



Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Annual Report regarding the Protocol for Elected Member/ Education Leeds Relations

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Executive Summary

1. This report contains the monitoring officers annual report to the Standards Committee in relation to the Protocol for Elected Member / Education Leeds Relations.
2. In addition the report proposes a number of amendments to the Protocol and seeks the Committee's approval to a consultation process in respect of these amendments.

1.0 Purpose Of This Report

- 1.1 To provide an annual report to the Committee in relation to the monitoring requirements of the Protocol for Elected Member / Education Leeds Relations.
- 1.2 To advise the Committee of a number of proposed amendments to the Protocol for Elected Member / Education Leeds Relations, and to seek the Committees consent to a consultation process in relation to these amendments.

2.0 Background Information

- 2.1 Paragraph 16 of the Protocol for Elected Member / Education Leeds Relations requires that the Monitoring Officer reports annually to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with. The report is required to include any proposals for amendments in the light of any issues that have arisen during the year. The paragraph requires that the Monitoring Officer particularly monitors five matters. These are dealt with in turn in paragraph 3 of the report.

3.0 Main Issues

Complaints About Breaches Of The Protocol

- 3.1 There have been no complaints in relation to the behaviour of Members or officers of Education Leeds under the Protocol for Elected Member / Education Leeds Relations. However, please note that any allegations regarding not treating officers with respect would be dealt with under the Members' Code of Conduct and referred to the Standards Board for England.

Induction Training

- 3.2 The Protocol is considered at the first Member Induction session entitled "Finding Your Feet – Services and Support for Members." The session deals with support arrangements and the protocols which underpin these arrangements. This assists the Members in understanding their role and relationship with officers. Members are given guidance regarding the various protocols contained within Part 5 of the Constitution.
- 3.3 In addition in previous years Education Leeds have been invited to provide a lunchtime briefing in relation to the relationship with Leeds City Council. Members should consider whether they would like this exercise to be repeated.

Awareness of the Protocol

- 3.4 The Protocol for Elected Member / Education Leeds Relations requires that information is presented to Committee in relation to the awareness of the Protocol amongst Members and officers.
- 3.5 Given its inclusion within the induction programme, and previous lunchtime briefings in relation to Education Leeds all Members should be aware of the Protocol.
- 3.6 The Director of Legal and Democratic is advised that following approval the document will be e mailed to Education Leeds' Management Forum who will be

asked to cascade it to colleagues. They will be told that it is important that all staff are aware of the protocol. The protocol will also be posted on Education Leeds' Infobase.

External Inspection Reports

- 3.7 There have been no external inspection reports in relation to the Protocol for Elected Member / Education Leeds Relations.

Changes to Legislation

- 3.8 There have been no changes to legislation which affect the provisions of the Protocol.

Amendments to the Protocol

- 3.9 The Director of Legal and Democratic Services proposes a number of amendments to the Protocol for Elected Member / Education Leeds Relations. These amendments are intended to update the Protocol, in relation to the developing roles of both officers and Members. In addition the amendments take into account the changes made to the model Protocol on Member officer Relations provided by ACSes. Members will recall that these changes have already been incorporated into the Council's Protocol on Member/Officer Relations.

- 3.10 The amended draft of the Protocol for Elected Member / Education Leeds Relations is set out at Appendix A to this report. Given the extent to which the document has been amended it is not possible to meaningfully highlight the amendments in the document. Members are instead requested to consider the document as a whole. In doing so Members may wish to consider the following comments:-

3.10.1 The Protocol as a whole has been reordered so that it mirrors the format of the Protocol on Member/Officer Relations. It is hoped that this will assist Members in navigating the document as they will be familiar with the lay out of the Protocol on Member/Officer relations, and will easily be able to identify any differences which apply to their relationship with officers in the context of Education Leeds.

3.10.2 Paragraph 1, which contains the Introduction and Principles has been reordered and amended in order to clarify the nature of the Protocol. It is intended to show that whilst the Code can not deal with each and every set of circumstances, Members and officers of Education Leeds are required to comply with the code and to apply the principles it contains to issues which do arise.

3.10.3 Paragraphs 2, 3 and 5 have been added to the protocol in order to provide more detailed and helpful guidance on the respective roles of Members and officers. In addition further points have been added to paragraph 4 in order to give further guidance on the nature of the relationship between the two. These additions are all taken from the Protocol on Member/Officer Relations.

3.10.4 Further details have been added to paragraph 6 of the Protocol in order to clarify advice given in relation to officer support to political groups.

- 3.10.5 Many of the paragraphs within the Protocol have been extended to include further guidance in relation to specific roles undertaken by Members, for example as Members of Scrutiny Boards or Area Committees. Paragraphs 11, 12 13 and 17 have been amended and paragraphs 15 and 20 have been added. These changes reflect the amendments proposed to the Protocol on Member/Officer Relations. .
- 3.10.6 Paragraph 16 which deals with Access to Information matters has been greatly reduced and now includes a signpost to the Access to Information Procedure Rules. In addition the paragraph includes a direction that information should only be used for the purpose for which it has been given. This is in line with the Paragraph 3 of the Members Code of Conduct.

Consultation

- 3.16 The revised draft protocol has been shared with the Chief Executive of Education Leeds, who is content with the proposals. However, it will be necessary to consult formally with both Members and Education Leeds in relation to the proposed amendments to the Protocol.
- 3.17 In accordance with the Committee's resolution of 25th November 2005 it is proposed that consultation with Members will take place through the Group Whips, with support from Group Office Managers where this is requested by the Group Whips.
- 3.18 Formal consultation with Education Leeds will take place at the discretion of the Chief Executive of Education Leeds. This will include the Board of Education Leeds in addition to appropriate staff consultation.

4.0 Implications For Council Policy And Governance

- 4.1 It is in the interests of good governance that the Council's Codes and Protocols are kept up to date with the changing and developing role of Members and Officers within the Council. Consultation on the amended Protocol will help to increase awareness.

5.0 Legal And Resource Implications

- 5.1 There are no legal or resource implications to this report.

6.0 Conclusions

- 6.1 This annual report shows that the existing Protocol for Elected Member / Education Leeds Relations is working well.
- 6.2 The proposed amendments to the Protocol for Elected Member / Education Leeds Relations contained in the report will assist by ensuring that the document remains up to date and therefore continues to work well in the organic environment of the Council.

7.0 Recommendations

- 7.1 Members are asked to:
- Note the contents of this report;

- Consider whether Education Leeds should be requested to offer further briefings on their relationship with Leeds City Council
- Consent to the consultation process detailed in Paragraph of the report in relation to the amendments detailed in paragraph onwards of the report.