

Question	Response
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?	This would be supported. The drafting of the Model Code pre-dates these provisions and, whilst the principles set out in the Model Code are in the spirit of the Equality Act 2010, an alignment of the Model Code with the protected characteristics in the 2010 Act would not only provide clarity but also importantly send a strong message that councillors are expected to promote and maintain the highest standards of conduct.
Should the Adjudication Panel Wales (APW) be able to issue Restricted Reporting Orders?	Yes this would be appropriate. Matters relating to elected member conduct will undoubtedly attract media coverage and attention, therefore to ensure the right to a fair hearing, the safety of witnesses, officers and panel members it would be appropriate to ensure that such steps are taken to protect these individuals and ensure the matter can proceed without risk or legal challenge.
Should there be express legal provision to enable the APW to protect the anonymity of witnesses?	An express power to anonymise, used proportionately to ensure witness safety, would be appropriate for both case and appeal tribunals. This will ensure that any members of the public who wish to give evidence can do so without fear of repercussion and particularly to safeguard any individual who maybe deemed vulnerable. Such measures may mean individuals will be more likely to come forward and report inappropriate behaviour if they feel they would be protected from adverse consequences or require safeguarding due to vulnerability
Do you support the proposed changes to the permission to appeal procedure outlined in this recommendation. If not, what alternatives would you suggest?	The proposed appeal process would appear acceptable.
Should there be an express power for the APW to summon witnesses to appeal tribunals?	Yes this would be appropriate, provided there is a clear indication of the consequences of non-attendance and guidance issued to individuals. Steps should also be put in place to actively promote attendance and ways to compensate individual for such attendance

	<p>through meeting travelling expenses, salary recovery for time spent at the APW etc. The APW has the power to disqualify an elected member from office, meaning all steps should be taken and all evidence heard to enable them to reach this decision. Individuals choosing to not attend or not cooperate, can render any determination unsafe or open to challenge and accordingly it would be appropriate that all steps are taken to compel attendance, if only to ensure the elected member has a fair and transparent hearing.</p>
<p>Should there be any changes in the procedure for referring appeals decisions back to standards committees?</p>	<p>Further clarity should be provided on the grounds whereupon the APW are able to refer a matter back to a Standards Committee and this should be limited to where a Standards Committee may have erred in law as to its decision or has made a decision that is irrational or procedurally unfair. The Standards Committee of an authority has the responsibility for promoting standards of behaviour and therefore should remain the arbitrator and decision maker of matters, which are referred to it. The role of the APW in appeals should be limited to decisions which are merely illegal, irrational or procedurally unfair and not to challenge what could be a legitimate decision taken.</p>
<p>Do you agree there should be an express provision to enable part or all of tribunal hearings to be held in private?</p>	<p>This would be appropriate. This will ensure that any members of the public who wish to give evidence can do so without fear of repercussion and particularly to safeguard any individual who may be deemed vulnerable. Such measures may mean individuals will be more likely to come forward and report inappropriate behaviour if they feel they would be protected from adverse consequences or require safeguarding due to vulnerability. It can also ensure that any confidential or exempt information can be disclosed in an appropriate manner</p>
<p>Do you agree that the requirement to provide not less than seven days' notice of the postponement of a hearing should be retained?</p>	<p>This should be retained for the sake of clarity to all parties and to enable steps to be taken in reasonable timescales.</p>

<p>Should there be a wider range of sanctions available to the APW, and if so, what should they be?</p>	<p>A wider range of sanctions other than disqualification or suspension would be helpful. Steps perhaps should be taken for more restorative actions and whether the APW can introduce matters which encourage resolution to issues as opposed to a straightforward suspension or disqualification</p>
<p>Do you support the proposed amendments to the process for interim case tribunals outlined in this recommendation? If not, could you please explain</p>	<p>Yes, amendment or further guidance on this matter would be welcome. The intention in the Local Government Act 2000 appears to be to allow an accused member to be suspended for six months (though it is unclear whether this is one term of suspension or if it can be renewed on application) while the Ombudsman investigates if that Councillor through their role was interfering with the investigation or if for some other reason it was necessary to suspend on an interim basis. In some cases, it might be inappropriate to continue to remunerate a Councillor who is facing such charges, and that his or her continued activities as a Councillor could endanger members of the public, other Councillors or members of staff. A member who is charged with criminal offences is innocent until proven guilty, and in order for the Ombudsman to make an interim referral there would need to be strong evidence that it is in the public interest for a suspension to be imposed, particularly if the offences are historical.</p>
<p>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?</p>	<p>Yes this would be agreed, a shorter and simpler timescale for such matters would be appropriate. The view of Richard Penn of a system similar to that of Medical Practitioners Tribunals would be an appropriate system.</p>
<p>Do you have any further views on the recommendations made in relation to the operation of the APW?</p>	<p>No further information to add</p>

<p>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?</p>	<p>The ethical standards framework must be genuinely open, transparent and accessible to everyone, and if the objective is that the framework should command the confidence of everyone who may need to use it, then consideration needs to be given to how to ensure equality of access for everyone. Documents should be made available in a wide variety of formats, regular publicity should be given to such matters with guidance available on how to report matters of concern. Standards Committee should work in conjunction with Council equality officers to look at ways to further promote awareness with those with protected characteristics. Visibility of the Standards Committee and promotion of roles and responsibility of elected members is crucial in this regard</p>
<p>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?</p>	<p>Yes this should be removed. At present, the ability to advertise within newspapers is costly and has not demonstrated any tangible return to the local authority in previous rounds of recruitment. Greater interest has been generated through liaising with stakeholder organisations, advertising via social media and general word of mouth. A requirement for advertisement on a Council website would perhaps achieve this purpose alone and local authorities should be entitled to determine any forms of advertisement they think appropriate, with the ultimate determination being made by elected members</p>
<p>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?</p>	<p>Yes. A lifelong ban is no longer appropriate and instead a reasonable timescale should be considered for such appointments</p>
<p>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?</p>	<p>Three years would be an appropriate timescale and the same period should be applicable to all employees irrespective of role, in the interests of equality of opportunity.</p>
<p>Former councillors sitting as independent members on standards committees: Do you agree that the lifelong ban on serving</p>	<p>Yes. A lifelong ban is no longer appropriate and instead a reasonable timescale should be considered for such appointments</p>

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?	
Standards committees' summoning witnesses and sanctions: Should standards committees have the power to summon witnesses?	Four or five years would be an appropriate timescale to the extent that members will have left office for at least one term before being able to come back as a member of the Standards Committee
Do you agree that the sanctions a standards committee can impose should be changed or added to? If yes, what sanctions would you suggest?	A wider range of sanctions other than disqualification or suspension would be helpful. Steps perhaps should be taken for more restorative actions and whether the Standards Committee can introduce matters which encourage resolution to issues as opposed to a straightforward suspension or disqualification
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. What effects do you think there would be?	There would appear to be no impact to the Welsh Language. However, it should be noted that the costs of translations for hearings can be quite high and quite complex, meaning financial burdens on local authorities in facilitating such translation should be funded appropriately.
How could positive effects be increased, or negative effects be mitigated?	Not Applicable
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.	Not Applicable
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?	Not Applicable