

Public Document Pack

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9 June 2023

Standards Committee

A meeting of the Committee will be held at **2.15 pm** on **Monday, 19 June 2023** 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 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 - 4)

The Committee is asked to agree the minutes of the meeting held on 31 October 2022 (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 5 - 36)

Report by the Director of Place Services.

The report sets out information about the complaints and compliments received by the County Council in 2022. The Committee is invited to comment on the information.

No background papers. Contact, David Tominey, Complaints Manager, david.tominey@westsussex.gov.uk, tel: 033 022 22285.

5. **Standards Committee Annual Report 2022/23** (Pages 37 - 42)

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 14 July 2023.

6. **Whistleblowing Policy Referrals** (Pages 43 - 44)

Report by the Director of Law and Assurance.

The Committee is asked to note the activity generated by referrals made pursuant to the Council's Whistleblowing Policy.

7. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 pm on 30 October 2023 at County Hall, Chichester. Planned agenda items include:

- Whistleblowing Policy

To all members of the Standards Committee

Standards Committee

31 October 2022 – 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 Kenyon, Cllr Lord, Cllr Sparkes and Cllr Wild

Apologies were received from Cllr Johnson and Mr Cooper (Independent Person)

Also in attendance: Mr Donaldson (Independent Person)

Part I

8. Declarations of Interest

8.1 None declared.

9. Minutes of the last meeting of the Committee

9.1 The Committee considered the draft minutes and asked for three minor corrections to be made – firstly to add the word 'of' in the first line of minute 3.3; secondly, to add the word 'be' in the first line of minute 4.4 and thirdly to correct the spelling of 'model' in minute 4.5, resolution (3).

9.2 Resolved – That, subject to the minor corrections agreed in minute 9.1 above, the minutes of the meeting of the committee held on 27 June 2022 be approved as a correct record and that they be signed by the Chairman.

10. Code of Conduct

10.1 The Committee received a report by the Director of Law and Assurance (copy appended to the signed minutes).

10.2 The report was introduced by the Director of Law and Assurance, who advised that the Model Code of Conduct from the Local Government Association had been used as the basis for the draft Code of Conduct, with some minor changes to remove information not relevant to the County Council and to keep bespoke guidance from the existing Code of Conduct which was not found in the model text.

10.3 The Committee supported the proposed text of the draft Code of Conduct, acknowledging that the main benefit of changing to this new version was to provide consistency to the public with other local councils' codes of conduct.

10.4 Members commented that the changes between the first and second person could be confusing to readers, so asked for the information

in the second person, which is mostly guidance to the member, should appear in an alternative format in the final draft.

- 10.5 Members asked that some other minor reformatting be carried out and highlighted that in the first paragraph of section 4, a clearer reference to co-opted members when ceasing their role was needed and that the guidance at the end of paragraph 8.4 needed expanding to reflect the old Code's specific wording against the intimidation of witnesses.
- 10.6 Resolved – That subject to the changes requested in minutes 10.4 and 10.5, that the draft Code of Conduct be endorsed for submission to the County Council for approval in December 2022.

11. Whistleblowing Policy

- 11.1 The Committee noted that the Director of Law and Assurance has received two referrals via the Whistleblowing Policy, which are currently being investigated and that a full report will be made when the matters are concluded in due course.

12. Date of Next Meeting

- 12.1 The Committee noted that the next meeting is due to be held on 19 June 2023.

The meeting ended at 2.47 pm

Chairman



Compliments and Complaints

2022 Annual Report

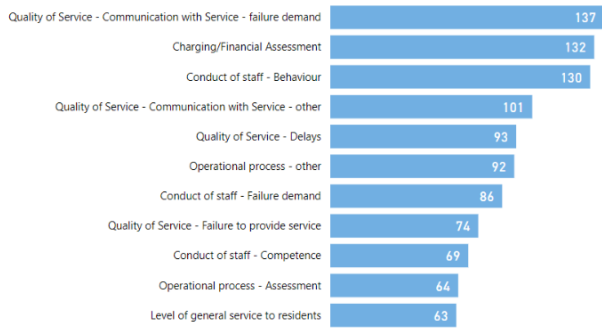


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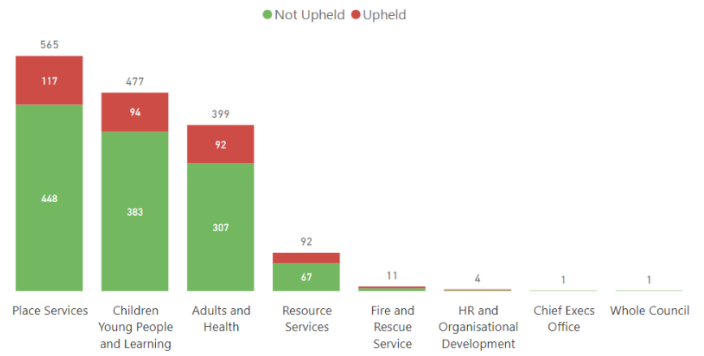
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The calendar year in 8 charts

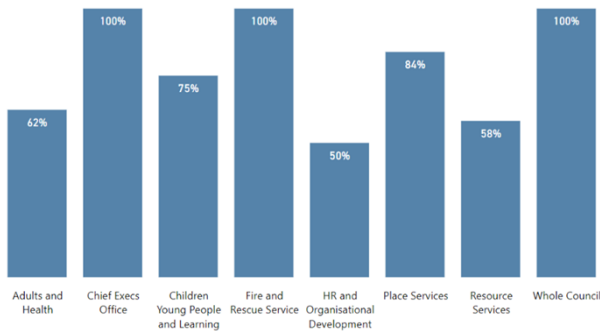
Top 10 reasons for complaint



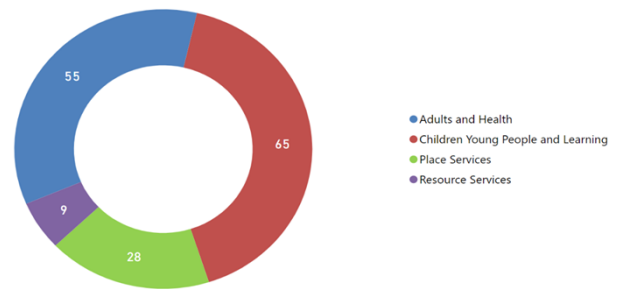
First stage complaints outcome by Exec Directorate



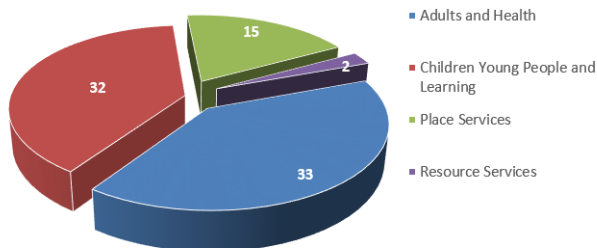
First stage response within 10 days or notified extension by Exec Directorate



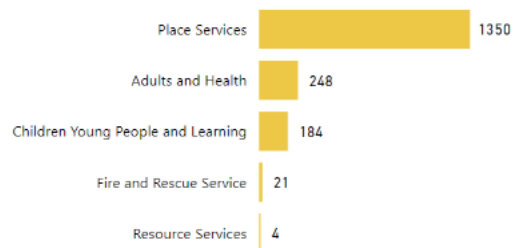
Second stage complaints



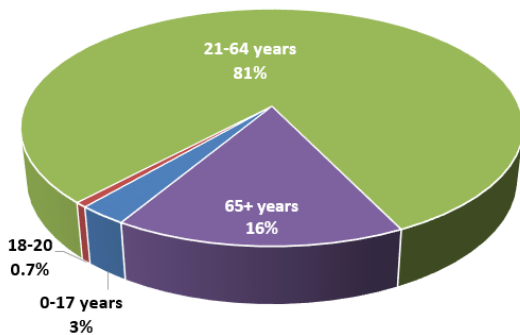
Complaints to the Ombudsman



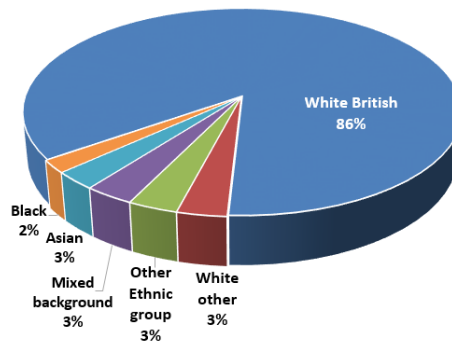
Compliments by Exec Directorate



Age Grouping
data for 297 complainants at first stage



Ethnic Grouping
data for 250 complainants at first stage



Introduction

This is the annual report on complaints and compliments about County Council services. It also covers decisions of the Local Government and Social Care Ombudsman (LGSCO) and acts as the statutory reports for Adults' and for Children's Social Care.

The report contains data and analysis for a review of the complaints processes and the services to which they relate over a calendar year. It informs the Council about complaint themes and how effective its 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 complaints procedures: the Adults' Social Care statutory procedure; the Children's Social Care statutory procedure and the Corporate Complaints procedure. The terms stages 1, 2, and 3 are used for each but each procedure works in a different way and stage 3 is only found in the statutory children's procedure.

Claims for compensation for damages, such as claims for vehicle damage arising from potholes, are not recorded as complaints but as insurance matters by Legal Services.

Full details of the procedures can be found on the Council's website. The Council's aim is to resolve complaints as quickly and simply as possible. The initial stage is for the manager responsible for the service to seek a resolution. If resolution is not reached, the customer has the right to escalate to the next stage, where the complaint is looked into by a more senior person not previously involved.

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. Through most of 2022 the team comprised a Complaints Manager and three Customer Relations Officers (a fourth CRO post ended in June).

Suggestions, Comments, Compliments and Complaints can be logged via our website at <https://www.westsussex.gov.uk/contact-us/?sc=48595>

The team can be contacted directly 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 2022.

Since 2021 the numbers for complaints reflect the complaints **closed** during the year not complaints **received** during the year. The numbers reported for the LGSCO reflect the number of **decisions received** in the reporting period. In this year's commentary, figures for years previously reported on complaints **received** have been restated to reflect this change in reporting practice.

The table below shows the reasons recorded for complaints during 2022 in comparison with 2021. The reasons for the marked changes in some categories and overall are discussed later in the report

Nature of Complaint	2021	2022
Charging/Financial Assessment	232	132
Quality of Service - Communication with Service - other	176	101
Conduct of staff - Behaviour	131	130
Quality of Service - Communication with Service - failure demand	110	137
Operational process - other	95	92
Quality of Service - Delays	65	93
Conduct of staff - Competence	84	69
Conduct of staff - Failure demand	64	86
Level of general service to residents	73	63
Quality of Service - Failure to provide service	56	74
Operational process - Assessment	49	64
Damage/nuisance/loss	66	36
Operational process - Eligibility	22	31
Operational process - Service request refused	34	11
Operational Process - Change	16	24
Operational process - Standard of report	8	15
Operational process - Safeguarding investigation	16	6
Quality of Service - External Service quality alert	10	11
Operational process - Consultation Process	11	7
Quality of Service - Discrimination	11	6
Conduct of staff - Fluency	7	3
Operational process - Frequency	6	3
Operational process - Level/quality of contact with child	6	2
Data protection/FOI - Breach of confidentiality	1	4
Closure/Change/Transition between services	1	2
Data protection/FOI - Inaccurate data on file	2	1
Not WSCC/Not complaint		3
Objection to Policy		3
Quality of Service - standard/level of service to customer		3
Challenge to Fixed Penalty Notice	2	
None		2
Data protection/FOI - Failure to supply requested info		1
Data protection/FOI - request for change to file refused	1	
Safeguarding Alert		1
Total	1355	1216

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The table below summarises the complaints and compliments recorded by directorate or service unit in 2022.

Complaints by Directorate 2022	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
Adults and Health							
Adult Services	305	92	30%	62%	54	32	248
Public Health	2	0	0%	100%	0	1	0
Social Care Joint Commissioning	0	0	-	-	1	0	0
Safeguarding Adults Board	0	0	-	-	0	0	0
Chief Execs Office							
Chief Execs Office (inc Whole Council)	2	0	0%	100%	0	0	0
Children Young People and Learning							
Children First Transformation	1	0	0%	100%	0	0	0
Children Services	258	67	26%	73%	36	12	90
Education and Skills	124	27	22%	79%	29	20	94
Fire and Rescue Service							
Fire and Rescue Service	7	4	57%	100%	0	0	21
HR and Organisational Development							
HR and Organisational Development	2	2	100%	50%	0	0	0
Place Services							
Communities	47	18	38%	89%	5		1128
Digital Infrastructure	1	0	0%	100%	1		0
Environment and Public Protection	84	32	38%	93%	2		36
Highways Transport and Planning	312	67	21%	81%	20	15	182
Property and Assets	4	0	0%	75%	0		4
Resource Services							
Finance Procurement and Business Support	65	25	38%	58%	9		4
Law and Assurance	2	0	0%	100%	0	2	0
Grand Total	1216	334	27%	74%	157	82	1807

Explanatory notes: LGSCO referrals

The Adults' Social Care appeals process offers customers direct recourse to the LGSCO for review, as do 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 have been referred direct.

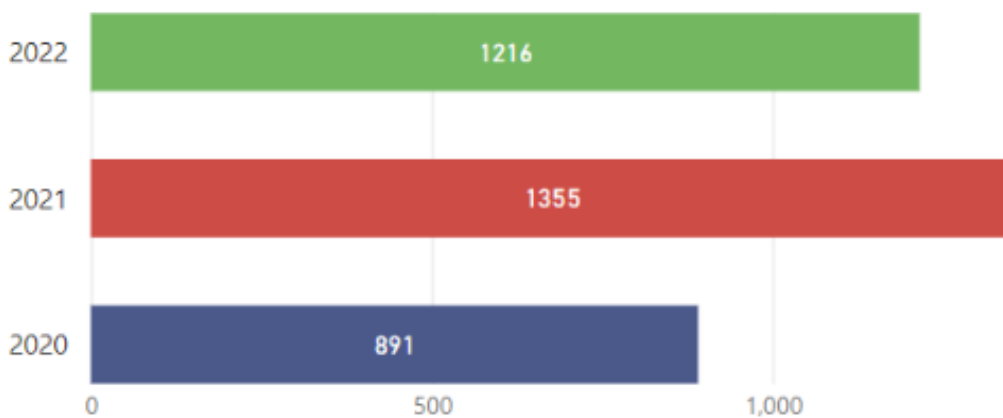
2 Analysis of overall figures

The number of complaints at the first stage reduced from 1355 in 2021 to 1216 in 2022 - a *reduction* of 10%, compared to a 48% *increase* in the previous year. It is a mixed picture in the individual directorates with reductions in Adults’ Social Care (down 100), Highways, Transport and Planning (54) and Children’s Services (27) but an increase in Education and Skills (up 42). There is discussion of the reasons for these changes later in the report.

The number of complaints represents a very small proportion of the number of customer contacts and provisions of services, suggesting that most customers are satisfied. The Council aims however to avoid any customer needing to complain and treats every complaint as an opportunity to learn and to implement changes to avoid future complaints, improving our customers’ experience and their satisfaction levels.

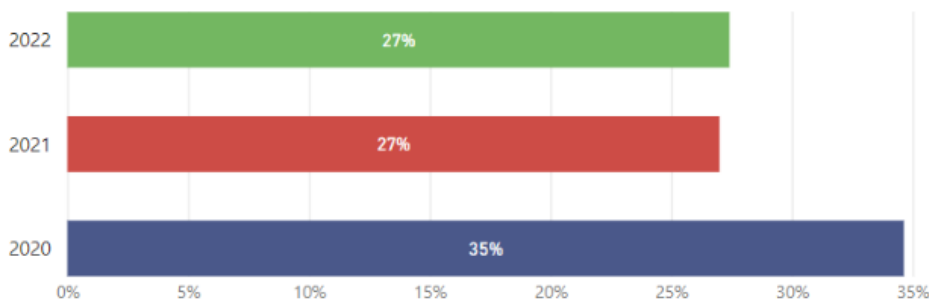
Regular reviews to improve accessibility are designed to provide our customers with a platform from which to voice their dissatisfaction with services provided, or to make a formal compliment, should they wish to. In 2022 a number of changes were made to our website to make it easier for customers to give feedback, including comments and suggestions as well as compliments and complaints, and during the year 356 enquiries/comments/suggestions etc. were received and passed on.

Complaints at first stage



334 complaints were upheld at stage one down from 364 in 2021, but the percentage upheld at stage one remained the same, at 27%. These figures include complaints that were *partially upheld*.

Upheld complaints at first stage



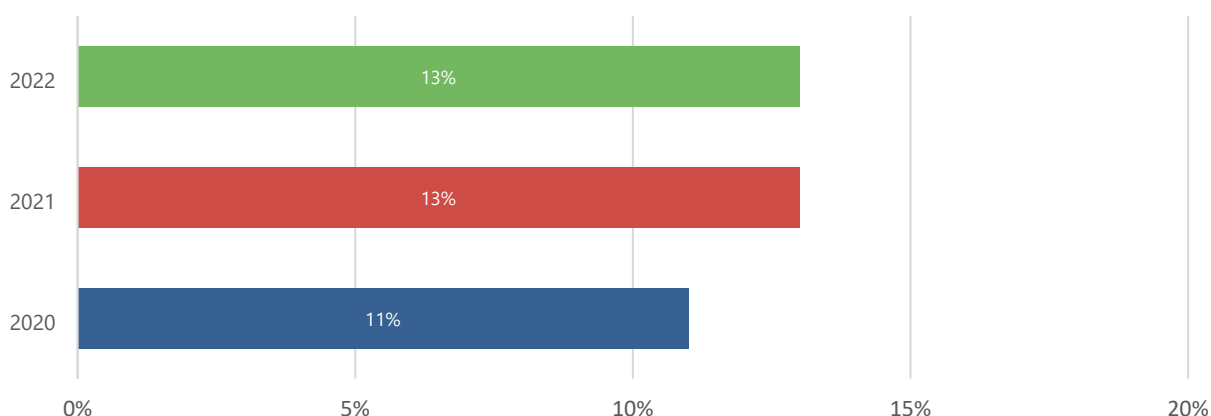
Agenda Item 4

If a complainant is not satisfied with the response at the first stage, they can escalate their complaint. The processes use templates which advise all complainants of their right to escalate with escalation advice included with every stage one response. It is important that complainants are provided with clear guidance on how to pursue their complaints to ensure integrity in the complaints process.

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

The number of complaints considered at stage two of the Council's complaints processes in 2022 was 154, down from 171 in 2021. As a percentage this represents 12.7% of the total number of complaints closed at stage one in 2022, the same as 2021, so the ratio of complainants dissatisfied after stage one remained unchanged.

Second stage - % of first stage complaints



When a customer has exhausted the Council's complaints procedures, they may 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 from 69 in 2021 to 82 in 2022. The number of findings against the Council fell from 24 to 23, a fall from 34.7% of decisions to 28%. A detailed breakdown of the decisions and outcomes issued by the LGSCO in 2022 can be found in section 5 of this report.

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 reduction in the number of responses there has been a slight decrease in the percentage of complaints responses issued within timescales or extended timescales. In 2022, 74% of complaints were responded to on time (including those where the customer is notified that the response will take longer than the original expectation) compared with 76% in 2021, so around 1 in 4 complaints were not responded to within the set timescales without the customer being notified of the delay, which is something that requires 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 provide compensation payments. The Council will sometimes offer goodwill payments in recognition of identified fault, but this is 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 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.

Thirty payments were recorded as paid or offered to complainants as financial remedies following complaints in 2022, up from nineteen payments in 2021. The total increased to £34,329.98 from the 2021 total of £10,340 in 2021.

Two other payments totalling £20,845.33 were made as reimbursements to customers - one for costs of private tutoring which should have been the responsibility of the council and one to reimburse council tax paid incorrectly to the Council.

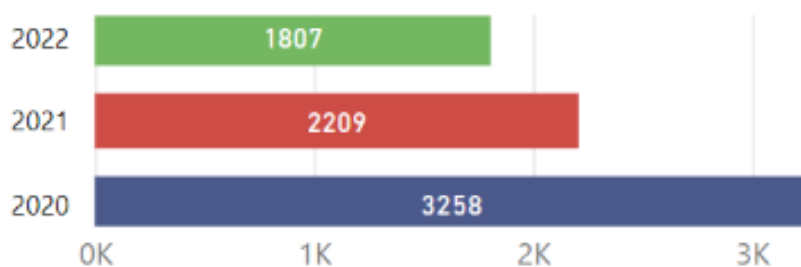
When a complaint under the Children’s statutory complaints procedure is escalated to stage two, the Council must commission an investigating officer or use an offline officer to investigate and commission an independent person to oversee the investigation of the complaint (no offline officer can do this). Costs for these services are set by the Council and are in line with general rates paid by neighbouring local authorities. In 2022 these investigations resulted in commissioning of around £60,000.

2.3 Compliments

When a customer is so pleased 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 18% from 2209 in 2021 to 1807 in 2022. Although face-to-face services such as libraries, which historically have gained most compliments, reopened fully for 2022, they are experiencing fewer visits

Compliments



These figures do not include the 924 compliments generated for the Library Service by the Summer Reading Challenge. This number is always reported separately both to highlight the popularity of this event and to avoid distorting other reported figures.

3 Customer Experience performance, insight and improvement

The Customer Experience Service uses measures to track its effectiveness:

Freedom of Information Act requests responded to within time;

The County Council response to recommendations from customer complaints.

For 2022 the performance against these two measures were:

FOI responses within time: 83.5%. (target 90%) This is lower than in 2021 and is an area on which the council continues to focus.

Response to recommendations from customer complaints: 100%. This measures the team monitoring remedies in complaints responses and their successful delivery.

Insight from complaints helps improve service delivery. The Customer Experience Service provides analysis to senior managers to help ensure remedies and learning are recorded, reported and monitored to completion.

The data set covers numbers, timescales and outcomes for all service areas and against different time periods for comparison. The data is presented in corporate quarterly snapshots issued to senior managers.

A 'real time' performance dashboard has been designed and will be rolled out in 2023 to give services data whenever they wish without having to ask the Customer Relations Team for performance reports and to self-serve.

As part of a wide-ranging review of the complaints process, revised guidance for responding managers and staff has been produced and the website pages for customers have also been revised to streamline the customer journey.

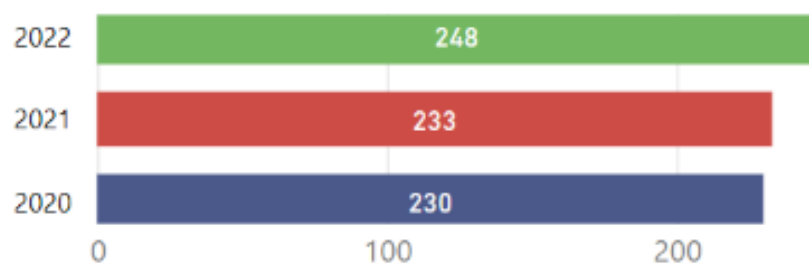
4 Major Service commentaries

4.1 Adults' Services

Adults' Services	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified	Stage Two	LGSCO	Compliments
2022	305	92	30%	62%	54	32	248
2021	405	119	29%	64%	54	26	233

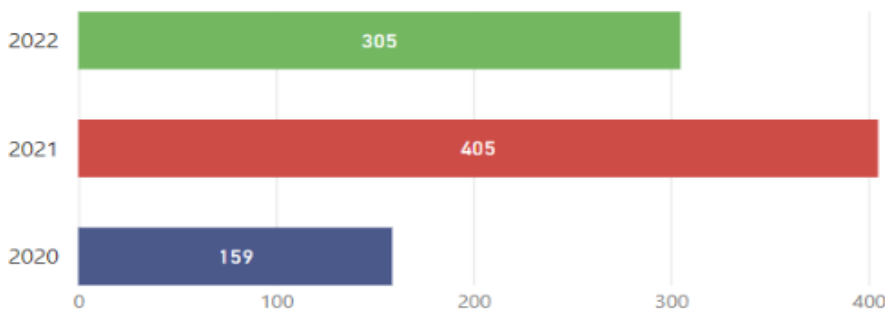
Adults' Services has the highest customer demand into the Customer Service Centre. It is also one of the services with the highest number of complaints and of compliments.

Compliments Adult Services



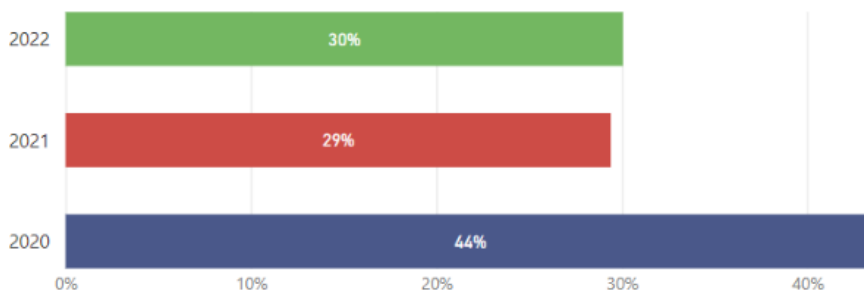
The large fall in complaints closed in 2022 was expected following the spike in complaints arising from financial reassessments reported in the 2021 report. These did continue into 2022, so there should be a further drop in complaint numbers for 2023.

Complaints at first stage Adult Services



The number of complaints upheld reduced from 119 in 2021 to 92 in 2022 but, with a reduction in overall numbers, the percentage upheld has increased from 29% to 30%.

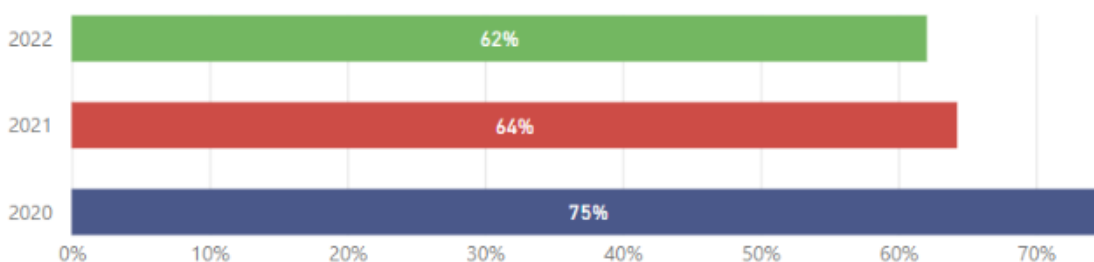
Upheld complaints at first stage Adult Services



The number of complainants who escalated their complaint remained the same in 2022 at 54 but because of the lower overall numbers this is a higher ratio at 18%, up from 13% in 2021, the same as 2020 and 2019.

The Council’s 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. The percentage of complaints responded to within agreed timescale in 2022 (or as extended and notified) remains lower than previous years and senior managers have recently taken steps to address this.

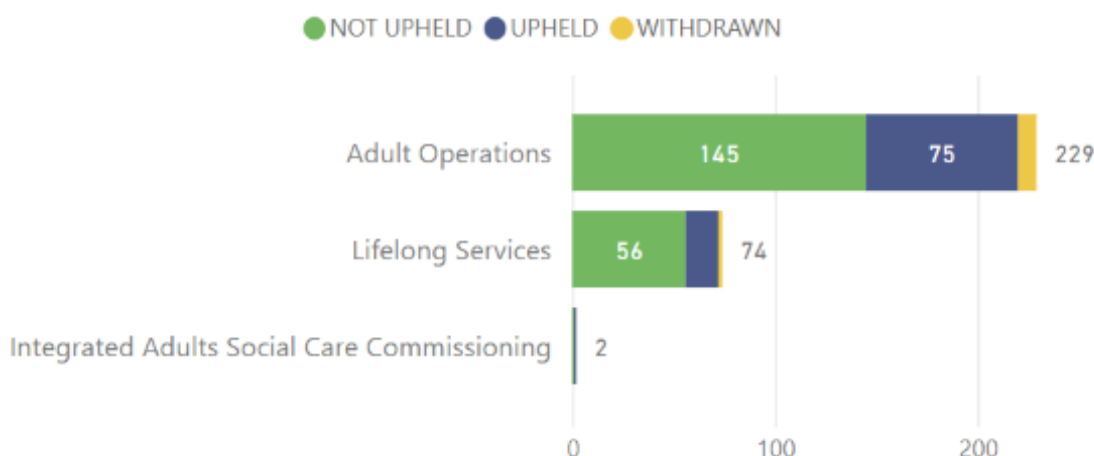
Adult Services first stage within 10 days or notified extension



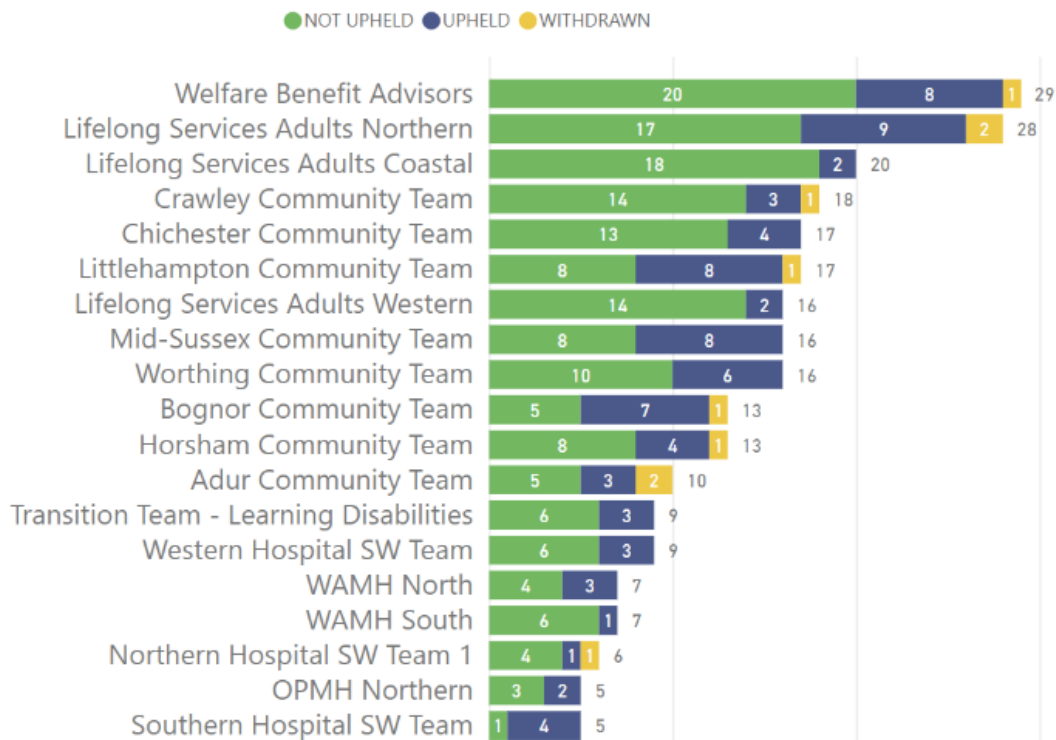
To understand the figure of 305 complaints recorded against Adults’ Social Care, it is necessary to drill down into the data for context.

The graphs below show a breakdown of complaints by service areas and by teams where a team received 5 or more complaints in 2022. The graphs provide an overview of the complaints received across the service areas. They are dominated by the number of complaints 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. Although the Welfare Benefits Advisory team are a part of the Finance Directorate, they are reported here because these complaints were about an Adult Social Care function.

Complaints by service area - Adults' Services



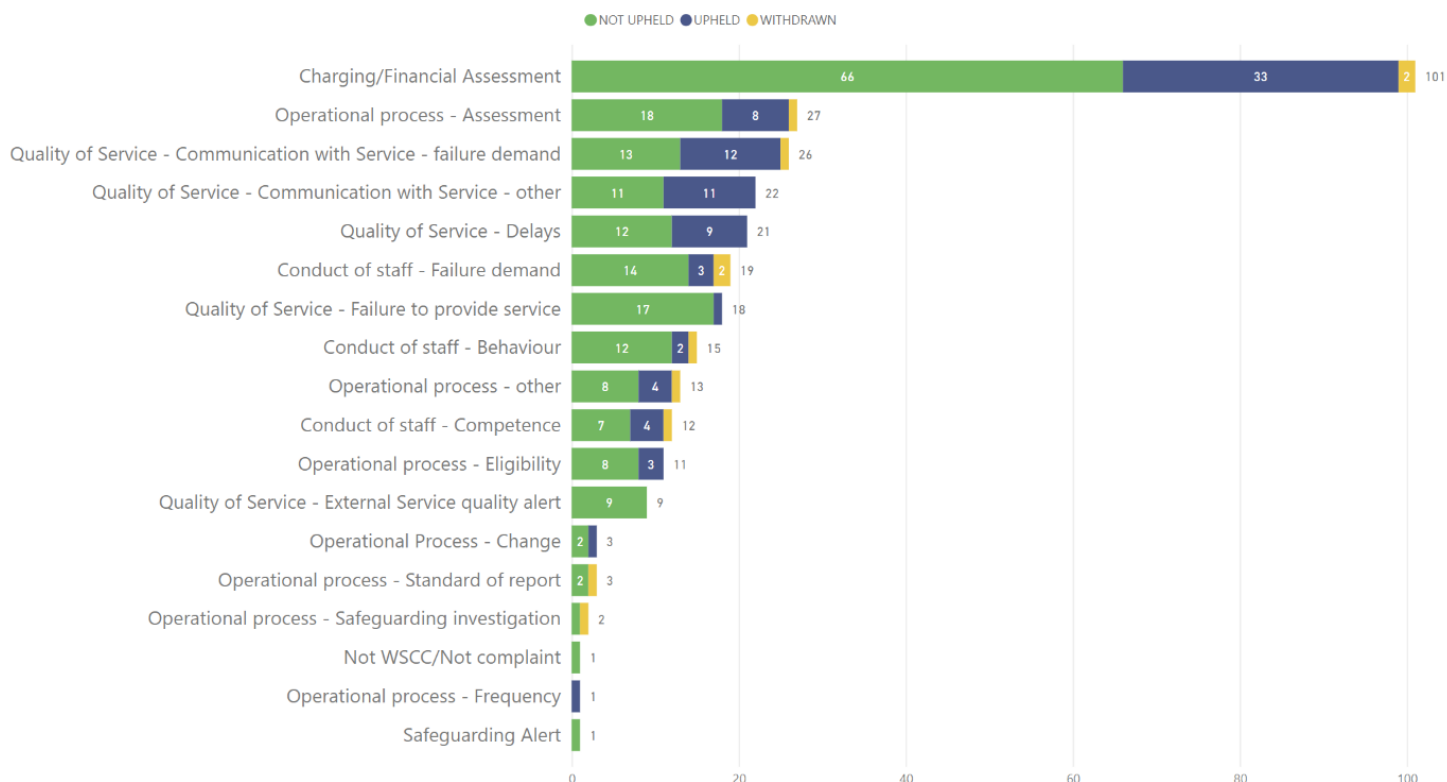
Complaints by team (5 and above)- Adults' Services



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

The graph below shows the categories of complaints about Adults' Social Care. For reporting purposes the categories try to capture the substantive issue complained about.

Complaints by category - Adults' Services



After charging the largest category was communication, either with an individual or with the service generally. 'Failure Demand', meaning a failure to do something promised or expected is closely allied to communication. This should be read against the number of contacts with more than 12,000 adults receiving a service direct or commissioned in 2022.

The Complaints Manager continues to monitor and refine the recording categories to further understand and report trends in complaints relating to customer dissatisfaction.

Changes to policy and/or service delivery that have taken place or been recommended as a result of learning from Adults' complaints in 2022 include:

- *Following an investigation into the wellbeing of a care home resident, the Council issued guidance to Care Home staff to ensure they are aware of how to escalate with the Council concerns about a resident's health.*
- *Staff were reminded of the importance of honouring a direct payment arrangement and to be flexible when considering how to facilitate payment to those customers who are uncomfortable with using the more standard model of adding funds to an existing pre-paid card.*
- *A complaint investigation highlighted the need to remind staff of the importance of providing full and clear advice about care costs following the conclusion of assessment. Staff were also reminded of the need to ensure reassessment of care needs are undertaken promptly and accurately.*

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	Stage Two	LGSCO	Compliments
2022	258	67	26%	73%	36	12	90
2021	285	70	25%	75%	39	20	52

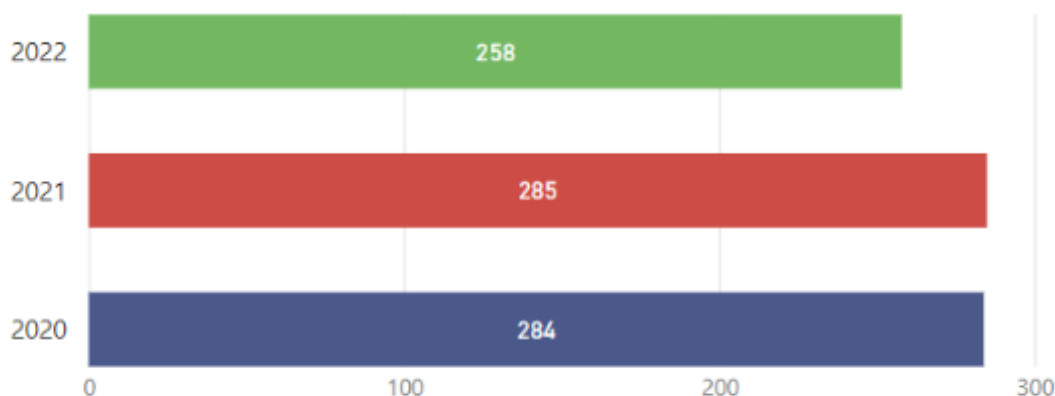
Children's Services is an area where the number of complaints is much higher than the number of compliments. The nature of the work is often perceived to be intrusive by the families the service works with and many interventions are not sought or welcomed. However the number of compliments reported rose in 2022 from 52 to 90. Although this is very positive, it is very likely many unreported compliments are still being received, so the service will be asked that colleagues let us know when they have been complimented.

The number of complaints recorded against Children's Services dropped from 285 in 2021 to 258 in 2022, a fall of 10% in line with the overall council figures reported above.

The percentage of complaints escalated through the complaints procedure increased slightly from 13.7% in 2021 to 13.9% in 2022, but well below the 18% in 2019.

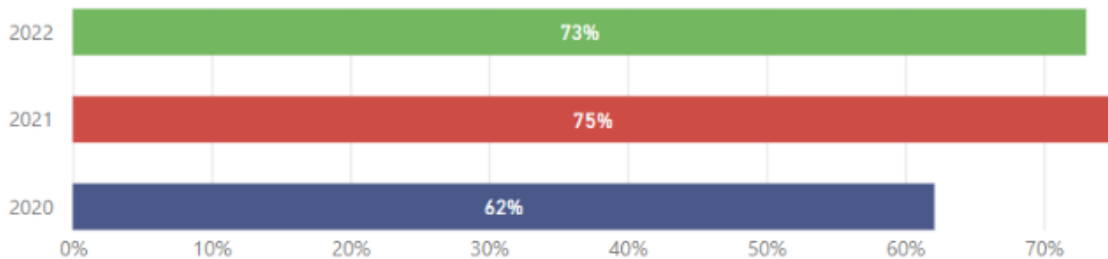
The Council aim is to resolve complaints quickly and locally, to ensure the customer receives a full and considered response at the first stage of the complaints process. The continued low level of escalated complaints suggests that responses at stage one are answering complainants effectively.

Complaints at first stage Children Services



The figures for the timeliness of responses (including where extension notified):

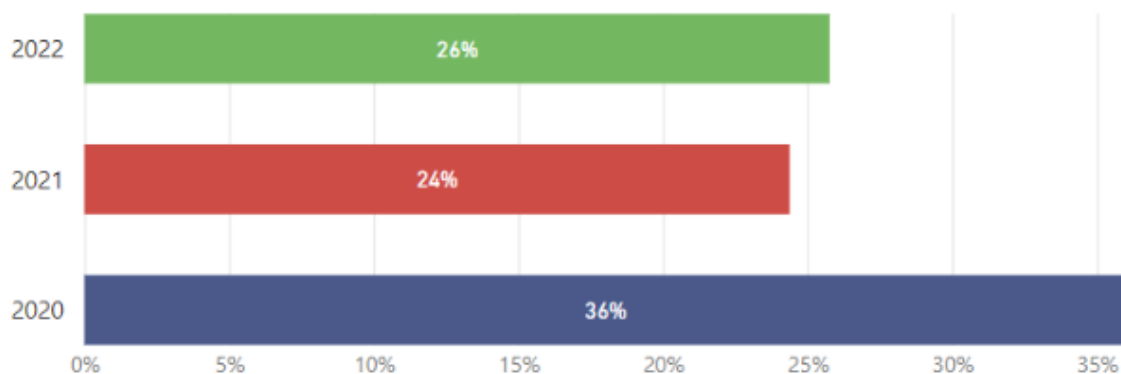
Children Services first stage within 10 days or notified extension



The percentage of Children’s Services complaints responded to within agreed timescale (or where the customer has been notified of a delay) remained at 73%, in line with the Council as a whole. This level has been consistent for a number of years except during 2020, which is ascribed to the effects of the pandemic.

The percentage of complaints upheld fell in 2021 to the usual levels of 24% after the anomaly of 2020 and that has remained relatively unchanged at 26% in 2022.

Upheld complaints at first stage Children Services



Most complaints about Children and Family Services are made by adults either on behalf of children or regarding their own interactions with the service.

Children and young people are encouraged to access an advocate to support them in making a formal complaint through all stages of the complaints procedure. In total, 6 children were supported in making a complaint, 5 of whom were supported by the West Sussex Advocacy Service.

Most young people who are supported by the West Sussex Advocacy Service use that support 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

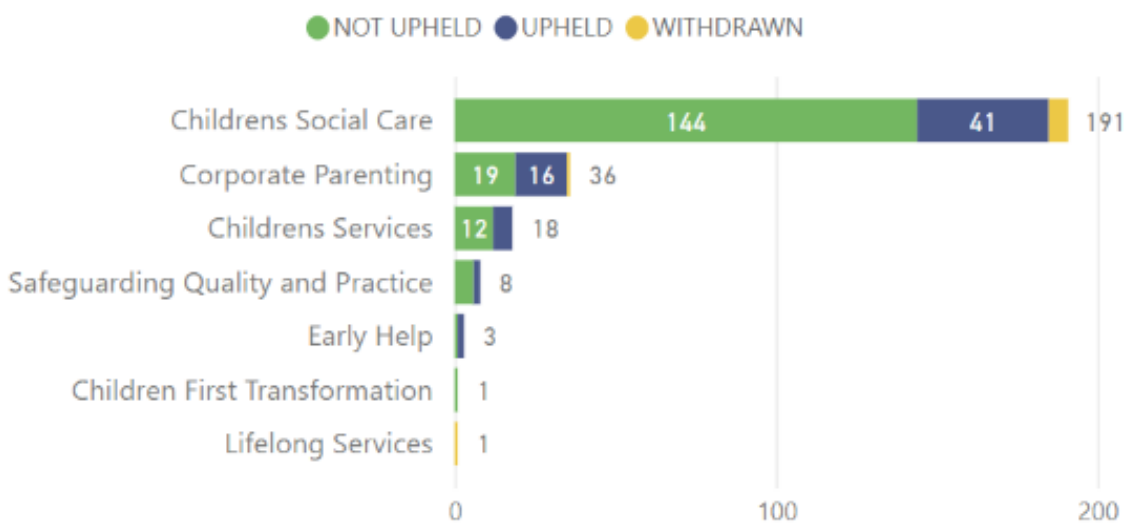
westsussex.gov.uk/IV

To understand the headline figure of 258 Services some data analysis adds context.

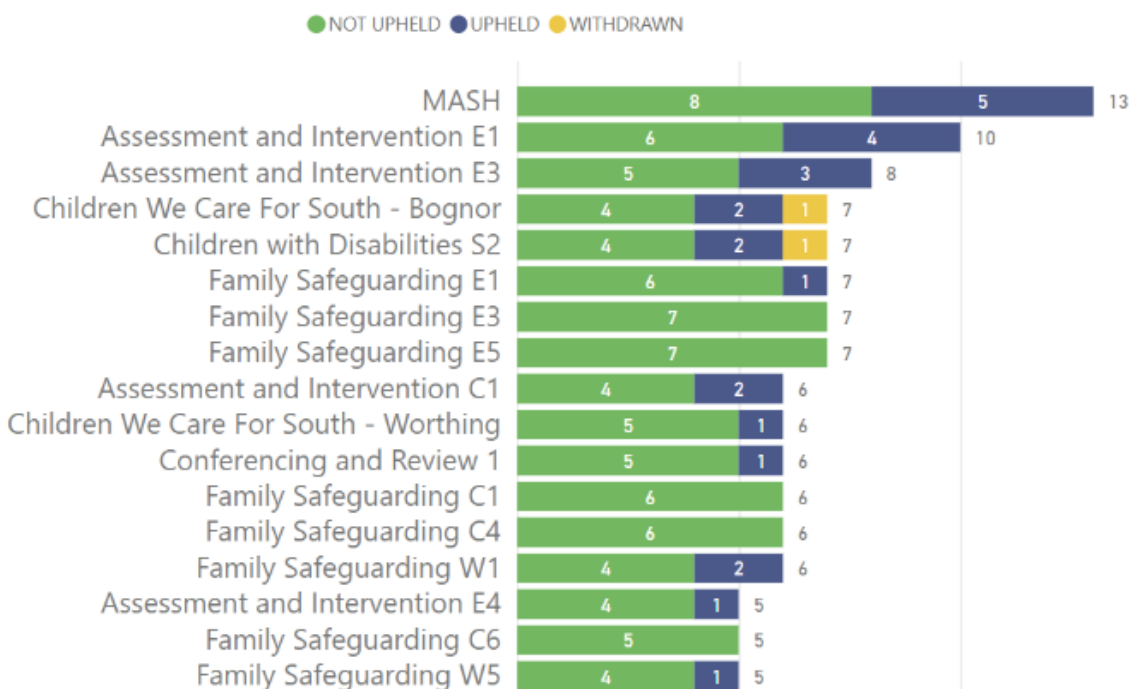
The graphs below show a breakdown of complaints for 2022, grouped by service and then by team. The graphs illustrate the total number of complaints closed, the number upheld (or partially upheld) and the number withdrawn.

It is the service areas that have most direct contact, and which are involved in decisions about intervention, that have the most complaints. For instance MASH (Multi Agency Service Hub) deal with incoming initial contacts and make decisions about whether concerns should be taken forward and receive complaints both about decisions that a concern does or does not meet the threshold for action. However, it is important to note that most complaints against these services are not upheld.

Complaints by service area - Children's Services

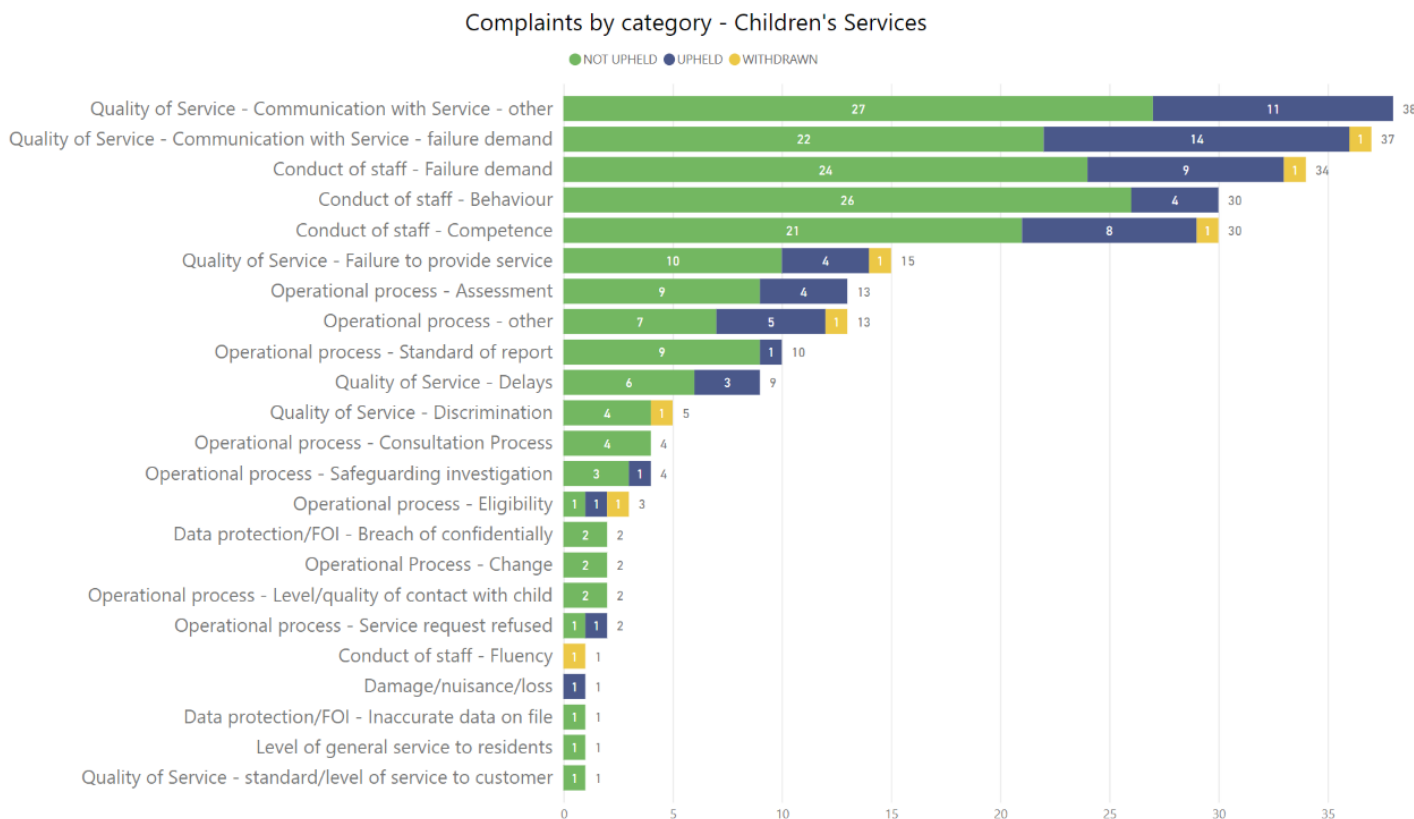


Complaints by team (5 and above) - Children's Services



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The graph below shows the category of complaints about Children’s Social Care and the proportion upheld for each. Complaints about social care are often complex and can include dissatisfaction about different elements of the service provided. For reporting purposes, the category reflects the substantive issue complained about. Families often present their frustration with the Council as a complaint about the behaviour of the social worker, but it is important to note that only 13% of these complaints were upheld or partly upheld.



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

Some of the actions undertaken following complaints concluded are outlined below:

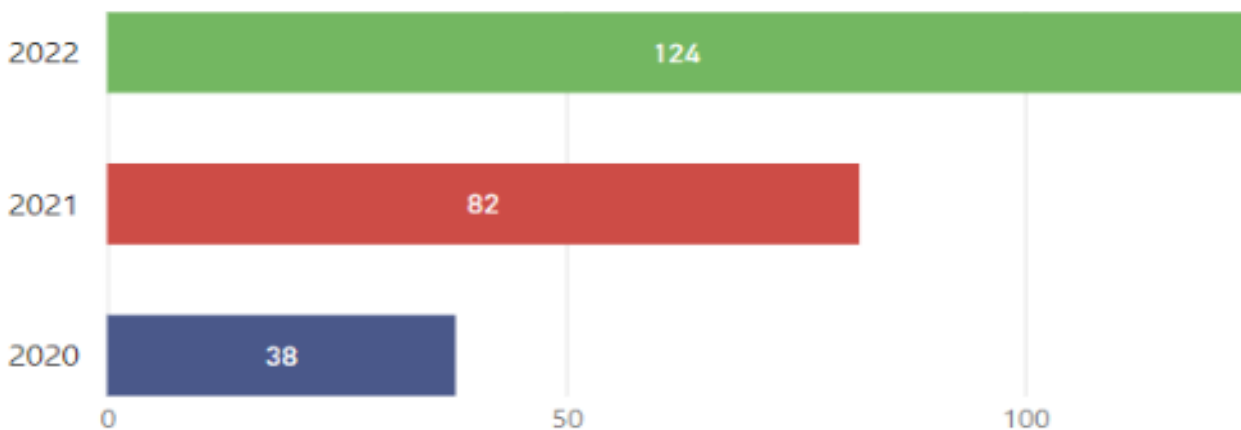
- *Staff were reminded of the importance of gathering the views of children and young people when completing child and family assessments and of the importance of managing the expectations of the families being assessed to ensure that the purpose and scope of the assessment is understood.*
- *Staff were reminded of the importance of maintaining life story trackers and the necessity to promptly and effectively facilitate postal contact between parents and children.*
- *Development work has been undertaken with social care staff to improve working understanding of 'social graces' and to ensure that staff are provided with the tools to better enable them to understand the diverse beliefs and values of residents in the context of the impact this can have on operational social work.*
- *Child protection conference Chairs were advised that a parents right to complain, and advice on how to do so, should be a standing agenda item at the beginning of each initial and review conference.*

4.2.2 Education and Skills

Education and Skills	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified	Stage Two	LGSCO	Compliments
2022	124	27	22%	79%	29	20	94
2021	82	22	27%	89%	19	4	104

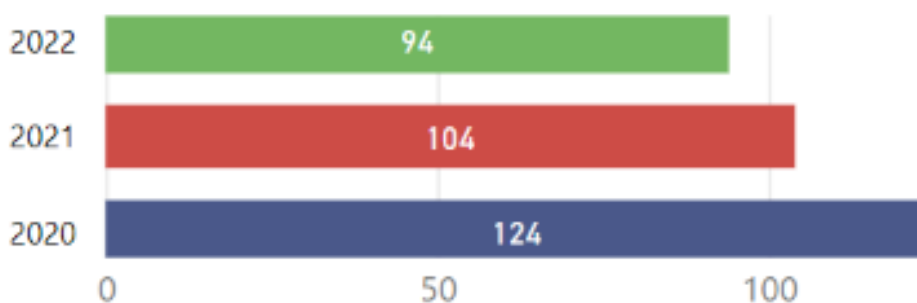
The work undertaken by many of the teams within Education & Skills involves emotive subject matters and complex decision making which attract a relatively large number of complaints/disputes. A continuing problem in 2022 is the lack of Educational Psychologists which has meant delays to the assessment of children’s special educational needs beyond the statutory timescales. This is a problem that has affected authorities up and down the country, and although the council has put in place measures to address this problem within the special educational needs assessment teams (SENAT) it will some time before these measures take full effect.

Complaints at first stage Education and Skills

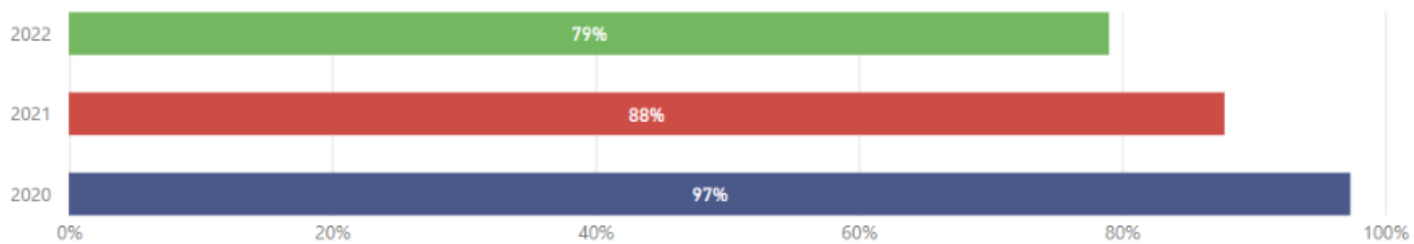


The directorate also receives a large number of compliments in recognition of the good work undertaken with young people and their families, and although lower than has been the case in the last couple of years, the level of compliments still reflects well on the service offered.

Compliments Education and Skills



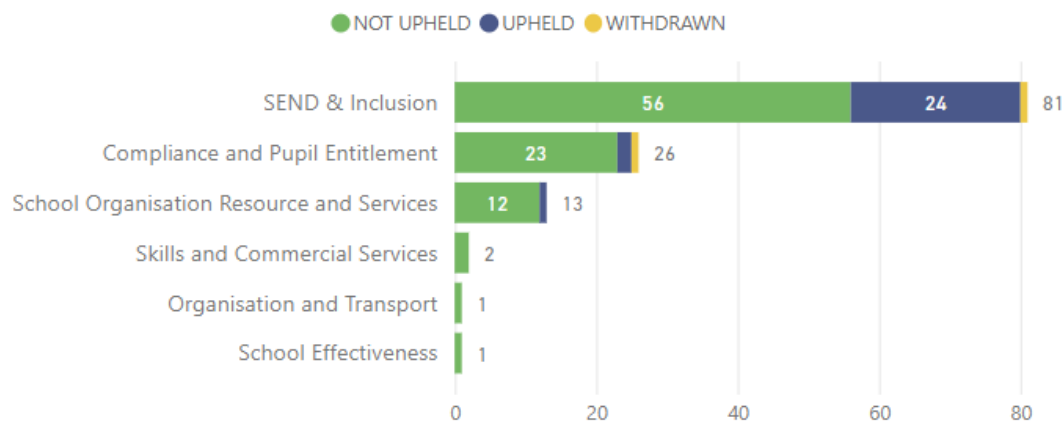
Education and Skills first stage within 10 days or notified extension



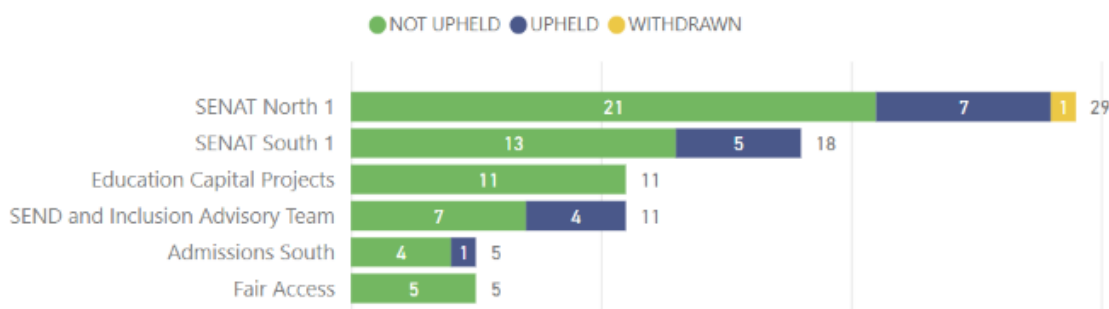
Services within Education and Skills accounted for 124 formal complaints, and 94 compliments. Although this is an increase in complaints from 82 in 2021, only 5 more complaints were upheld, a reduction in percentage from 27% to 22%.

The table below shows a breakdown of complaints by grouped service areas and by team for 2022.

Complaints by service area - Education and Skills



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



As mentioned above, delays in the special educational needs assessment process is reflected in the number of complaints against the Special Educational Needs Assessment Teams (SENAT). To provide some context the teams issued 887 new EHCPs in 2022, up 31% from 678 in 2021. At the end of 2022 there were 7442 EHCPs *maintained* by West Sussex (all requiring appropriate action associated with review, monitoring and general case management) up 17% from 6346 in 2021, so less than 1% of SEN customers made complaints. Although Capital projects are included here, it is the case that much of the

work in this area is carried out within the Property and Assets service which is in the Place directorate

Despite these pressures, Education and Skills have continued to concentrate on the timeliness of responses. Although this has dropped to 79% of complaints being responded to within 10 working days (or with a notified extension) this still compares well with the overall council figure of 74%.

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

- *A review of the Council's interpretation of its duties under section 19 of the Education Act, the duty to provide an appropriate education for children not attending school.*
- *Following an Ombudsman's finding against the Council, the SENAT undertook a review of its compliance with issuing EHCP's in accordance with the Regulations, adopting measures to prevent delays occurring in the future.*

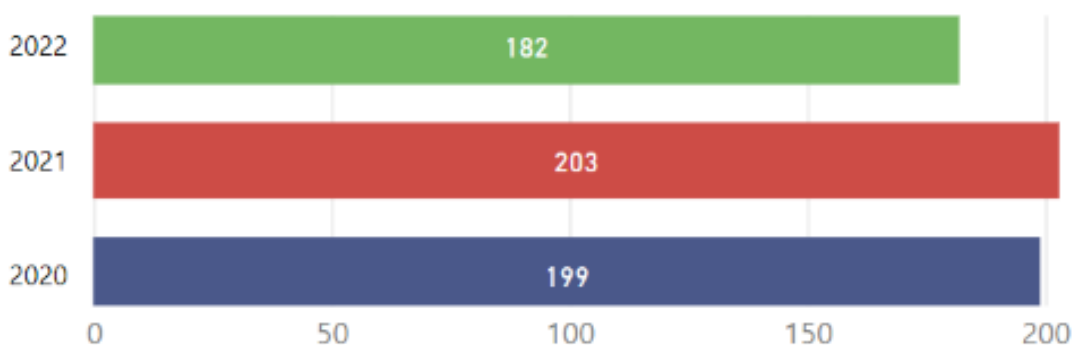
4.3 Place Services

4.3.1 Highways, Transport and Planning

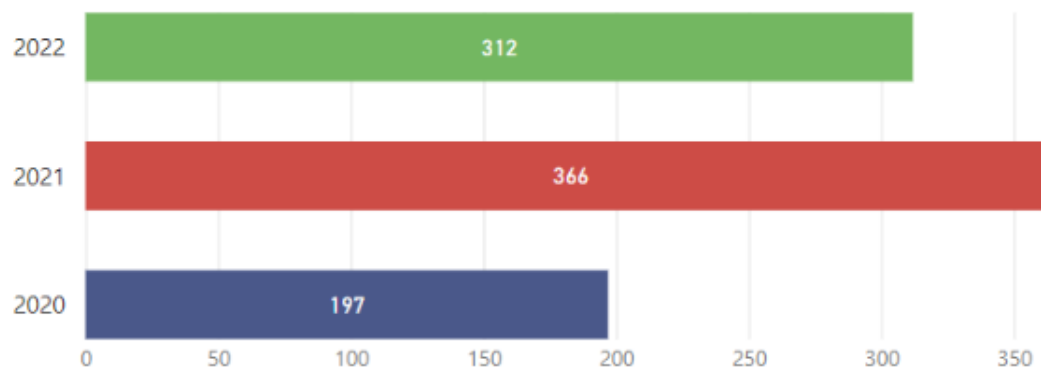
Highways, Transport and Planning	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified	Stage Two	LGSCO	Compliments
2022	312	67	21%	81%	20	15	182
2021	366	70	19%	83%	43	13	203

Highways, Transport & Planning is, historically, one of the main service delivery groups that report the highest number of complaints. 2022 was the second year in a row in which the number of compliments recorded for this service area (182) fell below the number of complaints (312). The reasons for this are discussed below.

Compliments Highways Transport and Planning

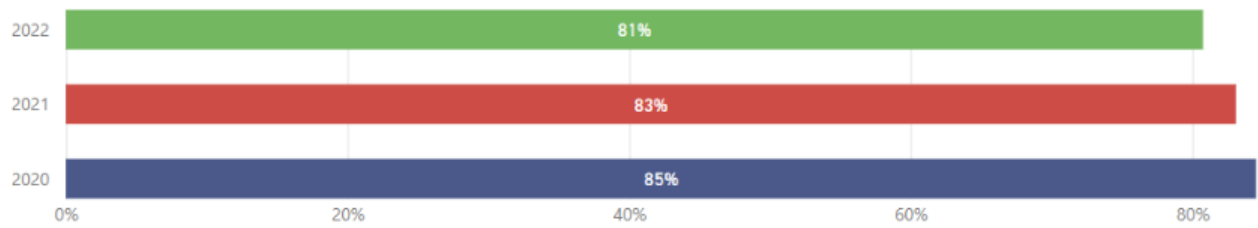


Complaints at first stage Highways Transport and Planning



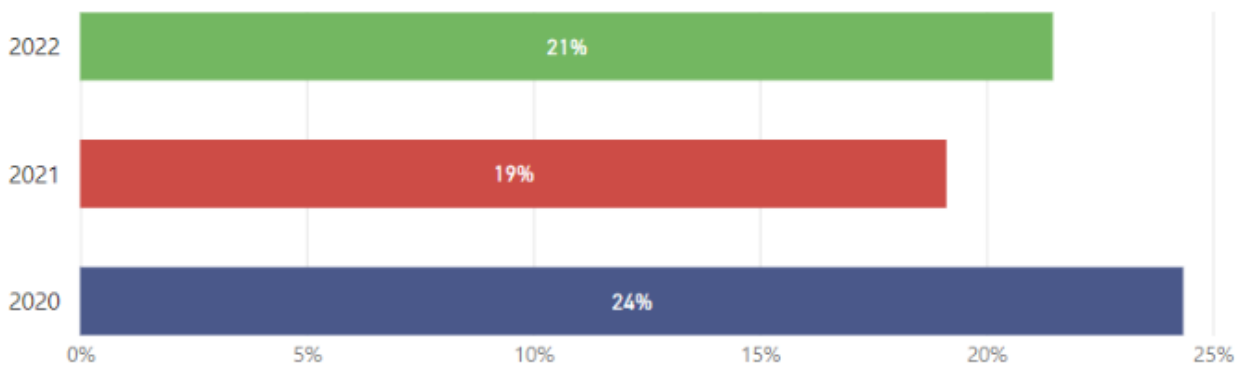
In 2022 Highways, Transport and Planning responded to 81% of complaints within 10 working days (or with an agreed extension); this high level of compliance has remained consistently strong over the past three years despite the increased volumes experienced in 2021 and 2022.

Highways Transport and Planning first stage within 10 days or notified extension



Although up from the 2021 level of 19%, the percentage of upheld complaints continues to be below the Council average, at 21% in 2022 compared with the Council level of 27%.

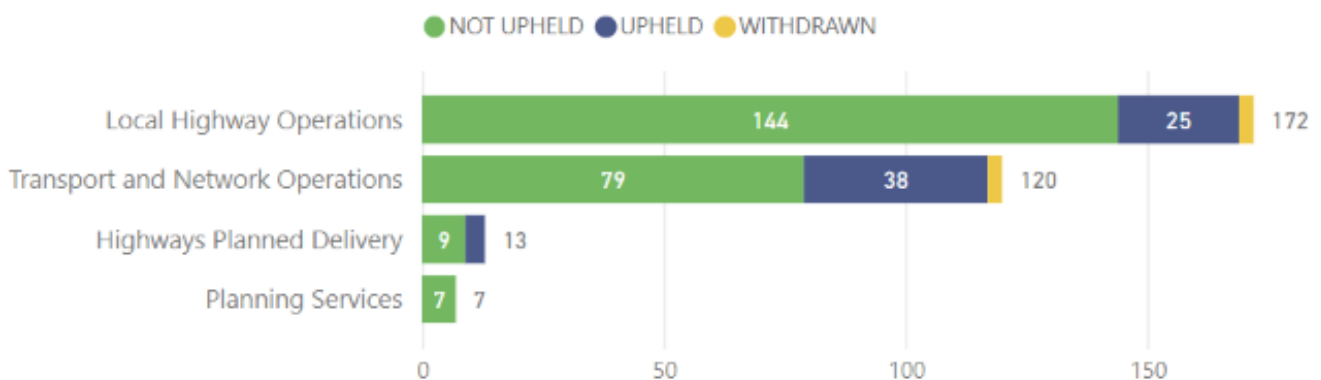
Upheld complaints at first stage Highways Transport and Planning



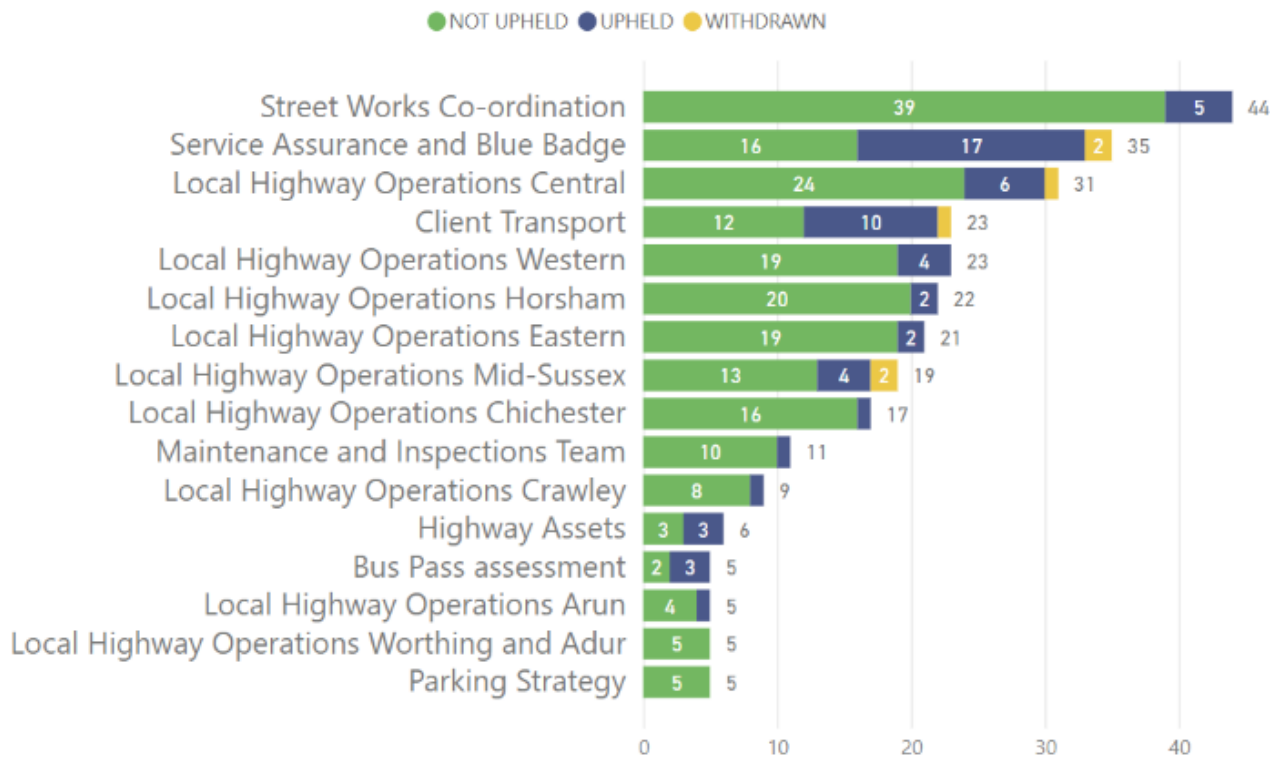
To understand the headline figure of 312 complaints analysis of data adds context.

The graphs below show a breakdown of complaints by service areas and by team for 2022.

Complaints by service area - Highways Transport and Planning



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

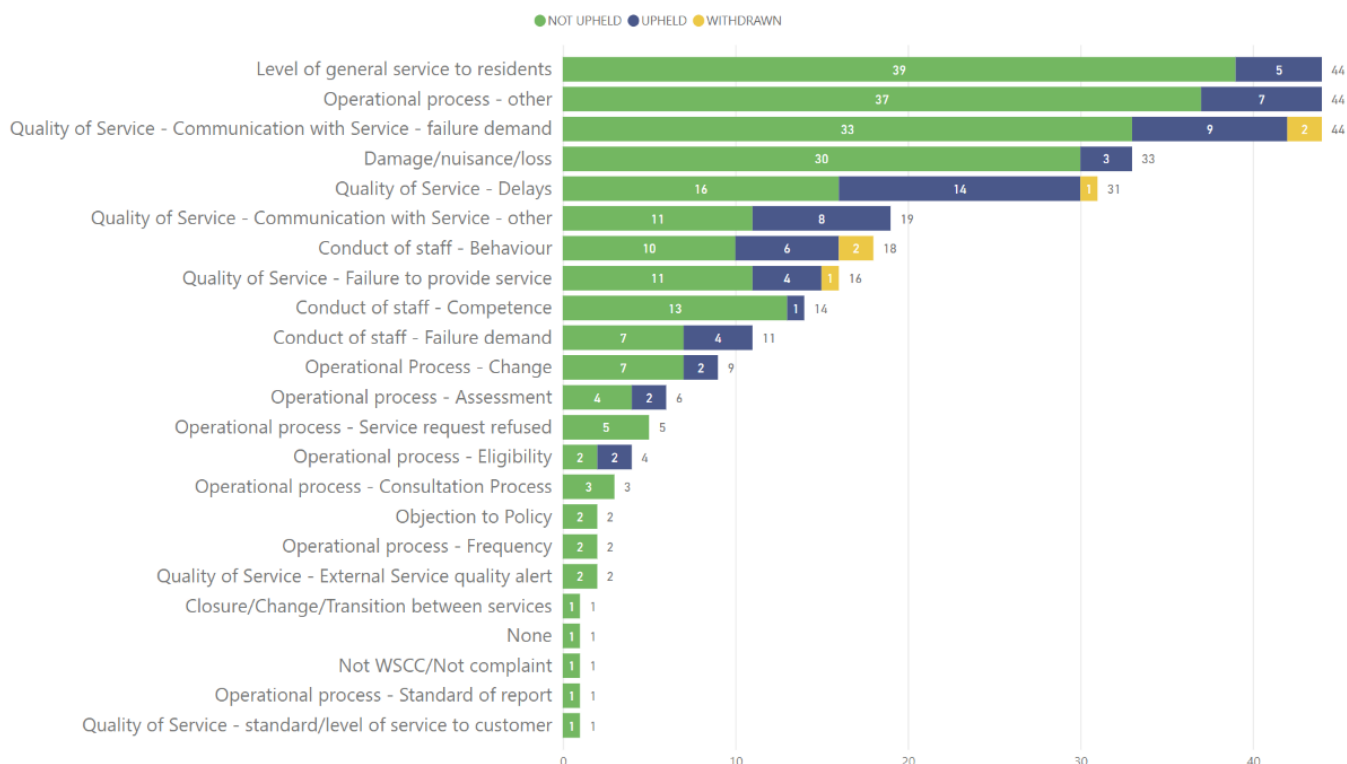


The broad spectrum of services provided and the large number of residents affected by operational decisions means that expressions of dissatisfaction are to be expected.

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 work which can cause complaints if traffic flow is affected. Similarly Streetworks Coordination, with responsibility for issuing licences for repair and other works, receive complaints which centre on delays caused by traffic controls, although are not upheld, and often these are emergency works which by their nature are put in place with little or no notice and can give rise to a number of similar complaints sometimes as part of a campaign organised over social media.

The graph below shows the *category* of complaints received along with the outcome. For reporting purposes, the assigned category reflects the substantive issue complained about. Complaints most likely to be upheld are those about communication and delays. The directorate continues to work on the importance of customer service and encouraging staff to prioritise this alongside the priority of maintaining infrastructure.

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 as a result of a complaint includes:

- *Highways staff were reminded of the obligation to ensure that contractors undertake letter drops to all properties where the residents could potentially be affected by the scope of planned works.*
- *Following an investigation into a complaint about the Council’s decision to refuse a Vehicle Crossover application identifying some inconsistencies in the measurements used staff were reminded to ensure that accurate measurements are taken for such applications and the Council’s published guidance always used.*
- *An investigation into a disputed warning notice issued by the Council led to staff being reminded of their obligation to establish the facts in relation to highways boundary infringements prior to issuing formal warning notices.*

4.3.2 Communities

Communities	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2022	47	18	38%	89%	5	0	1128
2021	28	11	39%	97%	3	0	1559

Customer Experience, Libraries Heritage & Registration and Community Safety fall under this directorate. It also carries out responsibilities for resettlement support for a range of refugees and others, and for community support through the Community Support Hub.

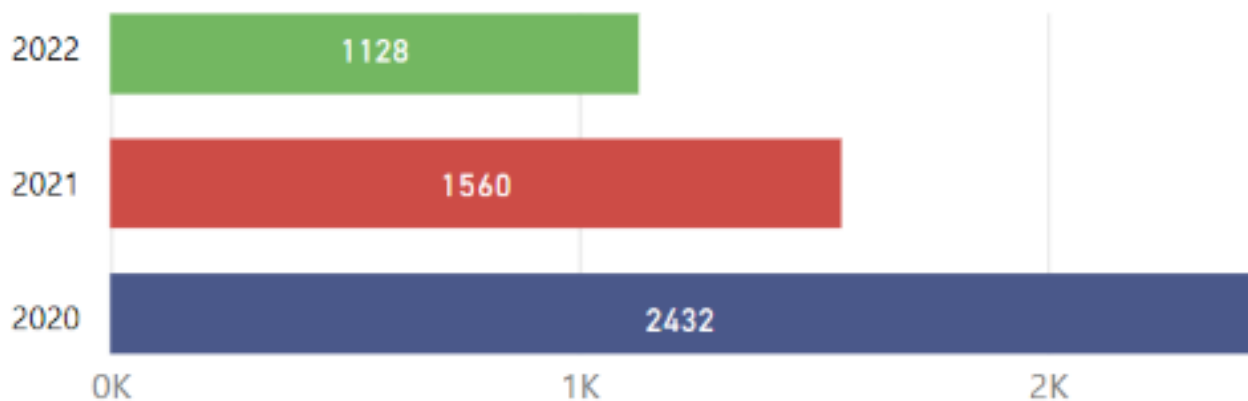
Teams in this directorate historically receive a large number of compliments and very few complaints and 2022 was no exception with only 47 formal complaints recorded.

Although the percentage of complaints upheld at stage 1 across the directorate in 2022 (38%) was higher than the average for the Council, this only amounts to 18 complaints upheld across the entire directorate.

In 2022 the previously very high level for response timescales slipped with the directorate responding only to 89% of complaints within 10 working days (or with agreed extension) down from 97% in 2021. However this remains above the Council average of 74%.

Historically, the number of 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, the number of compliments were recorded remains lower than has previously been the case.

Compliments Communities



4.3.3 Environment and Public Protection

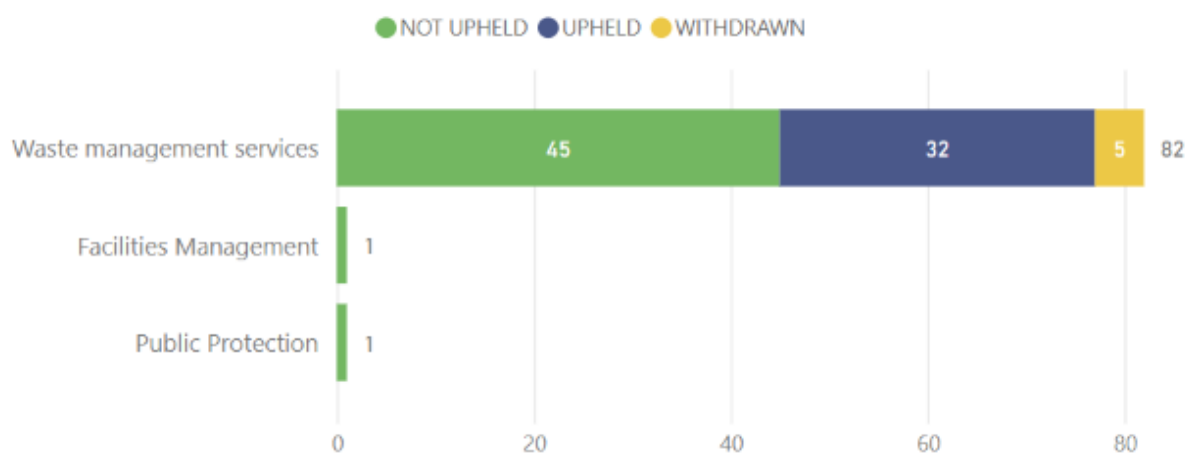
Environment and Public Protection	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2022	84	32	38%	93%	2	0	36
2021	93	40	43%	85%	5	0	85

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.

Complaints at first stage Environment and Public Protection



Complaints by service area - Environment and Public Protection



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

In total, 84 complaints were recorded which is the second annual fall in a row from the ‘high’ point of 133 in 2020. Most of these complaints still revolve around the Household Waste Recycling Sites (58) run by Biffa on behalf of the Council, but this should be viewed in the context of well over a million visits to the sites across 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

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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 have contributed a good number of compliments in this directorate, but due to a database problem these were not recorded in 2022, and the fall in coverall compliments is ascribed to this.

5 Local Government and Social Care Ombudsman

Once a customer has exhausted the Council's complaints procedures, they may 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.

The LGSCO has three different upheld categories:

Upheld: Maladministration and injustice;

Upheld: Maladministration, no injustice;

Upheld: No further action

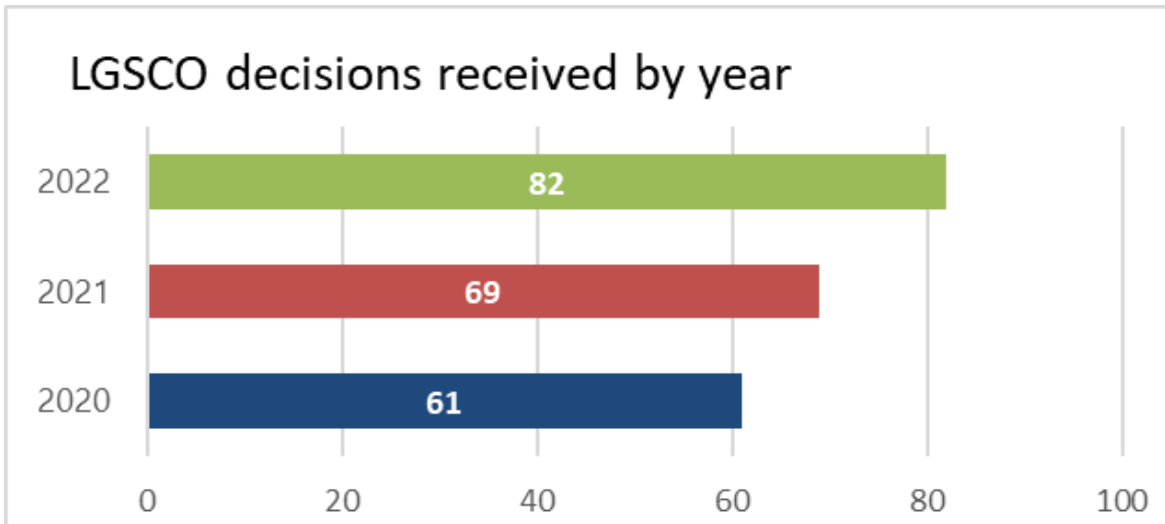
The number of *decisions* issued by the LGSCO in 2022 (82) increased by 12% when compared with the number issued in 2021 (69) which is not surprising given the increase in complaints generally.

Of the 82 decisions issued in 2022:

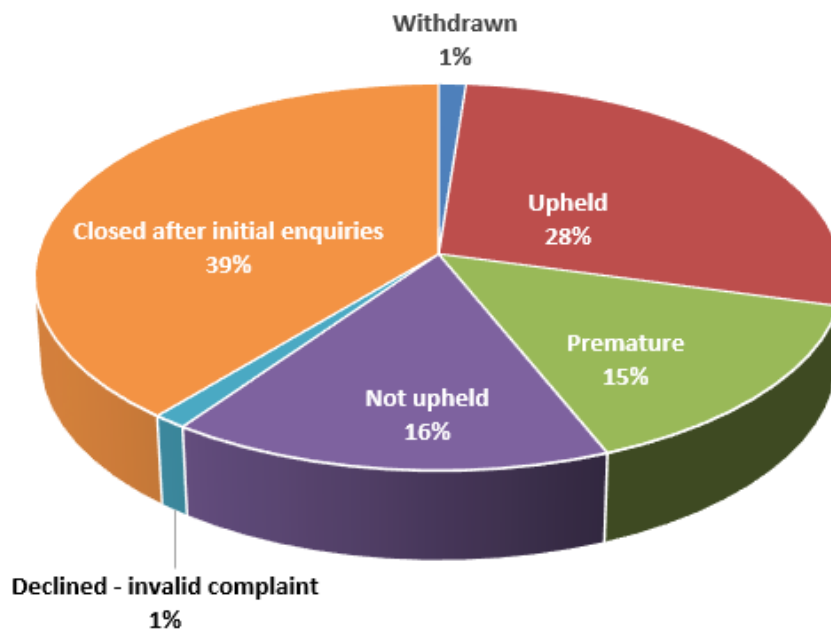
- 30 were closed with no further action;
- 9 were not upheld with no maladministration;
- 6 were closed after initial enquiries as 'out of jurisdiction';
- 1 complaint was deemed invalid;
- 12 were returned to the council as 'premature';
- 1 was upheld with no further action;
- 3 were upheld with maladministration identified (no injustice);
- 19 were upheld with maladministration and injustice identified
- 1 was withdrawn by the customer after being logged with the LGSCO.

So in 23 of the 82 decisions the LGSCO found fault in the Council's actions. This is down from 24 in 2021, but in that year only 69 decisions were issued, so the percentage of findings against the Council fell from 35% to 28%. 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 included 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.

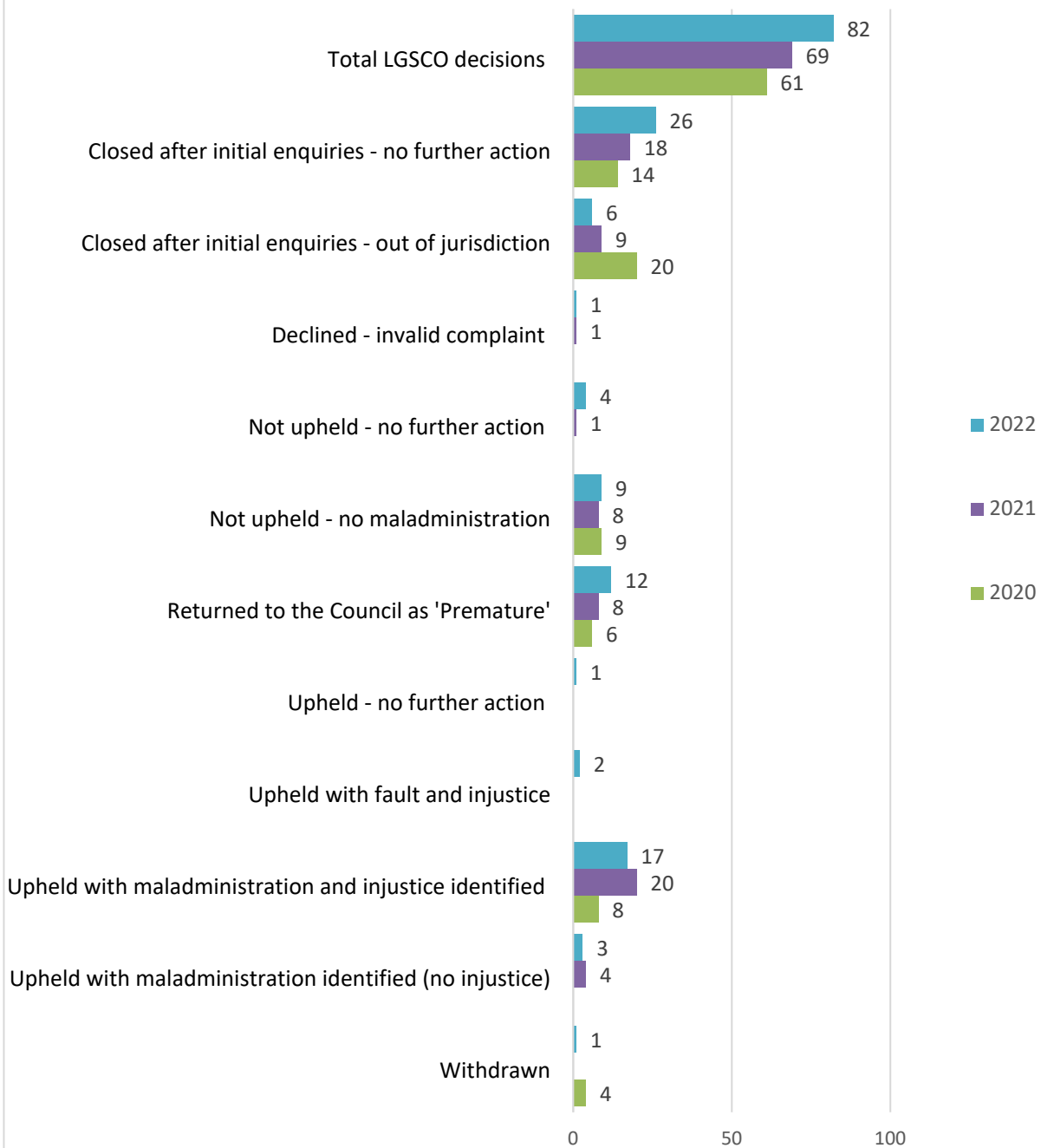
An anonymised list of cases considered by the LGSCO is available from the Complaints Manager David.Tominey@westsussex.gov.uk and all anonymised decision reports are held on the Ombudsman's website at lgo.org.uk/decisions



LGSCO Decisions received 2022



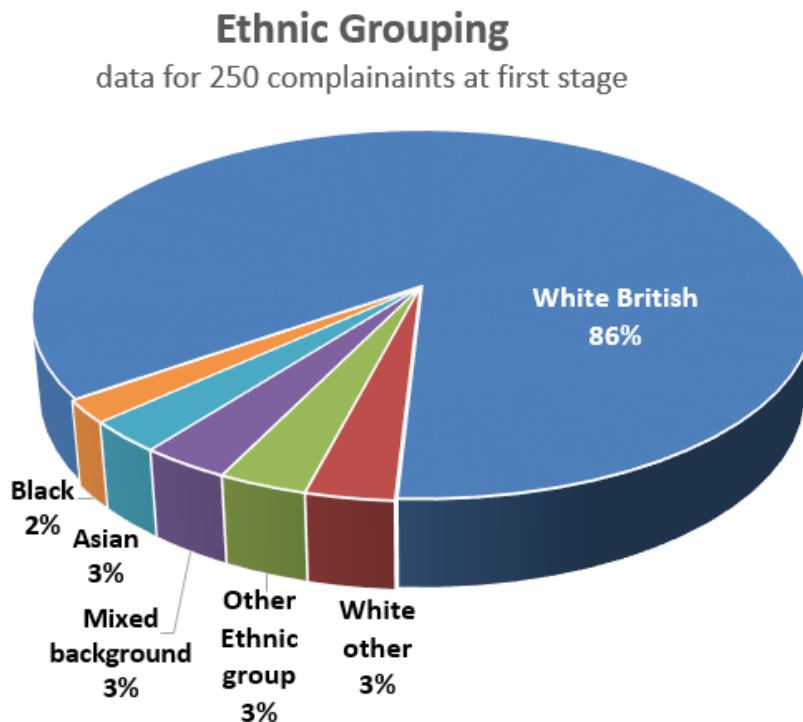
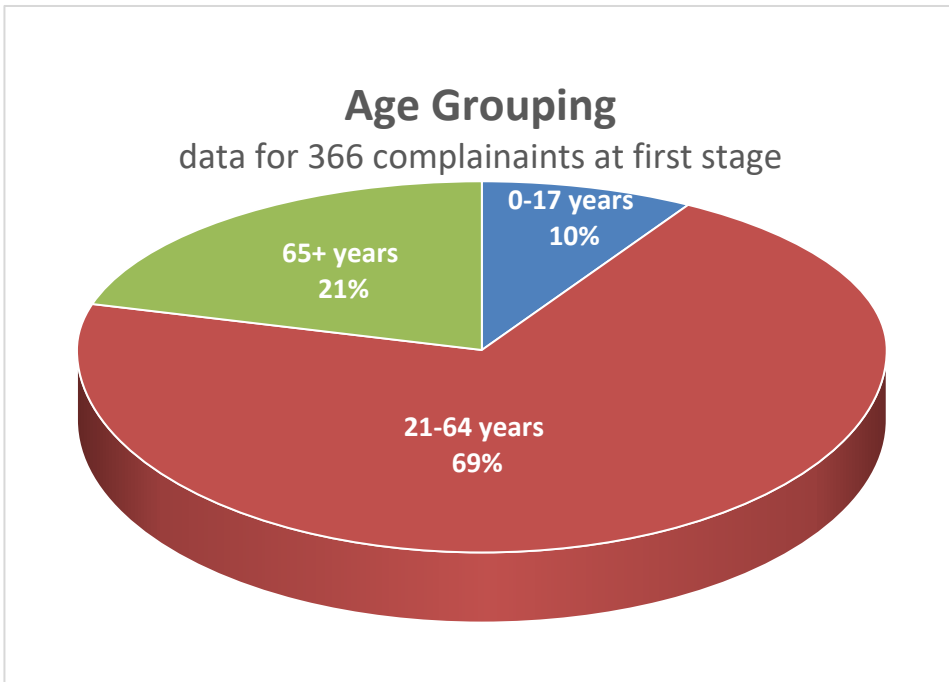
LGSCO decisions by year



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 2022.



Report to Standards Committee**19 June 2023****Standards Committee Annual Report 2022/23****Report by the Director of Law and Assurance**

Summary

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

Recommendation

That, subject to any amendments agreed by the Committee, the draft report be approved for submission to the County Council on 14 July 2023.

Proposal**1 Background and context**

- 1.1 The Committee is expected to submit an annual report to the County Council to outline its activities over the preceding year. A draft report is attached that sets out the key activities of the Committee from April 2022 to March 2023.

2 Proposal details

- 2.1 The Committee is invited to approve the draft report subject to any amendments it considered appropriate. The final version will be submitted to the County Council on 14 July 2023 for it to note.

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 risk of not giving public account of actions related to member conduct.	An annual report to all members assists the Committee in its role to promote high standards of conduct and to provide a public account of its work in doing so.

7 Policy alignment and compliance

- 7.1 The production of an annual report is in line with the Council's aims of maintaining high standards of conduct and to promote transparency and openness in its activities and democratic processes.

Tony Kershaw

Director of Law and Assurance

Contact Officer: Adam Chisnall, Democratic Services Officer, 033 022 28314, adam.chisnall@westsussex.gov.uk

Appendices

Appendix A – Draft Annual Report 2022/23

Background papers

None

Standards Committee: Annual Report 2022/23

Introduction

- 1** This report outlines the activities of the Committee from April 2022 to March 2023 and records issues the Committee considers important for the future. In summary, the work of the Standards Committee comprises:
 - Promoting and maintaining high standards of conduct.
 - Casework conducted through sub-committees
 - Ensuring that appropriate training for members takes place
 - 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 undertaken the training, meaning a 100% compliance, in line with the Council's expectations. Dedicated training is provided to members elected after May 2021.
- 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 and these show that members are dealing with updates appropriately and in a timely way. Advice was given to assist members with their entries. The most recent reminder to all members was issued in May 2023.
- 4** During the year there have been two by-elections. The newly appointed members have attended sessions on standards and the code of conduct by the Monitoring Officer and have submitted register of interest forms.

Independent Persons

- 5** 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 and are available to the Monitoring Officer to assist in case work and in responding to complaints related to the Code of Conduct.
- 6** Mr John Donaldson and Mr Steve Cooper have continued to discharge 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

- 7** In the period 1 April 2022 – 31 March 2023 two complaints against councillors were received by the Monitoring Officer. Both 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. In one instance the complaint was regarded as too trivial to meet the aims and purpose of the Code.
- 8** 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. This particularly applies to the management of personal interests. 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 but is also a testament to the respect and seriousness which members attach to their role as elected councillors.

Ethical Governance, Whistle Blowing and Complaints Handling

- 9** 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 two referrals in the last year, one relating to a school and the actions of an individual governor, the other to a concern relating to the application of conditions relating to an external grant within a procurement. Both were independently investigated and relevant action taken. Learning from both the substance of the matters under investigation and the application and use of the whistleblowing policy has been identified.
- 10** The Committee also receives an annual report about complaints handling across the authority. This provides a detailed breakdown of complaints by reference to subject or service area and the nature of the Council's actions being challenged. It also shows to what extent complaints are dealt with in accordance with the Council's prescribed timescales. The report also provides an account of the complaints against the Council considered by the Local Government and Social Care Ombudsman.
- 11** The report for the year to December 2022 did not suggest any deterioration in how complaints are handled although it was noted that action is required to meet deadlines more often and to ensure complainants are kept informed about expected response times. Overall the report did not show any significant increases in areas of complaints or in the nature of the Council's actions which prompt the complaints. The report also provides data on compliments received. Together the data appears to suggest a positive view of the Council's work with residents and customers and an appropriately constructive level of concern for the management of and response to complaints and to the need to take learning from them.

Conclusion

- 12** 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 in the work and democratic processes of the Council.

Pete Bradbury

Chairman of the Standards Committee

Contact Officer: Adam Chisnall, Democratic Services Officer, 033 022 28314,
adam.chisnall@westsussex.gov.uk

Background papers

None

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Report to Standards Committee**19 June 2023****Whistleblowing Policy Referrals****Report by the Director of Law and Assurance**

Summary

The Committee is responsible for oversight of the use and effectiveness of the Council's whistleblowing policy. From time to time the Committee receives a report covering the use of the policy.

This report covers the activity generated by referrals made by reference to the policy since July 2022 and provides the Committee with an opportunity to understand the scope and nature of referrals and how they are addressed.

Recommendation

To note the activity generated by referrals made pursuant to the Council's Whistleblowing Policy.

1. Background

- 1.1 The County Council's Whistleblowing Policy fulfils its obligation as an employer to make provision for any officer or interested individual to report general or particular concerns about practice or aspects of Council business on a confidential basis outside the Council's complaints procedures and separate from the Council's audit arrangements. The policy provides access to a process that guarantees personal confidentiality to the complainant and protection from adverse treatment (e.g. disciplinary action) as a result of any complaint made in good faith.
- 1.2 The policy extends to staff working for suppliers and contractors of the County Council. The policy is also applicable to schools and any referrals from or about a school settings are dealt with under the same process.
- 1.3 The number of referrals under the policy has always been small. The role of this Committee is to provide a forum for member awareness and assurance in relation to the Council's approach to whistleblowing and how the Council responds to issues raised by whistleblowing investigations.

2. Activity since July 2022

- 2.1 During the twelve months since the Committee last considered activity under the policy there has been a small number of complaints raised by reference to it. One was redirected to be dealt with through the Council's grievance policy and the complainant accepted that this was appropriate. There were

two other complaints under the policy, one in relation to a school setting and one in relation to procurement practice.

- 2.2 The school referral raised concerns about the propriety of governance arrangements within a primary school and led to the Assistant Director of Education and Skills commissioning an independent report. This made findings and recommendations for changes to be made to the school's internal governance arrangements. Those were followed through by the Assistant Director of Education and Skills exercising powers available to the County Council in relation to the oversight of school governance.
- 2.3 The referral on procurement practice related to the proper application of conditions attaching to an external grant used by the County Council in the procuring of works. Due to the complex financial nature of the issues raised this complaint was referred to be investigated by the Council's internal audit service. That investigation remains on-going. It is too early to establish whether the grounds for complaint have been made out.

3. Resource Implications and Value for Money

- 3.1 None arise in relation to this report. Investigations are largely undertaken by established staff, including internal audit officers. The latter will incur an additional cost as the internal audit service is provided by Hampshire County Council. The costs will be met from within current budgets.

4. Risk Management Implications

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

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

- 5.1 The policy forms one element of the Council's range of systems to reduce crime, to ensure compliance with the public sector equality duty and with the Human Rights Act.

Tony Kershaw

Director of Law and Assurance, 033 022 22662

Background Papers

None