

## **APPENDIX 1**

### **STANDARDS COMMITTEE MEDIA PROTOCOL**

#### **1. INTRODUCTION**

- 1.1 The Standards Committee is established under the provisions of the Local Government Act 2000 and exists to: provide training and guidance on Members' and officers' behaviour; maintain an overview of the members Code of Conduct and other protocols; and to investigate complaints of breaches of the Code of Conduct by Members.
- 1.2 It is made up of three elected members, two parish council representatives and five independent members.
- 1.3 This protocol has been prepared for the guidance of the Standards Committee and affects all members serving on the Committee, including independent and parish council representatives, on the appropriate procedures for dealing with the media in respect of complaints and investigations considered by the Standards Board for England and/or the Standards Committee

#### **2.0 THE NEED FOR A PROTOCOL**

- 2.1 To ensure a consistent approach and equality of treatment for any Member who is the subject of a complaint or investigation.
- 2.2 To ensure consistency with existing protocols and compliance with relevant Acts and Codes of Practice.

#### **3.0 KEY PRINCIPLES FOR DEALING WITH THE MEDIA**

- 3.1 In order to ensure a consistent approach, all press releases and media statements regarding Committee business should be issued through the Medway Council Communications Section in accordance with the procedure detailed below.
- 3.2 All press releases/media statements must be authorised by the Monitoring Officer in consultation with the Committee Chairman.
- 3.3 The appropriate spokesperson to be quoted in any press release/statement will normally be the Committee Chairman who will comment on behalf of all members of the Committee. The Monitoring Officer will be quoted on behalf of the Council.

## **4.0 SCOPE OF PROTOCOL**

- 4.1 Investigations will normally be undertaken by the Standards Committee itself. The following practice will apply to investigations undertaken by either body.

## **5. NATURE OF MEDIA ACTIVITY**

- 5.1 The underlying principle of the Standards Committee media protocol is to ensure the adherence with policies of open Government and accountability. In order to ensure transparent and consistent treatment in all cases and a properly controlled release of information, the Committee shall adhere to the following practice:

### **(a) Complaint Upheld**

Where a complaint is upheld and action taken, a proactive press release should be issued as a matter of course. This should be issued to the local media as appropriate. Any press release will also be recorded on the Council's Information Systems (e.g. Intranet/Internet) in accordance with normal procedures. The press release should include information detailing:

- The nature of the complaint
- The outcome
- The Committee (or Standards Board) reasons for reaching its decision
- The nature of the action taken (e.g. nature of censure)

### **(b) Complaint Not Upheld**

Where the Committee (or Standards Board) determines that there is no case to answer and no action is taken, no proactive action shall be taken – unless the Member concerned or the Committee specifically requests otherwise. This may arise, for example, where there has already been press coverage or speculation on a particular investigation and there is a need to clarify the position. If such request is supported by the Committee, a proactive press release outlining the result will be prepared and distributed. Where a proactive press release is not issued it is possible that media enquiries could still be received and such enquiries should be responded to on a reactive basis.

### **(c) Ongoing Investigations**

The Committee should avoid issuing press statements relating to any particular investigation which is ongoing. Therefore, during the investigation period a media statement should only be released reactively – i.e. in the event of a media enquiry being received – and this should confirm only:

- That a complaint has been received
- The nature of the complaint
- That an investigation is underway

At this stage, the name of the individual subject to the investigation should not be released. However the Member concerned should be informed, by the Communications Section, of the media interest shown.

## **6.0 PROCEDURE**

6.1 The procedure for issuing a Standards Committee press release is as follows:

- (i) On the determination of a complaint the Standards Committee, through the Committee Administrator, will alert the Communications Section, so that it is aware of the background and is able to deal with media enquiries.
- (ii) It may be necessary to prepare a “holding” statement for issue in the event of a media inquiry regarding the ongoing investigation – see paragraph 4.0 (c) above.
- (iii) This should be prepared by the Communications Section, in consultation with the Monitoring Officer and approved by the Chairman. Once agreed the release would then be ready for issue in the event of a media enquiry being received. It should confirm only the nature of the complaint and the fact that an investigation is underway.
- (iv) Where a complaint is upheld and action taken the Committee shall, immediately after the complaint hearing, consider the outline of the press release. The elected Member subject to the investigation should be informed that a proactive press release will be issued in respect of the decision taken.
- (v) Immediately after a complaint hearing the Monitoring Officer should notify the Communications Section who will prepare a press release or statement on the lines agreed by the Committee. The release should be approved by the Monitoring Officer and the Chairman of the Hearings Panel for that complaint hearing.
- (vi) Any proactive release should be issued to the relevant media as soon as practicably possibly after the conclusion of the hearing.
- (vii) Any reactive statement would be released as quickly as practicably possible on receipt of a media enquiry being received.
- (viii) Releases and statements should be copied to all members of the Committee for information and, where appropriate, to the member subject of the investigation.

- (ix) Any subsequent or ad hoc press enquiries received will be responded to by the Communications Section in consultation with the Monitoring Officer and/or the Chair of the Committee as appropriate.
- (x) Should any members of the Committee be approached directly by the media with enquiries relating to Committee business, they should be referred to the Council's Communications Section or Monitoring Officer to ensure a consistent response. The Committee member should endeavour to forewarn the Communications Section that they have received such an approach so that the enquiry can be anticipated.

## **7.0 BREACHES OF THIS PROTOCOL**

- 7.1 The workings of this protocol will be monitored by the Committee, the Monitoring Officer and the Communications Section on an ongoing basis.
- 7.2 If it is considered that a Member has breached this protocol, that breach in itself could be regarded as misconduct and could be subject to investigation by the Standards Committee.
- 7.3 If it is alleged that an Officer has breached this protocol, the matter would be referred to their appropriate Chief Officer for disciplinary investigation or other action as set out in the Council's Constitution.
- 7.4 Members of the Committee should also be aware that, under the Members' Code of Conduct it is a breach of that code to disclose confidential information without appropriate consent.