

Consultation response form: WG47012

Your name: **Shelley Parker, External Affairs & Policy Development Manager**

Organisation (if applicable): **Society of Local Council Clerks (SLCC), the professional membership body for clerks to more than 5,000 town, parish and community councils across England and Wales**

Email/telephone number: shelley.parker@slcc.co.uk – 01823 253646

Your address: **Collar Factory, Suite 2.01, 112 St Augustine Street, Taunton, Somerset, TA1 1QN**

Consultation Questions

We are not seeking specific responses on all the Recommendations. This is because taking into account discussions held with stakeholders and key partners Welsh Ministers' responses to the Recommendations include a number of suggestions for legislative change, highlights some actions which have subsequently been addressed without the need for legislation since the Report was published, some suggestions for non-legislative action and further suggestions for improvement which have been identified in discussion with stakeholders since the Report's publication.

However, there is a general question at the end of the consultation questions where you can add your comments on the Recommendations that do not have a specific question below, or where you wish to make any other comments on the consultation document.

Recommendation 4

Q1. Do you agree the relevant regulations relating to the Ethical Standards Framework should be amended to align with the definitions relating to protected characteristics in the Equality Act 2010, and that we should amend the definition of equality and respect in section 7 of The Conduct of Members (Principles) (Wales) Order 2001 (legislation.gov.uk)?

Yes/No: (delete as appropriate) **Yes**

Comment: (Optional)

Recommendation 10

Q2. Should the Adjudication Panel Wales (APW) be able to issue Restricted Reporting Orders?

Yes/No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Q3. Should there be express legal provision to enable the APW to protect the anonymity of witnesses?

Yes/No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Q4. Do you support the proposed changes to the permission to appeal procedure outlined in this recommendation. If not, what alternatives would you suggest?

Yes/No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Q5. Should there be an express power for the APW to summon witnesses to appeal tribunals?

Yes/No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Q6. Should there be any changes in the procedure for referring appeals decisions back to standards committees?

Yes/No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Q7. Do you agree there should be an express provision to enable part or all of tribunal hearings to be held in private?

Yes/No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Q8. Do you agree that the requirement to provide not less than seven days' notice of the postponement of a hearing should be retained?

Yes/No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Q9. Should there be a wider range of sanctions available to the APW, and if so, what should they be?

Yes/No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Q10a. Do you support the proposed amendments to the process for interim case tribunals outlined in this recommendation? If not, could you please explain.

Yes/No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Q10b. If you do support the changes to the process for interim case tribunals, do you agree that an intermediate arrangement should be put in place i.e., by shortening and streamlining the process for interim case tribunals in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001?

If yes, do you have any suggestions as to how this process could be streamlined within the regulations?

Yes/No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Q11. Do you have any further views on the recommendations made in relation to the operation of the APW?

Yes/ No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Recommendation 12

Q12. Do you have any suggestions as to how work might be taken forward to raise awareness of the Ethical Standards Framework, in particular for people with protected characteristics as described in the Equality Act 2010?

Comment: (Optional) **None**

Other related matters outside of the Review Report

Q13. Advertising for independent members of standards committees: Do you agree the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed?

Yes/ No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Q14a. Former council employees sitting as independent members on standards committees: Do you agree that the lifelong ban on former council employees being independent members of their previous employer's standards committee should be removed?

Yes/ No: (delete as appropriate) **N/A**

Q14b. If yes, what do you think would be a suitable period of grace between employment and appointment to a standards committee, and should this be the same for all council employees, or longer for those who previously holding statutory or politically restricted posts? **N/A**

Q15. Former councillors sitting as independent members on standards committees:

Do you agree that the lifelong ban on serving as an independent member on the standards committee of the council to which a councillor was elected should be removed? If yes, what do you think would be a suitable period of grace?

Yes/ No: (delete as appropriate) **N/A**

Comment (Optional): **None**

Q16. Standards committees' summoning witnesses and sanctions: Should standards committees have the power to summon witnesses?

Yes/ No: (delete as appropriate) **N/A**

Comment: (Optional) **None**

Q17. Do you agree that the sanctions a standards committee can impose should be changed or added to?

Yes/ No: (delete as appropriate) **N/A**

If yes, what sanctions would you suggest? **None**

Welsh language

We would like to know your views on the effects that the above changes to the Framework and Model Code of Conduct would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Q18. What effects do you think there would be? **N/A**

Q19. How could positive effects be increased, or negative effects be mitigated? **N/A**

Q20. Please also explain how you believe the proposed amendments could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

N/A

Q21. Do you have any other comments you wish to make on the matters raised in this consultation, including for those Report Recommendations where no specific question has been posed?

Yes/ No: (delete as appropriate) **Yes**

Comment: (Optional) **See below**

The Society of Local Council Clerks (SLCC) welcomes the chance to comment on this consultation but is disappointed that the work undertaken by our representatives in the early stages of the review has not been referenced and the bullying, intimidation and harassment in some town and community councils appears to have been overlooked. It will seem a missed opportunity to some in the sector to not try to address these issues through the Framework, issues which are having a very real and continuing effect on not only the recruitment and retention of clerks, but also on the number of councillors standing for election.

The SLCC enjoys a good working relationship with One Voice Wales (OVW) and England's National Association of Local Councils (NALC), all three are part of the [Civility & Respect project](#) which provides a range of tangible resources including training, intervention measures, guidance on good governance, etc. Project members lobby for strengthened standards, working with the Local Government Association (LGA) and the Committee for Standards in Public Life (CSPL). The project's overall aim is, as across all levels of government, to achieve an important culture change to improve standards of behaviour in public life.

As the professional membership body representing and influencing clerks across England and Wales, we'd like to work more closely with the Welsh Government on this.

The following are comments on Report Recommendations where no specific question has been posed in the consultation and cover areas of concern that the SLCC would like to highlight:

Recommendation 5

The potential for breaches of the Code as a result of the extensive and increasing use of social media is a matter of concern. The helpful guidance by the WLGA and the Public Services Ombudsman should be formalised by appropriate amendments to the Code.

It is disturbingly commonplace for councillors to share inappropriate information online. However, the Welsh Government's consideration of this recommendation is sensible in that an amendment to the Code in the context of social media alone is not right when it is drafted to cover a range of expected behaviours.

Not all standard councillor training packages include guidance on the use of social media (e.g., covering different scenarios, using .gov.uk rather than personal email addresses for council business). OVW provides a good training module on social media for town and community councils and promotion of this and other training should include the SLCC alongside other bodies listed. (Training on the handling of social media for local councils is also offered under the [Civility & Respect project](#)).

Recommendation 7

Mandatory training on the Code of Conduct for all members of principal councils and community councils. Include a commitment to undertake the necessary training in the Declaration of Acceptance of Office that all elected members are required to sign under The Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004.

An amendment to the Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004, Schedule 1, appears not feasible and would interfere with the democratic electoral process. We look forward to the results of the Welsh Government's consultation on electoral administration and reform where this is being considered further.

Whilst there is some evidence of willingness for mandatory training (OVW has evidence of this from survey results), it would be difficult to enforce.

If not mandatory, then increasing the priority and status given to training in the Code of Conduct is vital. Currently, it is easily accessible and usually free of charge with some limited funding from the Welsh Government where it is not. (OVW provides excellent training modules on the Code). Typically, those that would benefit from it don't sign up whilst those keen to get it right, do. Take-up across the country remains sporadic and further encouragement for training is needed. For town and community councils, this could include:

- Training in the Code of Conduct not only highlighted in Training Plans, but also as part of Standing Orders (SOs), including a time limit of 6 months from joining the council, so not committing to it would be a breach
- A strong emphasis on the correlation of adhering to the Code and its expectations of good behaviour with council reputation and public confidence in local government
- Clear messaging that good behaviour equates to less complaints
- Research on how other public sector bodies (e.g., school governors) ensure adherence to a Code of Conduct and if mandatory training is in place. There may be good examples to learn from
- Evaluation on costs involved on the impact of poor behaviour in councils (e.g., high turnover of staff and locum arrangements)
- Councillors taking up this training could be listed in a council's Annual Report, so the record is visible.

It's good to see that the Welsh Government will be liaising with the Public Service Ombudsmen for Wales (PSOW) to gauge how non-attendance at training contributes to

reported poor behaviour and breaches of the Code. Also, that it will be working with WLGA and OVW on the continued promotion of training – please include the SLCC in the push on this.

Recommendation 8

Increased use of local resolution of complaints, the Model Code of Conduct should be appropriately amended to require that any complaint should be considered for local resolution before it can be referred subsequently to the Public Services Ombudsman.

Many town and community councils do not use the option of local resolution protocols. This could be because of a lack of expertise or capacity. For clerks, whose professional employment contracts do not require mediation or conflict resolution qualification or experience, placing them at the centre of a local, even low level, issue puts them in an invidious position. It challenges their role as an independent officer, many of whom work as the sole council employee, to one where they become both judge and juror which will inevitably create tension and have an impact on the effective day to day running of a council.

This work sensibly rests at another external level. Monitoring Officers who can offer advice, are busy senior officers with large councils with a logjam of cases, so advising on the issues of another tier of local government increases that backlog further. The role played by Monitoring Officers and their capacity and capabilities in advising on hyper local issues should be re-examined.

The remit held for investigation by PSOW should be amended to include corporate complaints from the clerk about councillors when they relate to allegations of bullying and harassment experienced by the clerk. (Currently, the clerk would need to submit an individual complaint yet the duty of care to the clerk is the responsibility of the council as a whole.)

We urge that the proposal for standards committees to consider that adoption of local resolution protocols is used to support high standards is looked at again. It may appear as a route to cutting the tally of complaints, but the problem could implode at town and community council level.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick

here:

Thank you for taking time to respond to this consultation. A summary of responses will be published in due course.