

Public Document Pack

Tony Kershaw
Director of Law and Assurance

If calling please ask for:

Charles Gauntlett on 033 022 22524
Email: charles.gauntlett@westsussex.gov.uk

www.westsussex.gov.uk

County Hall
Chichester
West Sussex
PO19 1RQ
Switchboard
Tel no (01243) 777100



18 July 2019

Standards Committee

A meeting of the committee will be held at **10.30 am on Friday, 26 July 2019** at **County Hall, Chichester**.

Tony Kershaw
Director of Law and Assurance

Agenda

1. **Declarations of Interest**

Members and officers must declare any pecuniary or personal interest in any business on the agenda. They should also make declarations at any stage such as an interest becomes apparent during the meeting. Consideration should be given to leaving the meeting if the nature of the interest warrants it. If in doubt please contact Democratic Services before the meeting.

2. **Minutes of the last meeting of the Committee** (Pages 3 - 6)

The Committee is asked to agree the minutes of the meeting held on 4 March 2019 (cream paper).

3. **Urgent Matters**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances.

4. **Compliments and Complaints Annual Report** (Pages 7 - 36)

Report by Executive Director – Place Services and Director of Communities.

The report presents the Annual Report on compliments and complaints received by the Council. The Committee is invited to note the report.

5. **Report by the Local Government and Social Care Ombudsman Update**

Following discussion at the last meeting of the Committee (minute 10 refers), the Ombudsman has written to the County Council again to clarify its recommendations. The Director of Law and Assurance will give a verbal update to the Committee on the matter.

No background papers.

Contact: Tony Kershaw, 033022 22662

6. **Standards Best Practice** (Pages 37 - 44)

Report by the Director of Law and Assurance.

At its last meeting, the Committee asked the Director of Law and Assurance to investigate ways to implement two areas of best practice as defined by the Committee for Standards in Public Life. The Committee is asked to agree the ways proposed to implement the two areas in the report.

7. **Standards Annual Report** (Pages 45 - 48)

Report by the Director of Law and Assurance.

The report proposes an annual report for submission to the County Council, to outline the Committee's activities in 2018-19. Subject to any amendments, the Committee is asked to agree the report.

8. **Confidential Reporting Policy** (Pages 49 - 52)

Report by the Director of Law and Assurance.

The Committee is asked to note the report on recent referrals and to endorse proposed changes to the Policy to enhance its effectiveness.

9. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 pm on 4 November 2019 at County Hall, Chichester.

To all members of the Standards Committee

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:

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

Agenda Item 2

Chairman

Standards Committee	
26 July 2019	Part I
Annual Monitoring Report of Complaints Regarding Levels of Service Delivery	
Report by Executive Director - Place Services and Director of Communities	

Summary

The Standards Committee reviews the Annual Monitoring Reports of Complaints on behalf of the Council and makes recommendations for improvement

Recommendation

That the report be adopted

Proposal

1. Background and Context

- 1.1 This is the fourteenth annual report on complaints against the County Council and covers the calendar year 2018.
- 1.2 The report also provides information for decisions issued by the Local Government Ombudsman (now the Local Government and Social care Ombudsman).
- 1.3 Learning from complaints and compliments can impact individuals, the organisation and the community we serve. For these reasons monitoring and reporting systems are in place to support this aspect of managing complaints.
- 1.4 The learning and service improvement opportunities from complaints can be much greater when aggregated across the whole service over a period of time, but it is also the case that useful organisational learning can be drawn from individual complaints. Examples of learning from complaints are given in the report, which also gives updates on the system introduced during 2017 to bring added focus to these learning opportunities by informing and involving Directors and Heads of Service in complaints management and learning improvements.

2. Proposal

- 2.1 That the report be adopted and published on the Council's website

3. Resources

- 3.1 There are no resource implications attached to publication of the reports

Factors taken into account

4. Issues for consideration by the Committee

- 4.1 There is a statutory requirement to publish reports on complaints about Adults and Children's Social Care. The Annual report, when published, fulfils that requirement.

5. Consultation

- 5.1 There is no requirement to consult on these reports, which are reports of information. There is no requirement to consult on these reports, which are reports of information. However the 2017 report details the introduction of a system for consulting individuals about their experiences with the complaints process which will be used to improve the service.

6. Risk Implications and Mitigations

- 6.1 Having an effective complaints monitoring system in place helps the County Council to improve its service and mitigates against any risk of not taking complaints seriously, which could lead to more cases being determined against the Council by the Ombudsman

7. Other Options Considered

- 7.1 None

8. Equality Duty

- 8.1 There are no equalities implications in publishing these reports. The relevant guidance does recommend that this data should be captured for social care complaints if possible, and the reports detail the recorded equalities data for this are.

9. Social Value

- 9.1 There are no social value implications in publishing these reports, although there is social value in a system to resolve customer dissatisfaction as quickly and easily as possible for the customer.

10. Crime and Disorder Implications

- 10.1 There are no crime and disorder implications in publishing these reports

11. Human Rights Implications

- 11.1 There are no human rights implications in publishing these reports

Lee Harris
Executive Director,
Place Services

Rachel North
Director of Communities

Contact: David Tominey, Complaints and Representations Manager -
033 022 28222

Appendix

2018 Annual Compliments and Complaints Report

Background Papers

None

This page is intentionally left blank



Compliment and Complaints delivering Insight to Action

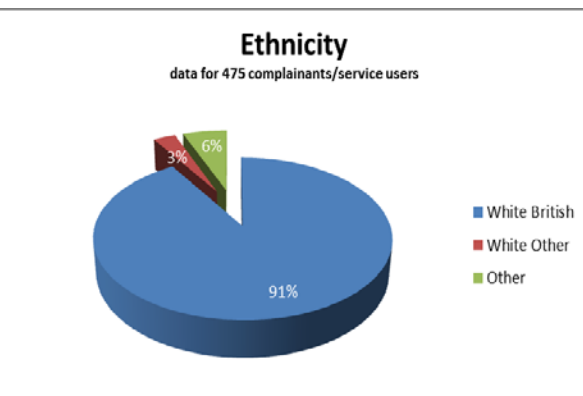
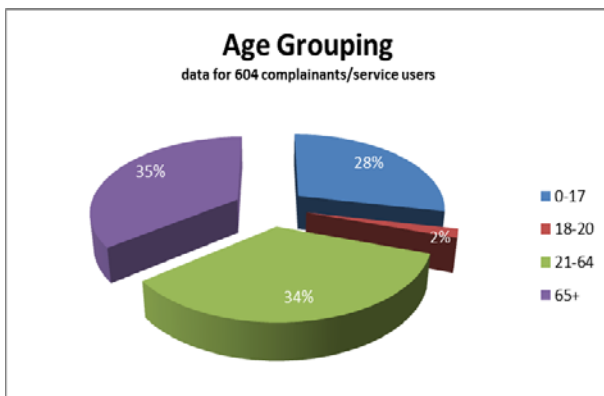
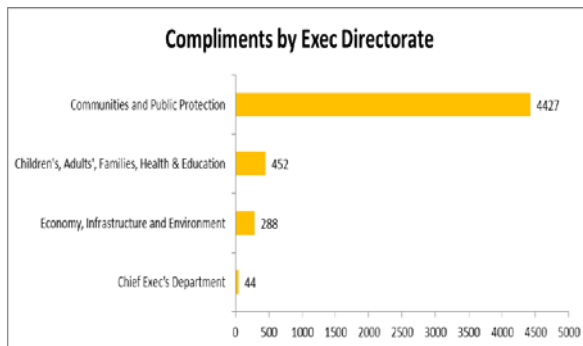
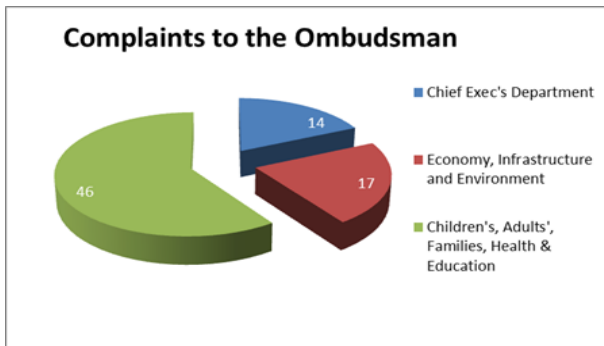
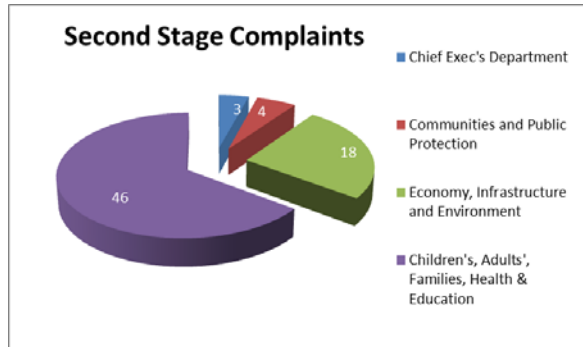
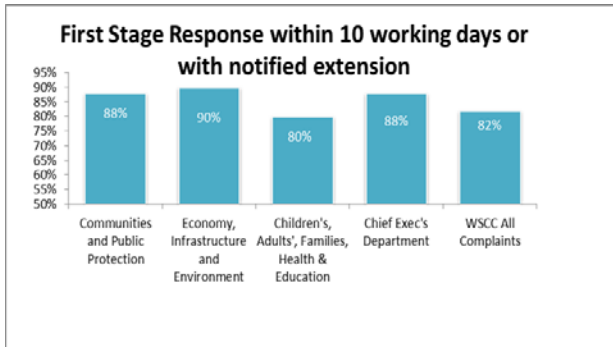
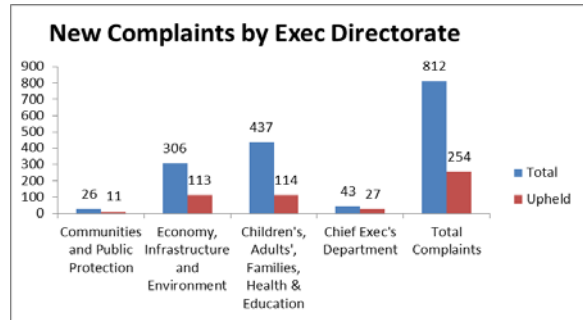
2018 Annual Report



Index

Section	Page
The year in 8 charts	3
Introduction	4
1. The Overall Picture	6
2. Analysis of overall figures	8
3. Complaints delivering insight to action	12
4. Major Service commentaries	14
5. Local Government and Social Care Ombudsman	25
6. Equalities Monitoring	26

The Year in 8 charts



Introduction

This is the fourteenth annual report on complaints against the County Council. This report also provides information for decisions issued by the LGSCO (Local Government and Social Care Ombudsman) in 2018, as well as compliments recorded by the Council.

The Council's definition of a complaint is:

"A complaint is an expression of dissatisfaction, however made, about the standards of service, actions or lack of action by the County Council or its staff, affecting an individual customer or group of customers"

The Council has three procedures for dealing with complaints about services; the Adults' Social Care statutory procedure; the Children's Social Care statutory procedure; and the Corporate Complaints procedure. For ease of comparison, the terms stage 1, 2, and 3 are used throughout this report to refer to the equivalent stages in the different procedures. Full details of the procedures can be found on the Council's website, but put simply; the Council's aim is to resolve complaints for our customers as quickly and simply as possible. For this reason the initial stage is dealt with by the Manager responsible for the service, with an emphasis on trying to reach a resolution. If that resolution is not reached, the customer has the right to escalate matters to the next stage, where the complaint is looked into by a more senior person who has not been involved previously.

The Compliments and Complaints Team, which is part of the Customer Experience Service, is the central team supporting customers and staff to ensure that making a complaint is as easy as possible for all concerned. The team consists of:

David Tominey, Complaints and Representations Manager; and three Customer Relations Officers, Helen Thompson, Kerry Rickman and Duncan Macdonald.

The team can be contacted by emailing feedback@westsussex.gov.uk or calling 033 022 28222

Within the Customer Experience space we have a number of corporate measures which will help us focus on improving the service we provide our customers:

- Level of Satisfaction with the services received by our residents
- Residents finding it easy to access information service and support they need
- Freedom of information requests responded to within time
- The County Council response to recommendations from customer complaints.

Insight from complaints plays a key role in how we deliver the right outcome to our customers and in continually improving our service delivery. To achieve this there has been much activity within the way we collate and learn from our customer complaints. The Customer Experience team improved the way we report to senior managers with the development of the Compliments and Complaints Dashboard which informed improved reporting and learning from complaints, locally and across the Council.

To support the delivery of the Compliments and Complaints Dashboard a new governance structure called the Working Together Focus Group was established in the summer of 2018, and has continued to meet to consider operational learning

and service improvement identified in the analysis of complaints received across the Council.

The Working Together Focus Group is attended by Senior Responsible Officer assigned to deliver improvements into their service, and meets on a quarterly basis to review complaints by directorate with the sole aim to develop a corporate view of identifying systemic learning opportunities as well as trends in complaints activity. More details of the Working Together Focus Group can be found in section 3 of the report.

In this way, as well as putting things right for the individual service user, the Council learns from complaints in order to improve services for the future. The learning and service improvement opportunities from complaints can be much greater when aggregated across the whole service over a period of time, but it is also the case that useful organisational learning can be drawn from individual complaints. Examples of learning from complaints are given in this report.

1 The overall picture

Complaints recorded against the County Council from 1 January to 31 December 2018.

The table below shows the reasons recorded for complaints during 2018 in comparison with 2017.

Complaint Nature	2017	2018
Charging/Financial Assessment		
Charging/Financial Assessment	60	58
Conduct of Staff		
Behaviour	54	70
Competence	12	26
Failure Demand	1	2
Damage/Nuisance/Loss		
Damage/Nuisance/Loss	6	12
Data Protection/FOI		
Breach of Confidentiality	10	23
Inaccurate data on file	2	
Operational Processes		
Assessment	21	14
Eligibility	3	8
Safeguarding investigation	2	1
Service Request Refused	1	
Other	5	15
Frequency		2
Level/quality of contact with child		2
Quality of Service		
Communication with service - Avoidable Contact	52	30
Delays	30	39
Delivery	321	383
Discrimination	2	7
External service Quality Alert		1
Communication with service - Failure Demand	13	13
Use of recycling site		
Use of recycling site	71	68
Waste Management policies and procedures		
Waste Management policies and procedures	9	38
Grand Total	675	812

Explanatory notes:

1. *Figures in bold are the headline figures for a complaint category. Where a breakdown is available, the figures are shown immediately below.*
2. *The categories of 'avoidable contact' and 'failure demand' have both been used in the past to describe complaints arising from situations which were avoidable if the Council was easier to contact, or where contact had been promised but that promise was not kept. These two categories have now been combined to avoid confusion.*

The table below summarises the complaints and compliments recorded by directorate or service unit in 2018; the numbers for LGSCO reflect the number of *decisions received* in the reporting period.

Complaints by Directorate	Stage One	Stage One Upheld	% Upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
Communities and Public Protection							
Communities	18	8	44%	100%	4	0	4271
Fire Service	7	2	29%	68%		0	46
Public Protection	1	1	100%	0%		0	110
Economy, Infrastructure and Environment							
Energy, Waste & Environment	108	60	56%	100%	2	0	165
Highways and Transport	191	50	26%	86%	16	15	120
Economy, Planning and Place	7	3	43%	60%		2	3
Children's, Adults', Families, Health & Education							
Adults' Services	193	50	26%	81%	19	26	258
Children and Family Services	208	56	27%	75%	22	16	126
Social Care Commissioning	2	0	0%	100%	0	0	1
Education and Skills	34	8	24%	81%	5	4	67
Chief Exec's Department							
Law and Assurance	20	15	75%	100%	1	9	5
Finance, Performance & Procurement	15	8	53%	73%	0	1	36
HR and Organisational Change	7	4	57%	92%	1	4	1
Chief Exec's Department	1		0%	100%	1	0	2
Grand Total Complaints	812	265	33%	82%	71	77	5211

Explanatory notes:

1. *The Adults' social care appeals process offers customers direct recourse to Local Government & Social Care Ombudsman (LGSCO) review, as does the process for applying for a Blue Badge (reported within Highways and Transport). The LGSCO figures reported in relation to these processes do not reflect a failure to resolve issues locally through complaints processes, but represents the numbers of appeals that has been referred for review.*
2. *Legal claims for compensation are not recorded as complaints and are handled as insurance matters by the Litigation, Insurance and Risk team. However, figures for successful claims for damage caused by potholes are given within this report for information.*

Legal claims for compensation for damages are not recorded as complaints and are handled as insurance matters by the Litigation, Insurance and Risk team. However, figures for successful claims for damage caused by potholes are given within this report for information.

At the time of writing the annual report, the Council had received 1,186 claims arising from incidents in 2018, of which 740 have been closed or settled, including payments to 81 claimants totalling £30,678.94. Of the 446 claims still open, offers have been made to 34 claimants totalling £11,777.49

Figures for 2017 at the time were 494 claims, out of which 478 had been closed or settled, including payments to 110 claimants totalling £47,351.24

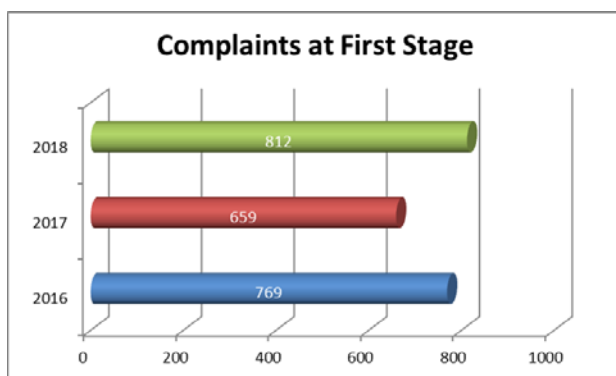
NB These payments may also include the Council's costs.

2 Analysis of overall figures

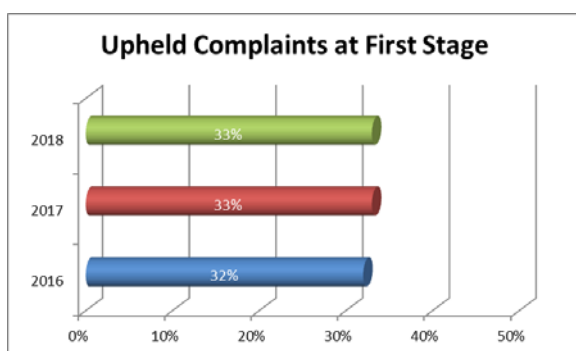
The number of complaints recorded at the first stage increased from 659 in 2017 to 812 in 2018. This represents an increase of 23%, but the graph below shows that this was a return to the levels recorded in 2016, where 769 complaints were recorded.

The number of formal complaints dealt with by the County Council is a fraction of one percent in proportion to the total transactions with service users and the public. If taken as a percentage of calls to the Customer Service Centre it would be 0.2%, however there are many more customer contacts through other channels.

This comment in no way infers that the Council simply accepts the level of complaints we have received. We want to avoid any customer needing to complain, but also regard every complaint as an opportunity to learn and to implement changes that will avoid future complaints being made, improving our customers' experience and in turn our customers' satisfaction levels with the Council.



While there was an increase in the number of complaints upheld at stage one (from 219 in 2017 to 265 in 2018) this actually represents a total of 33% of complaints being upheld, which is the same figure recorded in 2017; approximately 1 in 3 complaints recorded. This includes complaints that were 'partially upheld'.



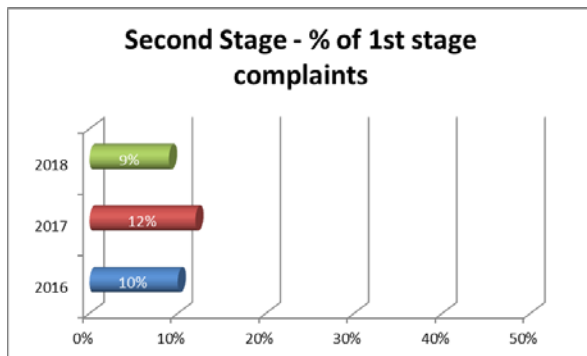
If a complainant is not satisfied with the response at the initial stage, they have the opportunity to escalate their complaint for consideration at a more senior level.

There are different names for this stage under the different procedures, but this report describes them all as stage 2 for ease of comparison.

The number of complaints considered at stage two of the Council's complaints processes remained consistent, with 71 recorded, compared with 78 in 2017. The number of complaints considered at stage two represents 9% of the total number

of complaints received at stage one in 2018, compared with 12% of the total in 2017.

The drop in complaints being escalated through the complaints procedure may be attributed to improved responses at the early stages. As well as providing complaints training to social care managers, the Complaints and Representations Manager has revised and improved guidance for responding managers; this guidance is provided by the Customer Relations Team to all responding managers when complaints are allocated for response.



Once a customer has exhausted the Council's complaints and appeals procedures, they have the option to ask the Local Government and Social Care Ombudsman (LGSCO) to consider their complaint. This report focusses on the number of LGSCO decisions reached in the reporting period, as it is from these decisions that meaningful data and learning can be analysed.

The number of *decisions reached* by LGSCO rose to 77 decisions recorded in 2018 from 56 decisions recorded in 2017.

A detailed breakdown of the decisions and outcomes issued by the LGSCO in 2018 can be found in section 5 of this report.

It is not possible to predict accurately how many complaints will be escalated to the LGSCO, as all complainants have the right to request their complaint is reviewed by the LGSCO.

Local resolution is key to improving the customer experience, and escalations to LGSCO will remain a focus for continual monitoring and review, as we try to resolve complaints for customers as quickly and simply as possible.

2.1 Trends

The number of stage one complaints has increased, with the main areas of increase being Children and Family Services and Highways and Transport. No obvious reason for these increases has been found, but there is further discussion in the sections relating to those services. It is pleasing to note that the number of compliments recorded has also increased impressively, by 28% from 4065 in 2017 to 5211 in 2018. Not included in this figure are the 2493 compliments the Library Service received for the Summer Reading Challenge.

Following a two-year decrease in the percentage of complaints responses issued within timescales or within an extended timescale, there has been a slight

Agenda Item 4

Appendix

improvement in 2018, with 70% of complaints being responded to within the expected timescale.

The Complaints and Representations Manager sought to address the timeliness of complaints responses, and from May 2018, a reporting tool with a RAG (red, amber, green) warning system for managing open complaints has been cascaded to directors and senior managers within the Council on a weekly basis.

The introduction of the RAG reports in May 2018 has had a notable impact on the timeliness of complaints responses. Comparing the figures at the time of the introduction of the RAG reports with the latest available figures shows an improvement in performance following the introduction of this management tool.

The Complaints and Representations Manager compared the figures from quarters 3 & 4 in 2017, prior to the introduction of the RAG reports, with the figures from quarters 3 & 4 in 2018 .

- *There has been a sizeable decrease (28%) in responses exceeding a 10 day deadline without agreement/notification with the customer, dropping from 17.5% to 12.5% of the total recorded.*
- *There has also been a sizeable decrease (25%) responses being sent outside of 10 days with agreement/notification with the customer, which has dropped from 16% to 12% of the total recorded.*

The Complaints and Representations Manager will continue to build on the initial success of the RAG reports throughout 2019, and will continue to monitor the improvement of timeliness of complaints responses.

The monitoring of timescales is an ongoing priority for the Working Together Focus Group which is described in section 3 of this report.

Complaints training was delivered for both Adults Social Care Managers and Children's Social Care Managers in 2018, and is scheduled to be repeated in 2019 to continue to embed the importance of complaints, and the management of them to responding managers. This training facility is to be rolled out to corporate directorates within the Council in 2019, to ensure that as many managers as possible benefit from bespoke training on the complaints procedure that relates to their specific service. During 2019 the Council's Customer Service training, developed in consultation with customers, will also be offered to team with high levels of customer service complaints.

2.2 Financial remedies

The complaints process is not designed to facilitate compensation payments. The Council will sometimes offer goodwill gestures, or ex-gratia payments in recognition of identified fault, but this is in itself quite rare. The LGSCO has published guidance on remedies for complaints scenarios, and this guidance is used when payments are considered as a result of a complaint being upheld.

Unlike the compensation for damages referred to in section one, financial remedy payments are not 'compensation' but they are a method recommended by the LGSCO for resolving complaints where the Council has been at fault and is unable to resolve the situation in another way. The volume of complaints considered by the

Council covers a range of issues raised by customers, which means that it will always be hard to predict what overall levels of financial remedy are likely to be offered by the Council.

The amount recorded as paid to complainants as a financial remedy increased from £2,050 paid in 2017 to £12,471,92 in 2018. All of the financial payments resulted from LGSCO findings, and recommended remedies.

An additional cost of £7,457.70 was absorbed by the Customer Relations Service, resulting from commissioning costs for investigating two complaints escalated through the Children's statutory complaints process. In these cases, the Council is obliged to commission an investigating officer and an independent person to oversee the investigation of the complaint. This obligation is a statutory requirement, and applies to all local authorities investigating complaints through the statutory procedures. Costs for these commissioned services are set by the Council and are in line with general rates paid by neighbouring local authorities.

The £12,471,92 figure arose from 7 complaints.

Following an investigation from the LGSCO, Adults' Social Care agreed that a delay in processing direct payments led to the complainant incurring a debt to a care agency totalling £2,193,34. The LGSCO instructed the Council to pay this debt, and to pay the complainant £250 in recognition of the time and trouble in pursuing the complaint.

The LGSCO found that the Council had mismanaged a request for the Council to support an application for Extra Care Housing for someone who was currently resident in Slough. While it was accepted that the Council was entitled to reject the application, it was agreed that the Council had failed to provide appropriate advice, which resulted in a period of uncertainty for the complainant. The LGSCO instructed the Council to make a payment of £150 each to the complainant and to the subject of the request for care.

The LGSCO found fault in the way the Council managed the transfer from a statement of special educational needs to an Education, Health and Care Plan (EHCP). The LGSCO found that the Council missed the statutory timescales associated with the transfer, and instructed the Council to pay £350 in recognition of distress that the delay had caused the complainant.

The LGSCO found fault in the Council's organisation of agreed contact sessions between February and June 2015. The Council had already accepted the errors, and had offered the complainant £300 to cover travel expenses. The LGSCO accepted this was a reasonable remedy, and instructed the Council to make the payment to the complainant.

A joint investigation carried out by the Parliamentary and Health Service Ombudsman (PHSO) found fault that the Council had advised parents that a Mental Health Act assessment was a possibility, but did not inform them before the assessment actually took place. The PHSO instructed the Council to pay £100 in recognition of the distress this caused the family. The PHSO found that the Council had also failed to ensure the child received suitable educational provision over a period of 3 months, and instructed the Council to pay the family £1500 to be managed by the family for educational purposes. The PHSO also found fault in the

Agenda Item 4

Appendix

time taken to complete the complaints process, and instructed the Council to pay £100 to the family in recognition of the distress this caused the complainant.

The LGSCO found that the Council was at fault in the way it considered care arrangements and failed to assess the complainant as a family and friends foster carer, meaning the complainant missed out on the chance to receive a fostering allowance as a result. The LGSCO instructed the Council to pay a sum equivalent to the fostering allowance it would have paid from the beginning of the placement. The Council calculated this to be £6,778,58 and made the payment in line with the LGSCO remedy. The LGSCO also instructed the Council to pay £100 to the complainant in recognition of the time and trouble taken to pursue the complaint.

The LGSCO instructed the Council to pay £500 to a young person for time and trouble when pursuing their complaint that the Leaving Care Service ended leaving care services unexpectedly.

2.3 Compliments

When a customer is so satisfied with the service they have received that they make a special mention of it, the Council records this as a compliment.

The number of recorded compliments rose by 28% from 4065 in 2017 to 5211 in 2018, well exceeding the number of recorded complaints for the ninth year in a row with the Library Service once more the chief contributor.

Not included in this figure are the 2493 compliments the Library Service received for the Summer Reading Challenge (a slight decrease from 2660 in 2017) in which over 10,000 children take part.

3 Complaints delivering insight to action

Within the Customer Experience space we have a number of corporate measures which help us focus on improving the service we provide our customers:

- Level of Satisfaction with the services received by our residents;
- Residents finding it easy to access information service and support they need;
- Freedom of information requests responded to within time;
- The Council response to recommendations from customer complaints.

A governance structure called the *Working Together Focus Group* was established in 2018, chaired by the Customer Relations Manager and attended by senior responsible officers (SRO) from each service.

The Working Together Focus Group is now establishing its roles and responsibilities, and is becoming an embedded feature in the Council's commitment to continual improvement. The group meets on a quarterly basis to review identified learning from complaints by directorate, with the sole aim of developing a corporate view of presenting issues and trends arising from complaints.

One of the first priorities for this group was to address the fall in the percentage of complaints responses sent out within timescale, which were highlighted in previous annual reports.

The introduction of weekly progress reports (RAG reports) commenced in May 2018. Initial signs indicate that the weekly reports have had a positive impact on the timeliness of the Council's management of complaints. The analysis of the data in section 2.1 of this report shows that performance has improved across the Council since the introduction of the RAG reports. The frequency of these reports has helped to further embed a culture of reporting 'upwards' to senior managers to encourage ownership and accountability of matters arising, which in turn helps the Council to better serve our customers.

Following the conclusion of a complaints investigation, learning audit forms are completed and signed off by senior managers for all complaints that are found to be upheld, either in full or in part. The Working Together Focus Group is working to embed a process such next steps and actions are agreed, with the appropriate person assigned to deliver improvements into their service, the focus on avoiding the complaint being repeated.

Insight from complaints plays a key role in how we deliver the right outcome to our customers and assists the Council to continually improve our service delivery. To further empower managers to keep up to date with service performance, the Customer Relations Team have taken steps to improve the availability of performance statistics through formal reporting, and by continually developing and updating 'real time' management tools.

The Customer Relations Team and the Customer Experience Analyst produced a Compliments and Complaints Dashboard in 2018, which allows the user to examine performance, in terms of numbers, timescales and outcomes, from Council-wide down to individual teams and from a number of years down to individual months. Although of particular interest to managers, this is open to all staff, and the team are working to support managers to make full use of this data to drive improvement and reduce complaints.

Every Quarter, the Customer Relations Team produce a quarterly complaints snapshot for the three services with the highest volume of complaints - Children and Family Services; Adults' Social Care; and Highways and Transport.

In May 2018, the Customer Relations Team embarked on an initiative to ensure all customers who have complained are offered the opportunity to feedback on their experience of complaining (separately from the outcome they achieved).

This insight is audited quarterly by the Complaints and Representations Manager and the Customer Relations Manager to ensure that key themes and messages are recorded, and shared with colleagues in the Working Together Focus Group. The initiative has revealed difficulties encountered by customers who have found the need to make a complaint against the Council. However, it has also yielded useful insight into elements of the Council's processes that work well. This feedback provides valuable insight to the Customer Relations Team directly from those customers who have experience of accessing the complaints processes we manage and promote.

The introduction of this survey, and the frequent review of the results has enabled the Customer Relations Team to improve elements of the customer journey within our control, and to identify areas of the business where improvements can be made. For example, a number of customers said that they had not been told how to escalate their complaint if they remain dissatisfied. An analysis of these comments

Agenda Item 4

Appendix

showed that for 50% of those customers who had completed the survey, the complaints response had not contained this information, even though it was included in the recommended templates. The Customer Relations Team enhanced the message to responding managers about using the templates, and this has delivered an immediate improvement.

A priority for the Customer Relations Team in 2019 is to successfully benchmark our performance with our statistical neighbours to ensure we can be confident about what 'good' looks like to ensure we are in a position where we can measure our performance against other local authorities.

The Complaints and Representations Manager has also worked with the Waste Management Service and their major contractor, Viridor, which manages the Household Waste Recycling Sites, to ensure that all complaints are dealt with according to the Council's corporate complaints procedure and recorded on the Council's database in full. As part of the agreement accompanying the change in pensions management provider from Capita to Hampshire County Council, the same will be true of complaints about pensions management from March 2019 onwards; and work with the streetlighting provider SSE is ongoing to ensure that the small number of complaints they receive are dealt with in the same way.

The Customer Relations Team will continue to gather this intelligence and present it to the Working Together Focus Group, to ensure that the Council maintains its commitment to learning from all feedback and improving the service we provide to the customers we are so proud to serve.

4 Major Service commentaries

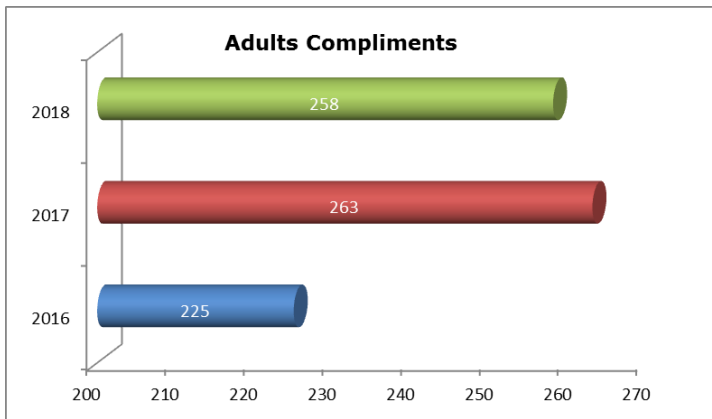
4.1 Adults' Services

Adults' Services	Stage One	Stage One Upheld	% Upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2018	193	50	26%	81%	19	26	258
2017	184	50	27%	78%	25	16	263

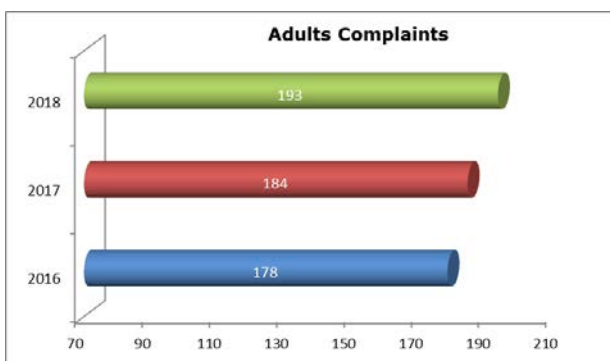
Adult's Services is the service within the Council with the highest budget spend and is also the primary service for customer demand into the Customer Service Centre.

It follows that it is also one of the services with the highest number of complaints.

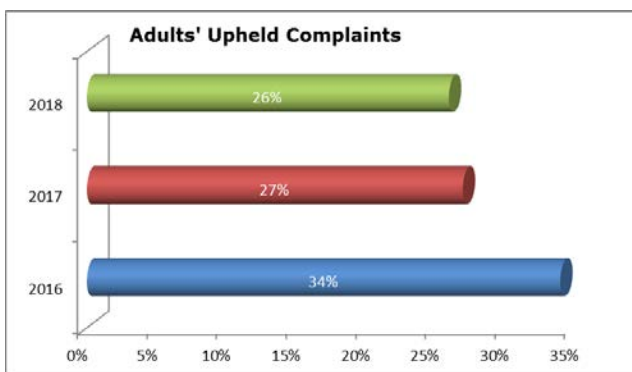
Once again Adults' services received more compliments than complaints with a slight decrease in compliments received in this reporting period, from 263 in 2017 to 258 in 2018;



The number of complaints recorded against Adults' services increased only very slightly in comparison to the number recorded in 2017.¹



The percentage of complaints that have been upheld has decreased very slightly from 27% in 2017 to 26% in 2018. In terms of numbers this means that the number of complaints upheld has remained exactly the same at 50.



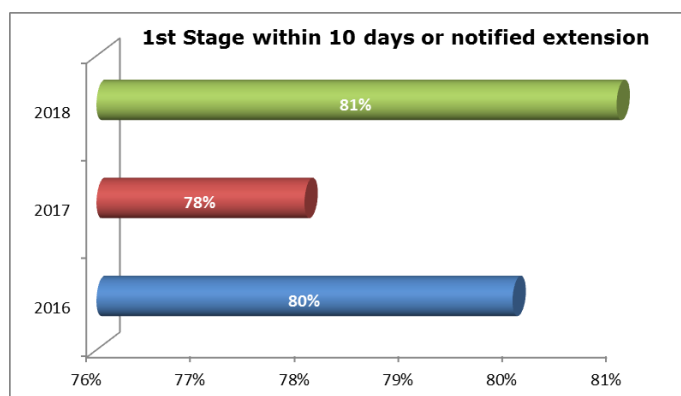
It is worth noting that only 10% of complainants have felt compelled to escalate their complaint for further review through the complaints procedure; this figure represents a notable decrease in the percentage of escalations (17%) recorded in 2017.

The Council's corporate target for complaints responses is ten working days, with a maximum target of twenty working days unless an extension is agreed or the complainant is notified that the timescale needs to be extended. The percentage of

¹ 2017 figure shown here includes complaints arising from an Adult Social Care service but previously allocated to 'outsourced support services'

Agenda Item 4 Appendix

complaints responded to within agreed timescale in 2018 represents a slight increase in the performance reported in 2017;



The timeliness of responding to formal complaints about Adults' social care services will continue to be monitored by the Working Together Focus Group to continue to deliver improvements within this measure.

The importance of analysing complaints and drawing meaningful conclusions from them has long been a priority for the Council. Where complaints are upheld in full, or in part, the Council seeks to review the outcomes, and identify any potential for organisational learning and service improvement.

Changes to policy and/or service delivery that have taken place or been recommended as a result of learning from Adults' complaints in 2018 include:

- The Council now has a dedicated *Making Safeguarding Personal* (MSP) sub-team working on safeguarding concerns related to providers, which the team manager has direct oversight of, ensuring that MSP is at the core of safeguarding;
- Following a failure to follow choice of accommodation regulations under the Care Act, a reminder was issued to team managers of choice of accommodation rules at team managers' meeting;
- Staff were reminded of the importance of ensuring information taken from historical records is checked at each assessment, and not relied upon without checking;
- Following an error in completing and checking a direct debit mandate at a customer's home, resulting in the production of erroneous invoices, a review of processes was undertaken to ensure that lessons were learned as a result of the complaint;
- Welfare Benefits Advisor processes were reviewed following a complaint that incorrect information had been sent out, and that clients had not been made aware of what documents were required to progress cases.

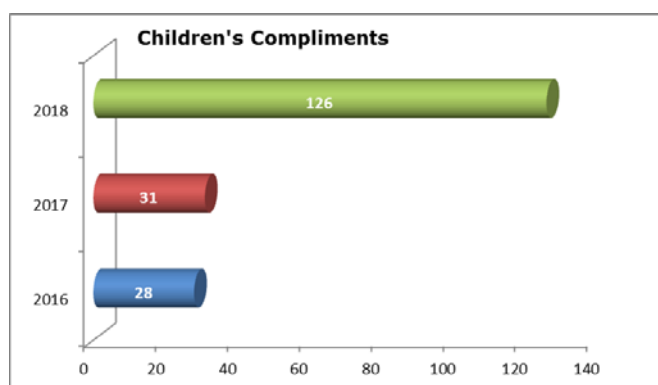
4.2 Children and Family Services

Children and Family	Stage One	Stage One Upheld	% Upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2018	208	56	27%	75%	22	16	126
2017	166	45	27%	72%	18	7	31

Historically, Children and Family Services is one of the areas where the number of complaints is significantly higher than the number of compliments. The nature of the work undertaken by these services in relation to ensuring the welfare of children and young people is often perceived to be intrusive by the families the Council works with. It is to be expected that the work Children's social care staff especially are obliged by statute to pursue creates an imbalance in the amount of complaints and compliments received in comparison to other areas of within the Council.

However, following on from the Complaints and Representations Manager's training of Children's Social Care managers, and a push to remind staff to report all compliments received, there has been a four-fold improvement in the number of compliments recorded by Children and Family services in 2018, up to 126 from 31 in 2017.

The increase in recorded compliments marks a change in the mind-set of managers within Children and Family services, who had expressed a general feeling that they did not feel compliments received were anything to make a fuss over. Through training, the Complaints and Representations Manager made clear the importance of reporting all compliments, and the marked increase in reported numbers can be attributed to this instruction.



The number of complaints recorded against Children and Family services has significantly increased from 166 in 2017 to 208 in 2018. This is an increase of 25%.²

The increase in complaints traffic is clear, but it should be noted that capturing and reporting customer dissatisfaction is something that the Council has actively encouraged throughout 2018. The proactive approach in promoting the complaints service to staff and young people alike appears to have impacted the number of formal complaints recorded in 2018. The Complaints and Representations Manager has spent time training staff to recognise and report formal complaints, and the Council has periodically contacted all children when they become looked after by the Council to alert them to the complaints process, and their rights relating to it.

To understand the headline figure of 208 complaints recorded against Children and Family services, it is necessary to drill down into the data, to add appropriate context.

² Figures shown here include the results for the Integrated Prevention Early Help service (IPEH) which was quoted separately in the 2017 report

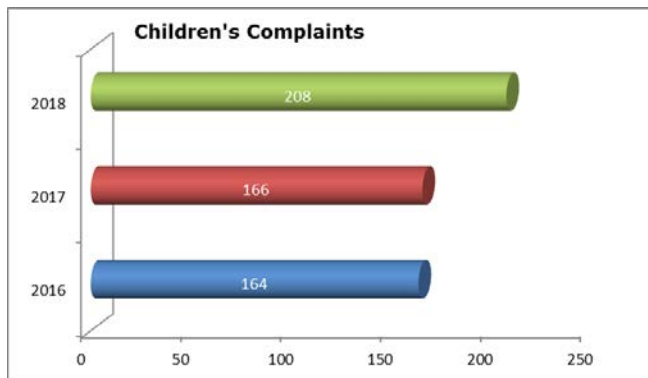
Agenda Item 4 Appendix

The number of upheld complaints increased, but the percentage remained the same as reported in 2017, which was 27% of all complaints upheld, or partially upheld.

The figure of 27% is lower than Council average of complaints being upheld, which stands at 33%.

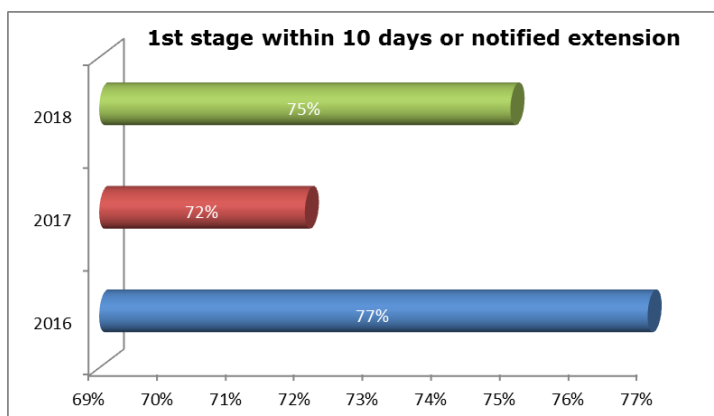
The percentage of complaints escalated through the complaints procedure dropped from 12.5% in 2017 to 10.5% in 2018. This is one of the measures we will be comparing in our benchmarking against other councils as we seek to establish what 'good' looks like in terms of complaints performance.

The Council ethos is to resolve complaints quickly and locally, to ensure the customer receives a full and considered response at the first stage of the complaints process. The reduction in escalated complaints may be an indication that responses at stage one of the procedure have improved and have, in the majority, answered complainants effectively.

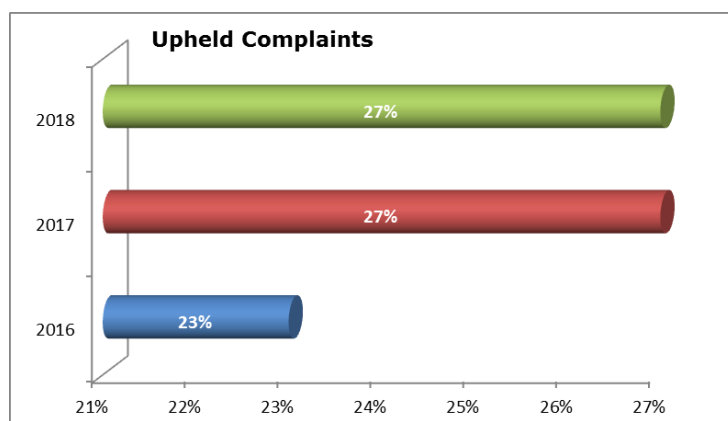


The Council's corporate target for complaints responses is ten working days, with a maximum target of twenty working days unless an extension is agreed or the complainant is notified that the timescale needs to be extended. The statutory complaints procedure for Children's social care has the same targets.

The percentage of Children and Family services' complaints responded to within agreed timescale shows a slight improvement despite the increase in complaints traffic. In 2018 Children and Family services responded to 75% of stage one complaints within 10-working days (or with agreed/notified extension). This compares to 72% in 2017. This measure of compliance is one that the Complaints and Representations Manager will continue to monitor and analyse with the Working Together Focus Group throughout 2019.



The percentage of complaints that were upheld (27%) is the same as the percentage reported in 2017.



Most complaints about Children and Family Services are made by adults, usually parents, either on behalf of children or regarding their own interactions with the service. The records show that 15 young people were supported by advocates at all stages of the complaints procedure from representations up to the Local Government and Social Care Ombudsman. More details of how young people have been supported by the West Sussex Advocacy Service can be found in the separate 'Independent Visitor and Advocacy' report.

Changes to policy and/or service delivery that have taken place or been recommended as a result of learning from complaints includes:

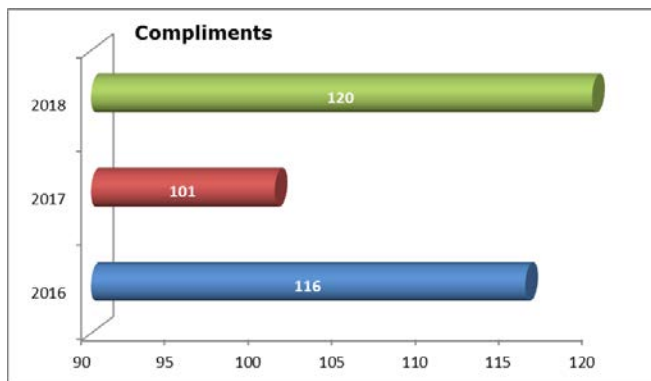
- Staff were reminded to explicitly record where customers have requested anonymity when contacting the Council on social care matters;
- A model of assessment of new cases was introduced prior to allocation to ensure that cases do not pose practice challenges beyond worker experience level;
- All managers were reminded of the importance of distinguishing between allegation and fact in written work. Managers were also instructed to ensure guidance and support is provided to practitioners through training and development;
- Following an identified gap in administrative processes, staff were reminded of the importance of making contact with customers at the start of assessment processes, and the importance of checking contact details align with those held by partner agencies.
- When children are placed in foster care, this is seen as a long-term placement. Team managers were reminded to ensure personal education plans (PEP) are up to date to ensure an appropriate educational setting is in place; Independent Reviewing Officers (IRO) were instructed to follow this up in reviews as good practice.

4.3 Highways and Transport

Agenda Item 4
Appendix

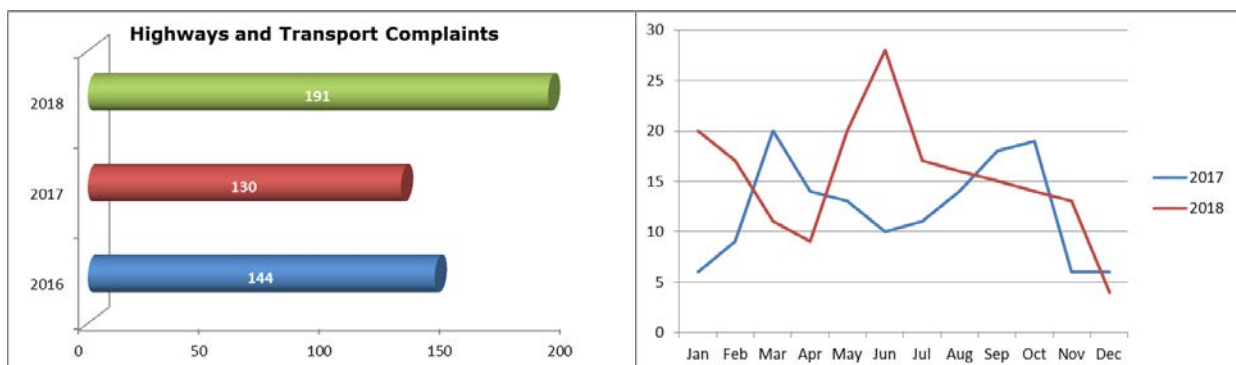
Highways and Transport	Stage One	Stage One Upheld	% Upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2018	191	50	26%	86%	16	15	120
2017	130	38	29%	86%	17	7	101

The number of compliments received by Highways and Transport increased for the first time in two years, with 120 compliments recorded in 2018, compared with 101 in 2017. This represents an increase of 19%.

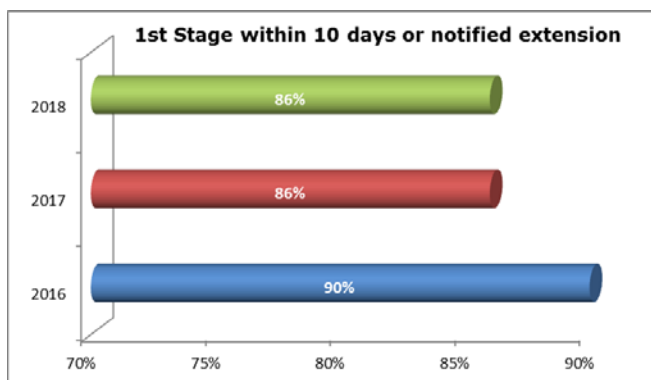


In 2018, there was a 47% increase in recorded stage one complaints, an extra 61, relating to Highways and Transport.

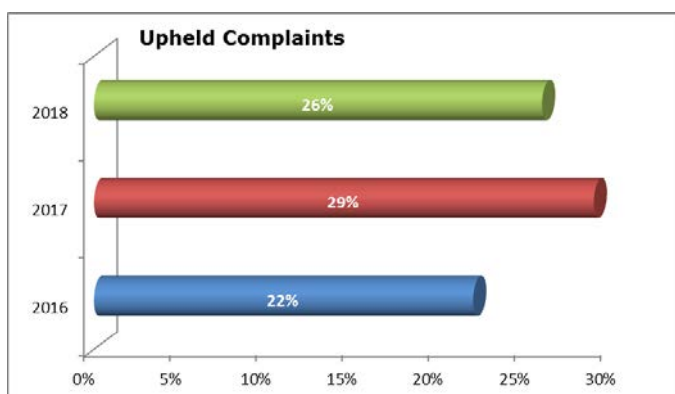
In 2018 the Council’s management of the consultation stage of the Velo cycling event generated an additional 16 complaints, which amounts to 22% of the increase in complaints recorded in 2018. Analysis of the monthly number of complaints shows that there was a spike in complaints in the early summer, with 65 complaints being received in May-July 2018, compared to 34 in the same period in 2017. Of these 65, by far the largest single reason for complaints was roadworks, with 12 complaints. A number of these derived from the construction of a new cycle path between Felpham and Littlehampton, which caused delays to traffic and was also extended when the construction took longer than initially expected. The next highest was grass/vegetation/tree growth with 9 complaints. 5 complaints in this period were about refusal of permission for a vehicle crossover (to enable off road parking) and 4 were related to flooding.



In 2018 Highways and Transport responded to 86% of complaints within 10-working days (or with an agreed extension), which was the same percentage reported in 2017. The number of complaints received has increased, but the response times have not suffered, and the number of complaints upheld has decreased.



There was a decrease in the percentage of complaints that were found to be upheld, dropping from 29% in 2017 to 26% in 2018, which is well below the Council average of upheld complaints, which stands at 33%.



Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint includes:

- All short-notice cancellations for Blue Badge appointments will now be communicated by telephone in addition to written correspondence;
- The administration of Blue Badges has been transferred from Capita to the Council's own Customer Service Centre to improve the function and to ensure appropriate management scrutiny is applied;
- A full review of the processing of Blue Badge applications was carried out, and advisors within the Customer Service Centre received training, which included issues arising from a complaint about delayed process.

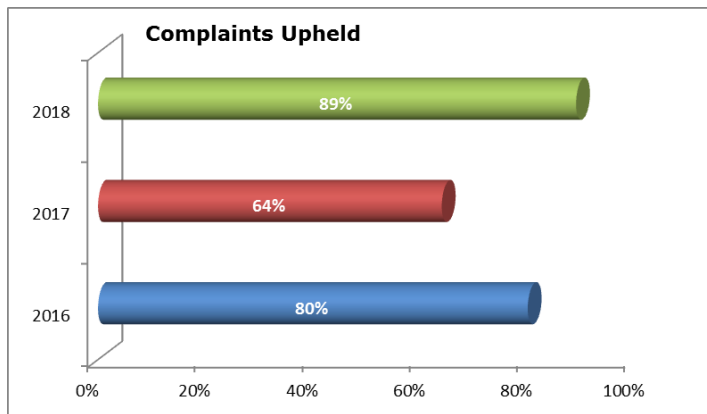
4.4 Communities and Public Protection

Communities and Public Protection	Stage One	Stage One Upheld	% Upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2018	26	11	42%	88%	4	0	4427
2017	34	13	38%	88%	2	2	3504

Communities

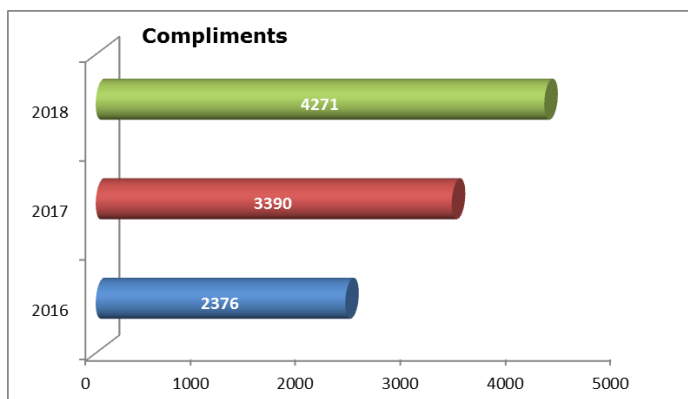
The number of complaints received relating to services provided by Communities decreased by 23% from 25 in 2017 to 18 in 2018. There was an increase in the percentage of complaints that were upheld when compared to the previous year, with 89% upheld in 2018, compared with 64% in 2017, but this was actually a decrease in the number upheld, which dropped from 13 to 11.

Agenda Item 4 Appendix

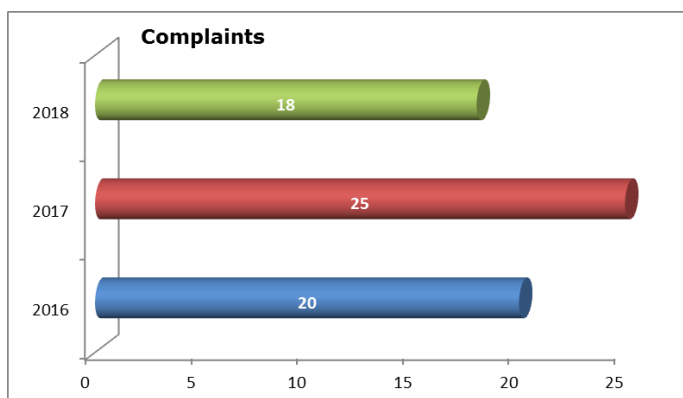


The Communities directorate houses a broad range of services including Libraries, the Syrian vulnerable person resettlement scheme, Wellbeing, the West Sussex Spacehive platform which brings together sources of funds and people with bright ideas, as well as the Registration Service, and Customer Experience across the county.

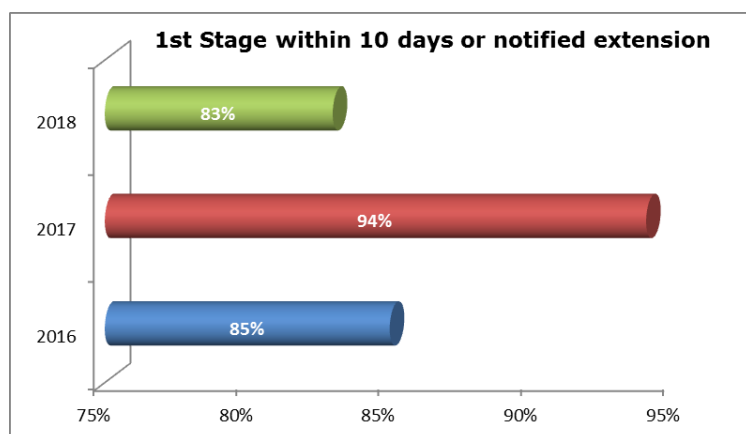
Compliments received in relation to Library services dwarfs the other services in the directorate (and indeed the Council) with the service receiving a huge number of compliments throughout the year. With Libraries contributing a large proportion of collected data, Communities saw an increase of 26% on the compliments recorded in 2017 from 3390 in 2017 to 4271 in 2018.



Complaints recorded against services within Communities decreased from 25 in 2017 to 18 in 2018, representing a drop of 28%;



Communities as a whole responded to 83% of complaints within 10 working days, when compared to 94% in 2017.



Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint include:

- A review of Council's procedure on handling unreasonably persistent complainants was recommended as it was considered that the document reads as a bespoke document for unreasonable complainants, which it is not intended to be.

Public Protection

Within Public Protection, both Trading Standards and the Fire Service are services where the number of compliments received outweighs the number of complaints received.

Only 1 complaint was formally logged against Trading Standards in 2018 (3 were logged in 2017) but 110 compliments were recorded in the same period, which represents a slight increase with the 96 recorded in 2017.

The Fire Service statistics remain steady when compared with 2017.

In 2018, 7 complaints and 46 compliments were logged for the Fire Service compared to 6 complaints and 40 compliments in 2017.

4.5 Education and Skills

Education and Skills	Stage One	Stage One Upheld	% Upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2018	34	8	24%	81%	5	4	67
2017	38	8	21%	79%	6	6	58

Services within Education and Skills accounted for 34 formal complaints, and 67 compliments. Of those complaints, 24% were upheld.

The number of complaints is consistent with the reported figures in 2017. There has been a 15% increase in compliments received within the service.

Agenda Item 4

Appendix

Education and Skills have continued to improve on the timeliness of responses, with 81% of complaints being responded to within 10 working days, or with an agreed extension.

Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint include:

- A change to the Meals on Wheels (MOW) leaflet was advised, as the leaflet included the Council logo, but the role of the Council in this service was not clear;
- All staff were required to complete the training sessions relating to protecting personal information, and guidance was developed and shared with SENAT staff;
- Following delays in assessments of special educational needs, a briefing note to staff was circulated setting out the statutory timescales that Council staff are obliged to adhere to.

4.6 Waste Management Services

Waste Management	Stage One	Stage One Upheld	% Upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2018	106	60	57%	No data	0	0	165
2017	80	38	47%	No data	0	0	41

The figures here are made up of a combination of the Council's in-house Waste Management team and the figures from Viridor. Viridor is a major contractor for WSCC, managing our eleven Household Waste Recycling Sites and two mobile recycling sites. The high percentage of upheld complaints derives from the fact that two-thirds of complaints against Viridor are upheld. The Complaints and Representations Manager is working with Viridor to understand why this is the case.

Although there has been an increase in the number of received and upheld complaints, it is pleasing to see that over the same period the number of compliments recorded has increased by 300%.

Stage one complaints for Viridor are dealt with by the contractor; customers who are dissatisfied with the response from Viridor do still have the option to ask the Council, and ultimately the LGSCO, to consider their complaint.

The Customer Experience team works closely with our third party service providers and has issued guidance on what information is required and how to manage and escalate customer compliments and complaints, as well as attending regular meetings to ensure we can hold our third parties to account within the way they manage our customer contact and their complaints.

This insight from these complaints feeds into the Working Together Group as it would with any other Council service. There has been a sizable shift in 2018 in the way we collect complaints data from Viridor in particular, and in the Council's role in facilitating the process to ensure absolute compliance with the Council's expected standards of complaints investigation and customer service.

5 Local Government and Social Care Ombudsman

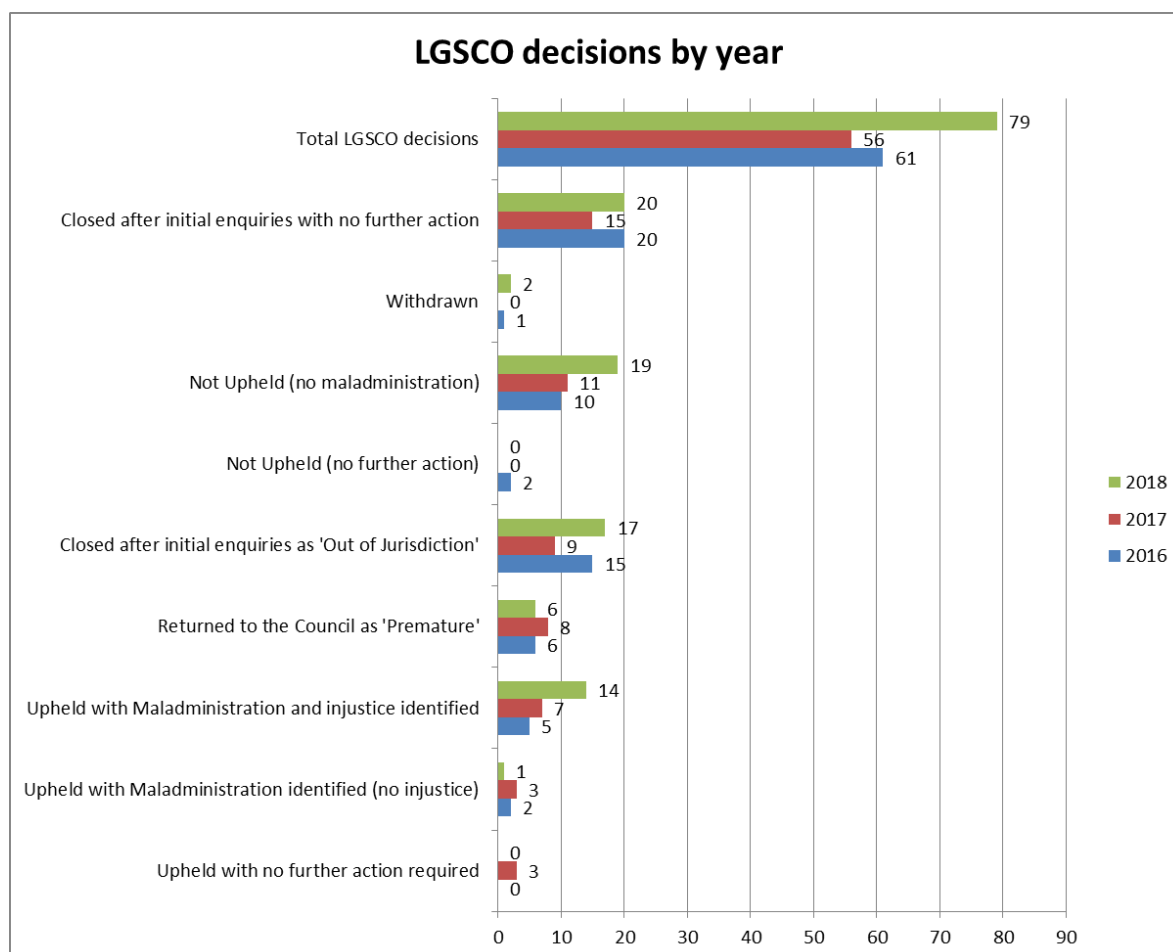
A total of 58 Ombudsman enquiries were formally logged in 2018, compared to 48 recorded in 2017.

The number of *decisions* issued by the LGSCO in 2018 (77) increased by 37% when compared with the number issued in 2017 (56).

In addition, two complaints were recorded as 'withdrawn' by the LGO

Of the 77 decisions issued in 2018:

- 20 were closed with no further action;
- 19 were not upheld with no maladministration;
- 17 were closed after initial enquiries as 'out of jurisdiction';
- 6 were returned to the council as 'premature';
- 13 were upheld with maladministration and injustice identified;
- 1 was upheld with maladministration (no injustice) identified;
- 1 was upheld with maladministration and injustice identified with an issued report.



In fourteen of the fifteen cases where fault was identified, the LGSCO and the Council agreed a suitable remedy, usually an apology or a review of decision. Any financial remedies resulting from an LGSCO investigation are set out in the synopsis in section 2.2.

Agenda Item 4 Appendix

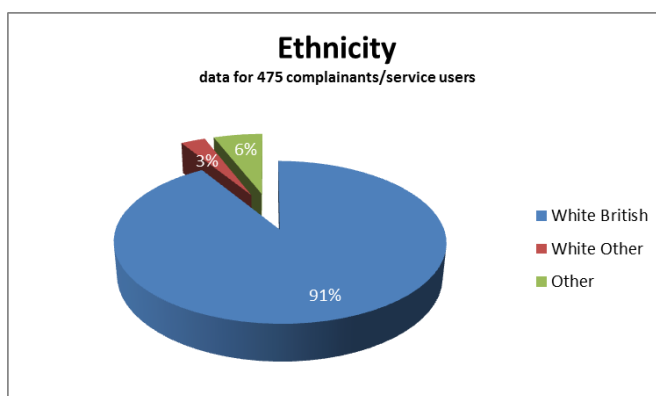
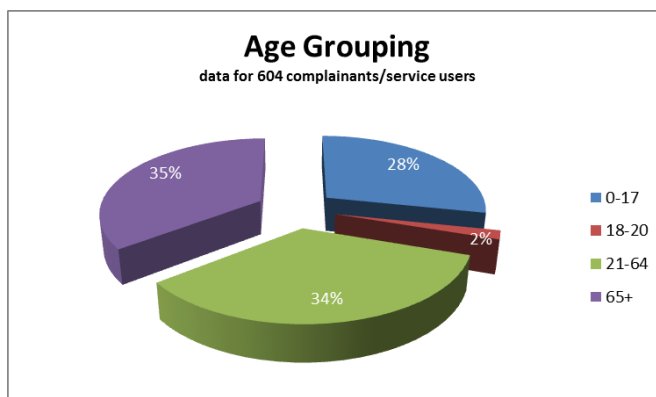
In the fifteenth case, the LGSCO published a report of an investigation into a complaint against the Council in December 2018. The LGSCO took this unusual step because the Council decided on this occasion not to accept the LGSCO's recommendations. Although the Council usually does accept the LGSCO recommendations in full, on this occasion we decided that we could not agree with the basis of the LGSCO's findings.

An anonymised list of cases considered by the LGSCO is available from the Complaints & Representations Manager David.Tominey@westsussex.gov.uk and all anonymised decision reports are held on file and accessible on request.

6 Equalities Monitoring

The process for monitoring complaints by age, sex, race, disability, religion or belief, and gender reassignment has historically produced insufficient data to form any realistic judgement as to the effectiveness of the procedure for individual groups.

From May 2018 all complainants were surveyed regarding their customer experience of the complaints process. That survey also requests equality data but it is not clear at present whether this will improve the data already gathered.



Other made up of:

- Pakistani
- Chinese
- Other Asian
- Black Caribbean
- Black African
- Other Black ethnicity
- Other Ethnic Group
- White + Black African
- White + Asian
- Any other mixed ethnicity

Standards Committee	
26 July 2019	Part I
Standards Best Practice	
Report by Director of Law and Assurance	

Executive Summary

At its last meeting, the Committee asked the Director of Law and Assurance to investigate ways to implement two areas of best practice as defined by the Committee for Standards in Public Life. The Director proposes ways to implement the two areas in the report.

Recommendations

- (1) That the amended wording to the Code of Conduct form in the Appendix be agreed for use after future by-elections and elections.
- (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 set out in paragraph 2.3 below.

Proposal

1. Background and Context

- 1.1 Local authority members act as community champions and leaders, who, by the use of locally raised taxes and other public funds, take decisions that affect the lives of local people. The electorate expect high standards from local authority members because of these crucial roles.
- 1.2 The Committee for Standards in Public Life announced in January 2018 that it was to undertake a review of Local Government Ethical Standards. The County Council submitted a response to the call for evidence, which was approved by the Standards Committee on 12 March 2018.
- 1.3 The Localism Act 2011 made significant changes to the Standards regime in Local Government. It abolished the national Standards Board, abolished the national code of conduct and instead gave local authorities a duty to adopt a code of its own choosing. A compulsory element was introduced through legislation that defined a certain range of pecuniary interests and making a failure to disclose these within 28 days a criminal offence.
- 1.4 Following the flexibilities introduced by the Localism Act 2011, the County Council has maintained a comprehensive Code of Conduct with the aim to uphold the highest standards of conduct.

- 1.5 At its meeting in March 2019, the Committee considered the report issued by the Committee for Standards in Public Life and noted that the report included a list of 15 areas of recommended best practice that councils can already adopt within existing powers.
- 1.6 The Committee noted that it was already compliant with most of the recommended best practice that was applicable to county councils, but identified two gaps in the County Council’s standards regime that it asked the Director of Law and Assurance to seek to address.

2. Proposal

- 2.1 The Committee is asked to consider making two changes to the Standards regime to comply with the best practice.
- 2.2 The first is to add an explicit sentence to the Code of Conduct form to make it clear that the member submitting the form is also signing up to the Code of Conduct. This had previously been part of the ‘Declaration of Acceptance of Office’ form but had been removed following the implementation of the Localism Act. The proposed amended form is attached at the Appendix.
- 2.3 The second is to include a specific statement in the County Council’s Annual Governance Statement about separate bodies which the County Council owns and has set up, including confirmation that they are abiding by the Nolan principles of openness and publish their board agendas, minutes and annual reports in an accessible place. It is proposed to list the bodies and make this statement to confirm they abide by these principles.

3. Resources

- 3.1 There are no resource implications.

Factors taken into account

4. Consultation

- 4.1 No consultation has been undertaken as the Committee for Standards in Public Life undertook a significant consultation on the matter.

5. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
That members do not abide by the Code of Conduct and that Council business is affected and/or reputational damage is suffered as a result.	An explicit acceptance that they will abide by the Code of Conduct will help to ensure that members are aware of their obligations and will make it easier for the Standards Committee to enforce its provisions.

6. Other Options Considered

6.1 Doing nothing is an option, but the Committee indicated that it is keen to meet all recommended best practice when appropriate.

7. Equality Duty

7.1 A strong Code of Conduct and a commitment to high standards helps to ensure that equality duties are respected by both members and officers.

8. Social Value

8.1 Not applicable.

9. Crime and Disorder Act Implications

9.1 Not applicable.

10. Human Rights Implications

10.1 Not applicable.

Tony Kershaw

Director of Law and Assurance

Contact: Charles Gauntlett 033022 22524

Background Papers: None.

This page is intentionally left blank



**Localism Act 2011, S. 29
The Relevant Authorities (Disclosable Pecuniary Interests)
Regulations 2012**

**Notification by a Member of West Sussex County Council
of Disclosable Pecuniary and Personal Interests**

I, *(full name)*

Confirm that I agree to abide by West Sussex County Council's Code of Conduct and

Give Notice that I have the following **pecuniary interests** (*state "None" where appropriate*) and am aware of the following pecuniary interests relating to my spouse or partner (note 1):

(a) Employment, office, trade, profession or vocation

(b) Names of persons (other than the authority) who have made payment to me in the last 12 months in respect of my election or any expenses incurred by me in carrying out my duties.

(c) Description of any current contract for goods, services or works made between the authority and R (note 6) or any body in which R has a beneficial interest (note 2)

(d) Address or other description (*sufficient to identify the location*) of any land (note 4) in which R has a beneficial interest and which is in the area of the authority

Agenda Item 6
Appendix

- (e) Address or other description (*sufficient to identify the location*) of any land in the authority's area in which R has a licence (alone or jointly with others) to occupy for 28 days or longer

- (f) Address or other description (*sufficient to identify the location*) of any land where the landlord is the authority and the tenant is a body in which R has a beneficial interest

- (g) Name(s) of any corporate body/ies having a place of business or land in the authority's area, and in which R has a beneficial interest in a class of securities (note 5) of that body that exceeds the nominal value of £25,000, or 1/100th of the total issued share capital of that body or (where the share capital is of more than one class) the total value of shares in any one class exceeds 1/100th of the total issued capital of that class.

Notes

1. Spouse or partner means your husband, wife or civil partner or any person with whom you are living as if they are your spouse or civil partner. You need only disclose an interest of theirs of which you are aware. You need not give their name.
2. Body in which a person has a beneficial interest means a firm in which the person is a partner or a director (note 3) or in the securities of which the person has a beneficial interest.
3. Director includes a member of a management committee of an industrial or provident society
4. Land does not include rights or interests over land which does not include a right to occupy the land or receive income from it.
5. Securities means shares, debentures, debenture stock, loan stocks, bonds, units of a collective investment scheme but does not include Building Society deposits
6. R means you, your wife or husband, your civil partner or a person which whom you live as if that person is your spouse or civil partner

A member must within 28 days of becoming aware of any change to the interests specified above or below, provide written notification to the authority's monitoring officer of that change

I further **Give Notice** of the following personal interests:

- (a) I am a member or hold a position of general control or management of the following bodies to which I have been appointed or nominated by the authority as its representative

- (b) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature

- (c) I am a member or hold a position of general control or management of the following charities or bodies directed to charitable purposes

- (d) I am a member or hold a position of general control or management of the following bodies whose principal purposes include the influence of public opinion or policy (including trade unions or political parties)

- (e) Name of any person from whom I have received a gift or hospitality with an estimated value of at least £50 within the last three years

Date: Signed:

Standards Committee

26 July 2019

Standards Committee Annual Report

Part I

Report by Director of Law and Assurance

Recommendation

That, subject to any amendments agreed by the Committee, the draft report be approved.

1. Discussion

- 1.1 The Committee is able to submit an annual report to the County Council to outline its activities over the last year.
- 1.2 A draft report is attached that sets out the key activities of the Committee. The Committee is invited to approve the draft report subject to any amendments it feels would be appropriate. The final version will be submitted to the County Council on 18 October 2019.

2. Resource Implications and Value for Money

None directly arising from this report.

3. Equalities

An Equalities Impact Report is not applicable as the report focuses entirely on the internal work of a committee.

4. Risk Management Implications

An annual report made available to all members assists the Committee in its role to promote high standards of conduct, which should assist in reducing the risk of members breaching the Code of Conduct.

5. Crime and Disorder Act and Human Rights Act Implications

None directly arising from this report.

Tony Kershaw

Director of Law and Assurance

Contact: Charles Gauntlett 033022 22524

No Background Papers

This page is intentionally left blank

Annual Report of the Standards Committee

Introduction

- 1** This report outlines the activities of the Committee from May 2018 to April 2019 and records issues the Committee considers important for the future. In summary, the work of the Standards Committee is:
 - (1) Promoting and maintaining high standards of conduct.
 - (2) Casework conducted through Sub-Committees
 - (3) Ensuring that appropriate training is organised for members.
 - (4) Overseeing Council policies on complaints handling and whistle blowing.

Promoting and maintaining high standards of conduct

- 2** The promotion of high standards of conduct was principally demonstrated through the comprehensive training provided for members and the casework undertaken. Following the County Council elections in May 2017, a comprehensive induction programme included sessions on standards and the code of conduct, including an initial introduction for new members on 16 May 2017, then workshop training for all members during June 2017, undertaken by the Monitoring Officer and Deputy Monitoring Officer. Only one member was unable to attend a workshop and this member attended a meeting with the Monitoring Officer to undergo the training.
- 3** All members newly elected in May 2017 submitted their register of interests forms by 24 May 2017. All members have been reminded to keep their register of interests up to date and many updates have been recorded over the last year. Advice was given by the Monitoring Officer and Democratic Services staff to assist members in making complete and correct entries. The most recent reminder to all members was issued in May 2019, after the local elections in most parts of the county.

Independent Person

- 4** The role of the independent persons has been confirmed as to assist the County Council in ensuring and maintaining a high level of integrity in the conduct of the elected members of the council and in how they discharge the council's business, through the implementation of the Member Code of Conduct and the constitutional arrangements supporting it. A major part of the role is to advise the Standards Committee's sub-committees in casework.
- 5** Mr John Donaldson and Mr Steve Cooper have undertaken the role of Independent Person over the last year, including involvement in individual casework and commenting on Government consultations being considered by the Committee.

Casework

- 6** In the period 1 May 2018 – 31 April 2019 one case was considered. An Assessment Sub-Committee took place on 30 January 2019, comprising Mrs Duncton, Mr RJ Oakley and Mr Smytherman. The matter concerned was determined as being of not sufficient importance to warrant further investigation and the matter was closed.
- 7** It is clear that familiarity with the Code helps members feel more confident in their role. Early discussion with the Monitoring Officer about potentially problematic situations is both encouraged and useful. The low number of cases is an indication of the effectiveness of the training and guidance given and of members' positive approach to standards of conduct.

Ethical Governance, Whistle Blowing and Complaints Handling

- 8** The Committee receives reports on any cases under the County Council's confidential reporting policy (CRP or "whistleblowing"). The reports are helpful in indicating whether any measures are needed to address underlying problems. There have been x cases in the last year.
- 9** The Committee also receives regular reports about complaints handling across the authority. Generally there is a positive culture within the organisation about complaints and levels of complaints were broadly stable.

Conclusion

- 10** It is clear that maintaining good standards of conduct is taken seriously in the County Council. The Standards Committee believes that this can only serve to improve public confidence.

Recommended

That the report be noted.

Janet Duncton

Chairman

No background papers.

Contact: Charles Gauntlett 033022 22524

Standards Committee

26 July 2019

Part I

Confidential Reporting Policy (whistleblowing)

Report by Director of Law and Assurance

Summary

The Committee is responsible for oversight of the use and effectiveness of the Council's whistleblowing policy – the Confidential Reporting Policy (CRP). The Committee last saw a report on this matter in March 2018 when it received a summary of matters dealt with by reference to the policy.

This report covers the activity generated by referrals made by reference to the policy since April 2018 and provides the Committee with an opportunity to understand the scope and nature of referrals that are made.

The report also proposes action to address concerns about the effectiveness of the policy and the procedures underpinning it.

Recommendation

- (1) To note the activity generated by referrals made pursuant to the Council's Confidential Reporting Policy.
- (2) To endorse the actions proposed in the report at paragraph 2.7 to enhance the effectiveness of the policy.

1. Background

- 1.1 The County Council's Confidential Reporting Policy (CRP) is part of its obligation as an employer to make provision for any officer to report general or particular concerns about practice and aspects of Council business on a confidential basis. The need for such a policy arises from the Public Interest Disclosure Act 1998. It enables members of staff to access a process that guarantees personal confidentiality and protection from adverse treatment (e.g. disciplinary action) as a result of any complaint made in good faith.
- 1.2 The policy extends to staff working for suppliers and contractors of the County Council. The policy is also applicable to schools and any referrals from or about a school settings are dealt with under the same process.
- 1.3 The number of referrals under the CRP has always been small. The role of this Committee is to provide a forum for member awareness and assurance in relation to the Council's approach to whistleblowing and how the Council responds to issues raised within whistleblowing investigations.

2. Activity since March 2018

- 2.1 During the period since the Committee last considered activity under the policy there has been a small number of complaints raised by reference to it. These have arisen in schools and in the social care area of the Council's business. The two school referrals relate to alleged financial poor practice and to poor practice in relation to pupil test arrangements. Those in social care related to changes in expectations of staff in certain practice areas and the others refer to allegations of more substantive social care practice. No referrals have been made in other service areas of the Council. All but one of the referrals were treated as substantive complaints under the policy and have been concluded.
- 2.2 The one referral raising financial concerns within a school was referred to internal audit for follow up as part of their standard inspections. The others were allocated to experienced senior officers or external advisers for investigation. For the purpose of this report the Committee can be assured that the whistleblowing policy has been exercised and followed through effectively in terms of such complaints being taken seriously, addressed thoroughly and brought to some form of outcome.
- 2.3 There is, for the most part, no concern in relation to these complaints that the confidentiality of the complainant has been compromised, but in relation to one case a concern has been raised that the identity of the complainant became known in some way. That is the subject of a further enquiry. There is no concern that there has been any breach of the assurance of no adverse consequences from complaints made in good faith.
- 2.4 In the area of adults' social care a number of complaints were linked through common cause and the issues raised were more akin to a grievance suitable to a different approach and consideration will need to be given to the overlap of the whistleblowing policy, which relies on confidentiality, and grievance procedures which cannot.
- 2.5 The table below summarises the matters that have been referred during this period. All sources can be identified but have requested anonymity.

March 2018 – June 2019

source	service	Concern	action
Officer in service	school	Financial impropriety relating to contracts	Investigation referred to audit and report prepared.
Officer in service	school	Inappropriate practice relating to pupil test arrangements	Senior officer investigation – leading to findings and action
Officers in service	Adults' Social Care	Aspects of management, task setting and methods of communication	Interviews held and advice given on options for further action.

Officers in service	Adults' Social Care	Management practices	Referred to grievance process.
---------------------	---------------------	----------------------	--------------------------------

Further issues for consideration

- 2.6 By reference to the number of staff, including school staff, the number of referrals is quite low. It is some time since any promotional work was done on raising staff awareness of the policy. It may also be the case that the terminology 'confidential reporting policy' may not readily suggest the policy applies to the more commonly understood concept of whistleblowing. It is also not known whether the policy is trusted by staff as a means to raise concerns and whether other action is needed to provide assurance.
- 2.7 The following actions are therefore proposed
- To rename the policy the Whistleblowing policy
 - To promote the policy to staff, including school staff through appropriate methods of communication.
 - To use the staff groups 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

3. **Resource Implications and Value for Money**

- 3.1 None arise in relation to this report. Investigations are largely undertaken by established staff, including internal audit officers. These will not have incurred additional costs.

4. **Risk Management Implications**

- 4.1 It is important that the Council's whistleblowing policy is sound and effective if the Council is to be confident in protecting those who wish to express concerns about misconduct or impropriety of any kind. The financial and reputational risks to the Council from failing to provide a route for individuals to express concerns in confidence are recognised. It is equally important to provide the forum of this committee to ensure that members have assurance as to the effective operation of the policy.

5. **Other Considerations – Equality – Crime Reduction – Human Rights**

- 5.1 The CRP forms one element of the Council's range of systems to reduce crime, to ensure compliance with the public sector equality duty and with the Human Rights Act. Accessibility for all persons with protected characteristics must however be assured in the context of the implementation of the policy and this aspect will be given particular consideration in light of the action set out at paragraph 2.7 above.

Tony Kershaw

Director of Law and Assurance
(Contact: 033022 22662)

Background Papers

None