

Report of: Assistant Chief Executive, Policy and Strategy

| Meeting of | Date | Agenda Item | Ward(s) |
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| Standards Committee | | 5 | All |

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SUBJECT: ISLINGTON STRATEGIC PARTNERSHIP

1. Synopsis

1.1 This paper suggests a possible approach to the developing provisions and procedures to be set out in a revised ISP Constitution to cover conduct of members. A draft of the relevant provisions is attached and a possible approach to dealing with breaches of conduct is set out in the body of the paper.

2. Recommendations

2.1 To respond to the proposals and in particular to comment on:

- whether the suggested provisions in terms of conduct are apt for a body such as the ISP
- the procedure for dealing with breaches and the role of the standards committee within them.

3. Background

3.1 The ISP constitution is currently being revised. It is envisaged that it will cover:

- purpose and vision
- powers, accountability and representation reflecting an unincorporated partnership

- structures – the ISP Board, the Executive, the five theme groups and for each of the theme groups a strategic board and a commissioning and delivery panel.
- for each of the parts of the partnership arrangements the relevant terms of reference, membership and meetings arrangements will be set out
- collectively these structures constitute the ‘partnership arrangements’ to which the remaining provisions in the constitution apply
- the conduct provisions discussed below will follow together with provisions in respect of complaints
- protocols for operating arrangements in respect of commissioning, finance, performance and equalities.

4. Discussion

4.1 A draft of the section of the constitution dealing with conduct is attached at annex A. This deals with expected standards of behaviour by reference to the Nolan principles but then makes specific application of them in the context of a strategic partnership. It then sets out the approach to declarations of interest. The final section will establish the process for dealing with breaches of conduct. The conduct provisions would apply to all of the components of the partnership arrangements described above.

4.2 It is envisaged that the provisions might work in the following way:

- the ISP will have the power to remove, suspend or censure its members. In terms of member organisations, if behaviour that led to the removal, suspension or censure of a nominated member had been mandated by that organisation further action may need to be taken in respect of the organisation as well as the member.
- the three potential breaches of conduct provisions that could arise from participation by individuals appointed to the ISP (and there will be considerable overlap) are in respect of
 - (i) breach of the councillor code of conduct
 - (ii) breach of the code of conduct applying in a member’s nominating organisation (if there is one)
 - (iii) breach of the conduct provisions set out in the ISP constitution
- the chair of the ISP Board will decide whether to refer a matter as a potential breach of the ISP code of conduct. Matters may be referred to the chair of the ISP Board by the chair of the relevant part of the partnership arrangements or directly by other members of the partnership arrangements
- initial referral of a potential breach would be to:
 - (i) the nominating organisation where there is a relevant code of conduct in place which contains provisions covering the alleged conduct
 - (ii) the council’s monitoring officer in all other cases
- the nominating body or the monitoring officer would conduct an initial investigation, (including interviews) and report to the ISP Board with recommendations (including

where relevant for a hearing) in respect of breach of the ISP conduct provisions, which could involve the standards committee

- the member or organisation would have the opportunity to make representations before the report is completed
- the ISP Board would consider the report and recommendations of the investigating officer and make a decision on whether or not to refer a matter to the standards committee in respect of a breach of the ISP conduct provisions. The view might be taken that a hearing within the nominating organisation is sufficient (especially if the alternative is for the matter to be heard in both places because the nominating bodies procedures require that).
- the member or organisation would have the right to be represented at the hearing if it was to be before the standards committee
- following the hearing the standards committee would make recommendations to the ISP Board
- the ISP Board would determine by vote (a 2/3 majority of those present) whether to remove, suspend or censure the member or organisation concerned
- failure to approve the recommendation by the necessary majority would mean that no action would be taken.
- the process may be discontinued at any point if the individual concerned resigns from the ISP or is replaced by the relevant nominating organisation. In such cases the nominating organisation may continue its own investigation into a potential breach of its own code of conduct.

4.3 It would be very helpful to have views from the Standards Committee on the approach set out above and in particular on whether the procedure seems apt for a body such as the ISP and on the role of the standards committee itself.

5. Implications

Financial implications

5.1 None.

Legal implications

5.2 The ISP is a non-statutory body with the status of an unincorporated association and as such is able to agree its own Constitution and regulate its own membership. There is non-statutory guidance which applies to strategic partnerships contained within the statutory guidance document Creating Strong and Prosperous Communities, which outlines the range of organisations it is envisaged should be involved in such partnerships. This document does not contain any specific guidance about conduct of members of strategic partnerships..

Equality impact assessment (EIA)

5.3 The Council must eliminate unlawful discrimination and promote equality of opportunity in relation to disability, race and gender, and take account of disabilities even where that involves treating the disabled more favourably than others (section

49A Disability Discrimination Act 1995; section 71 Race Relations Act 1976; Section 76B and C Sex Discrimination Act 1975).

5.4 The suggested provisions in respect of conduct include strong statements about the need for mutual respect to be exhibited between members and avoidance of activity that could be discriminatory. The voting procedure in respect of recommendations for action for breach of conduct requirements is designed to ensure that a broad cross section of opinion needs to be convinced before a decision is made to remove or censure another member.

6. Conclusion and reasons for recommendations

6.1 This report provides the Standards committee with the opportunity to make an input to the formative stages of a revised constitution for the ISP and in particular to consider the proposed provisions in respect of conduct and the role that it should play in the arrangements for enforcing those provisions.

Background papers:

Final Report Clearance

Signed by Date

Received by
Head of Democratic Services Date

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