

Standards Committee

26 July 2019 – At a meeting of the Standards Committee held at 10.30 am at County Hall, Chichester.

Present: Mrs Duncton (Chairman)

Mr Patel, Mr Barnard, Mr R J Oakley and Mr Smytherman

Apologies were received from Lt Col Barton, Mrs Jupp and Mrs Sparkes

Absent: Mrs Brunsdon

Also in attendance: Mr Cooper and Mr Donaldson

Part I

1. Declarations of Interest

1.1 In accordance with the code of conduct, Mr Smytherman declared personal interests as follows:

- As a Governor of the Alternative Provision College in minute 4, Report by the Local Government and Social Care Ombudsman Update
- As a member of Worthing Borough Council in relation to item 6, Standards Annual Report

2. Minutes of the last meeting of the Committee

2.1 Resolved – That, subject to the addition of Mr Donaldson's name to the 'In attendance' section, the minutes of the meeting of the Committee held on 4 March 2019 be approved as a correct record and that they be signed by the Chairman.

3. Compliments and Complaints Annual Report

3.1 The Committee considered a report by the Executive Director Place Services and the Director of Communities (copy appended to the signed minutes), which set out the annual report on Compliments and Complaints received by the County Council.

3.2 The report was introduced by Dave Loveman (Customer Relations Manager) and David Tominey (Complaints and Representations Manager), who advised that information from complaints and compliments was considered and that opportunities for learning and for improving services was always sought. An increase in complaints had occurred but the broad range remained that around 75% of complaints were about Adults or Children's Social Care or about highways and transport.

3.3 The Committee made comments including those that follow. It:

- Highlighted that reductions to service levels would be likely to lead to more complaints and emphasised that communications about service levels could help to manage expectations.
- Emphasised the importance of early resolution of complaints and service requests and hoped that the current rate of 82% of complaints receiving a response within agreed timescales could be improved. Mr Tominey agreed that early resolution was beneficial and acknowledged that members were sometimes pivotal in this at a local level. He hoped that the 82% would improve to at least 90%, recognising the complexity of some social care complaints.
- Asked if there were links between increasing complaints level in Children's Services to the recent poor Ofsted Inspection result and whether the Commissioner for Children's Services would see complaints data. Mr Loveman agreed that the increase in complaints levels might be connected to some extent with the problems in Children's Services identified in the Ofsted report and advised that the Director of Children's Services was considering complaints data and would share it with the Commissioner as appropriate.
- Expressed concern about the increase in complaints about staff behaviour and competence. Mr Loveman reported that not all of these complaints were upheld – sometimes complaints about staff behaviour or competence were simply down to the customer being aggrieved because a correct decision had been taken or implemented in accordance with Council policies.

3.4 Resolved – That the report be noted.

4. Report by the Local Government and Social Care Ombudsman Update

4.1 The Director of Law and Assurance reported that, further to minute 10 of the last meeting, the Local Government and Social Care Ombudsman had written to the County Council again, to ask the County Council to comply with its original recommendations in relation to the case previously considered by the Committee.

4.2 The Director advised that as the findings could not be rejected other than through judicial review, he recommended that the County Council should comply with the recommendations of the Ombudsman, that an apology be made, £400 be paid and that procedures should be reviewed. He advised that the Education and Skills Service had now accepted this and he did not consider that accepting the recommendations would set a precedent as each case is individually assessed and it remains the case that the Council does not agree with but accepts the findings.

4.3 The Committee noted the Director's advice as Monitoring Officer. The Committee remained concerned about the implications of the findings of the Ombudsman, but did not consider it appropriate to consider a judicial review into the matter. It noted that the alternative provision eventually provided for the student concerned was now proving effective and that it was providing a good educational outcome.

4.4 Resolved – That the Ombudsman's recommendations on the education complaint case be agreed – that the Council will:

- (1) Apologise to Mr and Mrs X for not fully considering alternative approaches to ensuring an education for their daughter from April to July 2017;
- (2) Pay them £400 to recognise the loss of educational opportunity during this period, to be used for the benefit of Y's education;
- (3) Remind relevant staff that the duty to provide alternative education may arise for reasons other than exclusion and illness.

5. Standards Best Practice

5.1 The Committee received a report by the Director of Law and Assurance (copy appended to the signed minutes), which set out proposals to implement two areas of best practice as defined by the Committee for Standards in Public Life.

5.2 The report was introduced by Charles Gauntlett (Senior Advisor, Democratic Services), who advised that it was proposed to add an explicit wording to the registration of interests form that a member would 'confirm that I agree to abide by West Sussex County Council's Code of Conduct' as well as give notice of their interests. He confirmed that the other proposal was to add a list of other bodies which the Council owns or has set up to the Annual Governance Statement, confirming that they abide by the Nolan principles of openness.

5.3 The Committee welcomed the proposals and agreed that these would address the two gaps identified in the County Council's best practice on standards. It asked that the declaration to be added to the registration of interests form be highlighted in bold type.

5.4 Resolved –

- (1) That the proposed amended wording to the registration of interests form in the appendix to the report be approved for use after future by-elections and elections, in bold type.
- (2) That the Director of Law and Assurance be asked to list separate bodies within future Annual Governance Statements, together with confirmation that they abide by the Nolan principles.

6. Standards Annual Report

6.1 The Committee received a report by the Director of Law and Assurance (copy appended to the signed minutes), which set out a proposed Annual Report for submission to the County Council.

6.2 The report was introduced by Charles Gauntlett (Senior Advisor, Democratic Services) who advised that the report was positive, with little casework during 2018-19.

6.3 The Committee welcomed the report as it highlighted the successful approach to conduct and standards by members of the County Council. It

was hoped that the County Council's good practice could be shared with other local authorities in the area.

6.4 Resolved – That the draft report be approved for submission to the County Council on 18 October 2019.

7. Confidential Reporting Policy

7.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes), which provided an update on referrals made through the Confidential Reporting (Whistleblowing) Policy.

7.2 The report was introduced by the Director of Law and Assurance, who invited the Committee to note the four referrals made and the outcomes from them. He advised that recommendations were to change the name of the Policy to the 'Whistleblowing Policy' and to publicise it to staff and through staff groups.

7.3 The Committee supported the proposal to rename the Policy as the 'Whistleblowing Policy' as it was plainer English. The proposals to publicise the Policy were also supported and it was emphasised that efforts should be made to publicise it to all staff. The Committee also asked for future reports to include a table of the number of cases from the previous year, to give some comparison information.

7.4 Resolved –

- (1) That the report be noted.
- (2) That the Confidential Reporting Policy be renamed the Whistleblowing Policy.
- (3) That the policy be promoted to all staff, including school staff, through appropriate methods of communication.
- (4) That staff groups be invited to provide feedback on staff perceptions of the policy and its effectiveness as a route for raising concerns and in meeting the primary obligations of confidentiality and no adverse consequences.

8. Date of Next Meeting

8.1 The Committee noted that its next scheduled meeting would be held at 2.15 p.m. on Monday 4 November 2019 at County Hall, Chichester.

The meeting ended at 11.42 am

Chairman