

Phil Norrey
Chief Executive

To: The Chair and Members of the
Standards Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 2 March 2018
Please ask for : Karen Strahan 01392 382264

Email: karen.strahan@devon.gov.uk

STANDARDS COMMITTEE

Monday, 12th March, 2018

A meeting of the Standards Committee is to be held on the above date at 2.15 pm in the Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

1 Apologies for absence

2 Minutes (Pages 1 - 2)

Minutes of the meeting of the Committee held on 13 November, previously circulated and the Assessment Sub Committee held on 29 January 2018, attached.

3 Items Requiring Urgent Attention

Items which in the opinion of the Chair should be considered at the meeting as a matter of urgency.

STANDING ITEMS

4 Customer Feedback Monitoring Report - Quarter 3 (Pages 3 - 24)

Report of the Head of Digital Transformation & Business Support (BSS/18/02) on feedback, compliments, representations and complaints received and handled by the County Council for the third quarter of 2017/2018, attached.

5 Standards Committee Annual Report for 2017/18 (Pages 25 - 26)

In line with best practice the Committee has previously produced an Annual Report outlining the range of its activities and related developments during the year and identifying any issues for consideration or that might impact upon future arrangements. The draft Annual Report for 2017/18 submitted for endorsement and publication is attached.

The publication, independently, of an Annual Report by this Committee complements and gives rigour to the Council's Annual Governance Statement which it is required to publish separately on an annual basis.

Recommendation: that the Annual Report for 2017/18 be approved and published.

Electoral Divisions(s): All Divisions

6 Ethical Governance Framework: Monitoring (Pages 27 - 28)

Report of the County Solicitor ([CS/18/01](#)) on co-opted members' attendance at meetings of the Council, Cabinet and Committee meetings, monitoring compliance with the Council's ethical governance framework, attached.

Electoral Divisions(s): All Divisions

MATTERS FOR INFORMATION

7 Heart of the South West - Joint Committee Proposal (Pages 29 - 30)

Report of the County Solicitor (CSO/18/7) on the establishment of a Joint Committee, highlighting the Governance arrangements in place, attached.

Electoral Divisions(s): All Divisions

8 Intimidation in Public Life - Select Committee Report and Recommendations (Pages 31 - 56)

Report on the County Solicitor (CS/18/10), on the Review by the Committee on Standards in Public Life regarding Intimidation in Public Life, attached.

Electoral Divisions(s): All Divisions

9 Local Determination of Complaints

County Solicitor to report on complaints or allegations of a breach of the Council's Members' Code of Conduct received since the last meeting, if any.

Electoral Divisions(s): All Divisions

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED

NIL

Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).

Members are also reminded of the need to dispose of such reports carefully and are therefore urged to return them to the Committee Secretary at the conclusion of the meeting for disposal

Membership

County Councillors

Councillors R Radford (Chair), M Asvachin, R Bloxham, P Colthorpe, B Greenslade and J Mathews

Co-opted Member

Sir Simon Day, I Hipkin, R Hodgins, A Mayes and R Saltmarsh

Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Access to Information

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Karen Strahan 01392 382264.

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Bus Services K, J, T and S operate from the High Street to County Hall (Topsham Road). To return to the High Street use Services K, J, T and R. Local Services to and from Dawlish, Teignmouth, Newton Abbot, Exmouth, Plymouth and Torbay all stop in Barrack Road which is a 5 minute walk from County Hall. Park and Ride Services operate from Sowton, Marsh Barton and Honiton Road with bus services direct to the High Street.

The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

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NB   Denotes bus stops

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First Aid

Contact Main Reception (extension 2504) for a trained first aider.

STANDARDS COMMITTEE (ASSESSMENT SUB COMMITTEE)

29 January 2018

Present:-

Councillors M Asvachin, R Bloxham and A Mayes

* **22** **Appointment of Chair**

RESOLVED that Councillor Bloxham be appointed as Chair.

* **23** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **24** **Exclusion of the Press Public**

It was **MOVED** by Councillor Bloxham, **SECONDED** by Councillor Asvachin and

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act namely, information relating to an individual and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* **25** **Allegation of Breach of Members Code of Conduct**

The Deputy Monitoring Officer presented the Assessment Sub-Committee with the following documentation;

- initial complaint;
- Independent Person's comments;
- constitution - part 6a (code of personal conduct) Members code of conduct;
- constitution - part 6c (code of personal conduct) 'sexual harassment – acceptable conduct and guidance note';
- guidance/procedural note for the assessment determination of allegations of breaches of the code of conduct for Members; and
- statements submitted from the subject Member (circulated at the meeting).

relating to a complaint received on an alleged breach of the Members Code of Conduct.

The Sub-Committee considered all of the documentation referred to above with a view to determining whether or not, on the basis of the evidence available and the views of the Independent Person (in accordance with the Council's procedures) it agreed with their proposed course of action or whether they would wish to pursue or agree some other course of action.

The Sub Committee noted the views of the Independent Person and their recommendation that the matter should be subject to a formal investigation.

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STANDARDS COMMITTEE
29/01/18

It was **MOVED** by Councillor Bloxham, **SECONDED** by Councillor Asvachin, and

RESOLVED that the views of the Independent Person to undertake an independent formal investigation be endorsed.

(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes asked that her support for the approved resolution be recorded)

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 2.45 pm

Customer Feedback Monitoring Report for Quarter 3 2017-2018 Report of the Head of Digital Transformation & Business Support

1. Recommendations

- 1.1 It is recommended that Members and Cabinet/LG7 note the levels of customer feedback received regarding all service areas of Devon County Council and the Council's performance in responding to this feedback.
- 1.2 This report will be presented to Standards Committee when it next meets.

2. Purpose

- 2.1 This report provides a quarterly update to Cabinet/LG7 on the volumes and themes for all types of customer feedback (Compliments, Comments and Complaints), Letters from Members of Parliament and Complaints being dealt with by the Local Government Ombudsman about Devon County Council. In addition, it provides information regarding the Council's performance in responding to and learning from the outcomes of complaints.

3. Key Messages

- 3.1 Overall Customer Feedback statistics for Quarter 2017-2018 (1st October – 31st December 2017)

	Q3	Q2
• *Number of non-statutory complaints all stages	258	301
• *Number of statutory Adult Care & Health Complaints	70	73
• *Number of statutory Children's Social Care Complaints	84	93
*Total complaints received	412	467
• Number of non-social care (corporate) compliments	147	101
• Number of Adult Care & Health compliments	86	94
• Number of Children's Social Care compliments	32	29
Total compliments received	265	224
• Number of non-social care (corporate) MP letters	114	163
• Number of Adult Care & Health MP letters	19	34
• Number of children's Social Care MP Letters	9	11
Total MP Letters received	142	208
• Number of other non-social care representations	38	37
• Number of Adult Care & Health representations	24	16
• Number of Children's Social Care representations	4	2
Total Representations received	66	55
• Number of Councillor Enquiries (non-social care)	6	9
• Number of Councillor enquiries (social Care)	3	8
Total Councillor Enquiries	9	17
• Total number of individual items of feedback	894	971

**The numbers of complaints received is number at all stages including LGO & No Further Action (NFA).*

- 3.2 Throughout Q3 the Council has received 894 items of feedback which is a decrease of 77 items on Q2.

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- 3.3** There have been 55 fewer complaints received across the Council in Q3 compared to Q2 (412 compared to 467) Complaints about Children's Social Care decreased from 93 received at all stages in Q2 to 84 in Q3, in Adult Care & Health they decreased from 73 received at all stages in Q2 to 70 in Q3. Complaints in the non-social care areas decreased from 301 at all stages in Q2 to 258 in Q3.
- 3.4** The total number of compliments received has increased in this quarter from 224 in Q2 to 265 in Q3. Children's Social Care Compliments rose very slightly from 29 in Q2 to 32 in this quarter. There was a drop in Adult Social Care & Health compliments from 94 in Q2 to 86 in Q3. However, in all other service areas the total number of compliments increased from 101 in Q2 to 147 in Q3. Across all areas this represents an increase of 17% in compliments received.
- 3.5** The number of MP Letters received in Q3 has fallen significantly in compared to Q2. In Q3 there were 142 MP Letters received compared to the 208 received in Q2. Non-social care MP letters decreased from 163 in Q2 to 114 in Q3, Adult Care & Health MP letters decreased from 34 in Q2 to 19 in Q3 and MP Letters regarding Children's Social Care remained almost the same with just 9 letters received in Q3 which was 2 less than in Q2.
- 3.6** There have been 66 Representations received in Q3 which is an increase of 11 on Q2. In Adult Care & Health the number increased from 16 received in Q2 to 24 received in Q3, in Children's Social Care there was an increase of 2 Representations (From 2 received in Q2 to 4 received in Q3) and in the non-social care service areas the total number of Representations just increased by 1 representation from 37 in Q2 to 38 in Q3.
- 3.7** In Q3 the Council received a total of 9 enquiries from Councillors which was a decrease of 8 enquiries compared to Q2. 6 of these related to non-social care/Health services and 3 related to social care / health services. It has been noted that this is almost definitely not an accurate reflection of Councillor – staff correspondence and as such members of Standards Committee suggested that it would be beneficial to exclude this information from future reports, in view of this it is intended to not include enquiries from Councillors from 2018-2019 onwards.

4. Stage One Complaints

4.1 Stage 1 Acknowledgements

- 4.1.1** The Council's aim is to acknowledge all stage 1 complaints within three working days of receipt by the Authority. This is in line with the statutory timescale within the Social Care Complaint Regulations and provides for a consistency of performance across all service areas.
- 4.1.2** In Q3 97% of complaints received were acknowledged within time by the Customer Relations team, which meets the target KPI (95%).

4.2 Stage 1 Complaints received

- 4.2.1** **Table 1** on the next page provides a breakdown of all complaints received and looked into at Stage 1 across all areas of the Council in Q3. It does not include those that were NFA for various legitimate reasons.
- 4.2.2** Across the whole Council there were 335 complaints investigated in Q3; which is 50 complaints less than in Q2. 5 services across the Council experienced an increase in the number of complaints in Q3; 6 services experienced a fall in the number of complaints received and 1 service received no complaints which was the same as in Q2.
- 4.2.3** Individual service areas saw increases and decreases as follows:
- Adult Care Operations & Health 54 complaints in Q3 compared to 49 in Q2 (increase of 5)
 - Adult Commissioning 2 complaints in Q3 compared to 4 in Q2 (decrease of 2)
 - Children's Social Care Services 70 complaints in Q3 compared to 76 in Q2 (decrease of 6)
 - Education & Learning 14 complaints in Q3 compared to 9 in Q2 (increase of 5)
 - Highways, Infrastructure Development & Waste 150 complaints in Q3 compared to 207 in Q2 (decrease of 57)
 - Economy, Enterprise & Skills 4 complaints in Q3 compared to 5 in Q2 (decrease of 1)
 - Public Health didn't receive any complaints in Q3 (same as Q2)
 - Planning, Transportation & Environment received 25 complaints in Q3 compared to 17 in Q2 (increase of 8)
 - Communities received 3 complaints in Q3 compared to 2 in Q2 (increase of 1)
 - Legal Services & Communications 3 complaints in Q3 compared to 2 in Q2 (increase of 1)
 - Digital Transformation & business Support 7 complaints in Q3 compared to 12 in Q2 (decrease of 5)
 - Devon Finance Services received 3 complaints in Q3 compared to 1 in Q2 (increase of 2)

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- Organisational Development didn't receive any complaints in Q3 compared to 1 complaint in Q2 (decrease of 1)

Table 1 – Stage 1 Complaints by Direct Report

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Children's Services						
Service Area	Team	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Children's Social Care -	Children's Social Work (North) - Fran Giblin	11	10	16	0	37
	Children's Social Work (Mid & East) - Karen Morris	15	14	9	0	38
	Children's Social Work (South), EDT & CWD - Andrea Morris	16	27	24	0	67
	Children's Social Work (Exeter), Early Help, MASH & REACH - Rachel Gillott	19	20	12	0	51
	Fostering & Permanence, Youth Offending and Atkinson - Kath Drescher	10	3	8	0	21
	Commissioning - Fiona Fleming	1	1	1	0	3
	Safeguarding Children - Jean Kelly	2	1	0	0	3
Total Children's Social Care		74	76	70	0	220
Education & Learning - Dawn Stabb	SEN 0-25 - Julia Foster	4	4	9	0	17
	Contract Performance - Educational Commissioning - Alison Withnell	0	0	0	0	0
	Admissions - Simon Niles	2	1	5	0	8
	Early Years and Childcare - Claire Rockcliffe	1	1	0	0	2
	School Improvement - Dawn Stabb	1	3	0	0	4
	Total Education and Learning	8	9	14	0	31
Total Children's Services		82	85	84	0	251
Adult Care & Health						
Service Area	Team	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Adult Care Operations & Health - Keri Storey	North Community Health & Social Care Teams - Stella Doble	12	9	10	0	31
	East Community Health & Social Care Teams - Gary Patch	21	30	26	0	77
	South Community Health & Social Care Teams - Lee Baxter	15	7	12	0	34
	Social Care Provision - Keri Storey	3	1	0	0	4
	Countywide Services	0	0	6	0	6
	Adult Mental Health - Jane King	4	2	0	0	6
	Total Adult Care & Health		55	49	54	0
Adult Commissioning & Health	Policy, Performance & Involvement - Damian Furniss	0	0	0	0	0
	Market Management - Ian Hobbs	0	0	1	0	1
	Disability & Mental Health Commissioning - Rebecca Hudson	0	0	0	0	0
	Older People Commissioning - Solveig Sansom	0	0	0	0	0
	Transformation - Giles Colton	1	3	0	0	4
	Safeguarding Adult Board & QAIT - Geraldine Benson	9	1	0	0	10
	Commissioned services (external care providers)	1	0	1	0	2
	Total Adult Commissioning & Health	11	4	2	0	17
Total Adult Care & Health		66	53	56	0	175
Communities, Public Health, Environment and Prosperity						
Service Area	Team	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Public Health - Dr Virginia Pearson	Public Health	1	0	0	0	1
	Total Public Health	1	0	0	0	1
Planning, Transportation and Environment - Dave Black	Transportation Planning and Road Safety - Jamie Hulland	4	1	1	0	6
	Development Management Highways- Brian Hensley	3	0	2	0	5
	Chief Planner - Joe Keech	2	3	10	0	15
	Environment - Peter Chamberlain	0	0	0	0	0
	Transport Coordination Services (TCS) - Damien Jones	12	13	12	0	37
Total Planning, Transportation and Environment	21	17	25	0	63	
Economy, Enterprise & Skills - Keri Denton	Business Support - Vacant	0	0	0	0	0
	Development & Infrastructure - Melanie Sealey	0	0	0	0	0
	Partnerships, Policy & Funding - Sofie Francis	0	1	0	0	1
	Skills & Employment - Jamie Evans	0	0	0	0	0
	Trading Standards - Paul Thomas	2	3	2	0	7
	Learn Devon - Paul Thomas	3	1	2	0	6
	Post 16 Strategy & Commissioning - Kristine Norton	0	0	0	0	0
Total Economy, Enterprise & Skills	5	5	4	0	14	
Communities - Simon Kitchen	Communities	2	2	3	0	7
	Total Communities	2	2	3	0	7
Total Communities, Public Health, Environment & Prosperity		29	24	32	0	85
Highways, Infrastructure Development and Waste						
Service Area	Team	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Highways, Infrastructure Development and Waste - Meg Booth	Infrastructure Development - Rob Richards	0	0	0	0	0
	Highways - Meg Booth	156	175	128	0	459
	Bridges and Structures - Kevin Dentith	0	0	0	0	0
	Waste - Wendy Barratt	63	32	22	0	117
	Built Environments - Chris Dyer	0	0	0	0	0
	Total Highways, Infrastructure Development and Waste	219	207	150	0	576
Corporate Services						
Organisational Development - John Smith	Organisational Development - John Smith	0	1	0	0	1
	Total Organisational Development	0	1	0	0	1
Digital Transformation & Business Support - Rob Parkhouse	Business Infrastructures - Matthew Jones	9	12	6	0	27
	Strategic Procurement - Justin Bennetts	0	0	0	0	0
	Strategic Property - Matthews Jones	0	0	1	0	1
	IT Strategic Commissioning - Gary Dempster	0	0	0	0	0
Total Digital Transformation & Business Support	9	12	7	0	28	
Legal Services & Communications - Jan Shadbolt	Legal Services - Simon Clarey	0	0	1	0	1
	Registration - Trish Harrogate	2	2	1	0	5
	Communications & Media - Tony Parker	0	0	1	0	1
Total Legal Services & Communications	2	2	3	0	7	
Devon Finance Services - Mary Davies	Accounting Services - Nicola Allen	0	0	0	0	0
	Financial Systems and Processes - Martin Oram	5	1	3	0	9
	Investment and Treasury - Mark Gayler	0	0	0	0	0
	Strategy & Compliance - Angie Sinclair	0	0	0	0	0
	Devon Audit Partnership - Robert Hutchings	0	0	0	0	0
Total Devon Finance Services	5	1	3	0	9	
Total Corporate Services		16	16	13	0	45
Total All Services		412	385	335	0	1132

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4.3.1 At Stage 1 of the Corporate and Children’s Social Care complaint procedures, Devon County Council aims to respond to complaints within 20 working days. The NHS & Adult Social Care (England) Statutory regulations do not prescribe a set timescale for responses, rather that the complainant and council agree a timescale for responses on a case by case basis. However, for the purposes of this report, where Stage 1 is referred to this does include Adult Care Operations & Health and Adult Commissioning.

4.3.2 In Q3 370 stage 1 complaints were responded to of which 293 (79%) responses were within defined timescales; this performance is on par with that of Q2 but is still a decrease in performance compared to Q1 (87%) of 7%.

Table 2 provides a breakdown in responses within and outside defined timescales by Head of Service direct report areas

Table 2 – Stage 1 complaint responses – timescales by Head of Service direct reports

Stage 1 Complaint performance by Direct Report		Quarter 1 17-18				Quarter 2 17-18				Quarter 3 17-18				Quarter 4 17-18				Total YTD 17-18			
Realm	Service Area	Within timescale	Outside timescale	Total responded to	% within timescale	Within timescale	Outside timescale	Total responded to	% within timescale	Within timescale	Outside timescale	Total responded to	% within timescale	Within timescale	Outside timescale	Total responded to	% within timescale	Within timescale	Outside timescale	Total responded to	% within timescale
		All Services																			
Children's Services Jo Olsson	Children's Social Care - Mark Lines	46	21	67	69%	61	19	78	78%	58	28	86	67%					165	68	231	71%
	Education & Learning - Dawn Stabb	6	4	10	60%	4	3	7	57%	13	3	16	81%					23	10	33	70%
	Total Children's Services	52	25	77	68%	65	22	85	76%	71	31	102	70%					188	78	264	71%
Adult Care & Health Jennie Stephens	Adult Care Operations & Health - Keri Storey	51	0	51	100%	33	7	40	83%	38	11	49	78%					120	15	135	89%
	Adult Commissioning & Health - Tim Golby	0	0	0	n/a	0	9	9	0%	1	4	5	20%					1	13	14	7%
	Commissioned Services (External Providers)	1	0	1	n/a	0	1	1	0%	0	0	0	n/a					1	1	2	50%
	Total Adult Care & Health	52	0	52	100%	33	17	50	66%	39	15	54	72%					122	29	151	81%
Communities, Public Health, Environment and Prosperity Virginia Pearson	Public Health - Dr Virginia Pearson	0	0	0	n/a	0	0	0	n/a	0	0	0	n/a					0	0	0	n/a
	Planning, Transportation and Environment - Dave Black	18	0	18	100%	14	1	15	93%	24	1	25	97%					56	2	58	97%
	Economy, Enterprise & Skills - Keri Denton	5	1	6	83%	1	0	1	100%	6	0	6	100%					12	1	13	92%
	Communities - Simon Kitchen	2	0	2	n/a	2	0	2	100%	5	0	5	100%					9	0	9	100%
	Total Communities, Public Health, Environment and Prosperity	25	1	26	96%	17	1	18	94%	35	1	36	97%					77	3	80	96%
Highways, Infrastructure Development and Waste Meg Booth	Infrastructure Development - Rob Richards	0	0	0	n/a	0	0	0	n/a	0	0	0	n/a					0	0	0	n/a
	Highways - Meg Booth	125	17	142	88%	136	30	166	82%	118	23	141	84%					380	70	450	84%
	Bridges and Structures - Kevin Dentith	0	0	0	n/a	0	0	0	n/a	1	0	1	100%					1	0	1	100%
	Waste - Wendy Barratt	47	2	49	96%	17	0	17	100%	19	0	19	100%					83	2	85	98%
	Built Environments - Chris Dyer	0	0	0	n/a	0	0	0	n/a	0	0	0	n/a					0	0	0	n/a
	Total Highways, Infrastructure Development and Waste	172	19	191	90%	153	30	183	84%	138	23	161	86%					464	72	536	87%
Corporate Services Phil Norrey	Organisational Development + HR - John Smith	1	0	1	100%	1	0	1	100%	0	0	0	n/a					2	0	2	100%
	Digital Transformation & Business Support - Rob Parkhouse	5	0	5	100%	8	1	8	100%	4	4	8	50%					17	4	21	81%
	Legal Services & Communications - Jan Shadbolt	4	1	5	80%	1	0	1	100%	3	3	6	50%					8	4	12	67%
	Devon Finance Services - Mary Davis	5	1	6	83%	2	0	2	100%	3	0	3	100%					10	1	11	91%
	Total Corporate Services	15	2	17	88%	12	1	12	100%	10	7	17	59%					37	9	46	80%
Total All Services		316	47	363	87%	280	71	348	80%	293	77	370	79%					888	191	1077	82%

4.3.3 In Q3 Children’s Services achieved a response rate of 70% on time (71 out of 102 complaints responded to), which is a fall in performance of 6% on the level in Q2 (76%). Children’s Social responded to 86 complaints of which 67% were within the statutory timescale; a decline of 11% on Q2 and Education & Learning responded to 16 complaints of which 81% were within the timescales an improvement of 24% on Q2.

4.3.4 Adult Care and Health Services responded to 54 complaints in Q23of which 72% were within timescale, this is an improvement of 6% compared to Q2. 49 of these responses were regarding Adult Care Operations & Health and 78% were within agreed timescales (38 out of 49 responses), 5 responses were regarding Adult Commissioning & Health but only 1 was within timescale (20% in time) this was an improvement on the previous quarter.

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- 4.3.5 Community Health, Environment & Prosperity responded to 36 complaints in Q3 of which 97% (35 complaints) responses were within prescribed timescales; a slight increase on the 94% in Q2. Planning, Transportation & Environment were responsible for 25 of these responses and 24 of these them were within timescale (97%). 6 were regarding Economy, Enterprise & Skills and all 6 were within timescale (100%) which maintains their 100% achievement from Q2. 5 were regarding Communities and 100% were responded to within timescales maintaining the standard from Q1 & Q2.
- 4.3.6 Highways, Infrastructure Development & waste responded to 161 complaints in Q3 of which 86% were within timescale (138 responses) this is a slight improvement in performance compared to Q2. Highways were responsible for 141 of these responses of which 84% (118) responses were within time compared to 82% in Q2; Waste were responsible for 19 all of which (100%) were responded to within timescales and Bridges & Structures responded to 1 complaint which was on time (100%) both maintaining the standard achieved in Q2.
- 4.3.7 Corporate Services responded to 17 complaints in Q3 of which only 59% were within timescale which is a significant decline from the 100% in Q2. 8 responses were in relation to complaints to Digital Transformation & Business Support and 6 responses in relation to Legal Service & Communications both services only responded to 50% of these within deadline which was a significant decline from the 100% both achieved in Q2. Finance Services responded to 3 complaints and achieved a 100% performance within deadlines, maintaining this from Q2.
- 4.3.8 The Customer Relations Team monitors the progress of services and provides fortnightly complaint status reports to all services in order that individuals with complaints assigned to them and managers are aware of deadlines and complaint responses that are overdue.

4.4 Stage 1 Outcomes

- 4.4.1 The outcomes of complaints are important for the Council as they give information regarding the justification of customer concerns, i.e. whether the Council is at fault and could do things better / different. In these circumstances it is important to ensure that the Council does whatever it can to rectify what has gone wrong, apply appropriate redress and implement measures to instigate improvements and disseminate learning.
- 4.4.2 The percentage of complaints investigated and responded to at stage 1 in Q3 that were either upheld or partially upheld was 35% (132 complaints out of 376 responded to). This is an increase of 10% on Q2. See Graph 1 below. In Q3 51% of complaints responded to were Not Upheld compared to 45% in Q2.; a further 9% (34 complaints) were concluded with No Finding; 2% (7 complaints) were immediately resolved and 3% (11 complaints) were Closed with No Further Action.
- 4.4.3 Graph 1 and Table 3 below provide this information in greater detail

Graph 1 – Stage 1 Complaint Outcomes

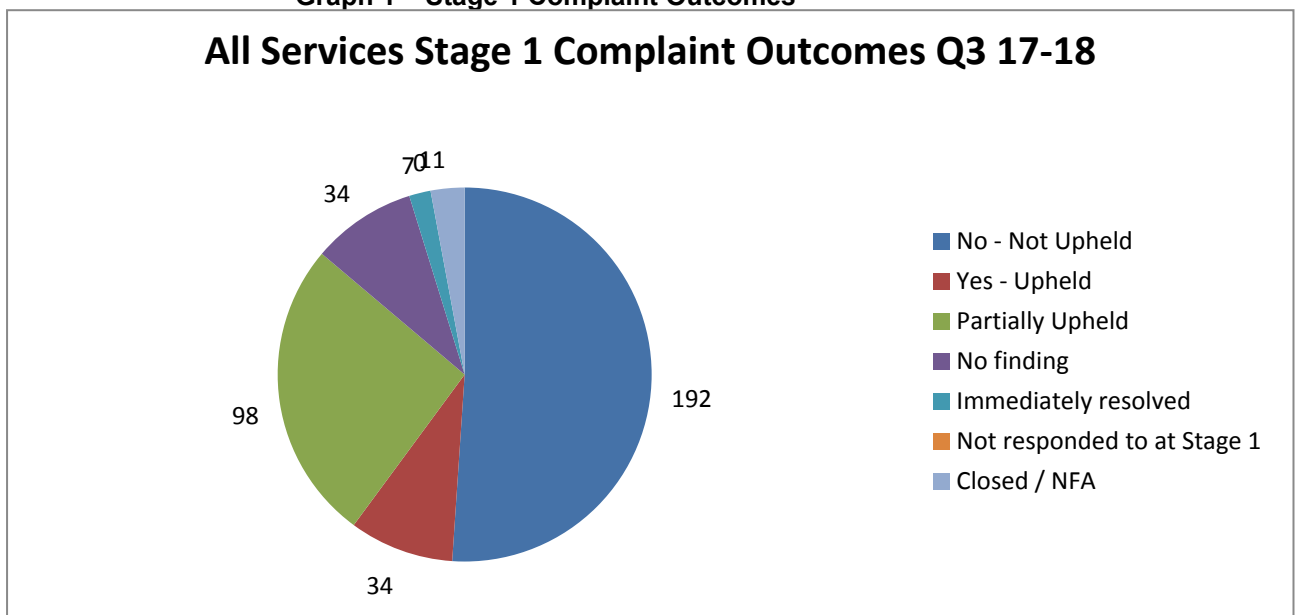


Table 3 – Stage 1 Complaint Outcomes

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Stage 1 complaint outcomes by Service						
Service		Q1	Q2	Q3	Q4	YTD
Children's Social Care (stat & non stat)	No - Not Upheld	26	31	32	0	89
	Yes - Upheld	5	8	2	0	15
	Partially Upheld	27	31	47	0	105
	No finding	5	5	1	0	11
	Immediately resolved	2	2	4	0	8
	Not responded to at Stage 1	0	1	0	0	1
	Closed / NFA	3	5	0	0	8
Total	68	83	86	0	237	
Education and Learning	No - Not Upheld	4	3	3	0	10
	Yes - Upheld	1	1	2	0	4
	Partially Upheld	3	3	10	0	16
	No finding	1	0	1	0	2
	Immediately resolved	1	0	0	0	1
	Closed / NFA	0	0	0	0	0
	Total	10	7	16	0	33
Adult Care Operations & Health	No - Not Upheld	22	20	21	0	63
	Yes - Upheld	5	5	9	0	19
	Partially Upheld	22	11	17	0	50
	No finding	0	1	0	0	1
	Immediately resolved	2	4	1	0	7
	Closed / NFA	5	14	7	0	26
	Total	56	55	55	0	166
Adult Commissioning & Health	No - Not Upheld	0	1	1	0	2
	Yes - Upheld	0	3	3	0	6
	Partially Upheld	1	6	1	0	8
	No finding	0	0	0	0	0
	Immediately resolved	0	0	0	0	0
	Closed / NFA	1	0	0	0	1
	Total	2	10	5	0	17
Public Health	No - Not Upheld	0	0	0	0	0
	Yes - Upheld	0	0	0	0	0
	Partially Upheld	0	0	0	0	0
	No finding	0	0	0	0	0
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	0	0	0	0
	Total	0	0	0	0	0
Planning, Transportation and Environment	No - Not Upheld	12	7	15	0	34
	Yes - Upheld	3	0	3	0	6
	Partially Upheld	2	3	3	0	8
	No finding	1	2	3	0	6
	Immediately resolved	0	3	0	0	3
	Closed / NFA	0	1	1	1	3
	Total	18	16	25	1	60
Economy and Enterprise	No - Not Upheld	3	1	2	0	6
	Yes - Upheld	0	0	0	0	0
	Partially Upheld	3	0	2	0	5
	No finding	0	0	1	0	1
	Immediately resolved	0	0	1	0	1
	Closed / NFA	0	2	0	0	2
	Total	6	3	6	0	15
Communities	No - Not Upheld	2	0	3	0	5
	Yes - Upheld	0	1	1	0	2
	Partially Upheld	0	0	0	0	0
	No finding	0	1	0	0	1
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	0	1	0	1
	Total	2	2	5	0	9
Highways, Infrastructure Development and Waste	No - Not Upheld	119	103	108	0	330
	Yes - Upheld	18	4	10	0	32
	Partially Upheld	39	12	14	0	65
	No finding	13	62	26	0	101
	Immediately resolved	2	2	1	0	5
	Closed / NFA	2	4	2	0	8
	Total	193	187	161	0	541
Organisational Change	No - Not Upheld	0	0	0	0	0
	Yes - Upheld	0	0	0	0	0
	Partially Upheld	1	1	0	0	2
	No finding	0	0	0	0	0
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	0	0	0	0
	Total	1	1	0	0	2
Digital Transformation & Business Support	No - Not Upheld	2	3	2	0	7
	Yes - Upheld	1	1	3	0	5
	Partially Upheld	2	3	3	0	8
	No finding	0	0	0	0	0
	Not responded to at Stage 1	0	1	0	0	1
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	0	0	0	0
Total	5	8	8	0	21	
Legal Services & Communications	No - Not Upheld	5	0	4	0	9
	Yes - Upheld	0	0	0	0	0
	Partially Upheld	0	1	0	0	1
	No finding	0	0	2	0	2
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	0	0	0	0
	Total	5	1	6	0	12
Devon Finance Services	No - Not Upheld	2	1	1	0	4
	Yes - Upheld	0	0	1	0	1
	Partially Upheld	4	0	1	0	5
	No finding	0	1	0	0	1
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	0	0	0	0
	Total	6	2	3	0	11
Total all areas	No - Not Upheld	197	170	192	0	559
	Yes - Upheld	33	23	34	0	90
	Partially Upheld	104	71	98	0	273
	No finding	20	72	34	0	126
	Immediately resolved	7	12	7	0	26
	Not responded to at Stage 1	0	2	0	0	2
	Closed / NFA	11	27	11	1	50
All Services TOTAL	372	377	376	1	1126	

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4.4.4 The outcome of complaints varies quite considerably across the different service areas within the council in respect of the numbers that are Upheld / Partially Upheld and Not Upheld with the percentages ranging from 0% to 80% Upheld and 14% to 67% Not Upheld. Details by service are in table 3 and also here.

- Within Children’s Social Care 86 complaints were responded to of which 37% were Not Upheld (32 complaints) and 57% were either Fully or Partially Upheld (49 complaints)
- Within Education & Learning 16 complaints were responded to of which 14% were Not upheld (3 complaints) and 75% were either Fully or Partially Upheld (12 complaints)
- Within Adult Care Operations & Health 55 complaints were responded to of which 38% were Not upheld (21 complaints) and 47% were either Fully or Partially Upheld (26 complaints)
- Within Adult Services Commissioning & Health 5 complaints were responded to of which 20% were Not Upheld (1 complaint) and 80% were either Fully or Partially Upheld (4 complaints)
- Within Planning, Transportation & Environment 25 complaints were responded to of which 60% were Not upheld (15 complaints) and 24% were either Fully or Partially Upheld (6 complaints)
- Within Economy, Enterprise & Skills 6 complaints were responded to of which 33% were Not upheld (2 complaints) and 33% were either Fully or Partially Upheld (2 complaints).
- Within Communities 5 complaints were responded to of which 60% were Not upheld (3 complaints) and 20% were either fully or partially upheld (2 complaints)
- Within Highways, Infrastructure development & Waste 161 complaints were responded to of which 67% were Not upheld (108 complaints) and 15% were either Fully or Partially Upheld (24 complaints).
- Within Digital Transformation & Business Support 8 complaints were responded to of which 25% were Not upheld (2 complaints) and 75% were either Fully or Partially Upheld (6 complaints)
- Within Legal Services & Communications 6 complaints were responded to of which 66% were Not Upheld (4 complaints) and none were fully or partially upheld (0%)
- Within Devon finance Services 3 complaints were responded to of which 33% were Not upheld (1 complaint) and 66% were either Fully or Partially Upheld (2 complaints)

4.4.5 Sometimes it is not possible to conclude one way or another following an investigation and in these cases, there should be an outcome of No Finding and this occurred in 34 of the 376 complaint responses in Q3 (9%). Furthermore 11 complaints were closed requiring no further action (were not investigated beyond triage) (3%) and 7 complaints were able to be immediately resolved (2%).

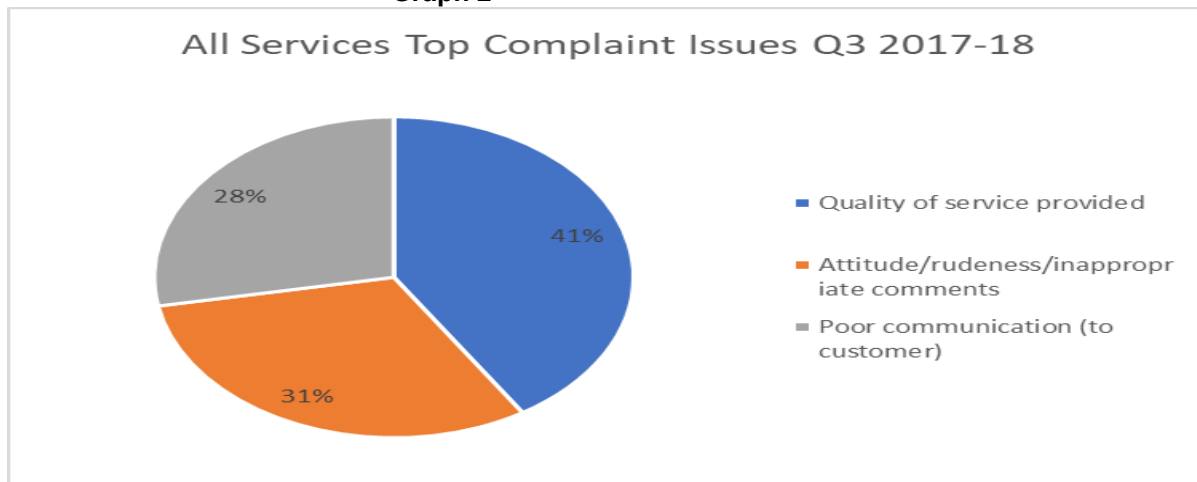
4.5 Stage 1 Complaint Most Common Themes and Actions arising from Upheld Complaints

4.5.1 There are many different reasons why our customers make complaints and in many cases a customer raises more than one issue within a complaint. All complaints and the individual complaint issues within each complaint are logged onto the Council’s Complaints Management System, I Casework.

4.5.2 There were 370 Stage 1 complaints responded to across the Council in Q3, consisting of 616 issues. The 3 most common themes across all services (but not necessarily the most common themes in each individual service) related to Quality of service provided (100 separate instances), Attitude/rudeness/inappropriate comments (76 separate instances), and poor communication to the customer (68 separate incidences); these top themes constituted 244 of the 616 issues raised (40%).

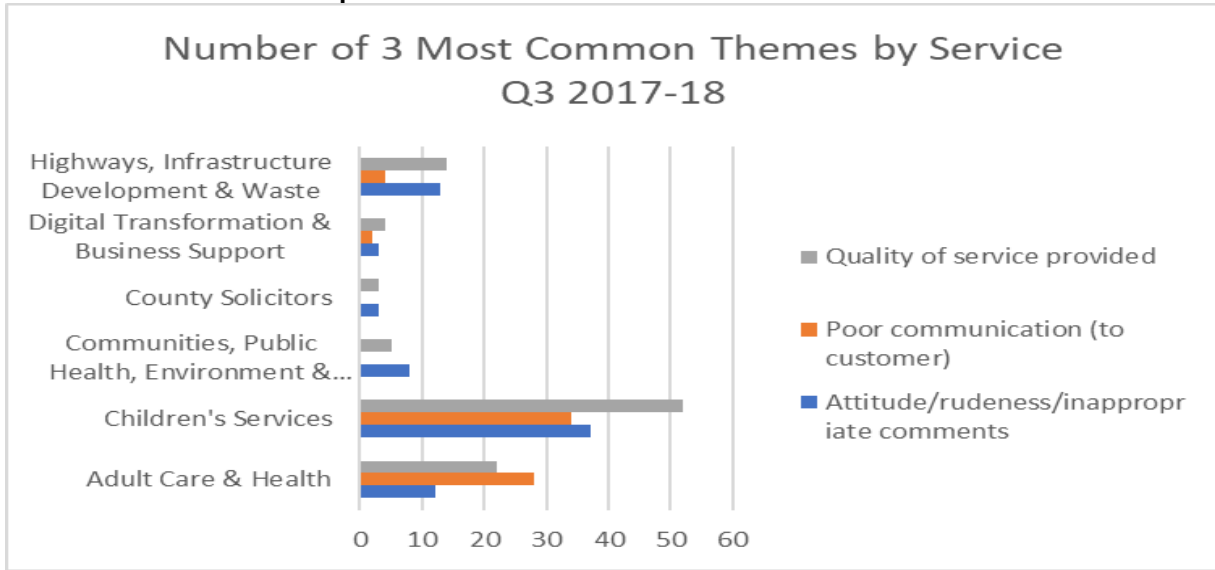
Graph 2 reflects the 3 most common complaint issues in the year and the percentage of each compared against each other.

Graph 2



4.5.3 **Graph 3** below details the number of each of these 3 most common themes that each service area received in Q3

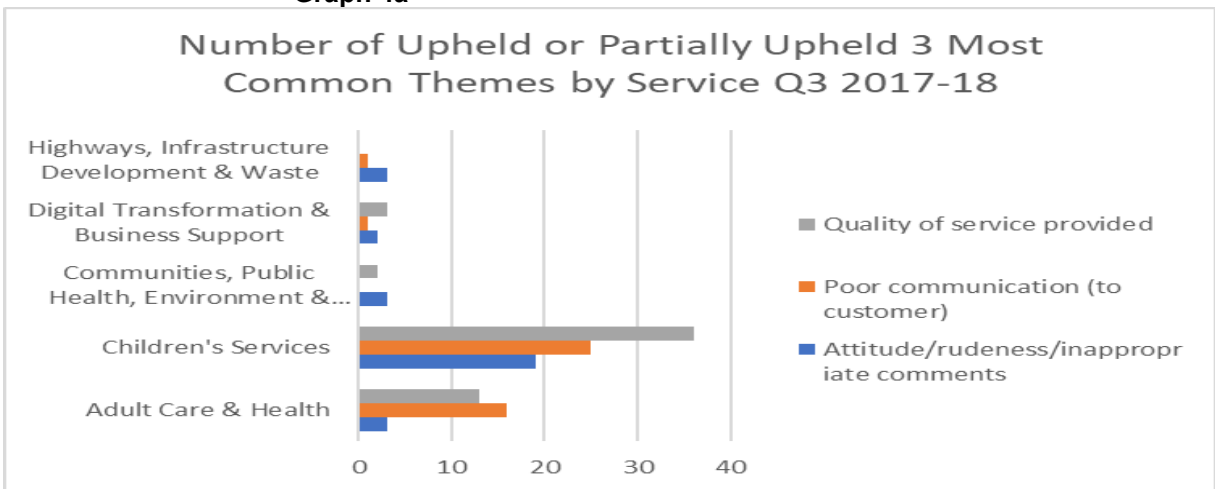
Graph 3



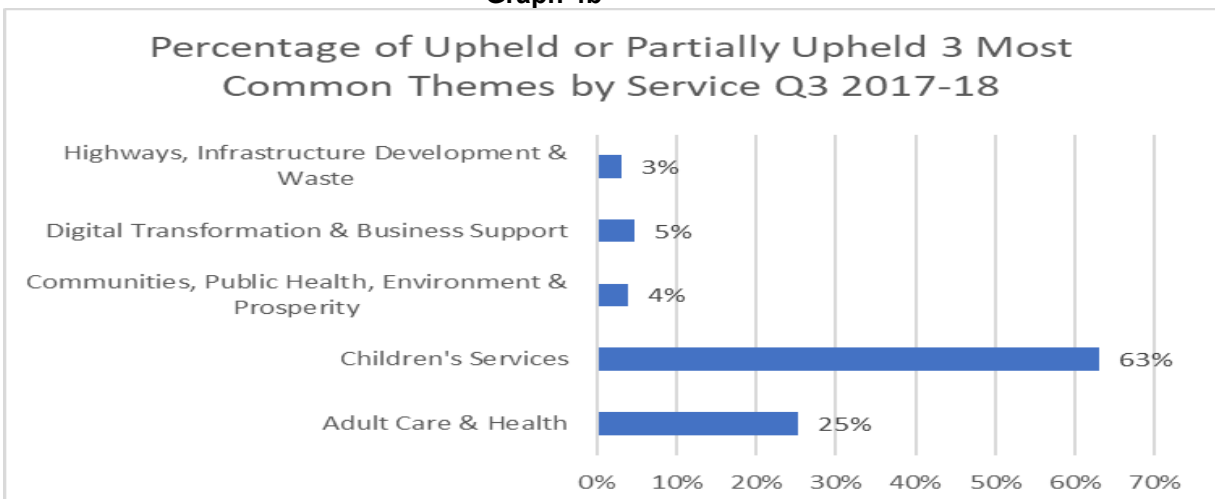
4.5.4 Following investigation, 127 of the instances out of the 244 instances regarding these 3 most common themes were fully or partially upheld (that is 52%); 54 instances of Quality of service provided were upheld or partially upheld, 30 of those about Attitude/rudeness/inappropriate comments and 43 of those about poor communication with the customer.

4.5.5 and **Graphs 4a & 4b** the number and percentage Upheld or Partially Upheld of these by service area

Graph 4a



Graph 4b



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4.5.6 The information below relates to the 3 most common themes in complaints for each individual service area as opposed to the collective 3 most common themes (as such numbers do not directly relate to those in the graphs above)

Adult Care & Health

There were 54 complaints responded to within Adult Care & Health in Q3, consisting of 111 issues. The 3 most common issues related to poor communication (27), the quality of the service provided (20), and attitude/rudeness/inappropriate comments from staff (11); these issues constituted 58 of the 111 issues raised (52%).

Following investigation, 29 of these 58 issues were fully or partially upheld (50%).

Children's Services

There were 102 complaints responded to within Children's Services in Q3, consisting of 266 issues. The 3 most common issues related to quality of the service provided (52), inappropriate activity by individual staff member (43), and attitude/rudeness/inappropriate comments (37); these issues constituted 132 of the 266 issues raised (50%).

Following investigation, 84 of these 132 issues were fully or partially upheld (64%).

Communities, Public Health, Environment & Prosperity

There were 36 Stage 1 complaints responded to within Communities, Public Health, Environment & Prosperity in Q3, consisting of 41 issues. The most common issues related to Attitude/rudeness/inappropriate comments (8), dispute of records (8) and Objecting to intended/future service offered (7); these issues constituted 23 of the 41 issues raised (17%).

Following investigation, 4 of these 23 issues were fully or partially upheld (20%).

County Solicitors

There were 6 Stage 1 complaints responded to within County Solicitors in Q3, consisting of 8 issues. These issues related to quality of service provided (3), attitude/rudeness/inappropriate comments (3), timings of service offered (1), and policy/procedure not followed (1).

Following investigation, none of these issues were fully or partially upheld (0%).

Digital Transformation and Business Support

There were 8 Stage 1 complaints responded to within Digital Transformation and Business Support in Q3, consisting of 15 issues. The 3 most common issues related to Quality of service provided (4), attitude/rudeness/inappropriate comments (3), and poor communication (2); these issues constituted 9 of the 15 issues raised (60%).

Following investigation, 6 of these 9 issues were fully or partially upheld (67%).

Highways, Infrastructure Development and Waste

There were 161 Stage 1 complaints responded to within Highways, Infrastructure Development and Waste in Q3, consisting of 171 issues. The 3 most common issues related to Delay in providing service (29), Refusal to provide service/eligibility issue (28), and Objecting to intended/future service offered (25); these issues constituted 82 of the 171 issues raised (48%).

Following investigation, 11 of these 82 issues were fully or partially upheld (13%).

5 Stage 2 Complaints

5.1 Stage 2 Complaints Received

5.1.1 At Stage 2 within Children's Social Care investigations are being undertaken by externally commissioned investigating officers and externally appointed Independent Persons in line with the requirements of the Statutory Complaints Regulations.
All other Non-Statutory Stage 2 investigations are undertaken by senior staff within the Customer Relations Team.

5.1.2 In Q3 there have been 4 complaints escalated to Stage 2 under the Children's Social Care Statutory Procedures.

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5.1.3 There have been 39 stage 2 complaints under the Corporate Complaints Procedure in Q3; 3 in Children's Social Care, 3 in Education & Learning, 3 in Planning, Transportation & Environment, 1 in Economy, Enterprise & Skills, 26 in Highways, 2 in Waste and 1 in Legal Services & Communications

5.1.4 Table 5 below gives breakdown of the Stage 2 complaints received by senior leadership team areas

Stage 2 Complaint investigations by Direct Report						
All Services						
Realm	Service Area	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Children's Services Jo Olsson	Children's Social Care - Vivien Lines	9	7	7	0	23
	Education & Learning - Dawn Stabb	1	1	3	0	5
	Total Children's Services	10	8	10	0	28
Adult Care & Health Jennie Stephens	Adult Care Operations & Health - Keri Storey	0	0	0	0	0
	Adult Commissioning & Health - Tim Golby	0	0	0	0	0
	Commissioned Services	0	0	0	0	0
	Total Adult Care & Health	0	0	0	0	0
Communities, Public Health, Environment and Prosperity Virginia Pearson	Public Health	0	0	0	0	0
	Planning, Transportation and Environment	2	2	3	0	7
	Economy, Enterprise & Skills	0	0	1	0	1
	Communities	2	0	0	0	2
	Total Communities, Public Health, Environment and Prosperity	4	2	4	0	10
Highways, Infrastructure Development and Waste Meg Booth	Infrastructure Development - Rob Richards	0	1	0	0	1
	Highways - Meg Booth	19	22	26	0	67
	Bridges and Structures - Kevin Dentith	0	1	0	0	1
	Waste - Wendy Barratt	3	0	2	0	5
	Built Environments - Chris Dyer	0	0	0	0	0
	Total Highways, Infrastructure Development and Waste	22	24	28	0	74
Corporate Services Phil Norrey	Organisational Development	0	0	0	0	0
	Digital Transformation & Business Support	1	0	0	0	1
	Legal Services & Communications	0	1	1	0	2
	Devon Finance Services	0	0	0	0	0
	Total Corporate Services	1	1	1	0	3
Total All Services		37	35	43	0	115

5.1 Stage 2 Complaint Responses and Outcomes

5.2.1 In Q3 there were 7 Statutory Children's Social Care Stage 2 complaints concluded.

5.2.2 31 Non- Statutory Stage 2 complaints were completed in Q3 of which only 42% were completed & responded to within the published timescales;

5.2.3 Of the 38 Stage 2 complaints concluded in Q3; 21 were not upheld, 3 were Upheld, 12 were partially upheld, 1 immediately resolved and 1 Withdrawn (NFA)

5.2.3 In cases whereby services are not providing provision in line with their published procedure the Non- Statutory Stage 2 investigation process is particularly useful in that it challenges services to realign or reassess their published procedures in line with what can reasonably be delivered. In cases whereby, legislative requirements are not fulfilled, the Council is required to uphold the complaint.

5.2.5 Where the complaint is upheld or partially upheld the CRT will pull together an action plan with the Head of Service and individuals will be assigned actions to undertake and evidence of completion should be provided to the CRT as proof of learning and service improvement.

5.2.6 Table 6 below provides a breakdown of the Stage 2 complaint outcomes for all complaints (Statutory & Non-Statutory) responded to in Q3

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Table 6 – All Stage 2 Complaint Outcomes

Stage 2 Complaint Outcomes - responded to in Quarter						
Service		Q1	Q2	Q3	Q4	YTD
Children's Social Care (stat & non stat)	No - Not Upheld	3	6	1		10
	Yes - Upheld	0	4	1		5
	Partially Upheld	2	2	6		10
	No finding	0	0	0		0
	Immediately resolved	0	0	1		1
	Closed / NFA	0	0	0		0
		5	12	9	0	26
Education and Learning	No - Not Upheld	0	1	1		2
	Yes - Upheld	0	0	1		1
	Partially Upheld	0	0	0		0
	No finding	0	0	0		0
	Immediately resolved	0	0	0		0
	Closed / NFA	0	0	0		0
		0	1	2	0	3
Communities, Public Health, Environment & Prosperity	No - Not Upheld	5	1	2		8
	Yes - Upheld	0	0	0		0
	Partially Upheld	0	1	0		1
	No finding	0	0	0		0
	Immediately resolved	0	0	0		0
	Closed / NFA	0	0	0		0
		5	2	2	0	9
Highways, Infrastructure Development and Waste	No - Not Upheld	13	17	16		46
	Yes - Upheld	0	0	0		0
	Partially Upheld	1	3	6		10
	No finding	0	0	0		0
	Immediately resolved	0	0	0		0
	Closed / NFA	0	0	1		1
		14	20	23	0	57
Digital Transformation & Business Support	No - Not Upheld	0	0	0		0
	Yes - Upheld	0	0	0		0
	Partially Upheld	0	0	0		0
	No finding	0	0	0		0
	Immediately resolved	0	0	0		0
	Closed / NFA	0	0	0		0
		0	0	0	0	0
Legal Services & Communications	No - Not Upheld	0	0	1		1
	Yes - Upheld	0	0	1		1
	Partially Upheld	0	0	0		0
	No finding	0	0	0		0
	Immediately resolved	0	0	0		0
	Closed / NFA	0	0	0		0
		0	0	2	0	2
Total all areas	No - Not Upheld	21	25	21		67
	Yes - Upheld	0	4	3		7
	Partially Upheld	3	6	12		21
	No finding	0	0	0		0
	Immediately resolved	0	0	1		1
	Closed / NFA	0	0	1		1
	All Services TOTAL	24	35	38	0	97

5.3 Stage 2 Complaints Learning

5.3.1 The main learning points arising from the complaints resolved in Q3 are detailed below. All complaints investigated and upheld should have specific actions and learning associated with them and these are drafted as an action plan in conjunction with senior managers and individual actions assigned to an appropriate person to complete and provide evidence of that completion to the Senior Customer Relations Officer who has case managed the complaint. This will ensure a full audit trail and a single point for collation of such actions & learning.

5.3.2 A Highways complaint was partially upheld due to the lack of consultation around a temporary Traffic Order. The Council apologised and accepted that a wider consultation, time permitting would have been more appropriate.

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5.3.3 A complaint was received about damage caused to a private driveway due to prolonged rain. The complainant also had to clear a gully on the highway to prevent further damage to the driveway. Whilst the gully had been cleared in line with the council's maintenance schedule the following actions were agreed: The council to clear and re-establish the highway ditches, install a permanent water bar and undertake a full inspection of the highway in question to include siding works to uncover the full drainage limits of the Highway. The complainant has also claimed against the council for damage to the driveway.

5.3.4 A complaint made to Highways about a tree damaging the complainant's property initially resulted in a response stating that due to the offending tree not meeting the Council safety defect criteria no action would be taken. However, following further contact from the complainant, a more detailed investigation revealed that the tree was the responsibility of a neighbouring college; as it sat on their boundary. The council met with the college who agreed to fell the tree.

This complaint has highlighted to Senior Managers the need for the council to be clear about complex land ownership issues to ensure customers receive clear responses. This is particularly pertinent when there is potential for legal action

5.3.5 A complaint was made about the lack of enforcement of DCC's 'A' board policy which then resulted in the following actions:

- DCC moved the A-boards to an acceptable location and the owners were informed of their responsibilities and the potential for future enforcement action.
- DCC observed that all signs present were within Policy.

This is the second complaint about 'A' Boards received in the reporting year and has highlighted to senior managers within the service the need for all staff to be aware of the Council's statutory enforcement obligations regarding A Boards and regarding the Equalities Act.

5.3.6 A complaint was received from a school in respect of additional admissions and was fully upheld because the education service did not inform the school that the council was implementing a new criterion earlier than anticipated and this resulted in the school's maximum class size being exceeded.

The complaint was further upheld due to a request for financial assistance being ignored in the initial response.

As a result, a member of DCC staff met with the school to offer detailed explanation and to apology. Furthermore, each of the Admissions Officers has been made fully aware of the current guidance and they have been instructed not to apply this policy until the consultation has been completed and all schools given clear expectations and timescales or local agreement has been secured in advance. Clarity was issued provided to the school around the financial issue.

5.3.7 A complaint was raised at Stage 2 within Children's Social Care by a grandparent who raised concerns regarding the service's interaction with them, comments that were made by staff about them as people and the lack of contact with the grandchildren.

The service spoke with the complainant and was able to successfully resolve the concerns and this was followed up in writing as a Stage 2 response. This written response reiterated the fact that the complainant was advised she could pick up clothes and toys from the children's mother, that there the service was correct to act on concerns regarding the use of alcohol and commented on the balance required to achieve contact for all relevant family members.

5.3.8 The complainant raised concerns regarding the conduct of a worker within Children's Services; such as allegations of being biased and combative, that the worker lied in relation to contacting the GP and refused to consider the provision of counselling.

The Stage 2 investigation identified that there was a misunderstanding at Stage 1 regarding the offer, or otherwise, of mediation; the Stage 2 response clarified that either way this was a matter for court, not the Local Authority.

In addition, the Stage 2 response identified that an issue of concern for the complainant, in respect of the worker's alleged use of a certain word, should have been dealt with more thoroughly at Stage 1.

5.3.9 The complainant is a Special Guardian and complained regarding the amount of financial support being received, along with the decisions to reduce it.

All three of the complaints raised were upheld, although the adjudicator disagreed with one finding, in relation to whether the complainant was advised that financial support for the child would be received until they turned 18, believing it to be more appropriately partially upheld. As an outcome of the investigation, several recommendations were made by the independent investigator. Despite initial reluctance from the Local Authority, these recommendations were subsequently all accepted.

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- Due to the service the complainant received and the inconsistent advice also received, and as a measure of goodwill, we will continue the allowance at its current rate until the child reaches 18.
- Due to the delays in service and poor communication, the head of Adoption and Permanence will contact the complainant to ensure that the support being provided is appropriate and consistent moving forwards.
- A guide will be available for all prospective Guardians which will make clear the financial policy and legal requirements for gaining an allowance. This will be completed by the 30th November. This guide will be placed on the council's web site.
- Training and direction will be given to the team to ensure that they are clear about the policy and procedures and can communicate this effectively.
- All Guardians will be sent a financial contract prior to Order so that they are aware of what they will be paid, when and for what duration.
- All support plans will be completed within 6 weeks of the assessment starting so that they are agreed earlier with clarity given prior to the Court date.
- The financial policy will be put on the web site to ensure that this information is available.

5.3.10 The complainant, a mother of a child placed under Section 20, complained that the process was mishandled, that there was poor communication to her and to the placement, and that meetings around the placement were also mishandled.

1 of the 8 complaints raised was partially upheld, 4 were not upheld, and 3 were upheld. A number of actions were agreed as a result:

- A working group was created involving people from the relevant services, to look at best practice and to ensure everyone attending knew their roles and responsibilities. There has also been a review held about the planning process for children who are due to leave secure accommodation.
- The process for minuting meetings and circulating these minutes to the appropriate people is reviewed, that there is a clear process for when children leave secure accommodation to avoid delays in appropriate support being provided. The Council has recently produced some internal guidance regarding Secure Review Meetings that makes it clear that parents can have their views heard, along with clarifying the process for minuting and circulation of minutes, and the process for children leaving secure accommodation.
- An offer was made to the complainant for the appropriate Area Manager to meet and discuss this issue/offer apologies

5.3.11 The Complainants are family members of a child open to our services, and are acting with the consent of the mother of the child. The complaint centres upon a lack of support in relation to the child who exhibits risky behaviours, with a vulnerable and distressed mother who also requires support.

2 of the 6 complaints raised were partially upheld, 3 were not upheld, and 1 was upheld. As a result, a number of actions were agreed:

- A discussion was held across the service regarding timely completion of assessments
- Customer Relations to work directly with services on an on-going basis to improve resolution of complaints at Stage 1
- A written recognition of the support offered by the complainants to the family
- To cascade current training regarding understanding and addressing adolescent violence to social workers

5.3.12 The complainant, a young person, complained about the timeliness of decisions in relation to their foster placement outside of the UK, and that he wasn't being listened to.

1 complaint raised was upheld, 1 was not upheld, and 1 had no finding. The follow actions were agreed:

- The Locality Director met with the young person to apologise personally for the delays in the case.

A new policy is being written that will cover the eventuality that Foster Carers wish to move abroad with a foster child, to ensure the same experience won't be repeated

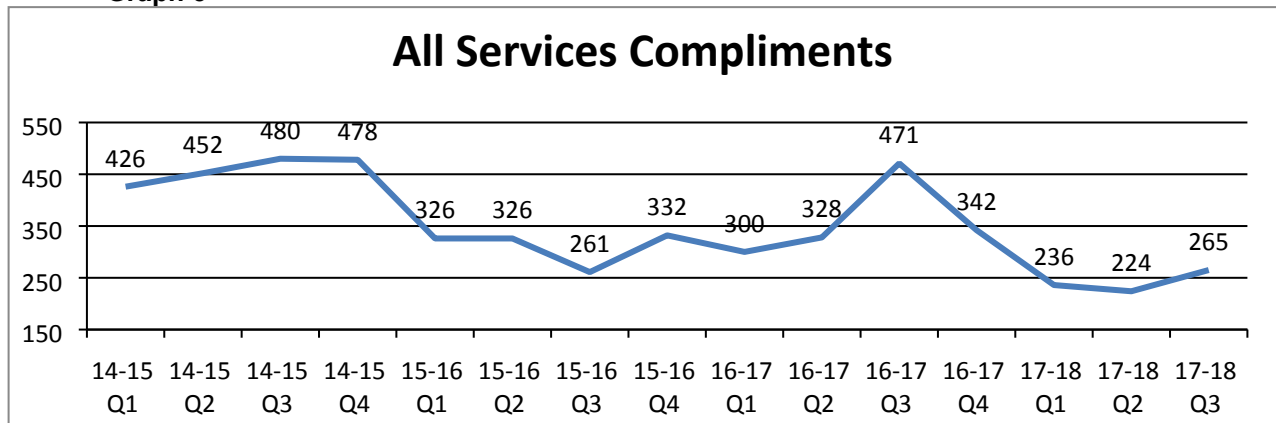
6. Compliments Received

6.1 Capturing compliments is important for the Council, as they serve to acknowledge provision of excellent service, enable staff to be recognised and the Council to build upon good practice.

6.2 In Q3 the council received 265 compliments which an increase on the 224 received in Q2 and reverses the downward trend over the last 6 months.

6.3 **Graph 5** provides detail of the Compliments received over the last 3 years

Graph 5



6.4 The four services that have received the most compliments in Q3 are Adult Care & Health Operations with 82, Digital Transformation & Business Support received 38 compliments, Highways 33 compliments and Children's Social Care services received 32 compliments.

6.5 Table 8 details the number of compliments received by Head of Service direct report areas cross the Council.

Compliments by Head of Service direct reports.

Compliments by Direct Report						
All Services						
Realm	Service Area	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Children's Services Jo Olsson	Children's Social Care - Vivien Lines	47	29	32	0	108
	Education & Learning - Dawn Stabb	0	1	1	0	2
	Total Children's Services	47	30	33	0	110
Adult Care & Health Jennie Stephens	Adult Care Operations & Health - Keri Storey	116	93	82	0	291
	Adult Commissioning & Health - Tim Golby	4	1	4	0	9
	Commissioned Services	0	0	0	0	0
	Total Adult Care & Health	120	94	86	0	300
Communities, Public Health, Environment and Prosperity Virginia Pearson	Public Health	9	11	8	0	28
	Planning, Transportation and Environment	3	11	4	0	18
	Economy, Enterprise & Skills	5	5	7	0	17
	Communities	3	5	6	0	14
	Total Communities, Public Health, Environment and Prosperity	20	32	25	0	77
Highways, Infrastructure Development and Waste Meg Booth	Infrastructure Development - Rob Richards	0	0	0	0	0
	Highways - Meg Booth	22	21	33	0	76
	Bridges and Structures - Kevin Dentith	0	0	0	0	0
	Waste - Wendy Barratt	2	7	29	0	38
	Built Environments - Chris Dyer	0	0	0	0	0
	Total Highways, Infrastructure Development and Waste	24	28	62	0	114
Corporate Services Phil Norrey	Organisational Development	0	0	0	0	0
	Digital Transformation & Business Support	20	16	38	2	76
	Legal Services & Communications	4	23	21	0	48
	Devon Finance Services	1	1	0	0	2
	Total Corporate Services	25	40	59	2	126
Total All Services		236	224	265	2	727

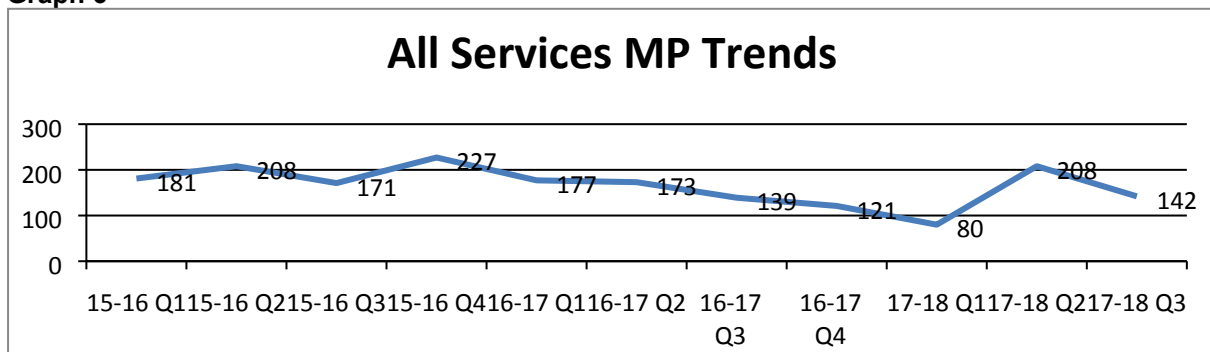
7. MP Letters Received

7.1.1 In Q3 the council received 142 letters from MPs which is a significant decline on the 208 received in Q2

7.1.2 The graph 6 below indicates the trend in numbers of MP Letters received over the last 3 years for the Council

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Graph 6



7.1.3 Table 9 below provides detail on the enquiries received from Members of Parliament for each service area.

Table 9 – MP Letters by Head of Service / Direct Report

MP Enquiries by Direct Report						
All Services						
Realm	Service Area	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Children's Services Jo Olsson	Children's Social Care - Vivien Lines	10	11	9	0	30
	Education & Learning - Dawn Stabb	6	16	19	0	41
	Total Children's Services	16	27	28	0	71
Adult Care & Health Jennie Stephens	Adult Care Operations & Health - Keri Storey	13	34	17	0	64
	Adult Commissioning & Health - Tim Golby	0	0	1	0	1
	Commissioned Services	2	0	1	0	3
	Total Adult Care & Health	15	34	19	0	68
Communities, Public Health, Environment and Prosperity Virginia Pearson	Public Health	1	5	1	0	7
	Planning, Transportation and Environment	8	24	12	0	44
	Economy, Enterprise & Skills	0	7	5	0	12
	Communities	1	3	0	0	4
	Total Communities, Public Health, Environment and Prosperity	10	39	18	0	67
Highways, Infrastructure Development and Waste David Whitton	Infrastructure Development - Rob Richards	0	0	0	0	0
	Highways - Meg Booth	32	92	65	0	189
	Bridges and Structures - Kevin Dentith	0	0	0	0	0
	Waste - Wendy Barratt	1	5	1	0	7
	Built Environments - Chris Dyer	0	0	0	0	0
	Total Highways, Infrastructure Development and Waste	33	97	66	0	196
Corporate Services Phil Norrey	Organisational Development	0	0	0	0	0
	Digital Transformation & Business Support	4	7	2	0	13
	Legal Services & Communications	1	3	5	0	9
	Devon Finance Services	1	1	4	0	6
	Total Corporate Services	6	11	11	0	28
Total All Services		80	208	142	0	430

7.1.4 Highway issues continue to dominate communication from MPs with 65 letters received in the quarter (46% of all letters received). Education Services received 16 MP letters (13% of total letters received), Adult Care Operations & Health received 17 MP letters this quarter (12% of all letters received) and Planning Transportation & Environment received 12 MP Letters in the quarter (8.5% of total received).

7.2 MP Letter Responses

7.2.1 The number of letters from MPs that were closed following a response within 20 working days was 81% in Q3 which is a decline in performance on the 90% in Q2. This represents 125 of the 155 MP letters responded to in the quarter.

7.2.2 In the quarter the service areas responded within time as follows: Children's Social Care 78% (7 out of 9 responses), Education & Learning 84% (16 out of 19 responses), Adult Care Operations & Health 55% (11 out of 20 responses), Adult Care Commissioning 0% (0 out of 1 responses), Planning Transportation & Environment 83% (10 out of 12 responses), Economy & Enterprise 75% (3 out of 4 responses), Services for Communities 100% (3 responses), Highways 85% (69 out of 81 responses), Digital Transformation & Business Support 50% (1 out of 2 responses), Legal Services 100% (6 responses) and Devon Finance Services 100% (2 responses)

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7.2.3 As well as MP Letters the council also receives enquiries from Councillors and others from our customers, these are all logged as Representations and treated in exactly the same way as MP Letters. **Table 10 below** provides details of all types of Representations received across the years and the response times to these by each service area.

Table 10 – All Representations responded to by service area

		2017-18 Representation Response times				
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total YTD
Children's Social Care	MP Letters	100%	79%	78%		82%
	Clr Enquiries	n/a	n/a	n/a		n/a
	Others	70%	50%	60%		65%
	Total	80%	75%	71%		76%
Education and Learning	MP Letters	100%	94%	84%		90%
	Clr Enquiries	0%	100%	n/a		33%
	Others	100%	n/a	100%		100%
	Total	78%	94%	87%		88%
Adult Care Operations & Health	MP Letters	88%	94%	55%		80%
	Clr Enquiries	100%	100%	100%		100%
	Others	100%	93%	86%		92%
	Total	96%	94%	73%		87%
Adult Commissioning & Health	MP Letters	100%	33%	0%		50%
	Clr Enquiries	n/a	n/a	n/a		n/a
	Others	67%	100%	100%		93%
	Total	80%	60%	90%		80%
Public Health	MP Letters	100%	n/a	n/a		100%
	Clr Enquiries	n/a	n/a	n/a		n/a
	Others	100%	100%	n/a		100%
	Total	100%	100%	n/a		100%
Planning, Transportation and Environment	MP Letters	71%	93%	83%		87%
	Clr Enquiries	n/a	100%	n/a		100%
	Others	100%	83%	100%		93%
	Total	83%	91%	88%		89%
Economy and Enterprise	MP Letters	100%	60%	75%		73%
	Clr Enquiries	n/a	n/a	n/a		n/a
	Others	80%	100%	100%		89%
	Total	86%	71%	83%		80%
Highways, Infrastructure Development and Waste	MP Letters	80%	91%	85%		87%
	Clr Enquiries	n/a	50%	67%		57%
	Others	100%	93%	89%		95%
	Total	88%	90%	85%		88%
Communities	MP Letters	50%	100%	n/a		80%
	Clr Enquiries	n/a	n/a	n/a		n/a
	Others	100%	100%	75%		92%
	Total	86%	100%	75%		88%
Digital Transformation & Business Support	MP Letters	100%	100%	50%		89%
	Clr Enquiries	100%	100%	100%		100%
	Others	80%	93%	89%		88%
	Total	85%	95%	83%		89%
Legal Services & Communications	MP Letters	100%	100%	100%		100%
	Clr Enquiries	n/a	n/a	n/a		n/a
	Others	50%	50%	100%		60%
	Total	67%	75%	100%		86%
Devon Finance Services	MP Letters	100%	100%	100%		100%
	Clr Enquiries	n/a	0%	n/a		0%
	Others	n/a	100%	n/a		100%
	Total	100%	67%	100%		83%
Total All Services	MP Letters	85%	90%	81%		86%
	Clr Enquiries	82%	75%	90%		82%
	Others	90%	90%	88%		89%
	Total	87%	89%	83%		87%

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7.2 Letters Received by Individual MP

7.3.1 Table 11 provides details of the volume of communication received from each individual MP.

Table 11 Letters received by Individual MP

	Service Area	Children's Social Care	Education and Learning	Adult Care Operations & Health	Adult Commissioning & Health	Public Health	Planning, Transportation and Environment	Economy, Enterprise & Skills	Highways, Infrastructure Development and Waste	Organisations/ Development	Digital Transformation & Business Support	Legal Services & Communications	Communities	Devon Finance Services	Total
Bradshaw	Q1	2	1	8	0	0	1	0	10	0	2	0	0	0	24
	Q2	5	4	18	1	0	7	4	38	0	4	0	2	0	83
	Q3	4	3	7	0	0	5	2	18	0	2	1	0	0	42
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	11	8	33	1	0	13	6	66	0	8	1	2	0	149
Cox	Q1	3	2	1	0	0	3	0	4	0	0	0	0	0	13
	Q2	3	3	3	0	0	0	0	17	0	0	0	0	0	26
	Q3	1	2	3	2	0	0	0	10	0	0	1	0	0	19
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	7	7	7	2	0	3	0	31	0	0	1	0	0	58
Heaton-Jones	Q1	1	0	1	0	0	2	0	5	0	0	0	0	0	9
	Q2	0	1	1	0	0	2	1	6	0	0	0	0	0	11
	Q3	1	3	1	0	0	3	0	13	0	0	0	0	0	21
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	2	4	3	0	0	7	1	24	0	0	0	0	0	41
Morris	Q1	0	0	0	0	0	0	0	3	0	0	0	0	0	3
	Q2	0	0	1	0	0	0	0	6	0	1	0	0	0	8
	Q3	0	0	0	0	0	0	0	4	0	0	0	0	0	4
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	0	0	1	0	0	0	0	13	0	1	0	0	0	15
Parish	Q1	1	0	1	1	0	0	0	1	0	0	0	0	0	4
	Q2	0	3	2	0	0	4	0	0	0	0	0	0	0	9
	Q3	0	3	3	0	0	0	0	2	0	0	0	0	0	8
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	1	6	6	1	0	4	0	3	0	0	0	0	0	21
Streeter	Q1	0	1	0	0	0	0	0	1	0	0	0	0	0	2
	Q2	0	0	1	0	0	3	1	2	0	1	1	0	0	9
	Q3	0	1	3	0	0	1	1	2	0	0	0	0	0	8
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	0	2	4	0	0	4	2	5	0	1	1	0	0	19
Stride	Q1	0	2	0	1	0	1	0	5	0	0	1	0	0	10
	Q2	0	2	2	0	0	6	0	18	0	1	2	0	1	32
	Q3	1	1	0	0	0	0	1	11	0	0	2	0	0	16
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	1	5	2	1	0	7	1	34	0	1	5	0	1	58
Swire	Q1	2	0	0	0	0	1	0	3	1	1	0	0	1	9
	Q2	2	3	1	0	0	2	0	8	1	1	0	0	0	18
	Q3	1	5	0	0	0	2	0	2	0	0	0	0	0	10
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	5	8	1	0	0	5	0	13	2	2	0	0	1	37
Wollaston	Q1	0	0	3	0	0	0	0	0	0	0	0	0	0	3
	Q2	0	0	5	0	0	0	0	2	0	0	0	0	0	7
	Q3	1	0	4	0	0	1	1	4	0	0	0	0	0	11
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	1	0	12	0	0	1	1	6	0	0	0	0	0	21
Out of County	Q1	1	0	0	0	0	0	0	1	0	0	0	0	0	2
	Q2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q3	0	1	0	0	0	0	0	0	0	0	1	0	0	2
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	1	1	0	0	0	0	0	1	0	0	1	0	0	4
All MPs	Q1	10	6	14	2	1	8	0	33	1	3	1	0	1	80
	Q2	10	16	34	1	0	24	6	97	1	8	3	2	1	203
	Q3	9	19	21	2	1	12	5	66	0	2	5	0	0	142
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	29	41	69	5	2	44	11	196	2	13	9	2	2	425

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7.3.2 From this table it can be seen that Ben Bradshaw MP remains the most prolific communicator with the Council writing 42 times in Q3 (30% of all MP Letters received in Q3). Peter Heaton-Jones was the second most frequent communicator in Q3 writing 21 times.(15% of all MP Letters received in Q3) and Geoffrey Cox MP who has written 19 times in Q3 (13% of all MP Letters received in Q3).

8 Local Government Ombudsman

8.1 Complaints received about Devon County Council

8.1.1 In Q3, the council received 18 new cases from the Local Government Ombudsman. (There were 20 received in Q2)

8.1.2 These complaints were regarding the following services: 6 about Adult Care & Health, 3 regarding Highways, 3 regarding Planning, Transportation & Environment, 2 regarding Children's Social Care, and 1 each about Education & Learning, Adult Commissioning & Health, Legal Services & Devon Finance

8.1.3 Of these new complaints from the LGO in Q3 12 were at the assessment stage and 6 have gone straight to full investigation.

8.1.4 Table 12 provides detail of cases received by Council Service Area

Table 12 – Complaints received from LGO

All Services						
Realm	Service Area	LGO SERVICE CATEGORY	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18
Children's Services Jo Olsson	Children's Social Care - Jo Olsson	Education & Children's Services	6	5	2	
	Education & Learning - Dawn Stabb	Education & Children's Services	2	0	1	
	Total Children's Services		8	5	3	
Adult Care & Health Jennie Stephens	Adult Care Operations & Health - Keri Storey	Adult Care services	7	6	6	
	Adult Commissioning & Health - Tim Golby	Adult Care services	0	0	1	
	Commissioned Services	Adult Care services	0	0	0	
	Total Adult Care & Health		7	6	7	
Communities, Public Health, Environment and Prosperity Virginia Pearson	Public Health	Corporate & Other Services	0	0	0	
	Planning, Transportation and Environment	Planning & Development / Highways & Transport	1	3	3	
	Economy, Enterprise & Skills	Planning & Development / Corporate Services	0	1	0	
	Communities	Corporate & Other Services	0	0	0	
	Total Communities, Public Health, Environment and Prosperity		1	4	3	
Highways, Infrastructure Development and Waste Meg Booth	Infrastructure Development - Rob Richards	Highways and Transport	0	0	0	
	Highways - Meg Booth		3	5	3	
	Bridges and Structures - Kevin Dentith		0	0	0	
	Waste - Wendy Barratt		1	0	0	
	Built Environments - Chris Dyer		0	0	0	
	Total Highways, Infrastructure Development and Waste		4	5	3	
Corporate Services Phil Norrey	Organisational Development	Corporate & Other Services	0	0	0	
	Digital Transformation & Business Support	Corporate & Other Services	0	0	0	
	Blue Badge Service	Adult Care services	1	0	0	
	Legal Services & Communications	Corporate & Other Services	0	0	1	
	Devon Finance Services	Corporate & Other Services	1	0	1	
	Total Corporate Services		2	0	2	
Total all LGO Complaints Received			22	20	18	

8.2 Decisions on complaints by the LGO

8.2.1 In Q3 there have been 16 decisions made by the LGO on complaints about the council. The decisions were categorised as follows:

Not Upheld – no maladministration	4 complaints
Closed after initial enquiries (out of jurisdiction)	4 complaints
Closed after initial enquiries (No Further Action)	4 complaints
Premature – put through DCC Procedures	4 complaints
Total	16

8.2.2 As there have been no complaints upheld in this quarter there have been no actions required of the council

8.2.3 All LGO final decisions by can be viewed on the LGO website.

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9. Additional Information

9.1 Complaints from Children and Young People

9.1.1 The Council is still working to improve engagement with Young People and encouraging feedback to the Council is a key part of this. The MOMO (Mind of my Own) application is becoming more widely used by Young People across all of its functions.

9.1.2 In Q3 the Council has received 9 complaints from Children and Young People.

- 3 of these were received via our advocacy contract with NYAS
- 6 came direct from a Child or Young Person (they were then offered an advocate if they wanted one by none took up that offer). Of these 2 were via MOMO, 2 direct from the Young Person to the complaints team and 3 via an Advocate.

9.1.3 7 of these complaints have been concluded in the quarter and 2 remain open. Of the 7 concluded; 3 were partially upheld, 1 was Upheld, 2 were immediately resolved and 1 not upheld.

9.1.4 The 3 tables below provide details of these complaints.

Table 14a – Complaints from Young People

Complaints from Children and Young People inc. Advocacy					
	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
No. of complaints direct from children	7	7	6		20
No. of those took up offer of advocacy	0	0	1		1
No. of NYAS/other advocacy complaints	2	2	3		7
Total No. of all complaints from children inc advocacy	9	9	9	0	27

Table 14b – Complaints from Young People

Route of complaint to CRT	Q1	Q2	Q3	Q4	YTD
Via IRO	0	1	0		1
Via Sworker	0	0	0		0
Atkinson Unit	2	1	2		5
MOMO	5	2	2		9
Direct from YP (not via MOMO)	0	3	2		5
Advocate	2	2	3		7
Total	9	9	9	0	27

Table 14c – Young People Complaint Outcomes

Outcomes of investigated YP complaints					
	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Upheld	2	0	1		3
Partially Upheld	2	3	3		8
Not Upheld	0	1	1		2
No Finding	2	2	0		4
Immediately resolved	2	1	2		5
Withdrawn	0	0	1		1
Rejected awaiting advocate complaint	0	0	1		1
Rejected as not for DCC	0	0	0		0
Complaint still open	1	2	0		3
Total	9	9	9	0	27

Note the process for Yps that accept offer of advocacy is that the original complaint is closed as rejected, then the complaint from the advocate is logged as a new complaint when received

10.2 General Information

10.2.11f there is any aspect of customer feedback that Cabinet/LG7 feels would be especially useful to be included in the report in future if contact could be made via the Customer Relations Manager all consideration will be given to whether it is possible.

Carol Reece – Customer Relations Manager - carol.reece@devon.gov.uk - Tel: 01392 383624

Rob Parkhouse
Head of Digital Transformation & Business Support

believe that attainment of high ethical standards is a crucial element of the work of any public body and the transparent robust application of those in public service is particularly important. This summary report shows how the Committee has undertaken those tasks during the previous 12 months but also how it continues to contribute to and offer the necessary direction to shape the governance culture and ethos of the organisation.

The County Council's Standards Committee comprises eleven persons, five of whom are co-opted, with the other seven Members being Councillors (not Cabinet Members) who represent the membership of the Council.

Standards Committee Members:

County Councillors:

Councillor Radford (Chair)
Councillor Asvachin
Councillor Bloxham
Councillor Polly Colthorpe
Councillor Brian Greenslade
Councillor John Mathews
Vacancy

Co-opted Members:

Anne Mayes
Ruth Saltmarsh
Ray Hodgins
Sir Simon Day
Mr Hipkin

Members of the Committee work together to promote the importance of high standards of behaviour and systems of governance to create a climate where complaints or problems rarely arise. The Chair of the Committee is held automatically by the Chair of the County Council recognising the traditional impartiality of that role. The County Council has long recognised the added value brought by an independent voice on its Standards Committee. More information about the Committee and its terms of reference, is set out in the Council's Constitution, and can be seen on the Council's [website](#).

The Standards Committee acts as champion and guardian of the County Council's ethical standards and is responsible for promoting and maintaining high standards of conduct by elected Members and co-opted Members of the Council. Article 3 of the Council's Constitution makes it clear that any member of the public may complain to the Monitoring Officer about an alleged breach of the Members' Code of Conduct which is set out in Part 6 of the County Council's Constitution available on the Council's website at: http://www.devon.gov.uk/index/your_council/decision_making/constitution.htm.

The Committee met 4 times in 2017/18 with 3 ordinary meetings and 1 convened to consider the outcome of an investigation. Co-opted Members attended a further 15 meetings of the Council, Cabinet or Committees to observe and monitor compliance with the Council's ethical governance framework. A number of practical observations were made about speaking, use of microphones, identification, use of nameplates and punctuality, but no specific behaviours were observed which might have resulted in a breach of the code or would warrant further action. Steps were taken to address those practical matters identified.

The Council has put in place arrangements for dealing with complaints against Members and to deal with any allegations that Members may have breached the Code of Conduct. The Council has appointed 'Independent Persons' in line with the requirements of the Localism Act 2011, one of whom has to be consulted and their views taken into account before reaching any decision about an allegation. More information about the Council's processes, the Code of Conduct and the complaints process can be found on the Council's website at: <https://new.devon.gov.uk/democracy/councillors-nav/making-a-complaint-about-a-devon-county-councillor>

The Committee also approved additional guidance to help the Council deal with complaints about sensitive personal issues, such as alleged harassment (including sexual harassment), bullying or victimisation alongside issues of confidentiality and / or anonymity of the complainant. This included an acceptable conduct and guidance note to be read alongside the Members' Code of Conduct and the Council's Acceptable Behaviour Policy.

Agenda Item 5

A total of 8 complaints were received under the Members Code of Conduct alleging breaches of the code relating variously to Councillors failing to treat others with respect, speaking rudely to staff, exercising undue influence and bullying and failure to deal with a constituent enquiry. Following an initial assessment of each complaint involving the Independent Person appointed by the Council, no further action was taken on 6 of the complaints on the basis that either there had been no material breach of the code that would warrant further investigation or the allegations would not constitute a breach of the Code of Conduct and therefore could not be investigated. In one case, the subject Member was not a Councillor at the time of the alleged incidents.

There were 2 cases where a formal investigation was required. The first was an allegation that at a meeting of a Council Committee, the subject Member failed to apply one or more of the Principles of Public Life set out at paragraph 1.2 of the Council's Code of Conduct for Councillors and, in particular, breached the specific provisions set out at paragraphs 4 and 5 (a), (c), (d), (g) and (h) in the Code in that they failed to treat others with courtesy and respect and generally that their actions could be characterised as bullying or intimidation and/or a potential abuse or misuse of power and that they had conducted themselves in a manner to bring their office and/or the Council into disrepute. The outcome was heard by the Committee in August 2017, that the allegations were not proven and there was no breach of the Code of Conduct, however a number of recommendations were made for further training in Governance issues and meeting procedures. The second case is ongoing and has not formally reported yet.

No individual dispensations were granted to Members of the Council to allow them to speak and vote on any matter before the Council or a Committee. However, the general dispensation was extended to include business owners when discussing the budget and fees and charges.

The Committee monitors the operation of the Council's feedback and complaints processes and receives reports on compliments, representations and complaints received under the corporate feedback system. While acknowledging there was always room for improvement, the highly satisfactory results of that monitoring were again commendable. The last report received by the Committee (Q2 of 2017/2018) showed an increase in the items of feedback received and also 14 fewer complaints received across the Council in Q2 compared to Q1 (465 compared to 479). The annual report for 2016/2017 (considered by the Committee in July 2017) showed that overall there had been a reduction not only in the number of individual items of customer feedback received but also in the numbers of complaints and complements received over the previous year.

The Committee acknowledged that no procedural issues had been raised by the **Local Government Ombudsman** following complaints made to them or of any question of probity by elected Members or officers during 2016/2017. There had been a decrease in the number of complaints to the Ombudsman in 2016/17 to 118 (148 in 2015/2016) which was a positive shift. In 2016/2017 only 25 complaints that received decisions were upheld.

The Committee made representations to the Government's Consultation on the Disqualification Criteria for Councillors and Mayors.

Looking Ahead: While much of the work of the Committee is demand led, it will continue to monitor elected Members performance at meetings of the Council, Cabinet and other Committees and adherence to the Council's ethical governance framework; to monitor and receive reports on compliments, representations and complaints received under the corporate feedback system; to monitor and consider any feedback arising from complaints to the Ombudsman and any issues raised by them about complaints handling and to identify and support provision of regular training and refresher events for elected Members of the Council (particularly on the importance of the Code of Conduct and high standards of ethics and probity). The main issue for 2017/18 was ensuring that the new Council was conversant with the Council's governance framework, its interpretation and application of the Code of Conduct and the Council's own working practices to ensure compliance. A number of training and induction events were held covering these matters.

During 2017/18 the Monitoring Officer held 'open house' sessions for Members prior to each Council meeting to discuss issues around ethical governance including:

- meetings procedures / rules of debate and speaking*
- declarations of Members' Interests & Conduct Issues*
- representing the Council on other organisations*

A [third] ethical governance audit and self-assessment survey of Councillors and Officers is planned for the end of the first year of office of the new Council – to gauge both the understanding of newly elected Members and the effectiveness of Induction Training and Member Development provided following after the 2017 elections.

The Agenda and Minutes of the Committee, together with Reports considered at the meeting are published [online](#).

Prepared by Devon County Council's Monitoring Officer.

Copies of this Report may be obtained from the Democratic Services & Scrutiny Secretariat at County Hall, Topsham Road, Exeter, Devon, EX2 4QD or email committee@devon.gov.uk and is also available on the County Council's [website](#).

Agenda Item 6

CSO/18/01
Standards Committee
12 March 2018

ETHICAL GOVERNANCE FRAMEWORK MONITORING

Report of the County Solicitor

Recommendation: that the report be noted.

1. The Standards Committee agreed previously that the independent, co-opted, members of the Committee should attend meetings of the Council, the Cabinet and Committees on an ad-hoc basis to observe and monitor compliance with the Council's ethical governance framework, in line with the agreed protocol.
2. Members have, since the report to the previous meeting, attended the following meetings and their views/feedback are summarised below.

Meeting		Co-opted Member/Observer
Farms Estate	4 December 2017	Mrs Saltmarsh
Exeter Highways	16 January 2018	Mrs Mayes
Children's Scrutiny	23 January 2018	Mrs Saltmarsh
Health and Adult Care Scrutiny	25 January 2018	Sir Simon Day
Devon Authorities Strategic Waste Committee	7 February 2018	Mr Hipkin
Investment & Pension Fund	23 February 2018	Mr Hodgins

3. The following table summarises feedback received from Members on a number of general issues common to all meetings.

Observations:	1 = Very Poor and 5 = Very Good				
	1	2	3	4	5
Punctuality and Attendance of Members				✓	✓✓✓✓✓
Appearance and presentation				✓✓✓	✓✓✓
Speeches: clear, relevant, understandable, audio levels, use of microphones etc.,			✓✓	✓✓✓	✓
Use of appropriate language					✓✓✓✓✓
Members' Conduct & Behaviour				✓✓	✓✓✓✓
Clear identification and declaration of interests (<i>where so declared</i>)				✓✓	✓✓✓

Agenda Item 6

Effective Chairmanship/conduct of meeting				✓✓	✓✓✓✓
Adherence to Agenda				✓✓✓	✓✓✓
Listening and responding to advice (from Officers)				✓✓	✓✓✓✓

4. While there were a number of other issues raised by co-opted members in their observations, as set out below, there were no reports of any specific actions or behaviors that might be felt to have resulted in a potential breach of the Code or warranted further action

5. Specific observations by the independent co- opted members were:
 - That it was helpful to receive a history and update on the Farms Estate;
 - visitors were welcomed and audience was attentive and enquiring;
 - with a matter on the Agenda under Part II, Committee Members were familiar with the matter and consideration was given to the best way forward, the proper procedure was followed;
 - positive meeting where the vast majority of what was reported and discussed was positive, constructive and agreed by all;
 - even though a small Committee and no public were present, it would be helpful microphones were used and that the Chair could remind everybody at the beginning to so do;
 - the supporting paperwork was very good and the Committee benefited from contributions from Officers which were of an equally high standard;
 - the meeting was rather long winded;
 - attendance was good;
 - use of microphones was much better than in many meetings;
 - some matters raised at the Budget meeting were transferred to the afternoon meeting;
 - not clear what the tasks were for the working lunch;
 - the paperwork was, as always, excellent;
 - surprised there was not more critical analysis of the actual budget figures;
 - the meeting was professionally conducted;
 - the Power Point slides used were useful and interesting, particularly when figures were discussed, and important points illustrated with graphs and pie charts;
 - not many questions or points of clarification, but these were dealt with competently;
 - some Members of the Committee did spend time on their smartphones;
 - Effective Chairing; and
 - Christian names had been used.

6. This Report has no specific equality, sustainability, legal or public health implications that have not already been assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements relating to the conduct of meetings, to safeguard the Council's position.

JAN SHADBOLT

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for Enquiries: K Strahan

Tel No: 01392 382264 Room: G31

<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
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Nil

HEART OF THE SOUTH WEST – ESTABLISHMENT OF A JOINT COMMITTEE AND GOOD GOVERNANCE

Report of the County Solicitor

Recommendation: that the report be noted, including Governance arrangements for the Joint Committee, particularly in relation to adherence to Codes of Conduct and high standards of ethical behaviour.

1. Introduction

1.1 This report has been produced to brief Members of the establishment of a Joint Committee, commencing in January 2018, in relation to the Heart of the South West Devolution activities and highlighting the Governance arrangements in place.

2. Background / Scope

2.1 Since August 2015, Devon and Somerset County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks, the Local Enterprise Partnership (LEP) and the three Clinical Commissioning Groups have worked in partnership to progress towards securing a devolution deal for the HotSW area, focusing on delivering improved productivity.

2.2 On 16 February 2017 (Minute 86 refers) the Council gave 'in principle' approval to the establishment of a HotSW Joint Committee, subject to approving the Joint Committee's constitutional arrangements and an inter-authority agreement necessary to support the Joint Committee.

2.3 Later in 2017, representatives of HotSW met Jake Berry MP, Minister for Devolution and had a very positive meeting that Government would welcome a bid from the partnership to progress those ambitions around improving productivity. One of the previous barriers had been the requirement to have an elected mayor for Devon and Somerset as a condition of any deal, but the Minister confirmed there would be no such requirement.

2.4 The Joint Committee would provide the ideal governance framework to take forward the devolution and productivity dialogue with Government.

3. Joint Committee

3.1 The key role of the HotSW Joint Committee is to develop, agree and ensure the implementation of the Productivity Strategy. The Strategy will agree a common vision for increased prosperity through economic growth informed by a local evidence base and engagement with local stakeholders. It will also link to Government policy initiatives, particularly in relation to the Industrial Strategy, and will form the basis of developing the collective 'ask' of Government.

Agenda Item 7

4. Governance

4.1 The documents approved at the Council meeting on 7 December 2017 detailed the Administering Authority functions in support of the operation of the Committee, including the provision of financial, legal, constitutional and administrative support to the Committee.

4.2 In the event the remit of the Joint Committee expands to take on more decision-making responsibilities and functions of the constituent authorities, the Arrangements and Inter-Authority agreement would be revisited to ensure it remained fit for purpose and proportionate. Also, such expansion of functions / responsibilities would require the approval of the constituent authorities.

4.3 The Joint Committee may also propose amendments to the Arrangements document, but it needed the approval of all Constituent Authorities.

5. Members Conduct

5.1 The Report outlined that all Members of the Joint Committee would observe the "Seven Principles of Public Life" (the 'Nolan' principles) and would be bound by their own authority's Code of Conduct in their work on the Joint Committee.

5.2 Joint Committee members / representatives would also be subject to the Code of Conduct for elected members adopted by the Constituent Authority that nominated them to be a Joint Committee member or to the conduct requirements of the organisation that appointed them. This included the requirement to declare relevant interests at formal meetings of the Joint Committee.

5.3 Members were also expected to act in the interests of the Joint Committee as a whole, except where this would result in a breach of a statutory or other duty to their Constituent Authority or would be in breach of their Constituent Authority's Code of Conduct.

6. Summary / Conclusion

6.1 In summary, the Committee is asked to note the Report and be assured that Members of the Joint Committee are expected to adhere to the requirements of the 'Arrangements' document, as agreed by the Council on 7 December 2017 and that Members are expected to maintain high ethical standards of actions and behaviours.

JAN SHADBOLT

[Electoral Divisions: All

Local Government Act 1972: List of Background Papers

Contact for Enquiries: K Strahan

Tel No: 01392 382264 Room: G31

<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
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Nil

INTIMIDATION IN PUBLIC LIFE

Report of the County Solicitor

Recommendation: that the report be noted.

INTRODUCTION

1. The Report was the 17th report of the Committee of Standards in Public Life, on intimidation in public life. This followed the request to undertake a review on the intimidation of Parliamentary candidates in July 2017, but also considering the wider implications for public office-holders, and producing recommendations for action.
2. The executive summary is attached to this covering report.

BACKGROUND

3. The report outlined that whilst intimidation in public life is nothing new, the scale and intensity of intimidation is now shaping public life in ways which are a serious issue. Also, Intimidation also reflects broader issues with our public political culture and the report states that those in public life must take responsibility for shaping that culture.
4. To understand this issue, the investigation heard from a range of individuals and organisations, including candidates, MPs, social media companies, local councillors, regulatory bodies, broadcasters and journalists, police and security authorities, and other relevant stakeholders. There were 34 individual meetings, a roundtable, and a public and private hearing. 88 written submissions to the call for evidence were also received.

RECOMMENDATIONS OF THE REPORT

5. The recommendations stand as a package and it is suggested they should be implemented together, as a comprehensive response to the issue, which is of central importance to representative democracy.
6. Of particular note was the widespread use of social media which has been the most significant factor accelerating and enabling intimidatory behaviour in recent years. Although social media helps to promote widespread access to ideas and engagement in debate, it also creates an intensely hostile online environment.
7. The attached executive summary includes a table of recommendations, mainly aimed at Social Media companies, However there are other recommendations for Government and Policing organisations. As well as recommendations for those in positions of leadership within political parties and political parties themselves.
8. Members will further note there is a recommendation for Local Authority Monitoring Officers to ensure that members required to declare pecuniary interests are aware of the sensitive interests provisions in the Localism Act 2011, but also that this is included in the Members Code of Conduct in the Constitution.

Agenda Item 8

9. There are also five recommendations for all those in public life including;
- Nobody in public life should engaging in intimidatory behaviour, nor condone or tolerate it, as all in public life have a responsibility to challenge and report it wherever it occurs;
 - Seeking to uphold high standards of conduct, adhering to the Seven Principles of Public Life, and help prevent a decline in public trust in political institutions through their own conduct;
 - Setting and protecting a tone in public discourse which is not dehumanising or derogatory, and which recognises the rights of others to participate in public life;
 - Having a responsibility not to use language which engenders hatred or hostility towards individuals because of their personal characteristics; and
 - Not engaging in highly personalised attacks, nor portray policy disagreements or questions of professional competence as breaches of ethical standards.

SUMMARY / CONCLUSION

10. The report makes recommendations meaning that all those across public life must work together to address the problem and there needs to be greater action from social media companies, political parties, Parliament, the police, broadcast and print media, and from MPs and Parliamentary candidates themselves. This in turn means leadership by the largest political parties, which, as the report highlights, is all the more important in the light of recent allegations of sexual harassment and bullying in Parliament which will have shaken public confidence.

11. The report proposed legislative changes that Government should bring forward on social media companies' liability for illegal content online, and an electoral offence of intimidating Parliamentary candidates and party campaigners. Political parties must also put in place measures for more effective joint working to combat intimidation in advance of the next general election. In the long term, prevention will be more effective and important than any individual sanction. Those in public life must adopt a more healthy public discourse and must stand together to oppose behaviour which threatens the integrity of public life.

11. This Report has no specific equality, sustainability, legal or public health implications that have not already been assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements relating to the conduct of meetings, to safeguard the Council's position.

JAN SHADBOLT

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

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<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
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Nil

Intimidation in Public Life

**A Review by the
Committee on
Standards in Public Life**

**Committee on
Standards in
Public Life**





Intimidation in Public Life: A Review by the Committee on Standards in Public Life

Presented to Parliament
by the Prime Minister
by Command of Her Majesty
December 2017



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The Seven Principles of Public Life

The Principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

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 declare 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.



**Dear Prime Minister,**

I am pleased to present the 17th report of the Committee of Standards in Public Life, on intimidation in public life. You invited the Committee to undertake a review on the intimidation of Parliamentary candidates in July 2017, considering the wider implications for public office-holders, and producing recommendations for action which could be taken in the short- and the long-term. The Committee wishes to thank all those who gave evidence to the review, particularly those who were willing to relate often highly personal and distressing experiences of intimidation.

The vitality of our political culture depends upon free and vigorous expression of opinion, and it is crucial that this freedom is preserved.

The increasing prevalence of intimidation of Parliamentary candidates, and others in public life, should concern everyone who cares about our democracy. This is not about defending elites from justified criticism or preventing the public from scrutinising those who represent them: it is about defending the fundamental structures of political freedom.

A significant proportion of candidates at the 2017 general election experienced harassment, abuse and intimidation. There has been persistent, vile and shocking abuse, threatened violence including sexual violence, and damage to property. It is clear that much of this behaviour is targeted at certain groups. The widespread use of social media platforms is the most significant factor driving the behaviour we are seeing.

Intimidatory behaviour is already affecting the way in which MPs are relating to their constituents, has put off candidates who want to serve their communities from standing for public offices, and threatens to damage the vibrancy and diversity of our public life. However, the Committee believes that our political culture can be protected from further damage if action is taken now.

Having taken evidence from a number of Parliamentary candidates, and a range of expert organisations and members of the public, it is clear that there is no single, easy solution. But, at a watershed moment in our political history, it is time for a new and concerted response.

Our report makes recommendations which address the full breadth of the problem we face. Those across public life must work together to address this problem: we must see greater energy and action from social media companies, political parties, Parliament, the police, broadcast and print media, and from MPs and Parliamentary candidates themselves. Above all, this is a question of leadership by our largest political parties. This is all the more important in the light of recent allegations of sexual harassment and bullying in Parliament which will have shaken public confidence in politicians. Political parties will need to work together to address intimidation in public life; they should not use this report and its recommendations for partisan purposes or political gain.

We propose legislative changes that the government should bring forward on social media companies' liability for illegal content online, and an electoral offence of intimidating Parliamentary candidates and party campaigners. Political parties must also put in place measures for more effective joint working to combat intimidation in advance of the next general election. In the long term, prevention will be more effective and important than any individual sanction. Those in public life must adopt a more healthy public discourse and must stand together to oppose behaviour which threatens the integrity of public life.

I commend the report to you.

Lord Bew

Chair, Committee on Standards in Public Life





“While we celebrate our diversity, what surprises me time and time again as I travel around the constituency is that we are far more united and have far more in common than that which divides us.”

Jo Cox MP





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Executive summary

Intimidation in public life presents a threat to the very nature of representative democracy in the UK. Addressing this intimidatory, bullying and abusive culture matters. It matters for the diversity of our public life, it matters for the way in which the public can engage with representative democracy, and it matters for the freedom to discuss and debate issues and interests.

While intimidation in public life is nothing new, the scale and intensity of intimidation is now shaping public life in ways which are a serious issue. Social media companies have been too slow in taking action on online intimidation to protect their users. The political parties have failed to show leadership in calling out intimidatory behaviour and changing the tone of political debate. Police authorities have shown inconsistency in supporting those facing illegal intimidatory activities, and electoral law is out of date on this issue. So, we make recommendations for action to social media companies, political parties, government, police and prosecutors.

Intimidation also reflects broader issues with our public political culture. Those in public life must take responsibility for shaping that culture. They must take steps to ensure that their behaviour does not open the door for intimidation and work to build public trust in public life. They should uphold high ethical standards, and should never themselves engage in, incite or encourage derogatory or dehumanising political debate.

To understand this issue we have heard from a range of individuals and organisations, including candidates, MPs, social media companies, local councillors, regulatory bodies, broadcasters and journalists, police and security authorities, and other relevant stakeholders. We held 34 individual meetings, a roundtable, and a public and private hearing. We also received 88 written submissions to our call for evidence.

Our recommendations stand as a package. They should be implemented together, as a comprehensive response to an issue of central importance to our representative democracy. It is clear that determined action on the part of all those involved is required. The cost of not doing so is too high.

Our recommendations

The widespread use of **social media** has been the most significant factor accelerating and enabling intimidatory behaviour in recent years. Although social media helps to promote widespread access to ideas and engagement in debate, it also creates an intensely hostile online environment. Some have felt the need to disengage entirely from social media because of the abuse they face, and it has put off others who may wish to stand for public office.

In the fast-paced and rapidly developing world of social media, the companies themselves and government must both proactively address the issue of intimidation online. Not enough has been done. The Committee is deeply concerned about the limited engagement of the social media companies in tackling these issues.

Currently, social media companies do not have liability for the content on their sites, even where that content is illegal. This is largely due to the EU E-Commerce Directive (2000), which treats the social media companies as 'hosts' of online content. It is clear, however, that this legislation is out of date. Facebook, Twitter and Google are not simply platforms for the content that others post; they play a role in shaping what users see. We understand that they do not consider themselves as publishers, responsible for reviewing and editing everything that others post on their sites. But with developments in technology, the time has come for the companies to take more responsibility for illegal material that appears on their platforms.



The government should seek to legislate to shift the balance of liability for illegal content to the social media companies away from them being passive ‘platforms’ for illegal content. Given the government’s stated intention to leave the EU Single Market, legislation can be introduced to this effect without being in breach of EU law. We believe government should legislate to rebalance this liability for illegal content, and thereby drive change in the way social media companies operate in combatting illegal behaviour online in the UK.

Government should bring forward legislation to shift the liability of illegal content online towards social media companies.

The social media companies are not providing a safe experience for their users. This is having a severely negative impact on a wide range of people in public life, who can be subject to persistent, vitriolic and threatening abuse online.

In advance of legislative change, social media companies must take responsibility for developing technology and the necessary options for users to tackle the issue of intimidation and abuse on their platforms.

Social media companies must develop and implement automated techniques to identify intimidatory content posted on their platforms. They should use this technology to ensure intimidatory content is taken down as soon as possible.

Social media companies must do more to prevent users being inundated with hostile messages on their platforms, and to support users who become victims of this behaviour.

Social media companies must implement tools to enhance the ability of users to tackle online intimidation through user options.

The Committee is deeply concerned about the failure of Google, Facebook and Twitter to collect performance data on the functioning of their report and takedown processes. Their lack of transparency is part of the problem. None of these companies would tell us if they collect this data, and do not set targets for the time taken for reported content to be taken off the platform. This seems extraordinary when their business is data driven in all other aspects. This data must be collected, and made available to users to judge the companies’ performance on takedown.

All social media companies must ensure they are able to make decisions quickly and consistently on the takedown of intimidatory content online.

Twitter, Facebook and Google must publish UK-level performance data on the number of reports they receive, the percentage of reported content that is taken down, and the time it takes to take down that content, on at least a quarterly basis.

Social media companies must urgently revise their tools for users to escalate any reports of potential illegal online activity to the police.

Political tensions run high during election campaigns, and this also plays out online. During election campaigns, political debate and discussion online can become particularly heated. This can be amplified when intimidatory content online is not taken down quickly enough, as it shapes the tone of political debate.



Therefore, government should work with the social media companies to develop an independent body which can be set up during election campaigns as a ‘trusted flagger’ social media reporting team for illegal, hateful and intimidatory content. This would lead to any intimidatory content online being dealt with more quickly during the fast-paced context of an election.

The social media companies should work with the government to establish a ‘pop-up’ social media reporting team for election campaigns.

Social media companies should actively provide advice, guidance and support to Parliamentary candidates on steps they can take to remain safe and secure while using their sites.

Political parties have an important duty of care to their candidates, members and supporters to take action to address intimidation in public life. Intimidation takes place across the political spectrum, both in terms of those engaging in and those receiving intimidation.

The leadership of political parties must recognise this duty of care, and call out and condemn intimidatory behaviour wherever it occurs. Political parties must also be prepared to work together and engage constructively on these issues. Although political parties rely heavily on volunteers, particularly at election time, given the seriousness of the intimidation experienced by candidates and others, the parties have a responsibility to show leadership in addressing intimidation.

Those in positions of leadership within political parties must set an appropriate tone during election campaigns, and make clear that any intimidatory behaviour is unacceptable. They should challenge poor behaviour wherever it occurs.

Political parties must proactively work together to tackle the issue of intimidation in public life.

Some of those engaging in intimidatory behaviour towards Parliamentary candidates and others are members of political parties and/or the fringe groups of political parties. Leaders across the political spectrum must be clear that they have no tolerance for this sort of behaviour in their party, wherever it occurs. They should not remain silent whenever and wherever intimidation takes place.

One important part of setting expectations for the appropriate behaviour is through a code of conduct for members. Codes of conduct should also be supported by training on the code, and backed-up with appropriate disciplinary processes and sanctions for inappropriate behaviour.

Political parties should set clear expectations about the behaviour expected of their members, both offline and online through a code of conduct for members which specifically prohibits any intimidatory behaviour. Parties should ensure that members are familiar with the code. The consequences of any breach of the code should be clear and unambiguous.

Political parties must ensure that party members who breach the party’s code of conduct by engaging in intimidation are consistently and appropriately disciplined in a timely manner.

Political parties must collect data on the number of complaints against members for engaging in intimidatory behaviour, and the outcome of any disciplinary processes which result from these complaints.



Leaders of political parties should always call out intimidatory behaviour, even when it is perpetrated by those in the party's fringes. Fringe group leaders and spokespeople should immediately denounce any intimidatory behaviour on the part of their members or supporters.

To tackle this issue, more cross-party collaboration is needed. The parties should come together to develop a joint code of conduct on intimidatory behaviour during election campaigns. This would encourage cross-party consensus on recognising and addressing the issue, and reduce the party political element of enforcing breaches of the code.

This code should be jointly enforced by the political parties through regular meetings during election campaigns. By working together, parties can take steps to set aside partisan differences to combat the important issue of intimidation in our public life.

The political parties must work together to develop a joint code of conduct on intimidatory behaviour during election campaigns by December 2018. The code should be jointly enforced by the political parties.

Political parties have a responsibility to support and try to protect those who give their time, often on a voluntary basis, towards the democratic process and public life. This includes support and training on online campaigning.

In particular, the parties must provide support for those who are most likely to be subject to the most intensely hostile abuse online. We are deeply concerned about the impact of intimidation on the diversity of our representative democracy, therefore, the parties have an important responsibility to support female, BAME, and LGBT candidates and prospective candidates in particular.

Political parties must take steps to provide support for all candidates, including through networks, training, support and resources. In particular, the parties should develop these support mechanisms for female, BAME, and LGBT candidates who are more likely to be targeted as subjects of intimidation.

Political parties must offer more support and training to candidates on their use of social media. This training should include: managing social media profiles, block and mute features, reporting content, and recognising when behaviour should be reported directly to the police.

For the **law** to be effective and enforceable, existing legislation must have a sufficient scope, the **police** must be able to curtail and contain intimidatory behaviour, as well as be able to gather the required evidence where a prosecution is appropriate, and **prosecutors** must have appropriate guidance in place.

We have seen no evidence that the current criminal law is insufficient. New offences specific to social media are unnecessary and could be rendered out-dated quickly.

Intimidation of Parliamentary candidates is of particular significance because of the threat it poses to the integrity of the democratic process and of public service more widely. Specific electoral sanctions would reflect the seriousness of this threat. A new electoral offence of intimidating Parliamentary candidates and party campaigners during an election should be considered. This would serve to highlight the seriousness of the issue, result in more appropriate sanctions, and serve as a deterrent to those specifically targeting Parliamentary candidates and their supporters.



The government should consult on the introduction of a new offence in electoral law of intimidating Parliamentary candidates and party campaigners.

The requirement that candidates standing for election as local councillors must publish their home address on the ballot paper has enabled intimidatory behaviour. There is cross-party consensus for legislation to remove this requirement, which the government should bring forward. Provisions already exist to prevent local authority members' particular financial and other interests being publicly declared where there is a risk of intimidation to them or their family, and these provisions should be drawn to members' attention by Monitoring Officers.

The government should bring forward legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. Returning Officers should not disclose the home addresses of those attending an election count.

Local Authority Monitoring Officers should ensure that members required to declare pecuniary interests are aware of the sensitive interests provisions in the Localism Act 2011.

There have been a significant number of prosecutions and convictions, with a relatively high rate of successful prosecutions, for offences covering intimidatory behaviour. The Crown Prosecution Service (CPS) guidelines on cases involving social media communications rightly set a high evidential threshold and demanding public interest test, in order to ensure compatibility with the Article 10 right to freedom of expression under the European Convention on Human Rights.

We are persuaded that the CPS guidelines are reasonable and proportionate.

We commend the work of the Parliamentary Liaison and Investigation Team (PLaIT), a specialist police team based in Parliament which is building a national picture of the security threat to MPs and acts as a central point of contact and advice for individual MPs, and makes recommendations for additional security measures. However, its effectiveness requires MPs to make full use of the advice and services offered to them and to report any threats.

MPs should actively co-operate with the police and other security services working to address the security threats facing Parliamentarians and Parliamentary candidates.

There is currently inconsistency in the approach taken locally by police forces in policing intimidatory behaviour towards Parliamentary candidates. This may be due to police forces not fully understanding the context in which MPs and candidates operate, as well as a lack of understanding of social media technologies. Whilst we are mindful of pressures on police resources, better guidance and training is needed in this area.

The National Police Chiefs Council should ensure that local police forces have sufficient training to enable them to effectively investigate offences committed through social media. Local police forces should be able to access advice and guidance on the context in which MPs and Parliamentary candidates work.

There is a lack of policing guidance on offences which constitute intimidation during election periods, and local police sometimes conflate personal threats and public order offences. General election periods are a heightened environment in which candidates, in particular MPs standing for re-election, are more likely to experience intimidation.



The College of Policing Authorised Professional Practice for elections should be updated to include offences relating to intimidation, including offences committed through social media.

The rise of social media, in particular its transnational reach, has created significant challenges for policing. A most significant challenge is establishing who is responsible for sending a particular communication.

The Home Office and the Department for Digital, Culture, Media and Sport should develop a strategy for engaging with international partners to promote international consensus on what constitutes hate crime and intimidation online.

Parliamentary candidates have a broad range of expectations about what the police would be able to do in response to intimidatory behaviour they experience. Greater clarity as to what behaviour is and is not illegal, and what Parliamentary candidates can expect from their local police force, would assist Parliamentary candidates during a campaign and would result in more effective policing.

The National Police Chiefs Council, working with the Crown Prosecution Service and the College of Policing, should produce accessible guidance for Parliamentary candidates giving clear advice on behaviour they may experience during a campaign which is likely to constitute a criminal offence and what they should do in the face of such intimidation.

It is important that those who perpetrate intimidatory behaviour face proportionate legal sanctions. However, the law is a blunt instrument for dealing with much intimidatory behaviour. Policing and the law should not be seen as the primary means of addressing this issue. The primary focus must be on prevention.

Everyone in public life must play their part in **taking responsibility** for combatting intimidatory behaviour; this includes in particular MPs, leaders of political parties, and the media. They all play a role in shaping a healthy public political culture which does not open the door to intimidation.

The public's lack of trust in politics and the political system creates an environment where intimidation in public life is more likely. Everyone in public life must take responsibility for turning this around. They need to uphold high ethical standards, so that they do not undermine or bring into disrepute the institutions they are part of. This point was emphasised in the submissions to our review from members of the public.

Nobody in public life should engage in intimidatory behaviour, nor condone or tolerate it. All those in public life have a responsibility to challenge and report it wherever it occurs.

Those in public life should seek to uphold high standards of conduct, adhering to the Seven Principles of Public Life, and help prevent a decline in public trust in political institutions through their own conduct.

Those in positions of power and leadership in public life have a particular responsibility to consider how their tone is likely to shape public debate, and must not engage in political debate in a derogatory, dehumanising, or abusive way.

In particular, they must seek to stop intimidation based on prejudice or hate, which has a disproportionately negative impact on women, BAME, LGBT and other candidates from minority groups. It is essential that those in positions of leadership take steps to stop hatred and intimidation based on personal characteristics.



Those in public life must set and protect a tone in public discourse which is not dehumanising or derogatory, and which recognises the rights of others to participate in public life.

Those in public life have a responsibility not to use language which engenders hatred or hostility towards individuals because of their personal characteristics.

The broadcast and print media also have a responsibility to help tackle the intimidatory tone of public life. The freedom of the press is essential and must be protected. Nevertheless, journalists, broadcasters and editors should consider how the content they create might incite intimidation through delegitimising someone's engagement in the political process, placing undue influence on their individual characteristics, or using threatening language. While continuing their important scrutiny of those in public office, they must also be careful they are not unduly or unfairly undermining trust in the political system, especially through portraying stories about disagreements as breaches of ethical standards.

The media must also take active steps to prevent intimidation by ensuring that they do not encourage or incentivise obtaining stories through intimidation or harassment.

Press regulation bodies should extend their codes of conduct to prohibit unacceptable language that incites intimidation.

News organisations should only consider stories from freelance journalists that meet the standards of IPSO's Editors Code, or the Editorial Guidelines of Impress, as appropriate, and ensure that freelance journalists are aware of this policy.

Election campaigns are competitive and Parliamentary politics is adversarial. Candidates and MPs must be able to have robust political debate within our democracy without opening the door to intimidation. Where candidates engage in highly personalised attacks, or blur the distinctions between policy differences, professional failures and breaches of ethics, they legitimise the behaviour of others who seek to engage in intimidation. They also undermine trust in the political system.

Those in public life should not engage in highly personalised attacks, nor portray policy disagreements or questions of professional competence as breaches of ethical standards.



Summary table of recommendations and timeframes

Recommendation	Responsibility	Timeframe
Government should bring forward legislation to shift the liability of illegal content online towards social media companies.	Government	On exiting the EU
Social media companies must develop and implement automated techniques to identify intimidatory content posted on their platforms. They should use this technology to ensure intimidatory content is taken down as soon as possible.	Social media companies	Immediately
Social media companies must do more to prevent users being inundated with hostile messages on their platforms, and to support users who become victims of this behaviour.	Social media companies	Immediately
Social media companies must implement tools to enhance the ability of users to tackle online intimidation through user options.	Social media companies	Immediately
All social media companies must ensure they are able to make decisions quickly and consistently on the takedown of intimidatory content online.	Social media companies	Immediately
Twitter, Facebook and Google must publish UK-level performance data on the number of reports they receive, the percentage of reported content that is taken down, and the time it takes to take down that content, on at least a quarterly basis.	Social media companies	At least every quarter, beginning in the first quarter of 2018
Social media companies must urgently revise their tools for users to escalate any reports of potential illegal online activity to the police.	Social media companies	Immediately
The social media companies should work with the government to establish a 'pop-up' social media reporting team for election campaigns.	Social media companies	Before the next general election
Social media companies should actively provide advice, guidance and support to Parliamentary candidates on steps they can take to remain safe and secure while using their sites.	Social media companies	Before the next general election
Those in positions of leadership within political parties must set an appropriate tone during election campaigns, and make clear that any intimidatory behaviour is unacceptable. They should challenge poor behaviour wherever it occurs.	Those in positions of leadership within political parties	Immediately
Political parties must proactively work together to tackle the issue of intimidation in public life.	Political parties	Immediately



Recommendation	Responsibility	Timeframe
<p>Political parties should set clear expectations about the behaviour expected of their members, both offline and online through a code of conduct for members which specifically prohibits any intimidatory behaviour. Parties should ensure that members are familiar with the code. The consequences of any breach of the code should be clear and unambiguous.</p>	<p>Political parties</p>	<p>Within one year</p>
<p>Political parties must ensure that party members who breach the party's code of conduct by engaging in intimidation are consistently and appropriately disciplined in a timely manner.</p>	<p>Political parties</p>	<p>Immediately</p>
<p>Political parties must collect data on the number of complaints against members for engaging in intimidatory behaviour, and the outcome of any disciplinary processes which result from these complaints.</p>	<p>Political parties</p>	<p>Within one year</p>
<p>Leaders of political parties should always call out intimidatory behaviour, even when it is perpetrated by those in the party's fringes. Fringe group leaders and spokespeople should immediately denounce any intimidatory behaviour on the part of their members or supporters.</p>	<p>Political parties</p>	<p>Immediately</p>
<p>The political parties must work together to develop a joint code of conduct on intimidatory behaviour during election campaigns by December 2018. The code should be jointly enforced by the political parties.</p>	<p>Political parties</p>	<p>Joint code should be drawn up within one year – it should be enforced beginning at the next general election</p>
<p>Political parties must take steps to provide support for all candidates, including through networks, training, and support and resources. In particular, the parties should develop these support mechanisms for female, BAME, and LGBT candidates who are more likely to be targeted as subjects of intimidation.</p>	<p>Political parties</p>	<p>Before the next general election</p>
<p>Political parties must offer more support and training to candidates on their use of social media. This training should include: managing social media profiles, block and mute features, reporting content, and recognising when behaviour should be reported directly to the police.</p>	<p>Political parties</p>	<p>At the next general election</p>



Recommendation	Responsibility	Timeframe
The government should consult on the introduction of a new offence in electoral law of intimidating Parliamentary candidates and party campaigners.	Government	Within one year
The government should bring forward legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. Returning Officers should not disclose the home addresses of those attending an election count.	Government	Immediately
Local Authority Monitoring Officers should ensure that members required to declare pecuniary interests are aware of the sensitive interests provisions in the Localism Act 2011.	Local Authority Monitoring Officers	Immediately
MPs should actively co-operate with the police and other security services working to address the security threats facing Parliamentarians and Parliamentary candidates.	MPs	Immediately
The National Police Chiefs Council should ensure that local police forces have sufficient training to enable them to effectively investigate offences committed through social media. Local police forces should be able to access advice and guidance on the context in which MPs and Parliamentary candidates work.	National Police Chiefs Council	Within one year
The College of Policing Authorised Professional Practice for elections should be updated to include offences relating to intimidation, including offences committed through social media.	College of Policing	Before the next general election
The Home Office and the Department for Digital, Culture, Media and Sport should develop a strategy for engaging with international partners to promote international consensus on what constitutes hate crime and intimidation online.	Home Office and the Department for Digital, Culture, Media and Sport	Immediately
The National Police Chiefs Council, working with the Crown Prosecution Service and the College of Policing, should produce accessible guidance for Parliamentary candidates giving clear advice on behaviour they may experience during a campaign which is likely to constitute a criminal offence.	National Police Chiefs Council, working with the Crown Prosecution Service and the College of Policing	Before the next general election
Nobody in public life should engage in intimidatory behaviour, nor condone or tolerate it. All those in public life have a responsibility to challenge and report it wherever it occurs.	All those in public life	Immediately



Recommendation	Responsibility	Timeframe
Those in public life should seek to uphold high standards of conduct, adhering to the Seven Principles of Public Life, and help prevent a decline in public trust in political institutions through their own conduct.	All those in public life	Immediately
Those in public life must set and protect a tone in public discourse which is not dehumanising or derogatory, and which recognises the rights of others to participate in public life.	All those in public life	Immediately
Those in public life have a responsibility not to use language which engenders hatred or hostility towards individuals because of their personal characteristics.	All those in public life	Immediately
Press regulation bodies should extend their codes of conduct to prohibit unacceptable language that incites intimidation.	Press regulation bodies (IPSO and Impress)	By December 2018
News organisations should only consider stories from freelance journalists that meet the standards of IPSO's Editors Code, or the Editorial Guidelines of Impress, as appropriate, and ensure that freelance journalists are aware of this policy.	News organisations	Immediately
Those in public life should not engage in highly personalised attacks, nor portray policy disagreements or questions of professional competence as breaches of ethical standards.	All those in public life	Immediately

