

Standards Committee

2 November 2020 – At a virtual meeting of the Standards Committee held at 2.15 pm.

Present: Cllr Duncton (Chairman)

Cllr Patel, Cllr Barnard, Cllr A Jupp, Cllr Lea (arrived at 2.45pm),
Cllr Smytherman and Cllr Sparkes

Apologies were received from Cllr Barton, Cllr R Oakley and Mr Cooper

Also in attendance: Mr Donaldson (Independent Person)

Part I

1. Declarations of Interest

- 1.1 In accordance with the Code of Conduct, Cllr. Sparkes declared a personal interest as a member of Worthing Borough Council and as having an involvement in the Chichester Group of Colleges.

2. Minutes of the last meeting of the Committee

- 2.1 Resolved - that the minutes of the meeting of the Committee held on 26 July 2019 be approved as a correct record and that they be signed by the Chairman.

3. Complaints and Compliments Annual Report 2019

- 3.1 The Committee considered a report by the Director of Communities (copy appended to the signed minutes), concerning Complaints and Compliments received by the County Council in 2019 in relation to Children's Social Care, Adults' Social Care and Council's Corporate Services, captured in three separate documents.
- 3.2 The report was introduced by David Tominey (Complaints Manager) who gave an overarching summary:
- The number of complaints had increased from 812 in 2018 to 854 in 2019, a 5% increase. This was in line with projections
 - Adults' Services, Children's Services and Highways remained the main source of all complaints traffic, 85% last year, 73% this year
 - In the years 2016/17/18 33% of complaints were upheld by the Ombudsman. In 2019 22% of complaints were upheld
 - With regard to compliance on response times, 80% of responses were sent out on time, a slight drop from 2018 and the team continued to strive to improve this figure
 - A new 'Infreemation' service had been launched to support the processing of complaints (as well as Freedom of Information) enquiries.
 - Senior Leadership teams were now approached individually to discuss opportunities to drive service improvements using learning and insight on complaints received
 - Next years' report would reflect on the effect of COVID-19 in 2020.

3.3 The Committee made comments including those that follow:

- To question the reason for the increase in the cost of financial remedies in 2019 compared with 2018. It was explained that these sums were determined by the Ombudsman rather than the County Council and reflected the nature of each unique complaint. It was noted that the Ombudsman had issued guidance on the size of financial remedies two years ago, that the sums had risen from rather a low base and they include one large payment of compensation for financial loss.
- To question whether the reports could be more streamlined as there appeared to be some duplication of information in each one. Noted that this would be considered for future reports.
- To note the increase in complaints on the behaviour of staff and to ask if this was a behavioural issue and whether staff training is given. Noted that the level of complaints of this nature was not seen as concerning and none had been upheld by the Ombudsman. It was also explained that people often focus complaints on the person they are in closest contact with, often when the officer's action is not welcomed (such as in social care matters). Should a complaint about a member of staff be upheld this would be addressed by their manager.
- To note that it was pleasing to see that the number of compliments concerning Adult's Services outweighed the number of complaints.

3.4 Resolved - that the report be noted.

4. Standards Committee Annual Report

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

4.2 The report, outlining the priorities and activities of the Committee from April 2019 to March 2020, was introduced by Charles Gauntlett (Senior Adviser, Democratic Services).

4.3 Resolved - that the draft report be approved for submission to the County Council meeting on 11 December 2020.

5. Merger of Planning and Rights of Way Committees: Code of Conduct Revisions

5.1 The Committee received a report by the Director of Law and Assurance (copy appended to the signed minutes), which concerned a recommendation to the County Council on 06 November that the Planning and Rights of Way Committee be merged.

5.1 The report was introduced by the senior adviser, Democratic Services who explained that it was the role of the Committee to consider the proposed revisions to the Code of Practice in Probity in Planning and Rights of Way. The proposals set out in the report were noted to

include changes to the name of the Committee to 'Planning and Rights of Way' throughout and to remove sections 10 to 13 which had not been used in 10 years and were therefore obsolete.

5.3 The Committee noted that the decision to merge the Committees lay with the County Council following endorsement of the proposal from the Governance Committee.

5.4 Resolved - that the proposed revisions to Part 5, Section 3 of the Constitution as outlined in the appendix to the report be supported for submission to the County Council for approval on 6 November 2020.

6. Member Officer Relations Protocol Report

6.1 The Committee received a report by the Director of Law and Assurance (copy appended to the signed minutes) which sought approval from the Committee to a proposed replacement of the Protocol on Relationships between Members and Officers which formed part of the Code of Conduct section of the County Council's constitution.

6.2 The Director Law and Assurance explained that, as part of the Good Governance work that had been undertaken this year, the council's policies in the areas of discipline and grievance and those reflecting changes to the culture of the organisation had been reviewed and changes made to the Protocol attached at Appendix 1. The Committee's approval was sought prior to submission for decision at December County Council. The Committee made comments including those that follow:

- To note that a councillor had asked for a change to be made to add the word 'specific' at para 22 to ensure that committee members were able to ask specific officers to attend meetings
- The need to highlight for both members and officers the guidance on keeping members informed and to emphasise how important this is in helping members to do their job
- To propose an addition between paragraphs 12 and 13 to set out guidance for officers that they should not, when dealing with the public, endeavour to pass operational responsibilities to a member.
- To question whether all members would have an opportunity to see the document again before it went before full Council. It was agreed that it would be helpful for members and officers to have the opportunity and any further changes requested would be shared with Committee members for informal endorsement prior to submission to County Council in December
- That it may be helpful to include this document in induction packs for new members.

6.3 Resolved that the Committee supports the proposed revised protocol with the:

- a. addition of the word 'specific' in paragraph 22
- b. addition of a paragraph setting out that officers, when dealing with the public, do not give the impression that members may be responsible for operational matters

- c. correction of the spelling of 'behaviour' at 2.1 and 2.2
- d. further circulation of the protocol to members and officers and that any additional revisions be circulated to the Committee for endorsement.

7. Standards Best Practice Report

- 7.1 The Committee received a report by the Director of Law and Assurance (copy appended to the signed minutes) explaining that the Committee for Standards in Public Life had made a request to the County Council asking it to set out how it had met the published best practice guidance over the previous year. The Committee was invited to note the response that had been sent in October 2020.
- 7.2 Resolved that report be noted.

8. Whistleblowing Policy

- 8.1 The Committee received a report by the Director of Law and Assurance (copy appended to the signed minutes) which asked the Committee to note activity generated by referrals made pursuant to the Council's Whistleblowing Policy and to endorse the subsequent actions.
- 8.2 The Director Law and Assurance apologised that, due to a need for urgent revision and timing constraints, this report had already been presented to and approved by the Governance Committee in July of this year. Notwithstanding this it was the task of the Standards Committee to oversee this process.
- 8.3 The Director explained that in order to be respectful of confidentiality the information in the report was at a high level but that any member requiring further information could have this confidentially outside the meeting. The Committee heard that the Good Governance work being undertaken during the year had recognised a need to better promote the Whistleblowing Policy and work was underway with the Director of Human Resources and Operational Development to deal with that. The Committee made comments including those that follow:
 - To propose that a specific recommendation be included for endorsement at full council to add that the Policy also pertain to members and further whether the Council should use a different authority to oversee activity under the policy. The Director explained that such considerations would need to be examined and subject to a further report for the Committee to consider, especially as it has only recently been approved by the Governance Committee. These options would therefore be brought back to a future meeting of the Committee.
 - To suggest, in light of the infrequency of meetings of the Standards Committee and difficulty timetabling agenda items and some committee members being common to the two committees, that consideration be given to the merging of the Standards and Governance Committees. The Committee noted this for consideration later once this item had been completed.

- 8.4 Resolved - that the Committee notes the report and agrees to commission a further report for consideration at the next meeting as to whether the Whistleblowing Policy could be amended to pertain to members and whether reciprocal arrangements be considered between authorities to support the activity under the Whistleblowing Policy.
- 8.5 The Committee returned to the proposal by Cllr. Smytherman, seconded by Cllr. Jupp, that the County Council's Governance Committee be invited at its next meeting to consider whether a report should be drawn up for its consideration of a proposal that the Governance and the Standards Committee be merged.
- 8.6 Resolved - that a proposal be put to the Governance Committee at its next meeting that it considers whether a report be drawn up concerning a merger of the Standards Committee and the Governance Committee.

9. Date of Next Meeting

- 9.1 The Committee noted that the next meeting was due to be held on 14 June 2021.

The meeting ended at 3.29 pm

Chairman