. Reports made in writing must be clearly marked CONFIDENTIAL.

#### **6. ACTION FOLLOWING A MEMBER'S REPORT**

- 6.1. Once the Monitoring Officer has received a report from a Member under this procedure, he will consider the matter and determine what, if any, further action is required. This may involve an investigation or direct resolution of the complaint.
- 6.2. Alternatively, the Monitoring Officer may decide that the matter requires the involvement of the Police or Public Services Ombudsman for Wales or another body, regulator or law enforcement agency.
- 6.3. The Monitoring Officer may advise the reporting Member of the outcome of the investigation. However, this may not be possible in all cases. Depending on the nature of the matter giving rise to the concern, it might be necessary for any further details of the investigation to remain confidential and as such to be withheld from the reporting Member.