

## **Standards Committee**

4 March 2019 – At a meeting of the Standards Committee held at 2.15 pm at County Hall, Chichester.

Present: Mr Barnard (Chairman)

Mr R J Oakley, Lt Col Barton, Mr Bradford, Mrs Duncton, Mrs Jupp, Mr Smytherman and Mrs Sparkes

Apologies were received from Mr Cooper

Absent: Mr Buckland

Also in attendance: Mr Donaldson

### **Part I**

#### **8. Declarations of Interest**

8.1 In accordance with the code of conduct Mr Smytherman declared a personal interest in item 10, Report by the Local Government and Social Care Ombudsman, as a Governor of the Alternative Provision College.

#### **9. Minutes of the last meeting of the Committee**

9.1 Resolved – That the minutes of the meeting of the Committee held on 11 June 2018 be approved as a correct record and that they be signed by the Chairman.

#### **10. Report by the Local Government and Social Care Ombudsman**

10.1 The Committee considered a report by the Executive Director, Communities and Public Protection and Director of Communities (copy appended to the signed minutes) which outlined a case where the County Council had not agreed to recommendations from the Local Government and Social Care Ombudsman.

10.2 The report was introduced by David Tominey, Complaints and Representations Manager, Communities. He advised that the County Council usually accepted recommendations from the Ombudsman in relation to complaints, but on this occasion the County Council had not accepted the Ombudsman's findings. The Committee was asked to consider whether the County Council's stance was reasonable.

10.3 Ellie Evans, Head of Pupil Entitlement, Education and Skills, reported that the complaint had arisen from the County Council's dealing with a student's attendance problem. During 2015/16 the student's poor attendance had been referred to the County Council. Various strategies were tried with the school to improve the student's attendance. The student's parents requested alternative provision, but did not provide any medical evidence to support their request. Because of this, the County Council did not agree to alternative provision but continued to seek improvement strategies with the school and then took the prosecution

route. At a later stage, medical evidence was provided and the Council then agreed to alternative provision.

10.4 Paul Wagstaff, Director of Education and Skills, emphasised that the production of medical evidence was the key factor in the County Council agreeing to alternative provision and that if this had been provided earlier, a different stance may have been adopted at the time.

10.5 Ms Evans reported that the Ombudsman had considered the complaint from the student's parents and had concluded that the Council should have agreed to alternative provision at an earlier stage. The County Council did not agree this, as to agree alternative provision for a student without any supporting medical evidence would set a precedent for potentially high numbers of students to apply for alternative provision.

10.6 The Committee considered the Council's stance and was concerned by the Ombudsman's ruling. Particularly where a school felt it could meet a student's needs, it could not see any justification for alternative provision if no medical evidence had been produced. Lt. Col. Barton, as the local member, expressed some concern about the County Council's initial handling of the situation, but agreed that the Ombudsman's recommendations should not be accepted.

10.6 The Committee was concerned that any acceptance of the Ombudsman's recommendations would set a precedent which would be difficult to address and fully agreed with the County Council's stance that the Ombudsman's recommendations should not be accepted. It therefore agreed that a statement of non-compliance with the Ombudsman's recommendations should be issued by the Council and congratulated the Education and Skills Service for taking a reasonable approach.

10.7 Resolved – That the Committee does not accept the Ombudsman's recommendations in this case, supports the County Council's stance of non-agreement to them and agrees that a Statement of Non-Compliance be issued.

## **11. Equality Policy - anti-discrimination**

11.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) which set out a proposed amendment to the Equality Policy.

11.2 The report was introduced by Charles Gauntlett, Senior Advisor, Democratic Services. He advised that the Jewish Leadership Council had written the leaders of councils to invite them to adopt the International Holocaust Remembrance Alliance's working definition of anti-semitism in council policy documents, which was included in appendix 2 of the report. It was recommended that this could be achieved by including a reference to this internationally recognised definition within the County Council's Equality Policy.

11.3 The Committee welcomed the proposed inclusion and highlighted the importance of tackling all forms of racism and hate crime in West Sussex.

11.4 Resolved – That the internationally recognised definition of anti-semitism be included by reference in the County Council’s Equality Policy.

## **12. Local Government Ethical Standards**

12.1 The Committee received a report from the Director of Law and Assurance (copy appended to the signed minutes) which advised of the Committee for Standards in Public Life’s recently published report on Local Government Ethical Standards.

12.2 The report was introduced by Charles Gauntlett, Senior Advisor, Democratic Services. He reminded the Committee that it had responded to the consultation on the matter in March 2018 and reported that many of the recommendations in the report were in line with the consultation response made on behalf of the County Council. He advised that a number of areas of best practice were set out in the report, which councils were invited to measure themselves against.

12.3 The Committee noted the recommendations from the Committee for Standards in Public Life to the Government, which would require a change in the law. It noted that the County Council was compliant with many areas of identified best practice and considered the five areas where the County Council was not totally compliant. In line with best practice area 2, the Committee asked that an explicit agreement to following the code of conduct should be signed by members and asked for a draft to be submitted to the next meeting. It also asked that reporting on joint committees should be explicit on the County Council’s website, in line with best practice area 14.

12.4 Resolved –

- (1) That the report on Local Government Ethical Standards be noted.
- (2) That, in line with best practice 2, an explicit agreement to following the code of conduct should be signed by members and that a draft should be submitted to the Committee in June 2019.
- (3) That reporting on joint committees should be reviewed to ensure that it is explicit on the County Council’s website and that the findings should be reported to the Committee in June 2019.

## **13. Confidential Reporting Policy**

13.1 The Committee noted that the Director of Law and Assurance was not in a position to report on any referrals via this policy but would provide a report to the next meeting.

## **14. Date of Next Meeting**

The Committee noted that its next scheduled meeting would be held at 2.15 p.m. on Monday 17 June 2019 at County Hall, Chichester.

The meeting ended at 3.05 pm

Chairman