

Public Document Pack

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17 June 2022

Standards Committee

A meeting of the committee will be held at **2.15 pm** on **Monday, 27 June 2022** at **County Hall, Chichester, PO19 1RQ**.

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 29 November 2021 (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. **Annual Complaints and Compliments Report** (Pages 7 - 42)

Report by the Director of Place Services and Assistant Director (Communities).

The report sets out information about the complaints and compliments received by the County Council in 2021. The Committee is invited to comment on the information.

No background papers. Contact, David Tominey, Complaints Manager, david.tominey@westsussex.gov.uk, tel: 033022 22285.

5. **National Standards Updates** (Pages 43 - 74)

Report by the Director of Law and Assurance.

The report sets out the Government's response to the recommendations on the local authority standards regime from the Committee for Standards in Public Life. It also sets out new legislation relating to disqualification from standing for local government office and asks whether the Local Government Association's Model Code of Conduct should be considered at West Sussex County Council.

6. **Standards Committee Annual Report 2021/22** (Pages 75 - 78)

Report by the Director of Law and Assurance.

The report sets out a draft Annual Report for approval for submission to the County Council on 15 July 2022.

7. **Whistleblowing Policy**

The Committee is invited to note that the Director of Law and Assurance has not received any referrals via this Policy since the last meeting of the Committee.

No background papers.

Contact: Charles Gauntlett 033 022 22524

8. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 pm on 31 October 2022 at County Hall, Chichester.

To all members of the Standards Committee

Standards Committee

29 November 2021 – At a meeting of the Standards Committee held at 2.15 pm at County Hall, Chichester, PO19 1RQ.

Present: Cllr Bradbury (Chairman)

Cllr Wickremaratchi, Cllr Burrett, Cllr Cherry, Cllr Gibson, Cllr Johnson, Cllr A Jupp, Cllr Kenyon and Cllr Sparkes

Apologies were received from Mr Cooper

Also in attendance: Mr Donaldson

Part I

13. Declarations of Interest

13.1 In accordance with the code of conduct Cllr Bradbury declared a personal interest in item 5, Whistleblowing Policy, as a member of the Standards Committee of Mid Sussex District Council.

14. Minutes of the last meeting of the Committee

14.1 Resolved – That the minutes of the meeting of the Committee held on 17 September 2021 be approved as a correct record and that they be signed by the Chairman.

15. Annual Complaints and Compliments Report 2020

15.1 The Committee considered a report by the Executive Director of Place Services and Director of Communities (copy appended to the signed minutes). The report outlined the number and nature of complaints and compliments received during 2020 and the learning from them.

15.2 The report was introduced by David Tominey, Complaints Manager, who advised that a single corporate report had been produced in contrast to the previous year when separate reports had been produced. He apologised for the delay in the production of the report, but hoped that future reports would be available quicker in future. He highlighted that there had been a rise in the number of complaints by around 6% in 2020, more complaints were resolved earlier and around 33% were upheld, in line with long term trends.

15.3 The Committee welcomed the Council's transparent approach and the evidence that the Council was striving to learn from all complaints received. It noted an increase in the reporting of compliments, although these still appeared to be underreported.

15.4 In response to questions about the reasons behind the rise in complaints overall, Mr Tominey and Dave Loveman, Customer Relations Manager, felt that this was partially because people were less accepting of poor service and partially because people were

more willing to come forward to complain. Efforts were continuously made to advertise complaints channels through online methods and in correspondence to make it easier for people to make complaints. Complaints about staff were sometimes related to a decision that had not worked in the complainant's favour.

15.5 Mr Loveman, Customer Services Manager, confirmed that council contractors usually fall within the complaints remit of the County Council and most contractors take complaints seriously. He also clarified that reports on Ombudsman case decisions were included in the report for the year being reported, as complaints could be submitted to the Ombudsman up to two years after an incident had taken place and long, detailed discussions were often necessary before a decision was reached. The Ombudsman's recommendations on remedies were followed by the Council, including financial remedies, which are often seen as a last resort.

15.6 Resolved – That the report be noted.

16. Whistleblowing Policy

16.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes). The report provided an update on the Whistleblowing Policy and gave advice on a suggestion from a former member that the Policy should be extended for the use of members.

16.2 The Director of Law and Assurance reported that no referrals had been made through the Whistleblowing Policy since the last meeting. He confirmed that he did not recommend the extension of the Whistleblowing Policy to members because they are not employees and have other routes through which they are able to raise concerns.

16.3 The Committee agreed with the rationale set out by the Director and this was also supported by the Independent Person, Mr Donaldson.

16.4 Resolved –

(1) That the activity generated by referrals made pursuant to the Council's Whistleblowing Policy be noted.

(2) That no extension be made to the Policy to elected members of the Council.

17. Date of Next Meeting

17.1 The Committee noted that the next meeting is due to be held on 27 June 2022.

The meeting ended at 2.55 pm

Chairman

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Compliments and Complaints

2021 Annual Report

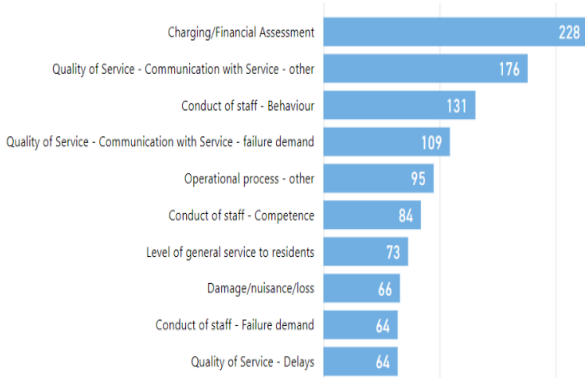


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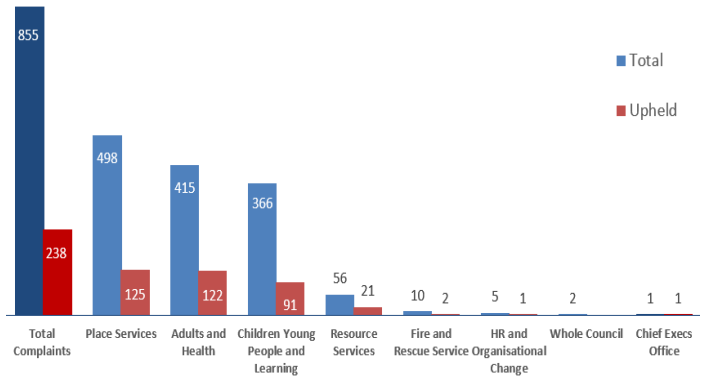
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The Year in 8 charts

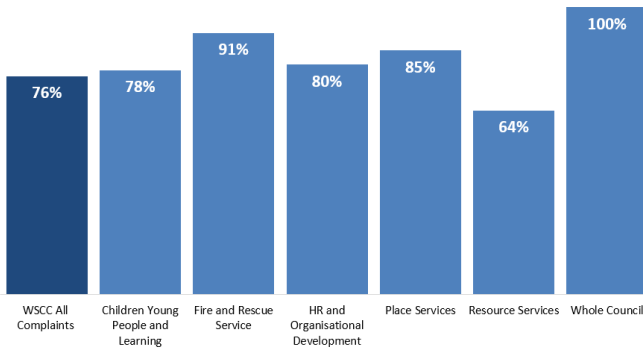
Top 10 reasons for complaint



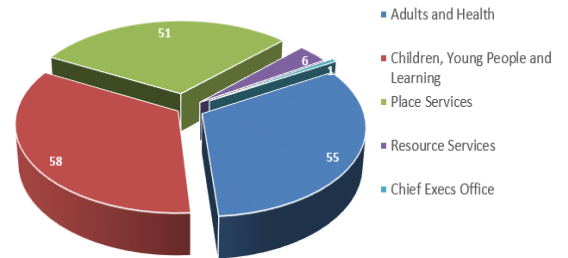
New Complaints by Exec Directorate



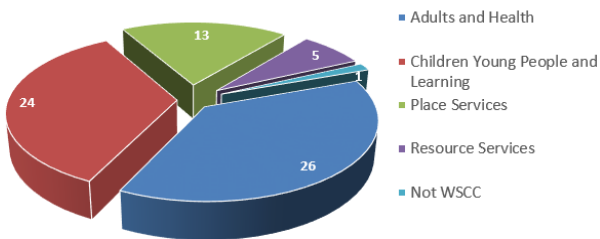
First Stage Response within 10 days or with notified extension



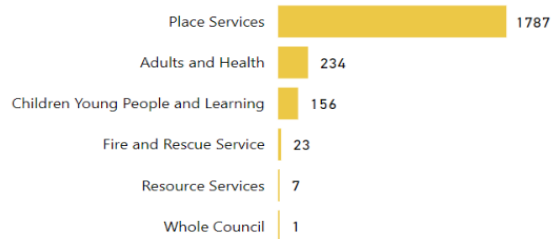
Second Stage Complaints



Complaints to the Ombudsman

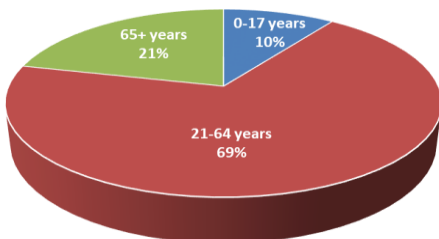


Compliments by Exec Directorate



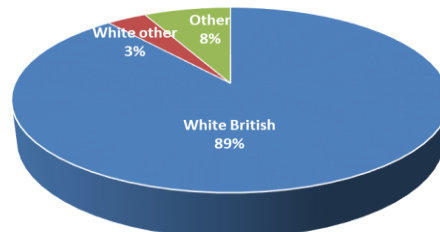
Age Grouping

data for 366 complainants at first stage



Ethnic Grouping

data for 315 complainants at first stage



Introduction

This is the seventeenth annual report on complaints about services delivered by the County Council. This report also provides information on decisions issued by the Local Government and Social Care Ombudsman (LGSCO) in 2021, as well as compliments recorded by the Council.

This annual report acts as the statutorily required reports for Adults' Social Care and for Children's Social Care, as well as reporting the complaints and compliments received by the other services of the Council.

The purpose of this report is to review the operation of the complaints processes over a 12 month period, including statistical data, and to provide the local authority with the means by which it keeps itself informed about complaint themes and how effective its current arrangements are for handling customer complaints.

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; stage 3 is only found in the statutory children's complaints procedure, and there were none reported in this period.

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 Customer Relations Team (CRT), 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. Throughout 2021 the team consisted of:

David Tominey, Complaints Manager, and four Customer Relations Officers.

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

1 The overall picture

Complaints against the County Council from 1 January to 31 December 2021.

Following a change in reporting practice in 2021, the numbers for complaints reflect the complaints **closed** during the year. Previous reports reported on complaints **received** during the year, which meant some of the outcomes reported had actually taken place in the ensuing year. The numbers reported for the LGSCO reflect the number of **decisions received** in the reporting period. In this year's commentary, figures for previous years have been restated to reflect this change in reporting practice.

The table below shows the reasons recorded for complaints during 2021 in comparison with 2020. The reasons for the increase in some categories and overall are discussed later in the report.

Nature of Complaint	2020	2021
Charging/Financial Assessment	73	228
Quality of Service - Communication with Service - other	113	176
Conduct of staff - Behaviour	141	131
Quality of Service - Communication with Service - failure demand	99	109
Conduct of staff - Competence	75	84
Level of general service to residents	57	73
Operational process - other	32	95
Damage/nuisance/loss	41	66
Operational process - Assessment	56	49
Quality of Service - Delays	31	64
Conduct of staff - Failure demand	23	64
Operational process - Service request refused	36	34
Quality of Service - Failure to provide service	1	56
Operational process - Consultation Process	24	11
Operational process - Eligibility	10	22
Operational Process - Change	9	16
Operational process - Safeguarding investigation	9	16
Quality of Service - External Service quality alert	13	10
Operational process - Level/quality of contact with child	15	6
Operational process - Standard of report	12	8
Quality of Service - Discrimination	5	11
Operational process - Frequency	3	6
Conduct of staff - Fluency	1	7
Data protection/FOI - Breach of confidentiality	7	1
Closure/Change/Transition between services	3	2
Data protection/FOI - Inaccurate data on file	2	2
Challenge to Fixed Penalty Notice		2
Data protection/FOI - request for change to file refused		1
Total	891	1350

The table below summarises the complaints and compliments recorded by directorate or service unit in 2021.

Complaints by Directorate 2021	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
Adults and Health							
Adult Services	404	119	29%	65%	54	26	233
Public Health	3	0	0%	100%	0	0	1
Social Care Joint Commissioning	3	1	33%	80%	0	0	0
Safeguarding Adults Board	2	2	100%	25%	1	0	0
Chief Execs Office							
Chief Execs Office (inc Whole Council)	3	1	33%	100%	1	1	1
Children Young People and Learning							
Children Services	284	69	24%	74%	39	20	52
Education and Skills	82	22	27%	89%	19	4	104
Fire and Rescue Service							
Fire and Rescue Service	10	3	30%	92%	0	0	23
HR and Organisational Development							
HR and Organisational Development	5	1	20%	67%	0	0	0
Place Services							
Highways Transport and Planning	366	70	19%	83%	43	13	203
Environment and Public Protection	93	40	43%	85%	5	0	85
Communities	28	11	39%	97%	3	0	1559
Property and Assets	11	4	36%	100%	0	0	0
Resource Services							
Finance Procurement and Business Support	43	15	35%	50%	4	1	6
Law and Assurance	13	6	46%	100%	2	4	1
Grand Total	1350	364	27%	76%	171	69	2268

Explanatory notes:

- The Adults’ Social Care appeals process offers customers direct recourse to the LGSCO for review, as does the process for applying for a Blue Badge (reported within Highways, Transport and Planning) and the Schools Admissions Appeals process. The LGSCO figures reported in relation to these processes do not reflect a failure to resolve issues locally through complaints processes, but represent the numbers of *appeals* that has been referred for review.
- Legal claims for compensation for damages, such as claims for damage to vehicles arising from potholes, are not recorded as complaints and are handled as insurance matters by the Litigation, Insurance and Risk team.

2 Analysis of overall figures

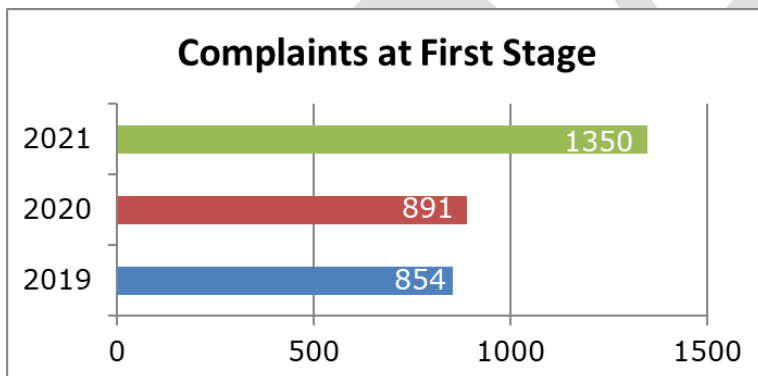
The number of complaints at the first stage increased from 907 *received* in 2020 to 1347 *closed* in 2021. This represents an increase of 48%, compared to a 6% increase in the previous year. The largest volume increases were in the directorates of Adults’ Social Care (up 243) and of Highways, Transport and Planning (up 169) and there is discussion of the reasons for this later in the report.

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 0.3%; however, there are many more customer contacts through other channels.

This comment in no way implies that the Council simply accepts the level of complaints 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.

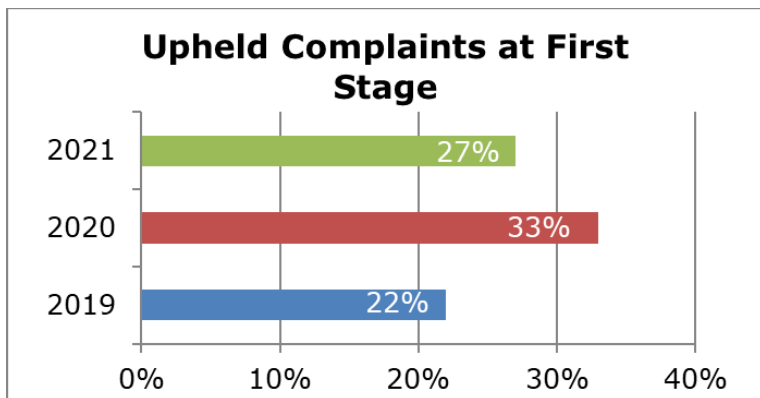
Regular reviews to improve accessibility are designed to provide our customers with a platform from which to voice their dissatisfaction with services provided, or to make a formal compliment, should they wish to.

The Council closed 1347 first stage complaints in 2021, marking an increase in complaints traffic for the fifth year in a row.



There was an increase in the number of complaints upheld at stage one (from 295 in 2020 to 364 in 2020) but this increase of 69 upheld complaints has to be set against an increase of 456 closed complaints. This represents a drop in the percentage of complaints upheld from 33% to 27%. These figures include complaints that were *partially upheld*.

The percentage of complaints upheld in 2019 (22%) appears to have been an anomaly, as 33% of complaints were recorded as being upheld (or partially upheld) in 2016, 2017, 2018, and again in 2020.



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.

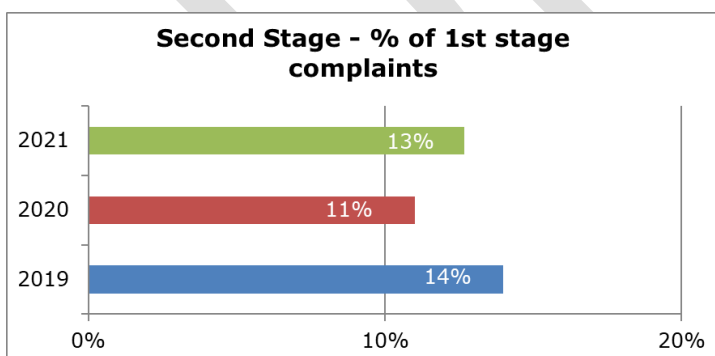
The Customer Relations Team has continued to ensure that responding managers are using templates which explicitly advise all complainants of their right to escalate.

The number of complaints considered at stage two of the Council’s complaints processes in 2021 was 171; this is a considerable increase from the 89 stage two complaints closed in 2020, and compares more closely with the 123 in 2019.

As a percentage however the number of complaints considered at stage two represents 12.7% of the total number of complaints closed at stage one in 2021, compared with 11% in 2020 and 14% of the total in 2019.

Escalation advice is included with every stage one response. It is important that complainants are provided with clear instructions on how to pursue their complaints through the appropriate channels. This transparent approach is applied across the whole Council and is indicative of the integrity employed when managing the complaints process.

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



When a customer has exhausted the Council’s complaints and appeals procedures, they have the option to ask the 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 the LGSCO increased slightly from 62 decisions recorded in 2020 to 69 decisions recorded in 2021. This should however be considered in the context of the fact that at the end of March 2020, the Ombudsman made a decision to

pause all casework which required input from Councils and care providers to protect the capacity to provide frontline services during the Covid-19 crisis. The Ombudsman resumed existing casework and began accepting new complaints from July 2020, meaning there were around four months of inactivity relating to Ombudsman casework, so an increase was to be expected and the actual increase of just over 10% is less than would be caused by the 33% loss of Ombudsman working time.

A detailed breakdown of the decisions and outcomes issued by the LGSCO in 2021 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 the 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 Timescales

Despite the increase in the number of responses issued, the figures from 2021 show a slight increase in the percentage of complaints responses issued within timescales or within an extended timescale. In 2020, 74% of complaints were responded to on time, compared with 76% of complaints responded to within the expected timescale in 2021. Although this is an improvement and was achieved against the background of a large increase in numbers of complaints as well as continued Covid-19 pressures, it is still the case that nearly 1 in 4 complaints was not responded to within the set timescales without the customer being notified of the delay, and this is something the Customer Relations Team continues to bring to the attention of responding managers.

The broader issue of responding to complaints within the Council's published timescales is also presented to senior management groups at regular intervals, and is included in quarterly performance reports to all major services, and senior managers receive a weekly 'RAG' automatic update showing the timeliness of current 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.

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.

Twenty two payments were recorded as paid or offered to complainants as financial remedies following complaints made in 2021, up from eighteen payments in 2020. The

total increased from £12,548.66 in 2020 to £16,190 in 2021. A breakdown of the twenty two offers of financial remedy can be found in **appendix a** of this report.

When a complaint is considered under the Children’s statutory complaints procedure is escalated to stage two, the Council is obliged to commission an investigating officer (or to appoint an offline officer to investigate) and to commission an independent person to oversee the investigation of the complaint (no offline alternative is available for this function).

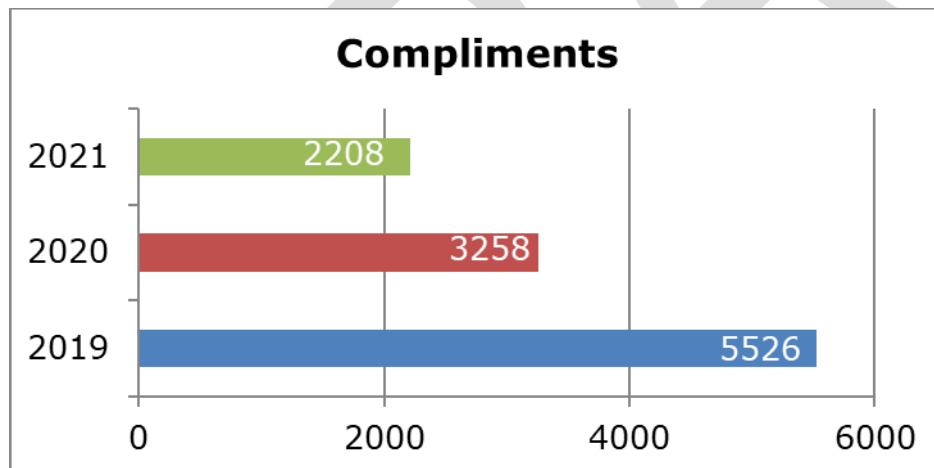
This obligation is a statutory requirement, and applies to all local authorities investigating complaints through the statutory procedures. Costs for these commissioned services are set by the Council and are in line with general rates paid by neighbouring local authorities.

In 2021 there were no additional commissioning costs. However this is forecast to change following advice from the Ombudsman about our protocols which means that we are now using the statutory procedure more often.

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 decreased by 32% from 3255 in 2020 to 2208 in 2021. This is attributed to the full or partial closure of many of our face to face services (for instance libraries, which are our main recipient of compliments) for most or all of the year in 2021 due to the pandemic.



These figures do not include the number of compliments generated for the Library Service by the Summer Reading Challenge.

3 Complaints delivering insight to action

Within the Customer Experience service we have a number of measures which will help us focus on improving the service we provide our customers. Two which are directly influenced by the Customer Relations Team are:

- *Freedom of Information Act requests responded to within time;*
- *The County Council response to recommendations from customer complaints.*

For 2021 the overall percentages for these two measures were:

- FOI responses within time 87.6%. The target for this measure is 90%, but this slight shortfall seems reasonable given the pandemic pressures
- Response to recommendations from customer complaints 100%. This success rate is recorded against the Customer Relations Team successfully monitoring remedies set out in complaints responses, and ensuring that promised actions have in fact been completed.

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 Service always strives to improve the way we report to senior managers and this year has been no different.

In last year's report we said that *'The year 2020 was a year like no other and resources were stretched across all Council departments'*. 2021 proved that 2020 was almost a practice run as all services continued to face further challenges including staff absences, which were nearly 18% higher across the Council in 2021 than in 2020. However, the Customer Relations Team continued to present updates on complaints and organisational learning, maintaining its attendance at senior leadership team meetings and Quality Assurance related meetings, to discuss specific issues relating directly to the senior managers in attendance.

The focus remains on ensuring that our customers benefit from recommendations made as a result of a complaints investigation, which is why we have a 100% target for this measure, but also that operational managers are empowered to make organisational improvements as a direct result of those recommendations. While systemic improvement is not always a by-product of an upheld complaint, the Customer Relations Team is committed to ensuring that remedies and learning are recorded, reported and monitored to completion.

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 Analysts continue to maintain an accurate data set, which allows us 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. This data is presented in corporate quarterly

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snapshots, which are issued to senior managers and which are the subject of the Complaints Manager's attendance at performance meetings.

The intention is during 2022 to make a 'real time' performance dashboard as well as Read Only access to the database so that senior managers and their analysts are able to self-serve without having to go via the Customer Relations Team for ad-hoc performance reports .

The Complaints Manager and the Customer Relations Manager have 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. A hoped for programme of complaints training for Team Managers was not able to be run in 2021 due to pandemic pressures so this is in our business plan for 2022.

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4 Major Service commentaries

This section of the report goes into further detail on the services that have the highest levels of complaints or compliments.

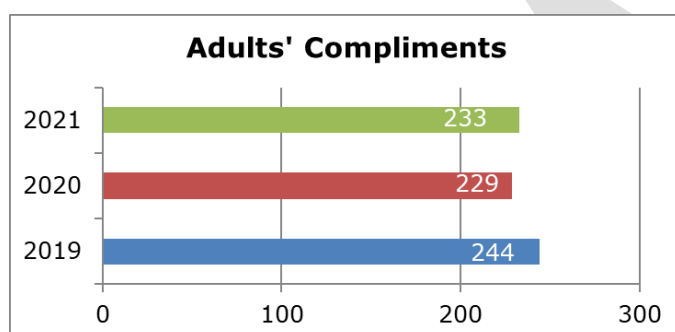
4.1 Adults' Services

Adults' Services	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2021	404	119	30%	64%	54	26	233
2020	158	68	43%	75%	33	18	229

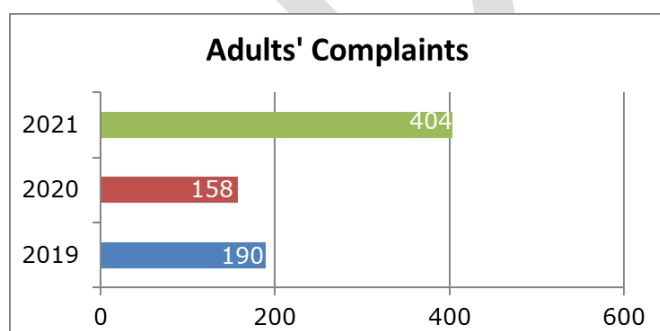
Adult's Services is the service within the Council with the highest budget spend and is also the primary service for customer demand into the Customer Service Centre.

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

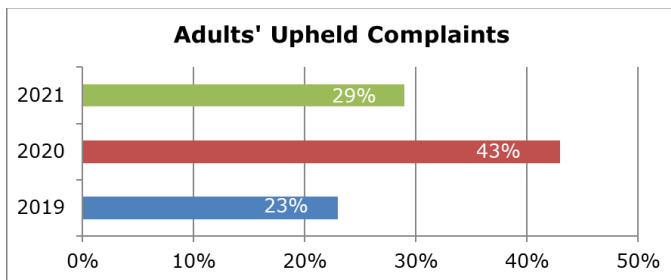
Despite the increase in complaints, the number of compliments recorded remained steady, indicating that staff are still giving of their best in the difficult circumstances caused by the pandemic.



The large increase in complaints in 2021 is due to a programme of financial reassessment following a change in the Minimum Income Guarantee, which means that many customers now have to make higher contributions than previously for their care.

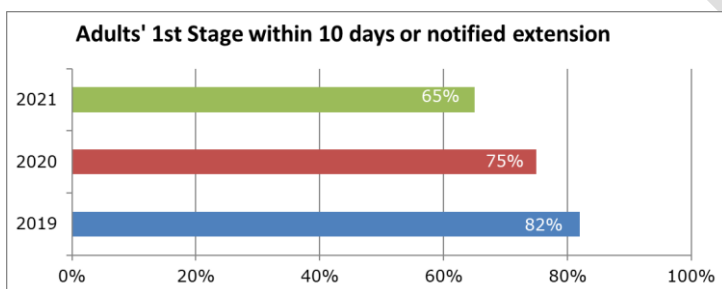


Although the percentage of complaints that have been upheld decreased from 43% in 2020 to 29% in 2021, the big increase in volume means that the number of complaints upheld increased, from 71 in 2020 to 119 in 2021.



In 2021, only 13% of complainants felt compelled to escalate their complaint for further review through the complaints procedure; this figure is down from the figure recorded in 2020 and 2019, when 18% of complaints were escalated for review, although the high volume of complaints means that the number of escalations increased, from 33 in 2020 to 53 in 2021.

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 complaints responded to within agreed timescale in 2021 is lower than the figure recorded in 2020, but this was expected, given the increase in the number of complaints within the reporting period.



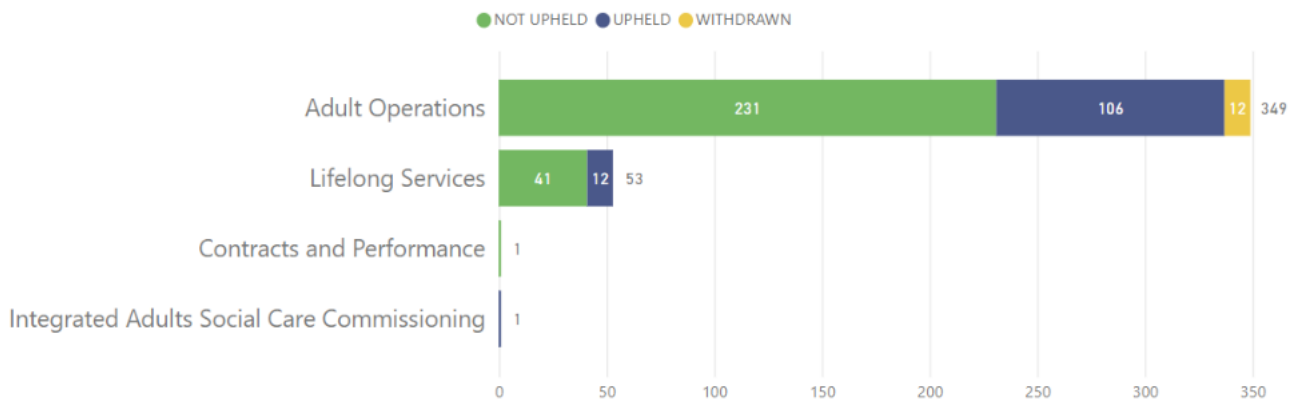
A decrease in compliance statistics was also to be expected as a result of the extraordinary pressures the Covid-19 pandemic continued to place on operational managers within Adults’ social care.

The timeliness of responding to formal complaints about Adults’ social care services will continue to be monitored by the Customer Relations Team to continue to deliver improvements within this measure.

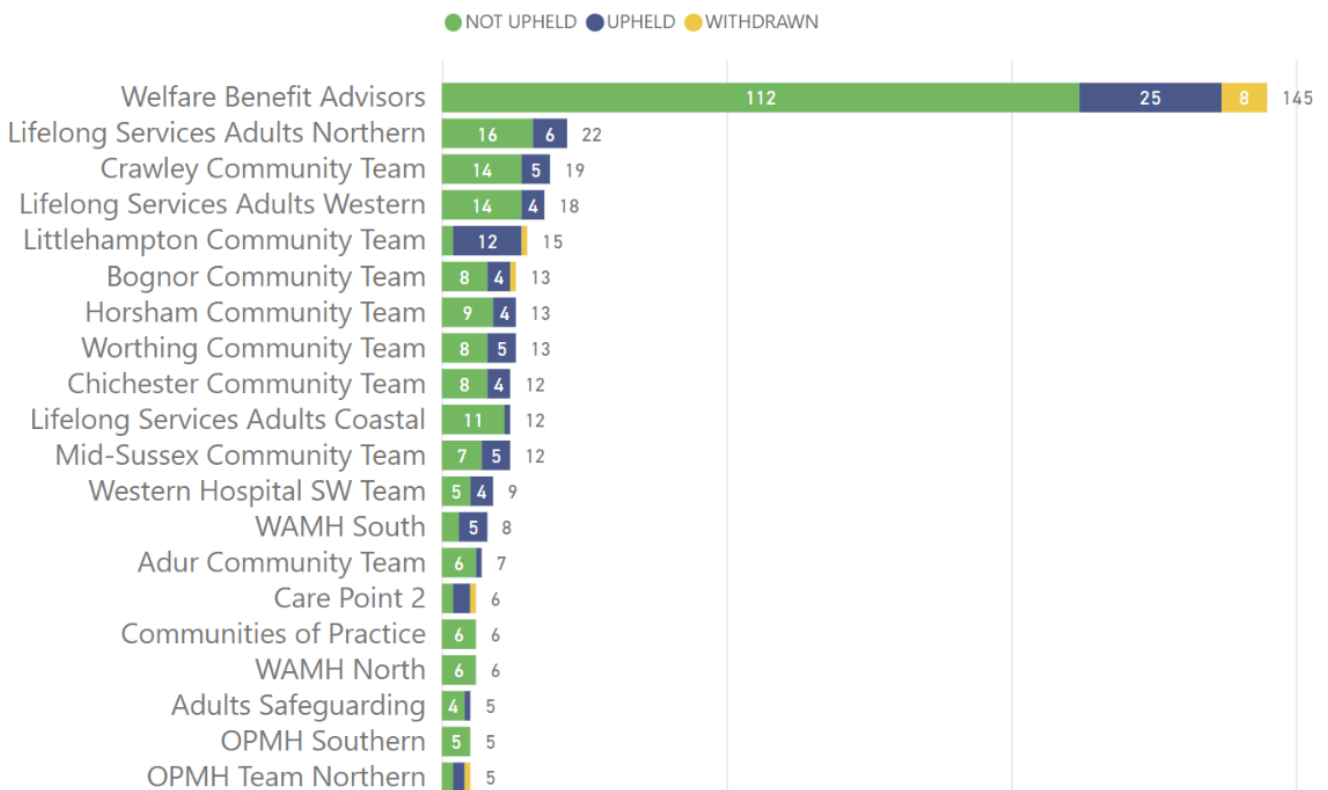
To understand the headline figure of 401 complaints recorded against Adults’ Social Care, it is necessary to drill down into the data, to add appropriate context.

The graphs below show a breakdown of complaints by grouped service areas and by teams where a team received 5 or more complaints in the year for 2021. The graphs provide an overview of the complaints received across the service areas; inevitably the numbers are dominated by the number of complaints received about the changes to financial contributions and then by the geographical operational areas (Community Teams). The graphs also show how many complaints were upheld in each area as well as how many were withdrawn. For historic reasons, the Welfare Benefits Advisory team is shown under Adults’ social care in this report. Moving forward these complaints will be recorded against the Finance Directorate.

Complaints by service area - Adults' Services



Complaints by team (5 and above)- Adults' Services

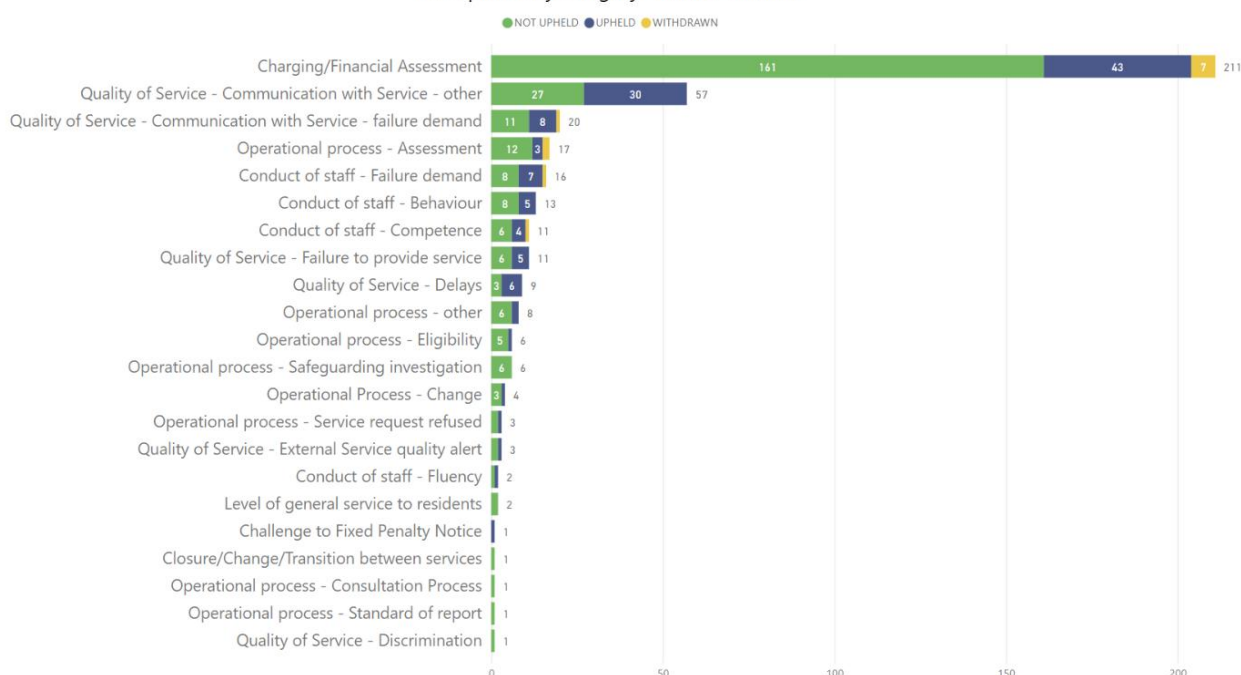


At 30%, the percentage of upheld complaints in Adults' Social Care is slightly higher than the whole Council average of 27% but it remains within the expected range.

The graph below shows the category of complaints received about Adults' Social Care. Complaints about social care provision are often complex and can include dissatisfaction about many elements of the service provided. For reporting purposes, the assigned category is an attempt to capture the salient or substantive issue complained about.

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Complaints by category - Adults' Services



Other than the complaints about the charging/contribution levels mentioned above, the largest volume of complaints recorded was about communication, either with an individual or with the service generally. The category 'Failure Demand', which relates to a failure of the service/worker to do something that had been promised or expected, creating a 'demand' on the customer to make what should have been unnecessary follow-up contact, is closely allied to communication problems. Although it is disappointing to see these complaints, this does have to be set against the daily number of contacts that the service has with the more than 12,000 Adults who received a service commissioned or provided by the council in 2021.

The Complaints Manager continues to monitor and refine the recording categories in an effort to further understand and report the specific detail of trends in complaints relating to dissatisfaction with operational process.

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 2021 include:

- *Staff were reminded of the importance of considering appropriate strategies to use when supporting customers with known Borderline Personality Disorder;*
- *The Safeguarding Adults Board have put in place procedures to ensure better communication and that it is clear who is responsible for communicating with referrers and families;*
- *A review of the policy and guidance in relation to the requesting of refund payments upon closure of direct payment accounts;*
- *A review of the information provided when arranging non-residential care, to ensure people are aware of any applicable cancellation notice periods before their care begins;*

- *Changes to the procedures and guidance around panel decisions on Deferred Payments and on Deliberate Deprivation of Assets to allow challenges to be made to the decisions.*

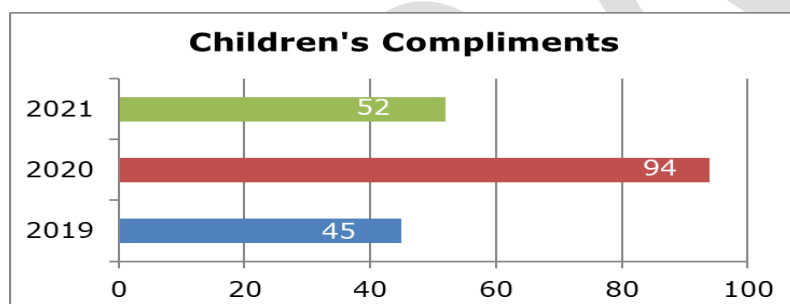
4.2 Children, Young People and Learning

4.2.1 Children's Services

Children's Services	Stage One	Stage One Upheld	% Upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2021	284	69	24%	75%	39	20	52
2020	285	97	34%	62%	34	20	94

Historically, Children's 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 are obliged by statute to pursue creates an imbalance in the number of complaints and compliments received in comparison to other areas of the Council.

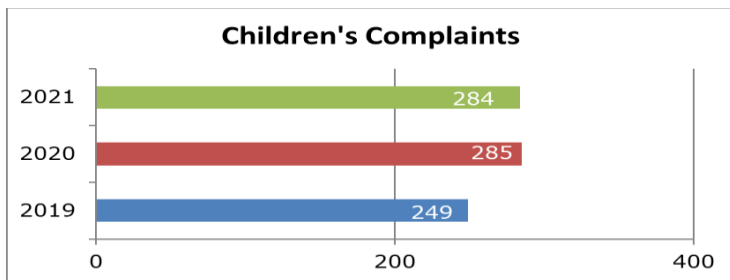
After a reported rise in recorded compliments in 2020, which followed a 'push' from the Complaints Manager with the service, unfortunately the number has fallen again. We are quite sure that there are unreported compliments being received, so will be making another plea in 2022 for staff to let us know when they have been complimented.



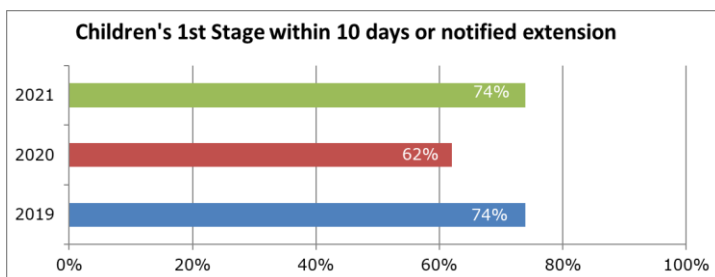
The number of complaints recorded against Children's Services dropped by 1 in 2021 in comparison with 2020, which compares favourably with the overall council increase reported above.

The percentage of complaints escalated through the complaints procedure increased slightly from 12% in 2020 to 13.7% in 2021, but remains well below the 18% in 2019.

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 continued low level of escalated complaints may be an indication that responses at stage one of the procedure have, in the majority, answered complainants effectively. Unfortunately, our attempts to benchmark these figures against other local authorities have not met with sufficient response to allow any performance comparison.



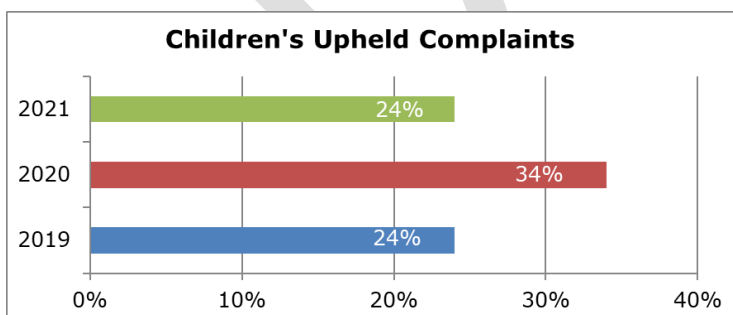
The Council’s corporate target for complaints responses is ten working days, with a maximum target of twenty working days unless an extension is agreed or the complainant is notified that the timescale needs to be extended. The statutory complaints procedure for Children’s social care has the same timescales.



The percentage of Children’s Services complaints responded to within agreed timescale (or where the customer has been notified of a delay) improved significantly from 61% in 2020, to 74% in 2021. This improved performance marks a return to the levels recorded in 2019 (74%) and 2018 (75%) and is also in line with the overall Council performance of 76%.

This improvement follows a concerted attempt by the Children’s senior leadership team and the Complaints Manager to focus on this area of compliance and we expect this to be maintained following the introduction of a weekly meeting between a Customer Relations Officer and a representative of the Children’s Services Business Management team, which seeks to address any shortfall.

After an unusual rise to 34% in 2020, the percentage of complaints made against Children’s Services that were upheld, or partially upheld in 2021 dropped back to the 2019 level of 24%, which is below the Council average of 27% but within the expected range.



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.

Young people are reminded of their right to access an advocate to support them in making a formal complaint through all stages of the complaints procedure from representations up to the LGSCO. In total, 37 children were supported in making a complaint by advocates

(including specific advocacy services, solicitors and other organisations/individuals) 10 of whom were supported by the Council’s West Sussex Advocacy Service.

Most young people who are supported by the West Sussex Advocacy Service are helped to resolve their concerns without making formal complaints. More details of how young people are supported by this service and the Independent Visitor service can be found in the separate *Advocacy* and *Independent Visitor* reports and by visiting the Council’s webpages dedicated to Advocacy and Independent Visitors where you will also find the reports:

westsussex.gov.uk/Advocacy

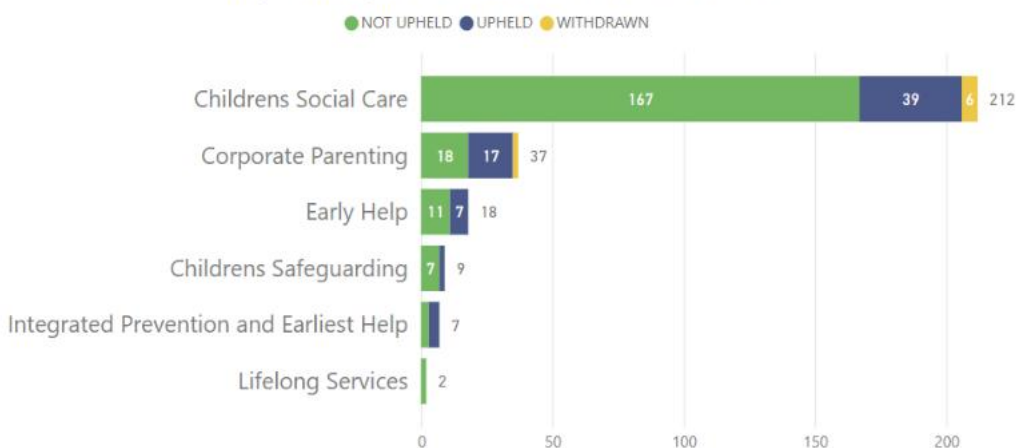
westsussex.gov.uk/IV

To understand the headline figure of 284 complaints recorded against Children’s Services, it is necessary to drill down into the data, to add appropriate context.

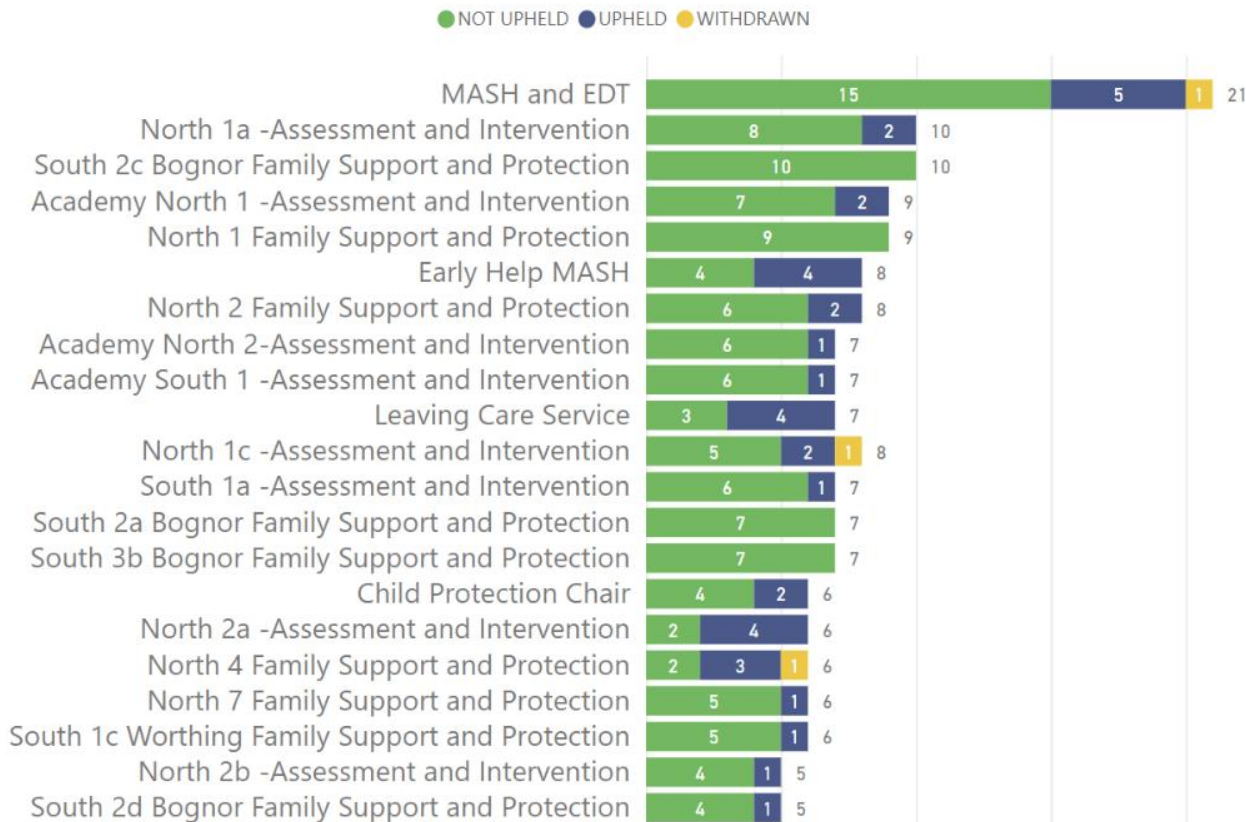
The graphs below show a breakdown of complaints for 2021, grouped by service and then by team. The graphs illustrate the total number of complaints closed, the number upheld (or partially upheld) and the number withdrawn.

Unsurprisingly, it is the service areas that have most direct contact, and which are involved in Safeguarding and Child Protection, that have the most complaints. MASH and EDT make initial decisions about whether concerns should be taken forward, so receive complaints both about decisions that a concern does meet the threshold for further work, and decisions that the threshold is not met. However, it is important to note that overall, most complaints against these ‘protective’ services are not upheld.

Complaints by service area - Children's Services

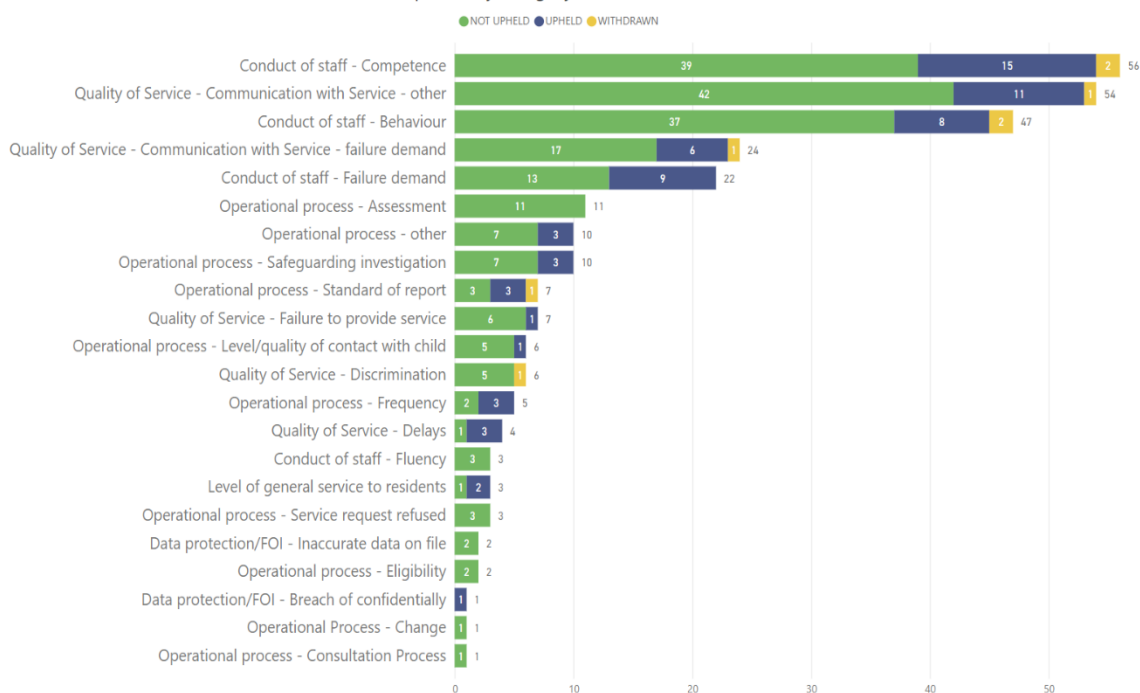


Complaints by team (5 and above) - Children's Services



The graph below shows the category of complaints received about Children’s Social Care along with the proportion upheld for each category. Complaints about social care provision are often complex and can include dissatisfaction about many elements of the service provided. For reporting purposes, the assigned category reflects the salient or substantive issue complained about. In particular, families often present their frustration with the Council’s involvement as a complaint about the behaviour of the social worker, but it is important to note that only 17% of these complaints were upheld or part upheld.

Complaints by category - Children's Services



Of the eight complaints that were upheld, or part upheld relating to staff behaviour, appropriate steps were taken, and appropriate remedies were offered.

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

- *Staff reminded of the obligation to undertake timely risk assessments when presented with concerns from parents about the welfare of a child;*
- *A practice group is being established across early help which will seek to improve the quality of recording. This will seek to ensure that our children and young people would be able to see themselves and their experiences reflected in our recording and understand our involvement. It will also look how we record fact and professional opinion and the distinction between the two;*
- *Following an incident when a social worker, accompanied by police officers, attended the incorrect address with subsequent distress for the householder, all staff were reminded of the importance of maintaining accurate records;*
- *A review of the information given to Special Guardianship applicants to ensure that the subject of data sharing is made clear and to further ensure the applicant is aware and has consented to potential sharing;*
- *Consideration of changes to how prospective carers are informed about prior violent incidents involving the child/young person they are potentially going to care for.*

4.2.2 Education and Skills

Education and Skills	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2021	82	22	27%	88%	19	4	104
2020	38	12	32%	97%	3	2	124

The Education & Skills directorate includes teams and services that support and some of our most vulnerable young people.

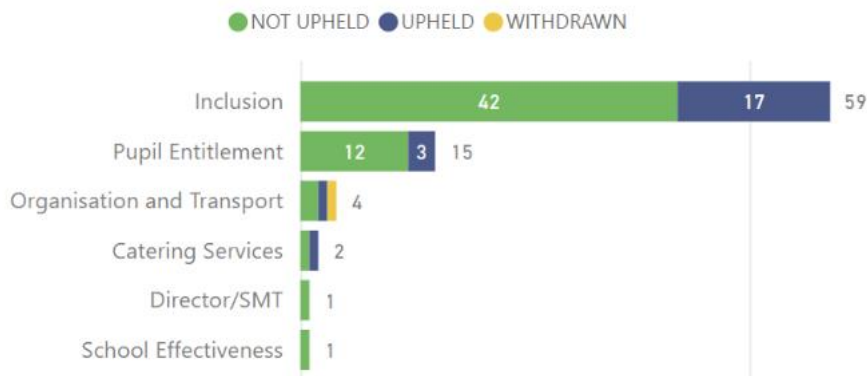
The work undertaken by many of the teams within Education & Skills often involves extremely emotive subject matter and complex decision making, which in turn attract a relatively large number of complaints/disputes.

The directorate also receives a large number of compliments in recognition of the good work undertaken with young people and their families, and despite the number of complaints being more than double that in 2020, complaints were still outnumbered by compliments.

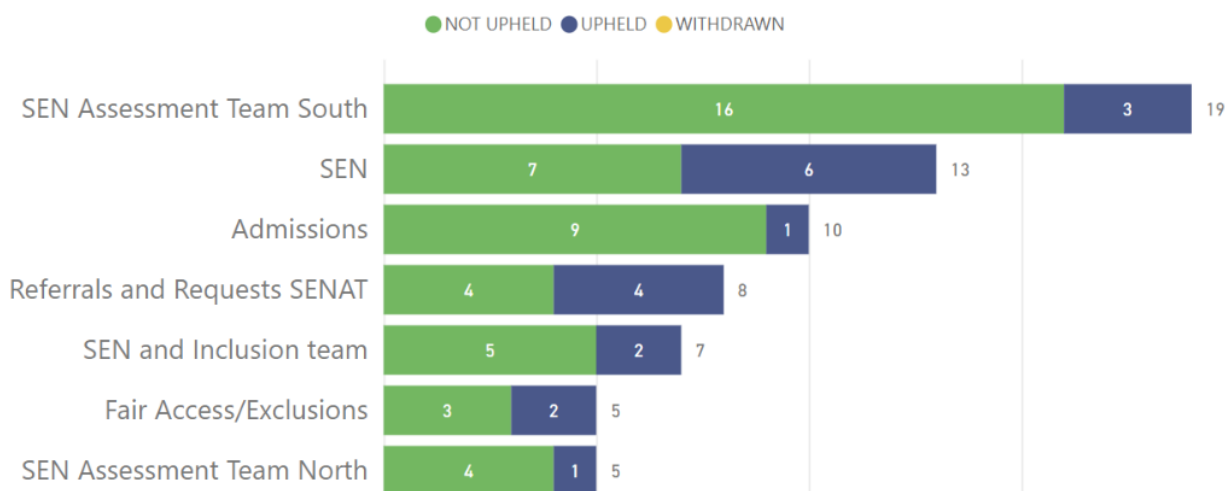
Services within Education and Skills accounted for 82 formal complaints, and 104 compliments. Of those complaints, 27% were upheld.

The table below shows a breakdown of complaints by grouped service areas and by team for 2021.

Complaints by service area - Education and Skills



Complaints by team (5 and above) - Education and Skills



The service areas that facilitate special educational needs and school admissions attract the highest number of complaints within Education & Skills. The complaints process cannot consider the decisions reached in relation to admissions and an assessment of special educational needs as there are separate appeals processes in place, but it is possible to investigate complaints about processes followed and delay.

To provide some context to the numbers of complaints recorded against the Special Educational Needs Assessment Teams, the teams issued 678 new EHCPs in 2021. At the end of 2021 there were 6346 EHCPs *maintained* by West Sussex (all requiring appropriate action associated with review, monitoring and general case management).

As stated above, the number of complaints recorded, at 82 was slightly more than double the 38 recorded in 2020. The figure in 2019 was 48, so the increase in 2021 cannot be put down to a 'bounce back' from lower levels during the pandemic. Analysis of the individual complaints shows a marked increase in complaints about delays in the Education, Health and Care Plan process beyond the statutory timescales. This has continued to be the case into 2022, and the SEN Assessment service report that demand has increased between 70 and 100 percent over the last two years, which has caused a strain not only on the Council's teams, but on the resources of partner agencies and professionals, all of which is contributing to the delays. These contributing factors, which are outside of the Council's control, have affected the Council's ability to meet the statutory timescales, which leads to understandable frustration for parents and therefore to complaints.

Despite these pressures, Education and Skills have continued to perform well in relation to the timeliness of responses. Although this has dropped from 97% of complaints being responded to within 10 working days (or with a notified extension) to 88%, this still compares well with the overall council figure of 76%.

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

- *Staff were reminded of the importance of confirming key/important information in writing;*
- *Consideration of how best to maintain continuity of communication and progress of issues when schools go into summer breaks;*

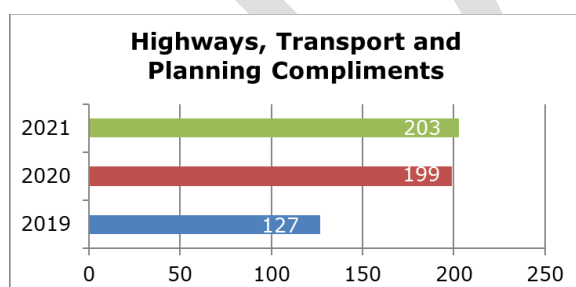
4.3 Place Services

4.3.1 Highways, Transport and Planning

Highways, Transport and Planning	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2021	366	70	19%	83%	43	13	203
2020	197	45	23%	85%	10	14	199

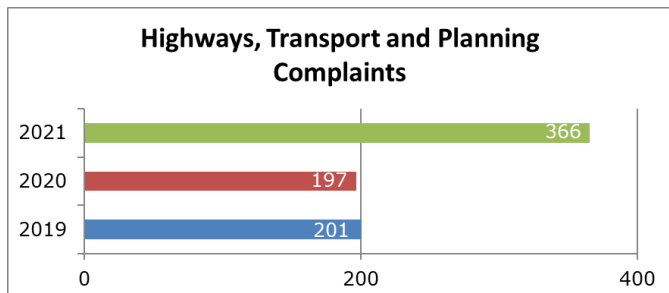
Highways, Transport & Planning is, historically, one of the three main service delivery groups that report the highest number of complaints, the other two being Adults’ and Children’s social care.

In previous years the number of compliments recorded for this service area has exceeded the number of complaints. However in 2021, although the number of compliments increasing slightly, the number of complaints recorded increased by 85%, so was much higher than the number of compliments. The reasons for this are discussed below.

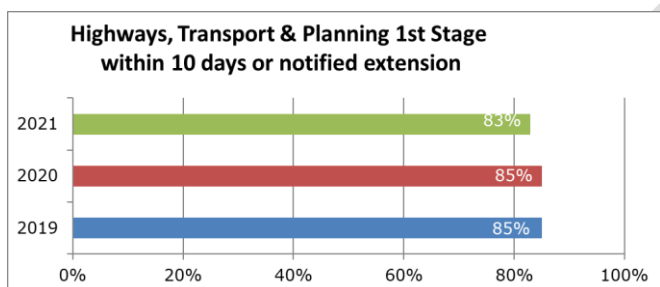


The number of complaints received by Highways, Transport and Planning increased dramatically in 2021, up to 366 from 197 in 2020. This was at least partly attributable to a small number of ‘group action’ complaints about certain subjects. In two examples, 26 complaints were received about the erection of an acoustic barrier along the Fitzalan Link Road in Littlehampton, which was also widely reported in the media; and 35 complaints were received about the Council allowing simultaneous roadworks in Haywards Heath. Similar, but smaller, groups of complaints were received about roadwork planning in

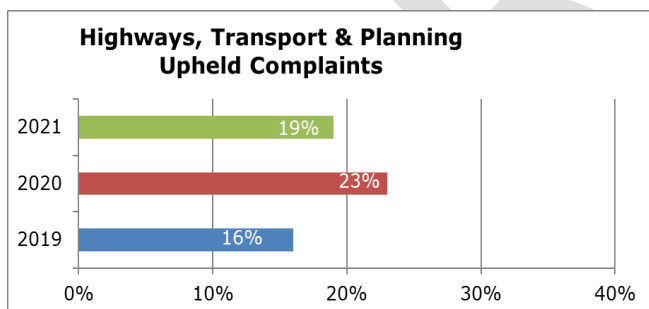
Horsham and about the erection of a school safety sign with flashing lights in a conservation area. It appears that a number of these 'group action' complaints were carried out alongside social media campaigns; it is likely that the Council will see an increase in such approaches as social media use continues to expand.



In 2021 Highways, Transport and Planning responded to 83% of complaints within 10 working days (or with an agreed extension); this high level of compliance has remained consistently strong over the past three years despite the increase in volume in 2021.



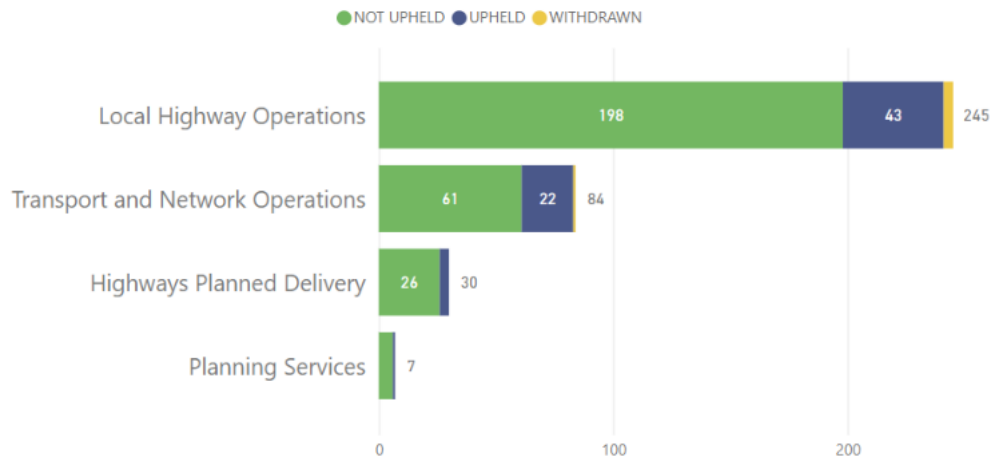
The percentage of upheld complaints continues to be well below the Council average, at 19% in 2021 compared with the Council level of 27%.



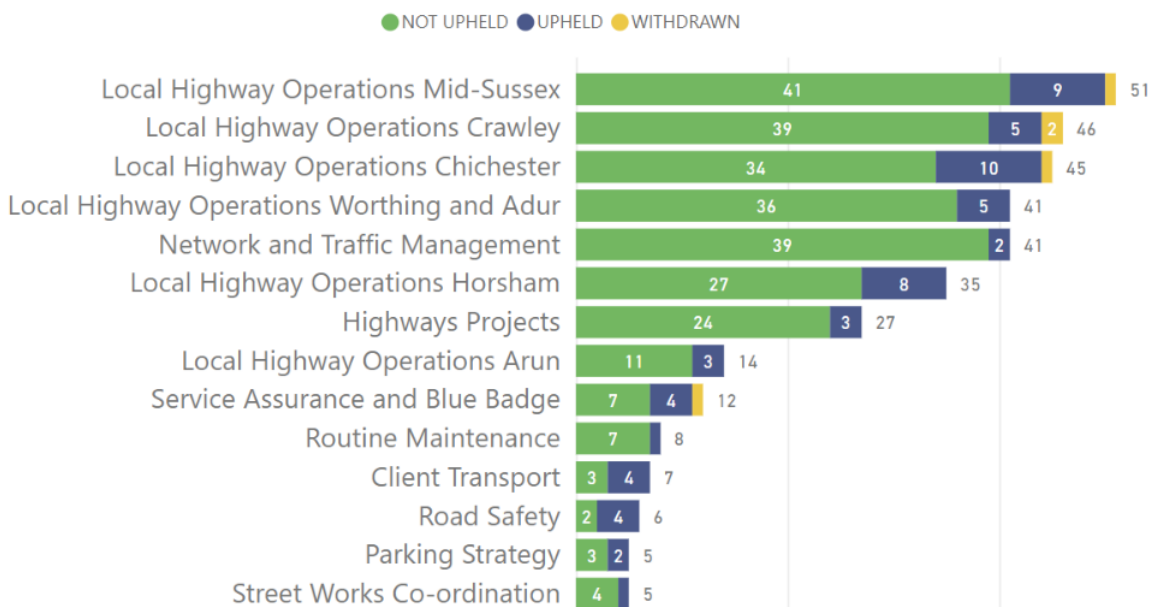
To understand the headline figure of 366 complaints recorded against Highways, Transport & Planning, it is necessary to drill down into the data, to add appropriate context.

The table below shows a breakdown of complaints by service areas for 2021. The table is useful to provide an overview of the complaints received across the service areas, including the geographical operational areas.

Complaints by service area - Highways Transport and Planning



Complaints by team (5 and above) - Highways Transport and Planning



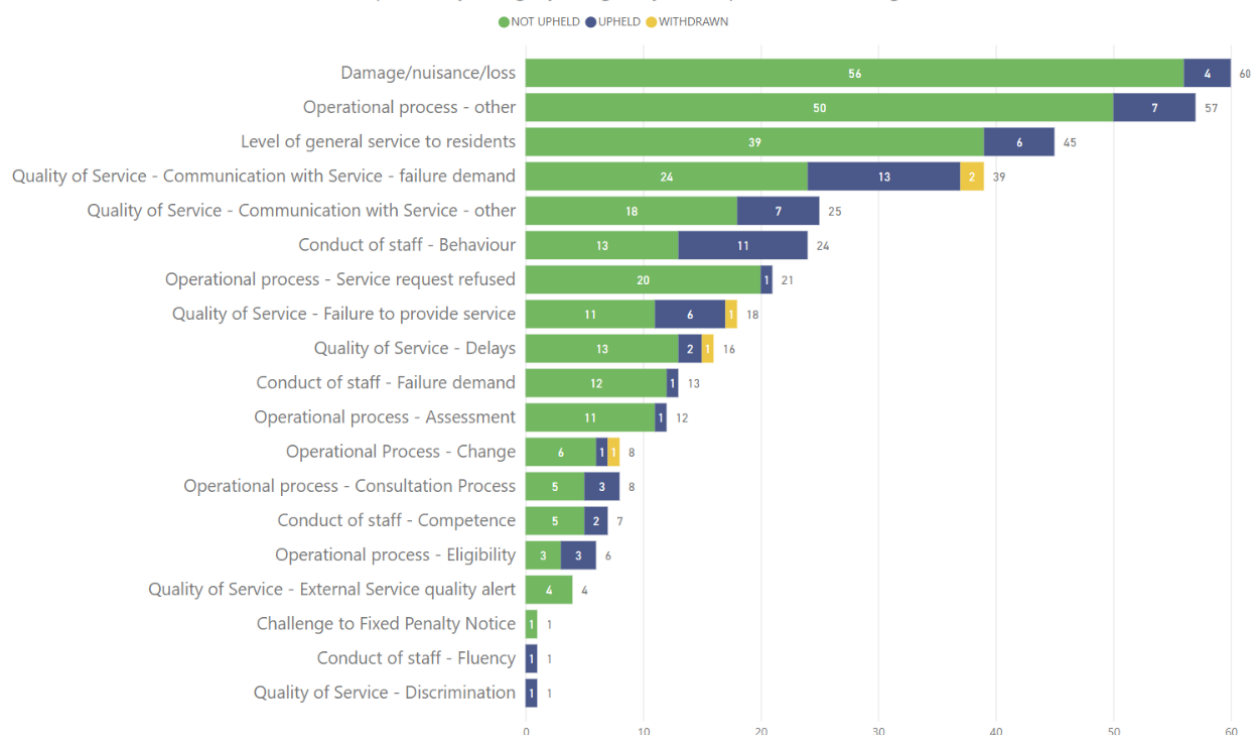
The distribution of complaints is not surprising, with Local Highway Operations having responsibility for much of the work that impinges on the public, such as checks on the condition of the highway and the ordering of repair works, which as noted above can then cause complaints in themselves as the traffic flow is affected.

The Customer Relations Team is committed to ensuring complaints investigations are robust and provide the customer with an honest review of the situation, with suitable remedies applied where applicable. The broad spectrum of services provided by Highways, Transport & Planning, and the large number of residents affected by operational decisions means that expressions of dissatisfaction are to be expected.

The graph below shows the *category* of complaints received about Highways, Transport & Planning along with the outcome of those complaints. Complaints in this area are often complex and can include dissatisfaction about many elements of the service provided. For reporting purposes, the assigned category is a reflection of the salient or substantive issue complained about. It is interesting to note that the complaints most likely to be upheld are those about communication and about staff behaviour.

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Complaints by category - Highways Transport and Planning



As staff behaviour is a key area of customer service, where complaints were found to be upheld or partially upheld, appropriate steps were taken, and appropriate remedies were offered to customers following the conclusion of complaints investigations.

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

- *Following inconsistent application of the criteria for allowing a Vehicle Cross Over (dropped kerb) a further layer of quality control has been introduced into the application process to identify and deal with inconsistencies;*
- *The Council has reviewed and updated its Blue Badge desktop assessment process;*
- *Following a parent being incorrectly told that a child was not eligible for school transport, all relevant staff received guidance and reviewed the relevant area of the policy.*

4.3.2 Communities

Communities	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2021	28	11	39%	97%	3	0	1559
2020	27	7	26%	97%	1	0	2432

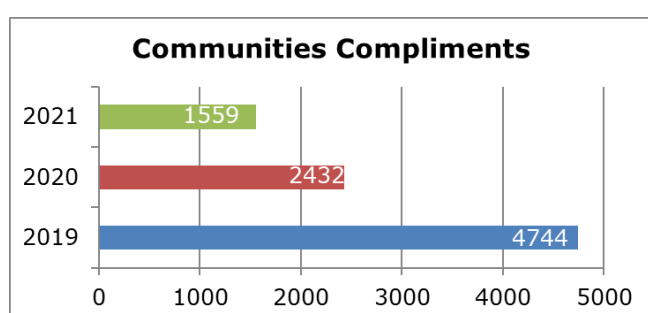
The Communities Directorate consists of customer facing teams committed to serving the community. Customer Experience, Libraries Heritage & Registration and Community Safety all fall under this directorate.

Teams in this directorate historically receive a large number of compliments and very few complaints and 2021 was no exception.

Although the upheld rate in 2021 (39%) was higher than the average for the Council and higher than the 26% in 2020, this only amounts to 11 complaints upheld across the entire directorate.

In 2021 the Communities directorate maintained the high level set in 2020 for response timescales, responding to 97% of complaints within 10 working days (or with an agreed extension).

Historically, the compliments received in relation to Library Services has dwarfed the other services in the directorate (and indeed the Council) with the service receiving a huge number of compliments throughout the year. Unsurprisingly, given the closures of settings and other restrictions on the service due to the pandemic, a reduced number of compliments were recorded in 2021.



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

- *A revision of the protocol for deciding which complaints procedure should be used for Children’s Services complaints*

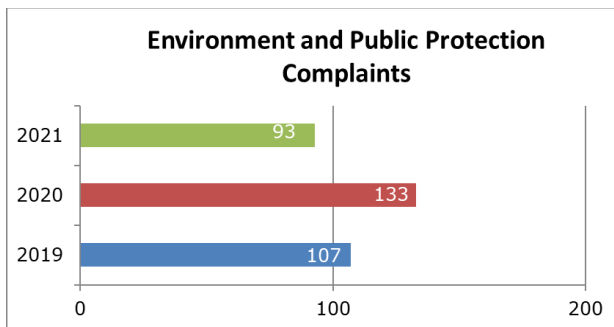
4.3.3 Environment and Public Protection

Environment and Public Protection	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2021	93	40	43%	85%	5	0	85
2020	133	42	32%	82%	3	3	129

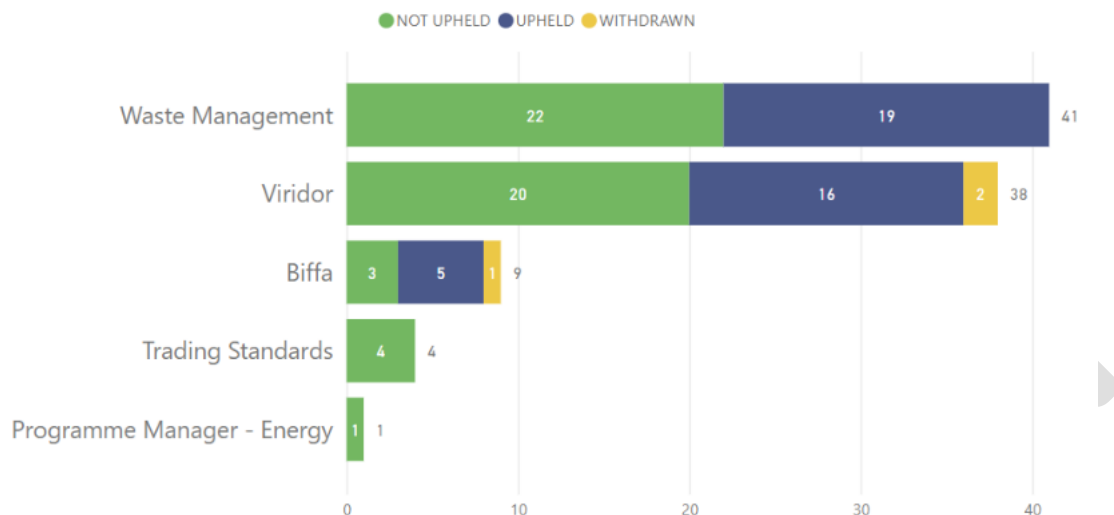
The Environment & Public Protection directorate includes services such as Trading Standards; Energy Services; Sustainability; Digital/Broadband delivery; and one of the Council’s largest services, Waste Management.

Waste Management and especially the outsourced management of the recycling sites across West Sussex generate the majority of complaints, compliments and objections to policy in this directorate.

In total, 93 complaints were recorded against Environment and Public Protection services, compared with 133 in 2020, when there were a number of complaints raised about the restrictions introduced at Household Waste Recycling Sites because of the pandemic, and also about the requirement to produce proof of residency before entering the sites.



Complaints by team - Environment and Public Protection



The majority of complaints upheld in this directorate relate to complaints about Biffa, the company contracted to run the Council’s waste and recycling sites in 2021 (the previous contract holder, Viridor, having been taken over by Biffa during the year, there are complaints registered against both names).

It is important to provide context to the 59 complaints recorded against Biffa. The data shows the footfall across the 11 main Recycling Centres in West Sussex totalled 1,447,632 in 2021. It is estimated that the 2 mobile sites at Selsey and West Wittering add a further 20,000 visits over the year making a total estimated number of visits to all Recycling Centres across West Sussex 1,467,632. This averages out at 122,303 visits per month over the year.

Many complaints received in relation to Biffa are anecdotal accounts of a customer’s dissatisfaction with the customer service received on site. Biffa Area Managers investigate these complaints, often without any concrete evidence on which to rely. Responses are often very customer focussed, with an apology provided as a suitable remedy alongside an assurance that the staff on site will be reminded of their duty to provide excellent customer service, regardless of the challenges faced.

Historically, Trading Standards is a service where the number of compliments received traditionally outweighs the number of complaints received. 4 complaints were formally logged against Trading Standards in 2021 but none were upheld. 60 compliments were recorded in the same period.

5 Local Government and Social Care Ombudsman

Once a customer has exhausted the Council's complaints 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 LGSCO has three different upheld categories:

- Upheld: Maladministration and injustice;
- Upheld: Maladministration, no injustice;
- Upheld: No further action

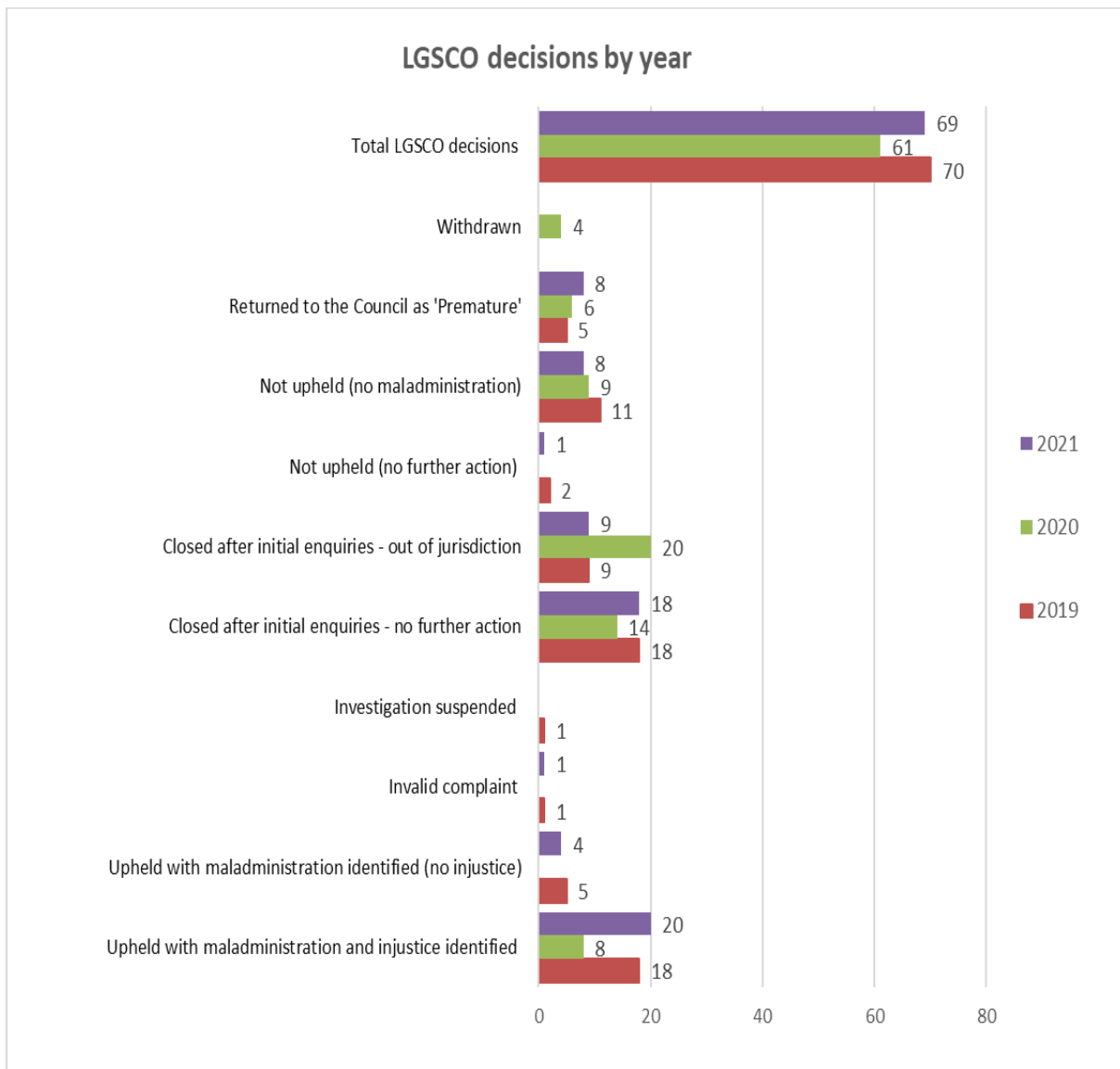
The number of *decisions* issued by the LGSCO in 2021 (69) increased by 13% when compared with the number issued in 2020 (61) but it is unsurprising that there would be an increase given that the Ombudsman stopped taking new complaints for nearly six months in 2020.

Of the 69 decisions issued in 2021:

- 19 were closed with no further action;
- 8 were not upheld with no maladministration;
- 9 were closed after initial enquiries as 'out of jurisdiction';
- 1 invalid complaint
- 8 were returned to the council as 'premature';
- 4 were upheld with maladministration identified (no injustice);
- 20 were upheld with maladministration and injustice identified.

So in 24 of the 69 decisions (35%), the LGSCO found fault in the Council's actions. In those 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. All recommendations from LGSCO cases are followed up and a letter of compliance has been received from the Ombudsman for 100% of remedies due at the time of reporting.

An anonymised list of cases considered by the LGSCO is available from the Complaints Manager David.Tominey@westsussex.gov.uk and all anonymised decision reports are held on the Ombudsman's website, lgo.org.uk.



Below is a *summary* of the cases where the LGSCO found fault with the Council.

Complaints handling

1. Based on a number of cases, the Ombudsman advised that the Council was not applying the correct criteria in deciding whether to use the statutory Children’s Social care complaints procedure. In two cases in particular this was the only finding against the Council and the Council agreed to follow the statutory procedure. Procedures have been put in place to ensure the Ombudsman’s guidance is followed.
2. The Council declined to process a complaint about an Adults’ services decision relating to funding, on the basis that the Council has no choice but to carry out Government directions. However the Ombudsman decided that a complaints investigation should have been carried out in order to determine whether the Government’s directions were being carried out correctly. The Council apologised, and took steps to ensure complaints investigations would be carried out in such circumstances in the future.

3. The Council declined to process a complaint about a decision to refuse a Vehicle Cross Over (VCO) when the LGSCO had found no fault in the Council's processing of a previous refusal. The Ombudsman decided this was maladministration and the complaint should have been processed, but that there was no injustice because the Ombudsman's investigation found no fault in the decision to refuse the second application.

Children's Services

1. The LGSCO found the Council unreasonably delayed an assessment for disability aids. The Council apologised, carried out the assessment and changed procedures to ensure there could not be a repetition
2. The LGSCO found fault in the Council's management of contact arrangements including failure to share contact notes appropriately or to review contact arrangements. The Council paid a financial remedy for distress, provided the missing notes. The Council met with the complainant to answer their questions, and reviewed the relevant policies.
3. The Council failed to properly consider and discuss support a customer might need when her grandchildren first moved into her care and during a transition period for one of the children. The Council apologised, paid an agreed remedy for distress and carried out appropriate update training for social workers
4. The LGSCO found fault with the Council's handling of a safeguarding concern, which meant a risk assessment was delayed and a father was not involved in meetings. The delay was not found to have caused risk to the child. The Council apologised and paid an agreed financial remedy.
5. The Ombudsman decided that the Council's offer of £500 for the loss of contact with a man's children, which had been caused by a failure to tell him that contact could be re-established, was insufficient for the distress caused, and this was increased to £2,200
6. The Ombudsman agreed with the Council's financial remedy offer at stage 2 following delays in accessing therapeutic support for three children. The Council confirmed to the Ombudsman the improvements it had made to prevent recurrence.
7. The Ombudsman issued a Public Interest Report on finding that gatekeeping within the assessment process had led to an unreasonable refusal to assess a child for direct payments or respite care; as well as failing to name a specific school in the child's Education, Health and Care Plan within statutory timescales or arrange an appropriate educational provision. The Council paid the agreed financial remedy, reviewed assessment processes to ensure that children were not unfairly excluded, and the Ombudsman confirmed that work already underway to ensure sufficient educational provision in the future meant the recommendation for an audit had been met.
8. The Council failed to adhere to child protection timescales or to provide written information in a timely manner. A financial remedy was paid and appropriate staff training undertaken.

Adults' Social Care

1. The LGSCO found the Council was at fault for not providing customers with the means to challenge, by way of the complaints procedure, decisions by the panel which considers applications for discretionary property disregards. The Council apologised to the customer, applied the complaints process, and amended the guidance for future cases.
2. The LGSCO found the Council was at fault for not providing customers with the means to challenge, by way of the complaints procedure, to decisions by the panel which considers deliberate deprivations of assets. The Council apologised to the customer and amended the guidance for future cases.
3. The LGSCO found that recording during the desktop assessment for a blue badge had not been rigorous enough. The Council amended the assessment form to improve future recordings
4. The LGSCO found fault with the Council for a delay in sending out debt reminders but did not find that this had caused any injustice or that any remedy was required.
5. The LGSCO found that there was injustice at a nursing home commissioned by the Council when due to the Covid pandemic they stopped visits, which meant that a family, although they were told of deterioration in their relative's condition, were unable to arrange a visit in time to see him before he died. However the Ombudsman did not find that there was any fault by the home or the Council.
6. The Council delayed in setting up a Deferred Payment Agreement and in making payments to a care home after it had said it would. There were also delays in processing the complaint. The Council apologised to the complainant, paid the agreed financial remedy, and reminded staff about the need to be clear in communications with customers about processes and timescales.
7. The LGSCO found delays amounting to fault in carrying out a care assessment. The Council apologised and paid the agreed financial remedy.
8. There was fault in the way the Council carried out a financial assessment and appeal. The LGSCO recommended a financial remedy, a discussion about Disability Related expenditure costs with the customer, a 'lessons learned exercise' and a policy review, all of which the Council carried out.
9. The LGSCO found the Council was at fault in the way it considered a customer's care costs. The Council reviewed the financial assessment.

10. The Council was found to have failed to allow sufficient direct payment to cover recruitment costs and agreed to remedy this injustice. In the same case the Ombudsman found that a carer's assessment should have been offered but that this did not cause injustice.

Highways, Transport and Planning

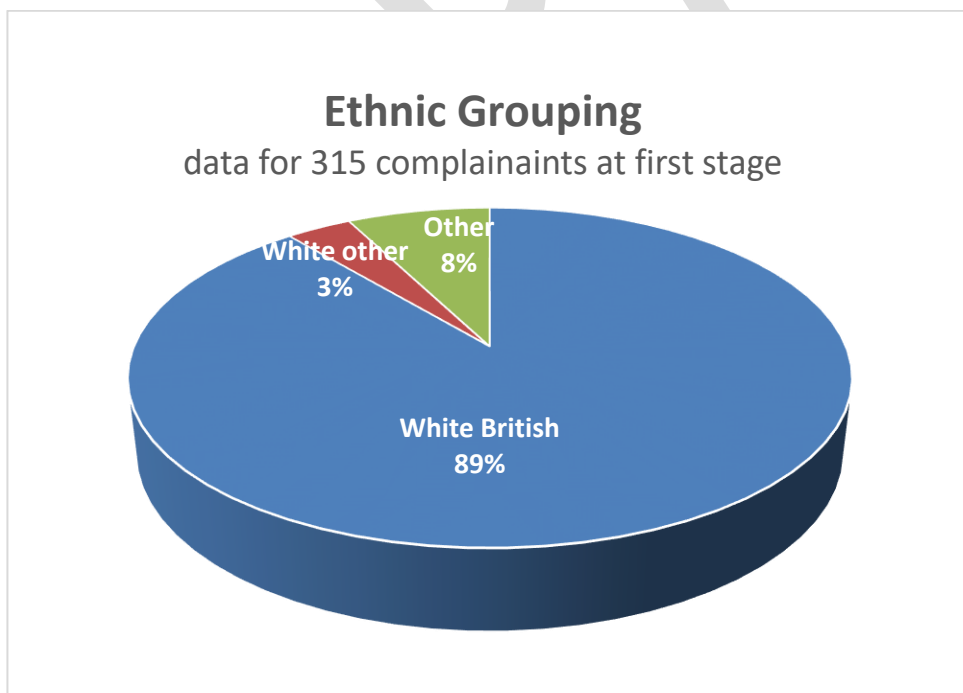
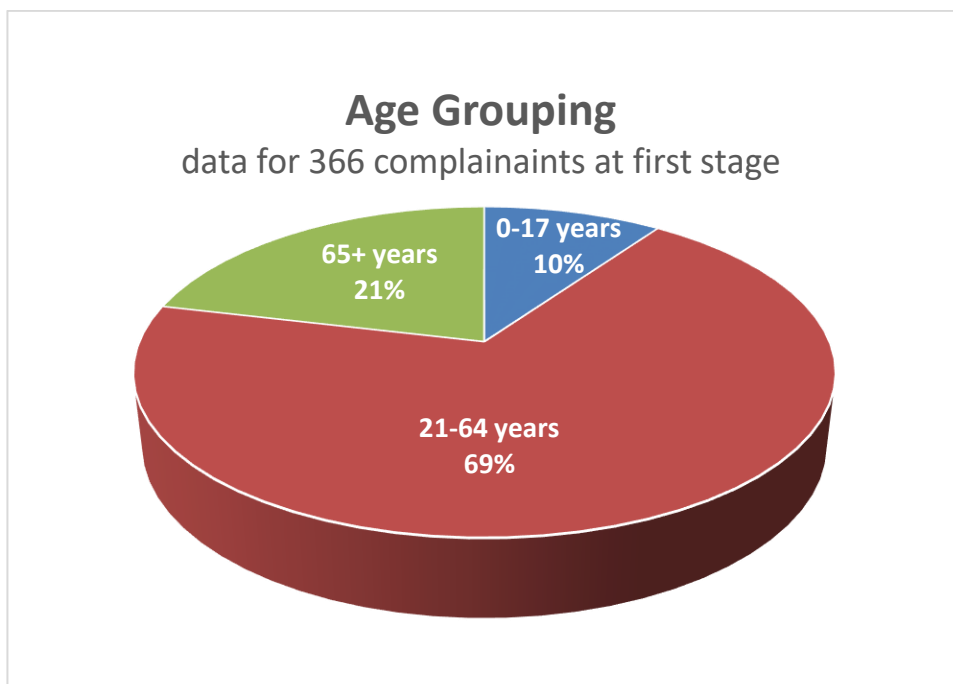
1. The LGSCO found fault in the Council's appeals policy for school transport, which did not follow statutory guidance. The Council apologised to the customer, paid an agreed remedy and amended its appeals procedure to follow the guidance.
2. The LGSCO found there had been maladministration in the making of a TRO because it was made outside the statutory timescale and because it did not inform the complainant; but found that there was no injustice caused because the outcome was the same as if there had been no maladministration.

DRAFT

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.

Complainants are surveyed regarding their customer experience of the complaints process; that survey also requests equality data. The pie charts below show the known equalities data for complainants in 2021.



Appendix A

- Following a stage 2 investigation, £100 was paid in two parts to a resident who had been turned away from a Household Waste Recycling Site on the incorrect judgment that his waste was of commercial origin; £50 to compensate for the initial refusal; and £50 for his time and trouble in pursuing the complaint to stage 2;
- Following an LGSCO investigation, £200 was offered to a father who, because of a delay in carrying out an assessment of the risk involved in contact with his child, was prevented from seeing his child for a period of some weeks. The father did not accept the remedy;
- £100 was paid to a resident following a stage 1 investigation into poor administration of his blue badge application;
- £250.00 was paid following a stage 2 complaints investigation in recognition of the time and trouble taken by a complainant in pursuing her complaint which was initially declined as being out of time;
- Following an LGSCO investigation, £3750 was paid in three parts to a parent and their child; £1200 to the child for loss of educational opportunity; £2400 to the parent for unexpected care services they had to provide; and £150 for time and trouble in bringing the complaint;
- £1027 was paid to a Special Guardian as compensation for damage to property after a stage 2 investigation found that the council had not given sufficient warning of potential challenging behaviour;
- Following an LGSCO investigation, £100 was offered to a customer for the distress caused by a delay in an Adult Social Care assessment, but the customer declined the offer;
- Following an LGSCO investigation, £500 was paid to a couple in recognition of the poor administration around a Child Protection Conference;
- Following an LGSCO investigation, £100 was paid to an Adult Social Care customer for the distress caused by problems with a financial assessment
- Following an LGSCO investigation, £250 was paid to an Adult Social Care customer, and £350 to her mother, in recognition of the distress caused by mistakes in management of Direct Payments and the time and trouble in bringing the complaint;
- Following an LGSCO investigation, £300 was paid to a mother for distress caused by failures in the Special Guardianship Support service;
- Following an LGSCO investigation, £600 was paid to a grandmother for distress caused by insufficient support when her grandchildren were placed in her care;
- Following an LGSCO investigation, a total of £3050 was paid to a parent and child for a refusal to assess the social care needs of the child, who did not meet the criteria the council had in place for an assessment; and for missed educational opportunity when no suitable educational provision was made;

Agenda Item 4

- Following an LGSCO investigation, £250 was paid to a relative of an Adults social care customer for the distress caused by problems with the assessment process;
- Following an LGSCO investigation, £150 was paid to a parent for distress and uncertainty caused by an unwieldy schools transport appeals system which the Ombudsman found departed from the statutory guidance;
- Following an LGSCO investigation, the Council's offer of £500 for the loss of contact with a man's children, which had been caused by a failure to tell him that contact could be re-established, was increased to £2,200;
- Following an LGSCO investigation, the Council's offer of a £250 goodwill payment to the daughter of an Adults social care customer who complained at having incurred costs unnecessarily in relation to her mother's care home fees was increased by an additional £150 in recognition of the distress caused by the delays in reviewing what had gone wrong;
- Following a stage 2 complaint review, £250 was offered to a resident who was visited incorrectly by a social worker accompanied by a police officer because the wrong address had been entered onto the council's database. This offer was not taken up;
- Following a stage 2 complaint review, £50 was offered as a goodwill gesture to a resident in recognition of poor management of her approaches about flooding at her house. This was separate to the consideration of a negligence claim for damages. The resident refused to accept the £50 and said she would be approaching the Ombudsman, but to date nothing has been heard from the Ombudsman;
- Following a stage 2 complaint review, £50 was paid to each of three children in care after the council had lost cards and presents to be passed on from their mother. Each child also received an apology and an appropriate explanation. £200 was paid to the mother in compensation for the lost gifts and for the distress this had caused;
- Following a stage 1 investigation, £1613 was refunded to the Setting Up Home Allowance of a care leaver because there was no evidence to show that he had agreed to the way it had been spent;
- Following a stage 1 investigation, £250 was offered to the mother of two adults who were the dependants of a WSCC pensioner. The offer was in recognition of poor communication about the way future payments to the two dependants would be calculated. The offer was declined and the complainant entered into the Internal Dispute Resolution Procedure for pensions

Report to Standards Committee**27 June 2022****National Standards Update****Report by Director of Law and Assurance****Electoral division: N/A**

Summary

The Committee responded to several consultations regarding the national Standards regime in 2019-2020. Several updates are now available for the Committee's consideration.

Recommendations

The Committee is asked to:

- (1) Note the Government's response to the recommendations of the Committee for Standards in Public Life on local government ethical standards.
 - (2) Note the changes in legislation around disqualification for office.
 - (3) Decide whether to comment further on the LGA's model code of conduct.
-

Proposal**1. Background and Context**

- 1.1 This Committee has previously responded to consultations on national standards matters. This report provides an update on the outcomes of these consultations.
- 1.2 The Committee responded to a consultation in 2018 from the Committee for Standards in Public Life on its review of Local Government Ethical Standards. The Committee for Standards in Public Life issued a best practice report in 2019 and made recommendations to central Government on a number of aspects of Local Government Standards.
- 1.3 At the time, this Committee was supportive of suggestions to undertake actions to strengthen Local Government Standards. It also reviewed the best practice document and concluded that West Sussex County Council generally followed recommended best practice in standards, while taking two steps to improve the arrangements based on the recommendations.
- 1.4 The Government published its response to the Committee for Standards in Public Life in April 2022. Its general response was to conclude that the best practice recommendations were sufficient to promote and maintain good

standards in local government and that legislative change would be unnecessary. The Government's response is attached as Appendix 1. It should be noted that the Government has agreed to consider the rules around the publication of councillors' home addresses in the register of interests, although the County Council now advises members on options including not publishing their home addresses, so this is already reflected in the Council's approach to the register of interests.

- 1.5 The Government commended the Local Government Association's model code of conduct, which was published in 2021. This is attached as Appendix 2. Following the abolition of the compulsory national code of conduct in 2011, the County Council has maintained a code of conduct based on the former national code but has incorporated all newer requirements and had ensured that it has kept pace with recommendations and best practice.
- 1.6 In 2017, the Government issued a consultation on whether the existing 1972 criteria for disqualification for standing for local government office should be extended to include people issued with newer civil injunctions arising from sexual offences. The Committee responded to the consultation in 2017 and was supportive of extending the criteria in this way.
- 1.7 The Government has recently passed the Local Government Disqualification Act 2022, which has implemented this change.

2. Proposal details

- 2.1 The Committee is asked to note the Government actions.
- 2.2 The Committee is also asked to consider whether the LGA's model code of conduct, previously considered by the Committee should be considered once again for possible adoption by the County Council in place of its long-established Code. As there is no indication that the Code is ineffective or problematic in any sense it is a simple matter of whether there are other grounds for exploring the need to consider adopting a different code which has wider use among councils across the country.
- 2.3 It should be noted that six of the seven borough and district councils have now adopted the LGA model code and the seventh has adopted a number of measures based on the new national code. There is an argument that the County Council should also adopt the model code to be consistent with other councils.
- 2.4 To change the Council's current code of conduct would involve changing most of the wording and structure of the existing one. In practice, much of the overall content is very similar, although the model text sets out an explanation of what is meant by certain words, such as 'bullying' and 'harassment'. The County Council has incorporated bespoke advice on predetermination and bias in its Code of Conduct, which could instead form an appendix to the model code text if adopted. This could be prepared for the next meeting of the Standards Committee in October 2022, if the Committee requests this. If a new code is then agreed by the Council in December 2022, the practical impact would be that members would be asked to sign up to adhere to the new form of the code, as a one-off exercise. It is likely that the existing register of interests form would remain fit for purpose and no further training would be required for members.

3. Consultation, engagement and advice

3.1 Not applicable.

4. Finance

4.1 There are no revenue budget, capital budget or other resource implications arising from this report.

5. Risk Implications and Mitigations

Risk	Mitigation
If the County Council retains its existing code of conduct, this could lead to inconsistency with other councils including districts and boroughs in the County if they adopt the LGA code.	Adopting the LGA code would address this risk if other councils are found to be adopting the LGA code. Equally the risk may be regarded as not significant for meeting the purpose of the Code.

6. Policy alignment and compliance

6.1 The County Council’s Code of Conduct and Standards arrangements are in line with the best practice recommended by the Committee for Standards in Public Life.

Tony Kershaw

Director of Law and Assurance

Contact: Charles Gauntlett, Senior Advisor, Democratic Services, 033 022 22524 or email: charles.gauntlett@westsussex.gov.uk

Appendices

Appendix 1 – Government Response to Committee for Standards in Public Life’s recommendations

Appendix 2 – Local Government Association Model Code of Conduct.

Background Papers

None

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Department for Levelling Up,
Housing & Communities

Kemi Badenoch MP

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Communities*

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Dear Lord Evans,

On behalf of the Government, I would like to thank the Committee on Standards in Public Life for its report and the recommendations arising from its review of Local Government Ethical Standards, and to all those who engaged with the Committee's work. Attached is the Government response to the Committee's individual recommendations that were directed at Government.

Vibrant local democracies flourish where the reputation of the local authority is held in high regard, where councillors' decision-making is transparent, valued and trusted by the communities they serve, and where people are willing and confident to put themselves forward as potential candidates. The standards and conduct framework within which local authorities operate must drive out corruption and promote commitment to the principles on standards in public life, and tolerance to the differing views of others. In responding to the review, the Government has taken into account the importance of protecting free speech and freedom of association within the law.

The Government is committed to working with local authorities and their representative organisations to ensure that local government is supported in reinforcing its reputation for ethical local standards.

The fact that this review had been conducted in such a collaborative way with the sector has been apparent from the outset and is borne out in the final report. I am keen that Government builds on the sector-wide enthusiasm for improvement.

The Government agrees with the Committee's conclusion that there have been benefits from local authorities being responsible for ethical standards, including the flexibility and

discretion to resolve standards issues informally. However, we also recognise the role of Government in ensuring that the system is robust.

The number of requests for legislation in the Committee's recommendations to strengthen the standards and conduct framework and its safeguards is considerable. As indicated in this response, the Government believes that some of these suggestions do not need a legislative response but can be more appropriately, effectively, and swiftly taken forward by local authorities as best practice. The Committee will recognise that the Government and Parliament has taken a different view on these matters when it legislated for the Localism Act 2011.

I thank the Committee for their work on the review and for their patience whilst Government carefully considered their recommendations, and I personally look forward to continuing to work with you as Government progresses the commitments made in this response with the sector.

Yours sincerely,

A handwritten signature in black ink that reads "Kemi Badenoch". The signature is written in a cursive, flowing style.

KEMI BADENOCH MP

**Minister of State for Equalities
and Levelling Up Communities**

Government response to the Committee on Standards in Public Life review of local government ethical standards

This Government response confines itself to the Committee's recommendations directed at Government, other than with regards to the first recommendation. The response to recommendations 10, 12, 13, 14 and 16 have been grouped together and therefore appear out of numerical order below.

Recommendation 1

The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.

The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a code of conduct for their councillors.¹ Authorities can determine the content of their own code of conduct. However, codes must conform to the seven 'Nolan' principles of standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. Relevant authorities for the purposes of these requirements include local authorities in England, namely county councils, district councils, London borough councils and parish and town councils.

It is for individual councils to set their own local code, in line with the Act. The Government has previously published a light-touch illustrative code of conduct.

The Local Government Association has worked with sector representative bodies to update its own suggested code of conduct, with the intention that this new suggested code could establish a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities. The Local Government Association published the updated code of conduct in January 2021. However, it remains a local decision on whether this model code is adopted.

Recommendation 2

The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.

¹ References to councillors in this document also should be deemed to include elected mayors.

This issue was brought up in the Committee's work on intimidation in public life, and the Government has already taken forward several steps in this regard. The Government is open and receptive to further steps to help prevent intimidation.

The Government agrees with the principle behind this recommendation – which safeguards elected representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it.

The Government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address.

Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.

Recommendation 3

Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.

The Government's view is that it is for individual local authorities to consider if their code of conduct is adequate in addressing the issue of inappropriate use of social media.

As the Government outlined to Parliament in March 2021 on tackling intimidation in public life: 'It is important to distinguish between strongly felt political debate on the one hand, and unacceptable acts of abuse, intimidation and violence on the other. British democracy has always been robust and oppositional. Free speech within the law can sometimes involve the expression of political views that some may find offensive': a point that the Government has recognised in a Department for Education policy paper². But a line is crossed when disagreement mutates into intimidation, which refuses to tolerate other opinions and seeks to deprive others from exercising their free speech and freedom of association.'

It is important to recognise that there is a boundary between an elected representative's public life and their private or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment is in an official capacity risks conflating the two.

² Higher education: free speech and academic freedom Feb 2021
<https://www.gov.uk/government/publications/higher-education-free-speech-and-academic-freedom>

Recommendation 4

Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.

The Government agrees that local authority elected representatives should act in good faith in the public interest and not seek to influence decisions for personal gain, for malicious intent or to further the interests of any business or any other organisations which they may be affiliated with.

The Local Government Association have updated their [own suggested code of conduct](#) to state that the code applies when “[a member’s] actions could give the impression to a reasonable member of the public with knowledge of all the facts that [they] are acting as a [member]”.

It is for individual local authorities to ensure that their codes of conducts are regularly updated, comprehensive and fit for purpose. Elected members receive the necessary training to make them aware of their personal responsibilities in upholding the code.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

Recommendation 5

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.

The electorate must have confidence that the decisions of their elected representatives are being made in the best interests of the community they have been elected to serve. Unpaid roles may need to be declared if it is relevant to council business, and councillors should recuse themselves if necessary if discussions relate to private bodies, they are involved in.

The Government is mindful that councillors have a right to a private life, and rights of freedom of association outside their role as a councillor. It is frequently the case that people in public life have a complex pattern of interests and play a variety of roles with different types of organisations, including community interest groups and charities.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

Recommendation 6

Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.

The Local Government Association's suggested code of conduct published in January 2021 includes a requirement for members to "register... any gift or hospitality with an estimated value of at least £50". However, it did not contain any requirements relating to the total value of gifts or hospitality received from the same source over a sustained period.

Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The Government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.

Recommendation 7

Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter".

Section 31 of the Localism Act 2011 requires that a councillor must not participate in a discussion or vote on a matter where they have a disclosable pecuniary interest in any matter to be considered at the meeting. Section 30(3) of the Localism Act 2011 further provides that any relevant pecuniary interests of a councillor's spouse or partner are considered as a disclosable pecuniary interest of the councillor.

The Committee's report reflects concerns that the disclosable pecuniary interest arrangements infringe on the privacy of a councillor's spouse or partner. Where there would be a potential conflict of interest, the principle of integrity requires that any such interests should nevertheless be declared and resolved.

The Government will keep this matter under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.

Recommendation 8

The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

The Government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The Government's view is that it would be more appropriately implemented as a best practice recommendation for local authorities.

In principle, it may be attractive to limit the terms Independent Persons serve to keep their role and contribution "fresh" and avoid them becoming too closely affiliated with the overriding organisational culture. However, discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. There is frequently a small pool of people capable and willing to undertake the role, who also fit the stringent specifications of being amongst the electorate, having no political affiliation, no current or previous association with the council, and no friends or family members associated with the council.

When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.

Recommendation 9

The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.

The Government does not agree with this. The Local Government Transparency Code is a statutory requirement to publish information; it does not regulate the content of councils' minutes or decision notices.

The substantive policy suggestion has merit but will depend on circumstances. In cases where there is no case to answer from an unfounded complaint, it should not necessarily be a legal requirement to publish details of that unfounded complaint.

Recommendation 10

A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction.

Recommendation 12

Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.

Recommendation 13

Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.

Recommendation 14

The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.

Recommendation 16

Local authorities should be given the power to suspend councillors, without allowances, for up to six months.

There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct, and this was a deliberate policy decision by the Coalition Government at the time of the Localism Act 2011 to differentiate from the previous, failed Standards Board regime. The Standards Board regime allowed politically motivated and vexatious complaints and had a chilling effect on free speech within local government. These proposals would effectively reinstate that flawed regime.

It would be undesirable to have a government quango to police the free speech of councillors; it would be equally undesirable to have a council body (appointed by councillors, and/or made up of councillors) sitting in judgment on the political comments of fellow councillors.

On the rare occasions where notable breaches of the code of conduct have occurred, local authorities are not without sanctions under the current regime. Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised. If the elected member is a member of a political group, they would also expect to be subject to party discipline, including being removed from that group or their party. Political parties are unlikely to reselect councillors who have brought their group or party into disrepute. All councillors are ultimately held to account via the ballot box.

As part of the Government's response to the Committee's report on intimidation in public life, the Government recommended that every political party establish their own code of conduct for party members, including elected representatives.

The Government will engage with sector representative bodies of councillors and officers of all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.

Recommendation 11

Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.

The Government agrees in principle.

Initial soundings with the sector indicate that some local authorities already provide legal indemnity for Independent Persons.

The Government endorses providing legal indemnity for Independent Person as local authority best practice but does not currently see the need to require this through secondary legislation.

Recommendation 15

The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

The Government believes that this is better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector.

The Government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports.

Recommendation 17

The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.

The criminal law, overseen by the police and courts, provides for more appropriate and effective action against breaches of public order, for anti-social behaviour, and against harassment.

The occasion where councils would seek to bar councillors from council premises are thought to be extremely rare. We will consider this further.

Recommendation 18

The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption.

The Government does not agree with this recommendation, but rather believes the criminal offence of a non-disclosure of pecuniary interest to be a necessary and proportionate safeguard and deterrent against corruption.

The high bar of police involvement has served to discourage politically motivated and unfounded complaints.

Recommendation 20

Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.

The Government does not agree that this is necessary and has no plans to repeal Section 27(3) of the Localism Act 2011.

The Government considers that the adoption of the principal authority's code or the new model code is a matter for local determination.

There are merits in achieving consistency within principal authority areas to eliminate potential confusion amongst constituents and elected members but there may be instances where a parish council may want to add to the code of their principal authority to reflect local circumstances.

Recommendation 21

Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.

The Government has no current plans to repeal Section 28 (11) of the Localism Act 2011 but will give this matter further consideration.

Recommendation 22

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.

The three statutory officers in local government are the Monitoring Officer, the Head of Paid Service (Chief Executive) and the Chief Finance Officer (often referred to as the Section 151 Officer).

Under the current disciplinary arrangements for statutory officers, any decision to dismiss a statutory officer must be taken by full council, following a hearing by a panel that must include at least two Independent Persons. The Committee consider that the disciplinary protections for statutory officers should be enhanced, by extending disciplinary protections to all disciplinary actions (such as suspension or formal warnings), not just dismissal.

The Government agrees in principle with this recommendation and recognises this will be pertinent to Monitoring Officers who may not necessarily be afforded the same seniority in the organisational hierarchy of a local authority as the two other statutory officers (Head of Paid Service and the Section 151 Officer), and who may be subject to personal pressures when conducting high profile breach of conduct investigations.

The Government will engage with sector representative bodies of all tiers of local government to seek views on amending the Local Authorities (Standing Orders) (England)(Amendment) Regulations to provide disciplinary protections for statutory officers.

Recommendation 23

The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.

The Government agrees with the principle that openness is essential.

Most local authorities already publish their whistleblowing policy, procedures and a named contact on their websites, and Government is recommending that this is adopted as a best practice recommendation.

The Government published the UK National Action Plan for Open Government 2021 – 2023 in January 2022. This includes a commitment on local transparency.³ The Department for Levelling Up Housing and Communities (DLUHC) will work with the local government community to develop a set of specific actions to advance transparency in the sector. DLUHC will support local government to solidify their transparency policies and processes and encourage proactive publication of open data across councils.

Recommendation 24

Councillors should be listed as ‘prescribed persons’ for the purposes of the Public Interest Disclosure Act 1998.

Prescribed persons are individuals or organisations that a worker may approach outside their workplace to report suspected or known wrongdoing and still be protected by the rights afforded to them under whistleblowing legislation. They are prescribed by an order made by the Secretary of State (for Business, Energy and Industrial Strategy) for this purpose. A complete list of prescribed persons is available here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

Local councillors would not meet the criteria of being external to an individual’s workplace in relation to matters affecting the council and could therefore not be considered as a ‘prescribed person’ for the purposes of the Public Interest Disclosure Act 1998. Disclosures relating to local authorities can be made to the external auditor of the relevant authority, the Comptroller and Auditor General (National Audit Office), or a Member of Parliament.

However, the Government recognises that this may provide a further check and balance against council corruption or wrongdoing and is open to further representations on the matter on how local accountability can be strengthened in this regard.

³ <https://www.gov.uk/government/publications/uk-national-action-plan-for-open-government-2021-2023/uk-national-action-plan-for-open-government-2021-2023#local-transparency>



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

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Appendix 2 Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear to a reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

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Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B5 Registering interests

Appendix 2

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

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	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

Report to Standards Committee**27 June 2022****Standards Committee Annual Report 2021/22****Report by Director of Law and Assurance****Electoral divisions: Not applicable.**

Summary

The attached appendix is recommended as the Annual Report to the Council.

Recommendations

- (1) That, subject to any amendments agreed by the Committee, the draft report be approved for submission to the County Council on 15 July 2022.
-

Proposal**1 Background and context**

- 1.1 The Committee is able to submit an annual report to the County Council to outline its activities over the last year. A draft report is attached that sets out the key activities of the Committee from April 2021 – March 2022.

2 Proposal details

- 2.1 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 15 July 2022.

3 Other options considered (and reasons for not proposing)

- 3.1 Not applicable.

4 Consultation, engagement and advice

- 4.1 Not applicable.

5 Finance

- 5.1 There are no revenue or capital budget consequences.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Reputational risks and risks to decision-making through members not maintaining high standards.	An annual report made available to all members assists the Committee in its role to promote high standards of conduct.

7 Policy alignment and compliance

7.1 Not applicable.

Tony Kershaw

Director of Law and Assurance

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Appendices

1 – Draft Annual Report

Background papers

None.

Standards Committee: Annual Report 2021/22

Introduction

- 1** This report outlines the activities of the Committee from April 2021 to March 2022 and records issues the Committee considers important for the future. In summary, the work of the Standards Committee is:
 - Promoting and maintaining high standards of conduct.
 - Casework conducted through Sub-Committees
 - Ensuring that appropriate training is organised for members.
 - 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 for members. Following the County Council elections in May 2021, the induction programme included sessions on standards and the code of conduct by the Monitoring Officer. This was delivered virtually and was recorded, so any member unable to attend was asked to observe the recording. All members have confirmed that they have done this, meaning a 100% compliance, in line with the Council's expectations
- 3** All members newly elected in May 2021 submitted their register of interests forms by June 2021. 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 to assist members with their entries. The most recent reminder to all members was issued in June 2022.

Independent Persons

- 4** The role of the independent persons is 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 council business, through upholding the Member Code of Conduct and the constitutional arrangements supporting it. They also 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 April 2021 – 31 March 2022 four complaints against councillors were received. All failed to meet the criteria for presentation to an assessment sub-committee for review, the Monitoring Officer making this judgment with the assistance of the independent persons. The main reason for rejecting complaints at this initial stage continues to be that the behaviour complained of is clearly not connected with the member acting or appearing to act on Council business.
- 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 lack of valid complaints 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 Whistleblowing Policy. The reports are helpful in indicating whether any measures are needed to address underlying problems. There have been no cases in the last year. There is nothing to suggest, by reference to concerns raised through other routes such as grievances, internal audit, or formal complaints that there is any cause for concern about awareness of or use of the whistleblowing procedures
- 9** The Committee also receives regular reports about complaints handling across the authority. Generally, there is a positive culture within the organisation about complaints. The Committee has monitored levels of complaints and discussed the reasons for increases in some areas during 2021.
- 10** The Committee also noted a Public Interest Report issued by the Local Government and Social Care Ombudsman about a children's services matter. The ombudsman had found faults with the Council's handling of the matter and had set out its findings and proposed remedies. The Committee supported the Council's approach in accepting the findings and implementing the remedies and recommendations made by the Ombudsman.

Conclusion

- 11** 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

- (1) That the report be noted.

Pete Bradbury

Chairman of the Standards Committee

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Background papers

None.