

The standards committee: communication protocols

1. Introduction

- 1.1 The council's standards committee promotes and maintains high standards of conduct by elected members of the council, advising on and monitoring the operation of the councillors' code of conduct. The committee comprises elected members and independent people and will investigate and make a judgement on any allegations that an elected member of the council or parish council has breached the code of conduct.
- 1.2 These communication protocols are designed to support the work of the standards committee and ensure an equitable and consistent approach to working with the media, in line with the principles of open government and accountability. They apply not only to members of the standards committee but to all elected members of all political parties, including parish, town and county councillors, and everyone who works for or represents the council in any capacity, including permanent or temporary, full time or part time, employees, consultants, contractors or people employed by any body for which the council is accountable.
- 1.3 The scope of the protocols embraces press releases, quotes, comments or statements to the media or to the public, and any communication or document produced by the council in whatever form (including the web site or email communication).

2. Standards Board for England

- 2.1 Alleged breaches of the council's code of conduct for elected members must be referred to the Standards Board for England, which has its own communication protocols. The council will reflect those protocols in its own communication protocols for the standards committee.
- 2.2 The Standards Board for England will consider any written allegation it receives and if referred for investigation, the Monitoring Officer shall appoint an investigating officer, then the local authority's standards committee will consider the report of the investigating officer and decide whether or not a hearing is required

- 2.3 The Standards Board for England will, when prompted by a journalist, confirm: the name of an elected member; the local authority involved in an ongoing or past investigation; the type of person who made the allegation (a member, officer or a citizen); the part of the code potentially breached; whether the case was referred for investigation and, if not, the reason why it was not referred; the date of when the allegation was received and the date when a decision was made on whether or not to investigate; and the outcome of any investigation.
- 2.4 The Standards Board for England will not comment on complaints received until a decision is made on whether a complaint will be investigated. It allows three working days from the date of that decision before confirming it to the press. It will also confirm the outcome of an investigation three working days after the final report has been issued to ensure that relevant parties are notified before the press.
- 2.5 The Standards Board for England will always stress that a complaint is just that and while an investigation is ongoing no decision is made regarding a member's guilt or innocence.

3. Hearings

- 3.1 Integrity is one of the core values held by Herefordshire Council and there is a clear public interest in promoting the integrity of public authorities and public confidence in them. Therefore hearings should be held in public unless the standards committee decides that there are reasons for protecting the privacy of those involved in the hearing that are more important than the need for a public hearing.

4 Press statements in response to press enquiries

- 4.1 On receiving a complaint the administrator of the standards committee will notify the communications unit so that it can prepare for any media enquiries and advise elected members and officers on communications issues throughout the proceedings. A holding statement will be prepared if necessary by the communications unit and agreed with the chair of the standards committee and the monitoring officer. Once approved the statement will be issued in the event of media enquiries.
- 4.2 In the event of media enquiries, Herefordshire Council will adopt the same approach as the Standards Board for England, in that only the following will be confirmed as appropriate: the name of an elected member; the type of person who made the allegation (a member, officer or a citizen); the part of the code potentially breached; whether the case was referred for investigation and, if not, the reason why it was not referred; the date of when the allegation was received and the date when a decision was made on whether or not to investigate; and the outcome of any investigation. It will be stressed that a complaint is

just that and while an investigation is ongoing no decision is made regarding a member's guilt or innocence.

- 4.3 The communications unit will inform the member concerned that there has been media interest and that a response has been issued. The member concerned and members of the standards committee will be sent a copy of the response as soon as it is issued.
- 4.4 The committee, elected members and the council will not proactively issue press releases or statements concerning an ongoing inquiry.
- 4.5 Only the communications unit will issue press statements in response to press enquiries and only then after they have been authorised by the chair of the standards committee and the monitoring officer (the head of legal and democratic services).

5. Press releases to communicate the findings of the committee

- 5.1 According to the Local Authorities Code of Conduct Regulations 2003, the findings of a standards committee hearing must normally be published in one or more local newspapers and recorded on the council's web site and intranet.
- 5.2 Any press release should be issued as soon as possible after the conclusion of the standards committee hearing and restrict itself to a statement of the facts.
- 5.3 The Monitoring Officer attending the standards committee hearing will alert the communications unit that a press release will be required when the hearing is concluded. Immediately after the conclusion of the hearing the chairman of the standards committee will brief the communications unit and a press release will be drafted for their approval.
- 5.4 If the standards committee determines that the elected member concerned has breached the code of conduct then a press release will always be issued. The press release will: identify the member concerned, the nature of the complaint, the fact that they have been found to have breached the code, the details of that breach, the reasons for the committee's findings, the sanction imposed or action taken and the fact that the member can apply for permission to appeal.
- 5.5 If the standards committee finds that an elected member did not breach the code of conduct then a press release will also be issued – unless that elected member objects. However if the outcome of the hearing is not confirmed the integrity of the system and the elected member might be called into question by the media and the public, especially if there has already been press coverage or speculation on the issue.

- 5.6 Regardless of the findings of the hearing, the member concerned is entitled to a copy of any press release and members of the standards committee will be sent a copy of the press release as soon as it is issued.
- 5.7 Only the communications unit will issue press releases and only then after they have been authorised by the chair of the standards committee and the monitoring officer.
- 5.8 The communications unit will respond to any further press enquires as a result of the press release in consultation with the chair of the standards committee and the monitoring officer
- 5.9 If any members of the standards committee are approached directly by the press with enquiries relating to committee business they should refer the journalist to the council's communications unit (telephone 01432 260006) and they should also notify the communications unit if they have received a call; forwarding details of the journalist's name and the publication they represent. The communications unit will then process the enquiry in line with the protocols.

6. Spokesperson

- 6.1 It is recommended that there should be just one designated spokesperson – the chairman of the standards committee - to speak to the media on behalf of the standards committee. In the absence of the Chairman the Monitoring Officer will be contacted. The communications unit will filter any press enquiries, discuss and agree with the spokesperson an appropriate response as soon as possible, clear that response with the Monitoring Officer and respond to the publication making the original enquiry within their deadline. In all cases, the communications unit will process enquiries and release statements in line with council practice and these protocols.

7. Defamation

- 7.1 During the course of a hearing, any comments by a member or officer will have privilege and therefore protection from defamation claims.
- 7.2 However, if the comment is made maliciously, or outside of the meeting, then protection does not apply. It is important that all comments to the media are cleared and processed by the communications unit, which will ensure that they are also approved by the Monitoring Officer. In general, any comments should be confined to statements of fact, not opinion.

8. Breaches of the communications protocol

- 8.1 The standards committee, the monitoring officer and the communications unit will monitor the communications protocol.
- 8.2 If it is considered that an elected member or member of the committee has breached this protocol, that breach in itself could be regarded as misconduct and could be subject to investigation by the standards committee. Under the members' code of conduct it is a breach of that code to disclose confidential information without appropriate consent.
- 8.3 If it is alleged that an officer has breached the protocol, the matter will be referred to the monitoring officer and may lead to disciplinary investigation.