

Phil Norrey  
Chief Executive

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To: The Chair and Members of the  
Standards Committee

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

(See below)

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Your ref :  
Our ref :

Date : 25 October 2019  
Please ask for : Karen Strahan 01392 382264

Email: karen.strahan@devon.gov.uk

## **STANDARDS COMMITTEE**

**Monday, 4th November, 2019**

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

Minutes of the meeting of the Committee held on 16 July 2019, previously circulated.

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 (Pages 1 - 12)

Joint Report of the Head of Digital Transformation & Business Support and Customer Relations Manager on feedback, compliments, representations and complaints received and handled by the County Council, attached.

5 Ethical Governance Framework: Monitoring (Pages 13 - 16)

Report of the County Solicitor ([CSO/19/23](#)) on co-opted members' attendance at meetings of the Council, Cabinet and Committee meetings, monitoring compliance with the Council's ethical governance framework, attached.

### **MATTERS FOR DECISION**

6 Annual Review of the Code of Conduct (Minute \*53 - 4th April 2019) (Pages 17 - 22)

At the Standards Committee meeting on 4<sup>th</sup> April 2019, the Committee had considered the Executive Summary of 'Local Government Ethical Standards - A Review by the Committee in Public Life'. The Council's Standards Committee had previously submitted a response to the Consultation.

As part of that debate, the Committee RESOLVED that, in line with the best practice recommendation 3, the Standards Committee reviews its Code of Conduct on an annual basis.

The Code of Conduct was attached for Members consideration.

7 Ethical Governance Survey 2019 - Outcomes and Results (Pages 23 - 28)

Report of the County Solicitor (CSO/19/24) outlining the Ethical Governance Survey and Self Assessment of Councillors and Officers for 2019 and the results generated, attached.

*Electoral Divisions(s): All Divisions*

### **MATTERS FOR INFORMATION**

8 Open Letter - From Lord (Jonathan) Evans, Chair of the Committee on Standards in Public Life (to all public office holders)

For the information of the Committee, Jonathan Evans, Chair of the Committee on Standards in Public Life has published an open letter to all public office holders on the importance of upholding public standards.

*Standards in public life have rarely been more in the spotlight than they are today. Both as a Committee and as individual members we are frequently asked what can be done to maintain high standards and implement the Nolan Principles in the current political situation, which is causing real concern to many people who care about how our public life is conducted.*

*At one level, the key institutions of our democracy are doing their job providing important constitutional checks and balances. The long running and fierce dispute over Brexit is being played out largely in Parliament, the courts and the media, including social media. Such openness is itself a key principle in our public life.*

*But behaviour matters as much as formal structures. Leadership of standards needs to come from the top: from Government and from Parliament. In the current political situation, it is the view of our Committee that it is even more important that high standards are not only consistently observed but also demonstrably valued.*

*It is also vital that the tone of public debate should avoid abuse and intimidation, which have become increasingly widespread. Parliamentary democracy is under threat if those in public life and public office cannot express their views freely and without fear.*

*These long-established principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership are a personal responsibility and set the tone for leadership across the whole of public service. They are what the public expect of us.*

*Lord (Jonathan) Evans of Weardale Chair, Committee on Standards in Public Life*

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.

**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*

|   |
|---|
| <b>Membership</b>   |
| County Councillors<br>Councillors J Mathews (Chair), M Asvachin, R Bloxham, P Colthorpe, A Connett, C Slade and P Twiss<br>Co-opted Member<br>Sir Simon Day, I Hipkin, R Hodgins, A Mayes and R Saltmarsh   |
| <b>Declaration of Interests</b>   |
| 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.   |
| <b>Access to Information</b>  |
| 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.<br>Agenda and minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores..  |
| <b>Webcasting, Recording or Reporting of Meetings and Proceedings</b>   |
| The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <a href="http://www.devoncc.public-i.tv/core/">http://www.devoncc.public-i.tv/core/</a>   |
| In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening. |
| Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.   |
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| <b>Mobile Phones</b>  |
| Please switch off all mobile phones before entering the Committee Room or Council Chamber   |
| <b>If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: <a href="mailto:centre@devon.gov.uk">centre@devon.gov.uk</a> or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.</b>   |
|  Induction loop system available   |

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**SatNav** – Postcode EX2 4QD

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### **Access to County Hall and Public Transport Links**

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### **Car Parking and Security**

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As indicated above, parking cannot be guaranteed and visitors should allow themselves enough time to find alternative parking if necessary. Public car parking can be found at the Cathedral Quay or Magdalen Road Car Parks (approx. 20 minutes walk). There are two disabled parking bays within the visitor car park. Additional disabled parking bays are available in the staff car park. These can be accessed via the intercom at the entrance barrier to the staff car park.



**NB**   Denotes bus stops

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### **First Aid**

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



## Customer Feedback Monitoring Report for Quarters 1 & 2 April to June and July to September 2019

### 1. Purpose

- 1.1 This report provides a quarterly update to Standards Committee 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 and Social Care 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.

### 2. Activity overview

- 2.1 Please see appendix 1 – table 1 for a summary of feedback related activity within the reporting year to date. Please note that “complaints – local” refers to any complaint dealt with locally e.g. by a service manager. “Complaints – escalated” is any complaint escalated to any stage within the relevant procedure.

### 3. Feedback to Leadership Group/Cabinet

- 3.1 A report of customer feedback (quarters 1 and 2) was presented to Standards Committee on 16 July 2019 and the following comments were made:

(a) that Leadership Group be asked to re-emphasise to their management teams the importance of dealing with complaints in a timely manner;

(b) notwithstanding the importance of response times, the Committee acknowledge the complexity of some cases that may require an extension to response times and ask that any extensions be negotiated in liaison with the customer complaints team and the complainant be kept updated with interim responses as appropriate;

The support and focus on this area is set out in section 4 below.

These comments were due to be raised with LG8/Cabinet on 28 October 2019 however unfortunately the agenda item has been deferred to 25 November 2019.

### 4. Stage 1 complaints

- 4.1 The number of stage 1 complaints continuously reduced through most of 2018-19, and this number has remained low in quarters 1 and 2 of 2019-20 (Appendix 1 – table 2).
- 4.2 The numbers of complaints received is not in itself a reliable indicator of performance. Volume of complaints should be considered alongside uphold rate and our willingness to put things right when things go wrong.
- 4.3 Performance at Stage 1 in quarter 1 was somewhat improved from the previous year for several services, with Adult Care and Health the exception with only 49% of complaint responses in time. It should be noted that in Adult Care and Health the adult complaint regulations allow for a negotiation to the deadline for response to be made with the customer, and therefore all responses could realistically be made within time
- 4.4 In quarter 2, some of the improvements made in quarter 1 were lost although again Adult Care and Health were the exception as they achieved 68% of responses in time. Whilst this requires further

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improvement, this achievement should be celebrated in order that it can be repeated (Appendix 2 – table 3).

- 4.5 The following actions continue to be taken to support services to improve their complaint handling:
- Regular complaint handling workshops with staff
  - CRT attendance at service team meetings to discuss learning from complaints.
  - Specific case reminders to staff from the Customer Relations Team
  - Escalation to Senior Managers if responses are not forthcoming
  - Messages about response times are included in quarterly reports where provided
  - Learning events facilitated by the Customer Relations Team for complex complaints
  - Where rudeness/attitude of staff has been cited by a complainant the CRT highlight this with the relevant service manager to identify learning points and any training requirements.
- 4.6 In quarter 1 services upheld or partially upheld 29% of Stage 1 complaints, and 24% in quarter 2; this is a reduction from the previous year. As with volume of complaints received, the percentage of upheld complaints is not in itself an indicator of poor performance however if this increases significantly in future it may suggest that a further review of the activity within that service is required, however lower numbers of upheld complaints could suggest that whilst customers have appropriate access to the complaints procedure, the majority of actions being taken by services are being supported through the complaints process (Appendix 2 – table 4).
- 4.7 Appendix 2 – table 5 shows the most prevalent issues raised within complaints across all services, the percentage upheld or partially upheld in each quarter, and an overall summary across the reporting year. It remains a concern that the perceived attitude or rudeness of staff continues to feature in the top 3 issues, as it did in 2018-19.
- 4.8 The quality of service provided again features highly in the top issues. This may be to be expected in times where services are experiencing cuts and public expectation remains higher than services are able to deliver.

## 5. Stage 2 Complaints

- 5.1 Following the continual decrease in Stage 2 complaints received quarter on quarter in 2018-19, the number of Stage 2 complaints received in 2019-20 has remained low. It is hoped that the lower numbers remain a direct result of improved Stage 1 responses and earlier intervention by managers (Appendix 2 – table 6).
- 5.2 There were 28 Stage 2 complaints closed in quarter 1, and 57% of these were in time. There were 30 Stage 2 complaints closed in quarter 2, and it should be noted that services achieved 80% of responses in time (Appendix 2 – table 7). It is hoped that this improvement can be maintained throughout the remainder of the year.

## 6. Local Government and Social Care Ombudsman Complaints

- 6.1 The Local Government and Social Care Ombudsman (LGSCO) investigate complaints about councils, adult social care providers, including care homes and agencies, and some other organisations providing local public services. They assess for fault and make findings in relation to maladministration of process and subsequent injustice to the customer. The Council is required by law to cooperate with the Ombudsman's investigations and provide the requested information within given timeframes. The Customer Relations Manager acts as the LGSCO Link Officer and coordinates all communication between the LGSCO and the Council.
- 6.2 There was a generally a decline in numbers of LGSCO complaints received in 2018-19, and this has continued into the first half of 2019-20 (Appendix 2 – table 9).



6.3 18% of LGSCO complaints were upheld over 2017-18; this compares to 30% across 2018-19 and 53% across quarters 1 and 2 of 2019-20, strongly suggesting an upward trend. However, neither the volume nor the percentage upheld are high numbers and reflects that while customers do not agree with the Council's decisions, scrutiny by the Ombudsman shows that we are generally following due policy and process. Several services are also beginning to aim to resolve complaints in line with Ombudsman remedies guidance prior to them reaching the Ombudsman, so we may see a future reduction in maladministration findings as a result (Appendix 2 – table 10).

6.4 All LGSCO final decisions can be viewed on the LGSCO website – [www.lgo.org.uk](http://www.lgo.org.uk)

6.5 The Council has been required to pay financial remedies totalling £6,250 to complainants as a result of recommendations made by the Ombudsman in quarters 1 and 2 2019-20 (Appendix 2).

## **7. Compliments**

7.1 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.

7.2 Due to reduced capacity within Customer Relations it has not been possible to log all quarter 2 compliments received in time to include within this report. Table 13 in appendix 2 therefore represents those compliments received in quarter 1, and the quarter 2 information will be included within the next report.

7.3 The number of compliments recorded in quarter 1 is higher than in each of the quarters in 2018-19, which is encouraging.

## **8. MP Enquiries**

8.1 The number of MP Enquiries reduced quarter on quarter throughout 2018-19 and remains low in 2019-20 (Appendix 2 – table 14).

8.2 All MP Enquiries should be responded to within 20 working days of receipt. MP Enquiry response performance remained fairly static throughout 2018-19 and continues to do so in 2019-20, although several services require improvement (Appendix 2 – table 11).

## **9. Representations**

9.1 A representation is a comment or concern that is not intended or eligible to be a formal complaint but requires a formal response.

9.2 Whilst the lowest number of representations received in the last 3 years was recorded in quarter 4 2018-19, at only 22, the number of representations has increased in 2019-20. (Appendix 2 – table 15).

9.3 All Representations should be responded to within 20 working days of receipt. Representation response performance has improved in 2019-20, within most services achieving over 80% of responses in time. It is hoped that this can be maintained. (Appendix 2 – table 12).

Helen Wyatt  
Customer Relations Manager

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## Appendix 1

Table 1

| <b>Customer feedback 2019-20</b> | <b>Q1</b>  | <b>Q2</b>  | <b>YTD</b>  |
|----------------------------------|------------|------------|-------------|
| Complaints - local               | 305        | 354        | <b>659</b>  |
| Complaints - escalated           | 32         | 32         | <b>64</b>   |
| Complaints - Ombudsman           | 12         | 5          | <b>17</b>   |
| Compliments                      | 328        | *          | <b>328</b>  |
| MP Enquiries                     | 100        | 105        | <b>205</b>  |
| Representations                  | 52         | 53         | <b>105</b>  |
| <b>Total</b>                     | <b>829</b> | <b>549</b> | <b>1378</b> |

Table 2

| <b>Stage 1 complaints received 2019-20</b>     | <b>Q1</b>  | <b>Q2</b>  | <b>YTD</b> |
|--|------------|------------|------------|
| Children's Services                            | 94         | 99         | 193        |
| Adult Care & Health                            | 39         | 49         | 88         |
| CoPHEP   | 16         | 17         | 33         |
| County Solicitors                              | 3          | 4          | 7          |
| Digital Transformation & Business Support      | 7          | 8          | 15         |
| Highways, Infrastructure Development and Waste | 146        | 177        | 323        |
| <b>Grand Total</b>                             | <b>305</b> | <b>354</b> | <b>659</b> |

Table 3

|   | <b>Q1</b>               |                  | <b>Q2</b>               |                  |
|---|-------------------------|------------------|-------------------------|------------------|
|   | <b>No. responded to</b> | <b>% in time</b> | <b>No. responded to</b> | <b>% in time</b> |
| <b>Stage 1 complaint response times 2019-20</b> |                         |                  |                         |                  |
| Children's Services                             | 74                      | 57%              | 77                      | 60%              |
| Adult Care & Health                             | 39                      | 49%              | 31                      | 68%              |
| CoPHEP  | 19                      | 100%             | 17                      | 94%              |
| County Solicitors                               | 3                       | 100%             | 1                       | 100%             |
| Digital Transformation & Business Support       | 5                       | 100%             | 7                       | 71%              |
| Highways, Infrastructure Development and Waste  | 146                     | 69%              | 158                     | 83%              |
| <b>Grand Total</b>                              | <b>286</b>              | <b>66%</b>       | <b>291</b>              | <b>76%</b>       |

Table 4

|  | Q1         |            | Q2         |            |
|--|------------|------------|------------|------------|
|  | No. Upheld | % Upheld   | No. Upheld | % Upheld   |
| <b>Stage 1 complaint outcomes 2019-20</b>      |            |            |            |            |
| Children's Services                            | 34         | 46%        | 38         | 49%        |
| Adult Care & Health                            | 16         | 41%        | 12         | 39%        |
| CoPHEP   | 9          | 47%        | 3          | 18%        |
| County Solicitors                              | 0          | 0%         | 0          | 0%         |
| Digital Transformation & Business Support      | 2          | 40%        | 3          | 43%        |
| Highways, Infrastructure Development and Waste | 21         | 14%        | 13         | 8%         |
| <b>Grand Total</b>                             | <b>82</b>  | <b>29%</b> | <b>69</b>  | <b>24%</b> |

Table 5

|  |  | No. of issues | % Upheld |
|--|--|---------------|----------|
| <b>Most common complaint issues &amp; % upheld 2019-20</b> |  |               |          |
| Q1   | Inappropriate action or service by team  | 62            | 35%      |
|  | Quality of service provided              | 59            | 29%      |
|  | Attitude/rudeness/inappropriate comments | 37            | 43%      |
| Q2   | Quality of service provided              | 56            | 29%      |
|  | Attitude/rudeness/inappropriate comments | 48            | 29%      |
|  | Inappropriate action or service by team  | 43            | 33%      |
| YTD  | Quality of service provided              | 115           | 33%      |
|  | Inappropriate action or service by team  | 105           | 30%      |
|  | Attitude/rudeness/inappropriate comments | 85            | 35%      |

Table 6

| <b>Stage 2 complaints received 2019-20</b>     | Q1        | Q2        | YTD       |
|--|-----------|-----------|-----------|
| Children's Services                            | 13        | 14        | 27        |
| CoPHEP   | 2         | 1         | 3         |
| County Solicitors                              | 1         |           | 1         |
| Highways, Infrastructure Development and Waste | 16        | 17        | 33        |
| <b>Grand Total</b>                             | <b>32</b> | <b>32</b> | <b>64</b> |

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Table 7

|   | Q1               |            | Q2               |            |
|---|------------------|------------|------------------|------------|
|   | No. responded to | % in time  | No. responded to | % in time  |
| <b>Stage 2 complaint response times 2019-20</b> |                  |            |                  |            |
| Children's Services                             | 11               | 45%        | 10               | 80%        |
| CoPHEP  | 4                | 25%        | 1                | 100%       |
| County Solicitors                               | 2                | 100%       |                  | n/a        |
| Digital Transformation & Business Support       | 1                | 100%       |                  | n/a        |
| Highways, Infrastructure Development and Waste  | 10               | 70%        | 19               | 79%        |
| <b>Grand Total</b>                              | <b>28</b>        | <b>57%</b> | <b>30</b>        | <b>80%</b> |

Table 8

|  | Q1               |            | Q2               |            |
|--|------------------|------------|------------------|------------|
|  | No. responded to | % Upheld   | No. responded to | % Upheld   |
| <b>Stage 2 complaint outcomes 2019-20</b>      |                  |            |                  |            |
| Children's Services                            | 11               | 64%        | 10               | 40%        |
| CoPHEP   | 4                | 75%        | 1                | 0%         |
| County Solicitors                              | 2                | 0%         | 0                | n/a        |
| Digital Transformation & Business Support      | 1                | 100%       | 0                | n/a        |
| Highways, Infrastructure Development and Waste | 10               | 40%        | 19               | 21%        |
| <b>Grand Total</b>                             | <b>28</b>        | <b>54%</b> | <b>30</b>        | <b>27%</b> |

Table 9

| <b>LGSCO complaints received 2019-20</b>       | Q1        | Q2       | YTD       |
|--|-----------|----------|-----------|
| Adult Care & Health                            | 9         | 2        | 11        |
| Children's Services                            | 2         | 2        | 4         |
| Highways, Infrastructure Development and Waste | 1         | 1        | 2         |
| <b>Grand Total</b>                             | <b>12</b> | <b>5</b> | <b>17</b> |

Table 10

| <b>LGSCO complaint outcome 2019-20</b>             | Q1       | Q2       | YTD       |
|--|----------|----------|-----------|
| Closed after initial enquiries - No further action | 2        |          | 2         |
| Not upheld - no maladministration or injustice     | 2        | 3        | 5         |
| Upheld - Maladministration and injustice           | 2        | 6        | 8         |
| <b>Grand Total</b>                                 | <b>6</b> | <b>9</b> | <b>15</b> |

Table 11

|  | Q1               |            | Q2               |            |
|--|------------------|------------|------------------|------------|
|  | No. responded to | % in time  | No. responded to | % in time  |
| <b>MP Enquiry response times 2019-20</b>       |                  |            |                  |            |
| Adult Care & Health                            | 18               | 78%        | 17               | 59%        |
| Children's Services                            | 30               | 70%        | 26               | 77%        |
| CoPHEP   | 13               | 69%        | 10               | 100%       |
| County Solicitors                              | 1                | 100%       | 2                | 50%        |
| Digital Transformation & Business Support      |                  | n/a        | 4                | 100%       |
| Highways, Infrastructure Development and Waste | 49               | 86%        | 48               | 71%        |
| <b>Grand Total</b>                             | <b>111</b>       | <b>78%</b> | <b>107</b>       | <b>74%</b> |

Table 12

|  | Q1 Total         |            | Q2 Total         |            |
|--|------------------|------------|------------------|------------|
|  | No. responded to | % in time  | No. responded to | % in time  |
| <b>Representation response times 2019-20</b>   |                  |            |                  |            |
| Adult Care & Health                            | 11               | 82%        | 10               | 90%        |
| Children's Services                            | 1                | 100%       | 2                | 100%       |
| CoPHEP   | 14               | 100%       | 8                | 100%       |
| County Solicitors                              | 1                | 100%       | 2                | 100%       |
| Digital Transformation & Business Support      | 7                | 86%        | 14               | 79%        |
| Highways, Infrastructure Development and Waste | 12               | 92%        | 8                | 88%        |
| <b>Grand Total</b>                             | <b>46</b>        | <b>91%</b> | <b>44</b>        | <b>89%</b> |

Table 13

| <b>Compliments received 2019-10</b>            | <b>Q1</b>  |
|--|------------|
| Adult Care & Health                            | 98         |
| Children's Services                            | 34         |
| CoPHEP   | 60         |
| County Solicitors                              | 40         |
| Digital Transformation & Business Support      | 14         |
| Finance Services                               | 3          |
| Highways, Infrastructure Development and Waste | 79         |
| <b>Grand Total</b>                             | <b>328</b> |

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Table 14

| <b>MP Enquiries received 2019-20</b>           | <b>Q1</b>  | <b>Q2</b>  | <b>YTD</b> |
|--|------------|------------|------------|
| Adult Care & Health                            | 20         | 17         | 37         |
| Children's Services                            | 25         | 29         | 54         |
| CoPHEP   | 11         | 14         | 25         |
| County Solicitors                              | 2          | 1          | 3          |
| Digital Transformation & Business Support      | 2          | 2          | 4          |
| Highways, Infrastructure Development and Waste | 48         | 57         | 105        |
| <b>Grand Total</b>                             | <b>108</b> | <b>120</b> | <b>228</b> |

Table 15

| <b>Representations received 2019-20</b>        | <b>Q1</b> | <b>Q2</b> | <b>YTD</b> |
|--|-----------|-----------|------------|
| Adult Care & Health                            | 11        | 11        | 22         |
| Children's Services                            | 3         | 4         | 7          |
| CoPHEP   | 18        | 13        | 31         |
| County Solicitors                              | 2         | 2         | 4          |
| Digital Transformation & Business Support      | 9         | 13        | 22         |
| Highways, Infrastructure Development and Waste | 12        | 12        | 24         |
| <b>Grand Total</b>                             | <b>55</b> | <b>55</b> | <b>110</b> |

Appendix 2

Local Government and Social Care Ombudsman Recommendations  
 Complaints with Maladministration and Injustice  
 Q1 & Q2 2019-20

| LGSCO Ref | LGSCO Category                  | Complaint Summary   | Final Decision Recommendations  |
|-----------|---------------------------------|---|---|
| 18002322  | Education & Children's Services | <p>Mrs X says her daughter, E, was out of full-time education for over 17 months. She says the Council failed to provide her with education or support during this period. She also complains the Council delayed issuing E's Education, Health and Care Plan, (EHC plan). She says the Council's fault caused E a significant injustice. The Council is at fault. It delayed beginning E's EHC plan assessment. It failed to provide full-time or sufficient education for E while out of school and failed to draft a plan that clearly set out the provision it considered E needed. It should apologise, review its processes and make a payment to Mrs X</p> | <p>Within one month of my final decision, the Council should:</p> <p>a) apologise to Mrs X and (if Mrs X feels it is appropriate, to E), for;</p> <ul style="list-style-type: none"> <li>• failing to provide E with a full-time education and support in line with its statutory duty between January 2017 and June 2017; and</li> <li>• failing to act on professionals advice to begin the process of considering whether an EHC assessment was appropriate or not, within the mandatory statutory framework.</li> </ul> <p>b) pay Mrs X £5000 to contribute towards the cost of tuition and educational materials provided by Mrs X between November 2016 and June 2017 and between October 2017 and July 2018.</p> <p>c) pay Mrs X £500 to acknowledge the unnecessary distress Mrs X was put through in preparing to appeal the Council's late final EHCP.</p> <p>d) pay Mrs X £200 to acknowledge the time and trouble bringing this complaint caused.</p> <p>119. Within two months of my final decision, the Council should:</p> |

|             |                                  |   |   |
|-------------|----------------------------------|---|---|
|             |                                  |   | <ul style="list-style-type: none"> <li>• Review its approach to handling cases of authorised absence, to ensure cases are not allowed to drift without effective decision making to ensure full-time education is provided in line with statutory duty. It should provide evidence to the Ombudsman that it has done this.</li> </ul>   |
| 18 013 826_ | _Education & Children’s Services | Mrs M’s daughter, G, has been unable to attend school since 2017. The Council failed to assess her needs, plan her provision and monitor her progress when it became responsible for her education. The Council has also delayed issuing her Education, Health and Care Plan.   | Once final arrangements for G’s education are in place, if her EHC Plan contains any specific provision or therapy which could have been made available sooner if the Council had met the 20 week deadline, I recommended the Council considers what action it can take to help G catch up. I would ask the Council to update me on its plans within one month of my final decision. The Council accepted my recommendations.   |
| _18013968   | Education & Children’s Services  | Ms X complains of fault in the way the Council dealt with her when assessing her sons’ needs. The Council has been at fault in the way it has communicated with her and this has caused Ms X avoidable anxiety. The Council has already apologised for its communication failures, and it will also pay Ms X £750 and remind staff that parental consent is required for assessments of children unless there is a good reason not to seek consent. | The Council apologised to Ms X for its communication failures before our findings. I welcome that. I also welcome its offer to explain any unresolved issues about the assessment process that Mrs X has at this late stage. I am also reassured by its confirmation that it has reviewed the way it deals with incoming correspondence. However, within a month of the final decision, it will also remind all staff carrying out assessments that they must seek parental consent before starting an assessment unless there are good reasons |



|          |                     |   |   |
|----------|---------------------|---|---|
|          |                     |   | that lead to them having to override this. To remedy the personal injustice to Ms X, the Council will, within a month of the final decision, pay her £750, made up of £500 for her avoidable anxiety over a period of more than 18 months and £250 for her time and trouble in pursuing her complaint.  |
| 18011832 | Adult Care Services | The Ombudsman upholds Mr X's complaint about the way a care package for his wife, Mrs X, was ended. The care provider did not follow the correct process to end its involvement and as a result Mrs X was left without care for two weeks. In addition, there were times care was late or calls were short. The Council agreed to apologise to Mr and Mrs X and pay them in recognition of the distress this caused. It will issue a reminder to care providers about the correct way to end their involvement with a service user. It will also advise them on what to do if they are having difficulties delivering the agreed package of care. | When a council commissions another organisation to provide services on its behalf it remains responsible for those services and for the actions of the organisation providing them. So, although I found fault with the actions of the care provider, I have made recommendations to the Council. 38. Within one month of this decision, to remedy the injustice caused by the faults identified, the Council has agreed to: <ul style="list-style-type: none"> <li>• apologise to Mr and Mrs X; and</li> <li>• pay them £300 in recognition of the pressure put on them by the lack of care both during the delivery of the care package and in the two weeks before the new provider started.</li> </ul> Within one month of this decision, the Council will also: <ul style="list-style-type: none"> <li>• remind all care providers it contracts with about the correct process for terminating and transferring a care package.</li> <li>• advise all care providers it contracts with what they should do in the event a service</li> </ul> |

|          |                      |  |   |
|----------|----------------------|--|---|
|          |                      |  | user or their carer is routinely declining care.  |
| 18017567 | Adult Care Services  | Mr X complains the Council expects him to pay a financial contribution towards his care. He also says it failed to support him properly while he was in a temporary care placement and has not properly considered his requests to move from his current flat. The Ombudsman found there was fault when a care provider commissioned by the Council withdrew an offer of care for Mr X at very short notice. This partially interrupted his care package for around 10 days. There was no fault in how the Council conducted a financial assessment of Mr X or in its involvement in his ongoing housing arrangements. | By 6 October 2019, the Council has agreed to: <ul style="list-style-type: none"> <li>• Apologise to Mr X for the difficulties he encountered when he first moved to the temporary accommodation. If Mr X would prefer this to be made in person or by telephone, rather than in writing, the Council should make a reasonable adjustment accordingly.</li> <li>• If it has not already done so, carry out a review of what went wrong with Care Provider A's arrangements in this case and explain what action has or will be taken to prevent a reoccurrence.</li> </ul> |
| 18017650 | Highways & Transport | Mr C complains the Council failed to take measures to prevent traffic issues caused by a road closure in 2018 and did not handle his complaint correctly. The Ombudsman has found evidence of fault in the Council's complaints handling. He has upheld the complaint and completed the investigation because the Council agrees to apologise to Mr C for its errors.  | To remedy the injustice caused to Mr C the Council has agreed with my recommendation to send Mr C a letter of apology for the fault I have identified. The Council should issue that letter within four weeks of this case closing.   |

## 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                              | Date              | Co-opted Member/Observer |
|--------------------------------------|-------------------|--------------------------|
| Public Rights of Way                 | 4 July 2019       | Mr Hipkin                |
| East Devon Highways & Traffic Orders | 18 July 2019      | Mrs Saltmarsh            |
| Investment and Pension Fund          | 13 September 2019 | Mr Hodgins               |
| Children's Scrutiny                  | 16 September 2019 | Mrs Mayes                |
| Development Management               | 18 September 2019 | Sir Simon Day            |
| Procedures                           | 17 September 2019 | Mrs Saltmarsh            |
| Health and Wellbeing Board           | 10 October 2019   | Sir Simon Day            |

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

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| 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> )    |                                 |   |    | ✓   | ✓✓✓✓✓  |
| 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

- Slides of maps and photographs were useful'
- Number of legal clarifications were made, which assisted those in attendance;
- Additional interesting comments about definitions of motorised vehicles: this will certainly become an issue in the future;
- Sound system was again problematic;
- meeting not held in the usual room and minor problems encountered with the technology, which were sorted;
- presenter responded positively to the request not to use acronyms;
- no microphones in use, or available for use, because the Council Chamber was being used (meeting was held outside of County Hall) and the lack of microphones was raised by a member of the committee;
- no name cards;
- most Members wanted to express opinions on one item on the agenda and it appeared everybody was given the chance to say what they wanted. A further recommendation was agreed at the meeting as a result of the discussion and reflected the knowledge and awareness of the local Councillors;

# Agenda Item 5

- a short meeting with not a lot of business but what there was, was dealt with efficiently and effectively;
  - Well run meeting, good reports and supporting documentation;
  - Presenters sometimes spoke without a mic which, although audible in the room may not have been alright on recording and main speaker not easy to hear;
  - Chair not consistent in addressing speakers, for example using first names and / or Councillor;
  - Intermittent mics, kept switching on and off;
  - only three members in attendance at this meeting (6 apologies including the Chair);
  - Decision made that meeting was quorate and those present dealt with the business on the Agenda;
  - strange to me that there was such poor attendance, I don't recall any other meeting where attendance was so low;
  - One Member did not speak clearly so was difficult to follow; and,
  - Clocks in the Committee room was not at the correct time.
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> |
|-------------------------|-------------|-----------------------|
|-------------------------|-------------|-----------------------|

Nil



## MEMBERS' CODE OF CONDUCT

### PART 1 GENERAL PROVISIONS

#### Public Duty and Private Interests: An introduction

- 1 This Code applies to you as a Member or a Co-opted Member of Devon County Council.
- 1.2 When acting in your capacity as a Member or Co-opted Member of the County Council, you should have regard to the Principles of Public Life namely, Selflessness, Honesty/Integrity, Objectivity, Accountability, Openness, Personal judgment, Respect for others, Duty to uphold the law, Stewardship and Leadership.
- 1.3 When acting in your capacity as a Member or Co-opted Member of the County Council –
  - (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, a member of your family, close associate or relevant person;
  - (b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
  - (c) when carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
  - (d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;
  - (e) you must be as open as possible about your decisions and actions and the decisions and actions of the County Council and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the County Council or contained in its Constitution,
  - (f) you must declare any private interests, whether disclosable or personal, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Part 2 of this Code;
  - (g) you must, when using or authorising the use by others of the resources of the County Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the County Council's reasonable requirements;
  - (h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the County Council;
  - (i) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

# Agenda Item 6

- 1.4 Whilst you may be strongly influenced by the views of others, it is your responsibility alone to decide what view to take on any question which Members have to decide.
- 1.5 Do nothing as a Member which you could not justify to the public.
- 1.6 The reputation of the County Council depends on your conduct and what the public believes about your conduct.
- 1.7 It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.
- 1.8 It is your responsibility to comply with the provisions of this Code and also any formal Standards process / investigation that may occur.

## Definitions

2. In this Code –

*“interest or interests”* have the meanings set out in Part 2 of this Code

*“Relevant person”* means:

- you or
- your spouse or civil partner, or
- a person with whom you are living as husband and wife or as if they were civil partners or in a same sex marriage

and you are aware that that other person has an interest

*“relevant period”* means a period of 12 months ending with the date on which you notified the Monitoring Office of an interest

*“meeting”* means any meeting of –

- the County Council;
- the Cabinet of the County Council;
- any of the Council's or the Cabinet's, Committees, Sub-Committees, Joint Committees, Joint Sub-committees or Area committees;
- one or more Members, formal or informal and with or without officers, relating to the discharge of the County Council's functions where a formal record is made by a Council Officer.

*“member”* includes a co-opted member

## Scope

3. You must comply with this Code whenever you are acting in your official capacity, when:
  - (a) you are engaged on the business of the County Council; or
  - (b) you behave so as to give a reasonable person the impression that you are acting as a representative of the County Council.

## General obligations

4. You **must** –
  - (a) treat others with courtesy and respect,



(b) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest and have reasonable regard to any relevant advice provided to you by an officer of the County Council.

5. You **must not** –

(a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

(b) do anything which may cause the County Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);

(c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);

(d) intimidate or attempt to intimidate any person who is or is likely to be –

- (i) a complainant,
- (ii) a witness, or
- (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that any Member has failed to comply with the Council's Code of Conduct; or

(e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the County Council;

(f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where–

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is:
  - (a) in the public interest; and
  - (b) made in good faith and
  - (c) in compliance with the reasonable requirements of the Council;

(g) prevent another person from gaining access to information to which that person is entitled by law;

(h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.

*[NB: A complaint may be made to the Monitoring Officer or Standards Committee where any person thinks they have evidence which they think shows that a councillor has not followed the Council's Code of conduct; see*

*[http://www.devon.gov.uk/index/councildemocracy/county\\_councillors/councillorcomplaints.htm](http://www.devon.gov.uk/index/councildemocracy/county_councillors/councillorcomplaints.htm)]*

## PART 2 INTERESTS

### Registration of Interests

# Agenda Item 6

6. You must, within 28 days of—

- (a) this Code being adopted by, or applied to, the County Council; or
- (b) your taking office as a Member or Co-opted Member of the County Council,

whichever is the later, and annually thereafter, provide written notification to the County Council's Monitoring Officer of:

- (i) any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife); and
- (ii) any other personal interest laid down by the County Council, as set out at paragraph 7 below;

which will be recorded in the County Council's Register of Members' Interests and made available for public inspection including on the Council's website.

- 6.1 Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the County Council's Monitoring Officer.
- 6.2 Whether or not an interest within paragraphs 7.1 and 7.2 below has been entered onto the County Council's register, you must disclose any interest to any meeting at which you are present in any matter being considered, in line with paragraph 8 below, where the matter is not a 'sensitive interest'.
- 6.3 Following any disclosure of an interest not on the County Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 6.4 In relation to disclosable pecuniary interests, in this Part of the Code the expressions in the left hand column below have the meanings attributed to them in the right hand column:

|   |   |
|---|---|
| "body in which the relevant person has a beneficial interest" | means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest   |
| "director"  | includes a member of the committee of management of an industrial and provident society   |
| "land"  | excludes an easement, servitude, interest, or right over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income  |
| "relevant authority"  | means the authority of which you are a member   |
| "relevant person"   | means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners  |
| "securities"  | means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society |

# Agenda Item 6

7. The interests you **must** register are:
- 7.1 - those disclosable pecuniary interests defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) as set out below, namely:
- (a) any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;
  - (b) any payment or provision of any other financial benefit (other than from Devon County Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
  - (c) any contract which is made between you or, so far as you are aware, a relevant person (as defined at Para 2 above) (in which the relevant person has a beneficial interest) and the County Council:
    - (1) under which goods or services are to be provided or works are to be executed; and
    - (2) which has not been fully discharged
  - (d) any beneficial interest in land held by you, or so far as you are aware, a relevant person which is within the administrative area of the County Council;
  - (e) any licence (alone or jointly with others) to occupy land in the administrative area of the County Council for a month or longer
  - (f) any tenancy where (to your knowledge):
    - (1) the landlord is Devon County Council; and
    - (2) the tenant is a body in which you or, so far as you are aware, a relevant person has a beneficial interest.
  - (g) any beneficial interest that you or, so far as you are aware, a relevant person has in securities of a body where:
    - (1) that body (to your knowledge) has a place of business or land in the administrative area of the County Council and
    - (2) either:
      - (A) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
      - (B) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
- 7.2 - those other personal interests laid down by the County Council, namely your membership of any body to which you have been appointed by the County Council or exercising functions of a public nature directed to charitable purposes or whose principal purposes include influence of public opinion or policy, your membership of any other local Authority and of any political party or trade union.
- 7.3 In addition to those interests listed at 7.1 and 7.2 above which you are required to registered, you may wish also to declare membership of any body which, in your view,

# Agenda Item 6

might create a conflict of interest in carrying out your duties as a County Councillor, such as membership of the Freemasons or any similar body.

- 7.4 Where the County Council's Monitoring Officer agrees that any information relating to your interests is "*sensitive information*" namely information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation, you need not include that information when registering that interest, or, as the case may be, any change to that interest.
- 7.5 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify the County Council's Monitoring Officer asking that the information be included in the County Council's Register of Members' Interests.

## Declaration of Interests

8. Unless a dispensation has been granted\*, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by Regulations referred to at Para 6(b)(i) and you must also observe any restrictions the County Council may place on your involvement in matters where you have any interest as defined by the Council and shown at Para 7 above.

*[\*See explanatory note appended to this Code, below].*

- 8.1 Where you have any interest in any business of the County Council and you attend any meeting at which that business is to be considered, you must:
  - (a) disclose to that meeting the existence and nature of that interest but where your interest is sensitive you are not required to disclose the interest but merely the fact that there is a disclosable pecuniary interest in the matter concerned;
  - (b) disclose any interest in accordance with the Council's reasonable requirements, no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
  - (c) where you have a disclosable pecuniary interest, withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
  - (d) not seek to influence improperly any decision about that business;

unless you have obtained a dispensation from the County Council's Monitoring Officer.

## **ETHICAL GOVERNANCE SURVEY RESULTS**

Report of the County Solicitor

### **Recommendations**

(a) that the Standards Committee consider the responses to the Ethical Governance Survey and its implications for the improvement of the Council's ethical or corporate governance frameworks, if any;

(b) that the Standards Committee consider the issues and suggestions referred to in paragraphs 5 to 14 and that those issues and suggestions should be explored at future refresher briefings;

(c) that the Monitoring Officer be asked to continue to provide regular refresher briefings on the Council's Ethical Governance Framework as appropriate; and

(d) that a further self-assessment survey be undertaken by Members, the Leadership Group, Heads of Service and their direct Reports in four years' time (mid-point between Election cycles) in 2023;

### **Introduction**

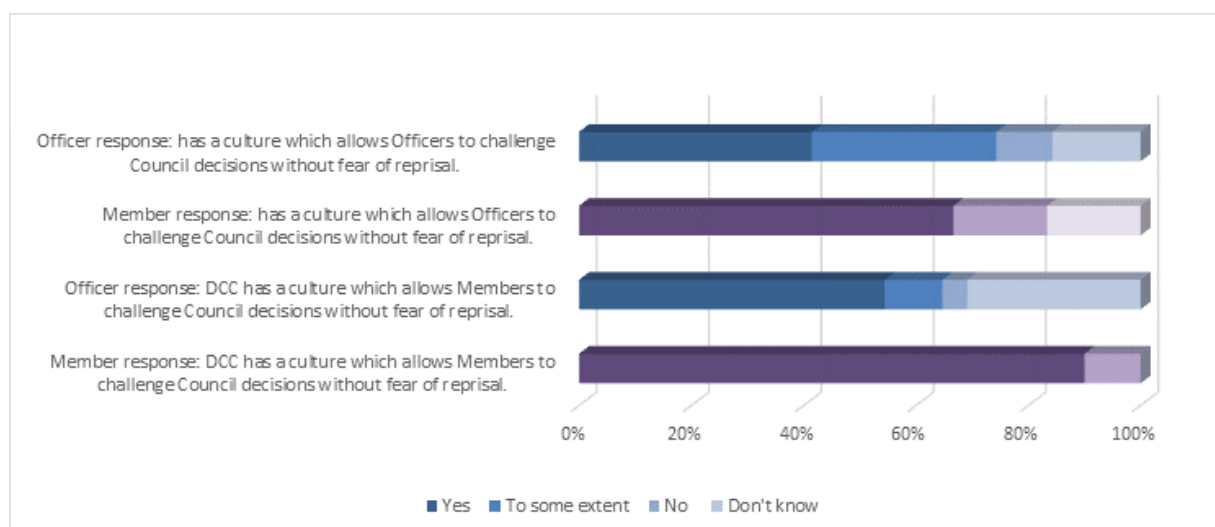
1. Ethical governance refers to the processes, procedures, cultures and values which ensure high standards of behaviour. Those relate to the principles which underpin the way Members and Officers interact with each other and others, how they conduct themselves and how they act out those values as part of their day-to-day functions in public life. How this is perceived by colleagues, the public and the media all impact on Members' and Officers' ability to represent Local Government and the communities they serve.
2. The Council last tested its approach to ethical governance, the code of conduct and compliance with ethical standards in 2014.
3. Between 27 August 2019 and 20<sup>th</sup> September 2019, responses were collected via an online multiple-choice survey from Members, the Leadership Group, Heads of Service and their direct reports, known as LG80.

### **Commentary on the Responses**

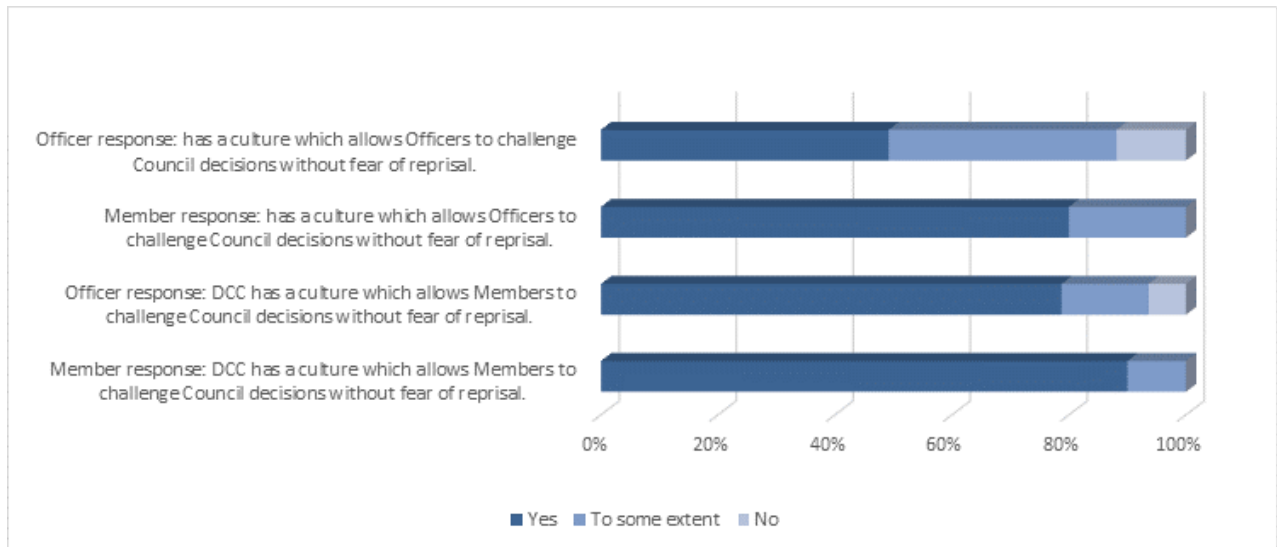
4. The overall response rate to this year's Ethical Governance Survey of all invited participants was pretty positive in the region of 60-65% which is an improvement on the rate of 59.5% in 2014. In total, 47% or 28 out of the 60 County Councillors responded. 63 Officers responded to the survey (which would be in the region of 75%). When sending out the survey, we asked Leadership Group and their Heads of Service to respond and asked them to forward the survey to their Senior Officers and Direct Reports. This would be approximately 80-90 Officers across the organisation, but difficult to quantify the exact numbers who received the survey. This might be something to do differently next time to ascertain the exact number of recipients so the response rate could be measured more accurately.

# Agenda Item 7

5. A detailed summary of responses is contained within the Appendix.
6. While it is reassuring that the majority of responses to each question were positive, it was particularly pleasing that in relation to engagement with democracy and the local community, respondents believed that the Council made information easily available about matters to be considered by the Cabinet and other Committees, the figure being some 92% of respondents.
7. Also enlightening was that 90% of both Councillors and Officers felt that the Council considers ethical conduct and high standards as an important component of its vision for the future.
8. While much of the survey was positive, as already mentioned, the responses to question 6 in terms of training on the code of conduct, highlighted in the Appendix, might warrant further attention. Some 34% of respondents said they had not received any training. This warranted further analysis in terms of Member and Officer responses. On further review, only 1 Councillor said they had not received any training, notwithstanding the regular sessions that have been delivered over the last two years. Three further Members said they had received training 'to some extent', so there might be more work to do in this regard. On a more positive note, 86.7% of respondents felt they knew where to go for advice and support.
9. Also worthy of note is the response to the statement that Officers treat each other and people who use the Council's services fairly, with some 93.4% responding positively.
10. In 2017, there was a large piece of work undertaken on the Constitution in terms of its accessibility on the website. This appears to have resulted in an increase of both Officers and Members feeling that the Council has a clear and relevant Constitution. 87.8% responding favourably when compared to 80% in 2014.
11. One point of note is the difference between the responses relating to the Council having a culture which allowed Members and Officers to challenge Council decisions without fear of reprisal. In terms of Members, some 65.6% of respondents felt they could and 10% to some extent (only 3.3% of Members said no to this question). The Council's robust Scrutiny processes may account for this position. For Officers, the responses showed a much lower rate of 48.4% and 28.6 to some extent. It was again felt this issue was worthy of a further breakdown between Member and Officer responses and this is shown below.



If the 'don't know' category is removed from the calculation, the responses are shown below, which highlights that only a small number of Officers felt there wasn't the appropriate culture. All Members felt there was a culture where challenge without reprisal happened.



12. Members of the Standards Committee are also invited to review the qualitative responses given under question 9. This appeared to give reassurance in terms of good standards of Governance. The question posed was whether there was anything else the Standards Committee and/or the Monitoring Officer could do to maintain or improve standards of conduct within the Council?

In terms of responses / comments from Councillors;

- 12.1 There were six responses that said 'No'.
- 12.2 One said they were currently satisfied with Standards and their application and another said they were proud to be a small part of Devon County Council.
- 12.3 A further comment said that the Monitoring Officer was very good, communicative and appreciated.
- 12.4 In terms of improvement, one suggested to impose greater adherence to rules or review rules and another felt that new Members needed to be fully aware of the need to follow the Constitution and referred to a couple of instances at Council where they felt Members had tried to ignore or abuse the procedures.

Comments from Officers highlighted that;

- 12.5 There should be wider communications to highlight this area including good practice / information sharing opportunities and a second suggestion of publishing vignette cases that enabled people (Members, Staff and the Community) to see the issues were being tackled and the impact of action.

13. Almost half of Members who responded would welcome receiving regular examples of good practice concerning ethical governance, compared to just 40% of Officers who responded. Conversely, the same number of Members didn't feel they needed this, so it was an even split for Councillors, but 60% of Officers said they didn't need anything further in this vein.

# Agenda Item 7

14. More than three quarters of respondents are familiar with the Annual Report of the Standards Committee, the Annual Report of the Audit Committee and the Annual Governance Statement. While this figure seems encouraging, it means also that approximately one in five respondents are not aware of these reports or simply did not know.
15. The issues and suggestions contained within paragraphs 5 - 14 above could be explored at future refresher briefings.

## **Conclusion**

16. The Ethical Governance Survey provides a valuable snapshot of respondents' understanding of the ethical or corporate governance frameworks of the County Council and raises a couple of questions which might help improve the frameworks as determined by the Standards Committee.
17. It is important, too, to understand the Ethical Governance Survey as a means to continue to raise awareness among Members – and the public – to the importance the Council attributes to this area of its business.

JAN SHADBOLT

[Electoral Divisions: All]

## **Local Government Act 1972: List of Background Papers**

Contact for Enquiries: K Strahan

Tel No: 01392 382264 Room: G31

| <b><u>Background Paper</u></b> | <b><u>Date</u></b> | <b><u>File Reference</u></b> |
|--------------------------------|--------------------|------------------------------|
| Nil                            |                    |                              |



## ETHICAL GOVERNANCE SURVEY QUESTIONS AND RESPONSES

| <b>Q3. Engagement with democracy and the local community. I believe that Devon County Council.....</b>  | Yes   | To Some Extent | No   | Don't know |
|---|-------|----------------|------|------------|
| <ul style="list-style-type: none"> <li>• makes information easily available about matters to be considered by the Cabinet and other Committees (e.g. the Forward Plan of key decisions, Scrutiny work programmes).</li> </ul> | 69.2% | 23.1%          | 3.3% | 4.4%       |
| <ul style="list-style-type: none"> <li>• promotes involvement in the decision-making process (through scrutiny, webcasts, budget exercises and other consultations)</li> </ul>  | 58.2% | 31.9%          | 6.6% | 3.3%       |
| <ul style="list-style-type: none"> <li>• Members are trusted by the local community.</li> </ul>   | 35.2% | 49.5%          | 4.4% | 11%        |
| <ul style="list-style-type: none"> <li>• Officers are trusted by the local community.</li> </ul>  | 27.8% | 65.6%          | 1.1% | 5.6%       |
| <ul style="list-style-type: none"> <li>• Communicates the Council's Value to local residents</li> </ul>   | 37.4% | 46.2%          | 7.7% | 8.8%       |

| <b>Q4. Ethical Standards and Expectations. I believe that Devon County Council....</b>   | Yes   | To Some Extent | No   | Don't know |
|--|-------|----------------|------|------------|
| <ul style="list-style-type: none"> <li>• communicates the Council's values to Members</li> </ul>   | 59.3% | 23.1%          | -    | 17.6%      |
| <ul style="list-style-type: none"> <li>• communicates the Council's values to Officers</li> </ul>  | 62.6% | 33%            | 1.1% | 3.3%       |
| <ul style="list-style-type: none"> <li>• communicates the Council's values to partners</li> </ul>  | 34.1% | 44%            | 3.3% | 18.7%      |
| <ul style="list-style-type: none"> <li>• has clear lines of accountability and responsibility for Members.</li> </ul>                            | 60.7% | 20.2%          | 2.2% | 16.9%      |
| <ul style="list-style-type: none"> <li>• has clear lines of accountability and responsibility for Officers.</li> </ul>                           | 81.1% | 15.6%          | 1.1% | 2.2%       |
| <ul style="list-style-type: none"> <li>• has a culture which allows Members to challenge Council decisions without fear of reprisal.</li> </ul>  | 65.6% | 10%            | 3.3% | 21.1%      |
| <ul style="list-style-type: none"> <li>• has a culture which allows Officers to challenge Council decisions without fear of reprisal.</li> </ul> | 48.4% | 28.6%          | 6.6% | 16.5%      |
| <ul style="list-style-type: none"> <li>• Officers treat each other and people who use the Council's services fairly.</li> </ul>                  | 70.3% | 23.1%          | 1.1% | 5.5%       |
| <ul style="list-style-type: none"> <li>• Members treat each other and people who use the Council's services fairly.</li> </ul>                   | 53.9% | 31.5%          | 1.1% | 13.5%      |
| <ul style="list-style-type: none"> <li>• People are confident about how the content of the code of conduct applies to them</li> </ul>            | 41.8% | 41.8%          | 5.5% | 11%        |

| <b>Q5. Awareness of procedures relating to Ethical Standards. I believe that Devon County Council....</b>  | Yes   | To Some Extent | No    | Don't know |
|--|-------|----------------|-------|------------|
| <ul style="list-style-type: none"> <li>• has a clear, relevant constitution</li> </ul>   | 75.6% | 12.2%          | 2.2%  | 10%        |
| <ul style="list-style-type: none"> <li>• makes full, accurate and clear policies, guidance and advice on ethical issues and procedures available to everyone</li> </ul>                                      | 61.5% | 24.2%          | 3.3%  | 11%        |
| <ul style="list-style-type: none"> <li>• operates clear, easy-to-follow rules in relation to declaring interests, claiming expenses and being offered hospitality or gifts.</li> </ul>                       | 78%   | 15.4%          | 1.1%  | 5.5%       |
| <ul style="list-style-type: none"> <li>• operates clear, easy-to-follow procedures to deal with inappropriate behaviour</li> </ul>   | 71.1% | 20%            | 3.3%  | 5.6%       |
| <ul style="list-style-type: none"> <li>• Makes everyone familiar with the Annual Report of the Standards Committee, the Annual Report of the Audit Committee and the Annual Governance Statement?</li> </ul> | 42.9% | 27.5%          | 17.6% | 12.1%      |

| <b>Q6. Ethical Conduct</b>  | Yes   | To Some Extent | No    | Don't know |
|---|-------|----------------|-------|------------|
| • I have received training relating to the code of conduct.                     | 36.7% | 22.2%          | 37.8% | 3.3%       |
| • I know where to go to go for advice and support on conduct and ethical issues | 66.7% | 20%            | 10%   | 3.3%       |

| <b>Q7. Ethical Conduct</b>  | Yes   | To Some Extent | No   | Don't know |
|---|-------|----------------|------|------------|
| • Members perform their duties with honesty, integrity, impartiality and objectivity.                           | 57.1% | 28.6%          | 1.1% | 13.2%      |
| • Officers perform their duties with honesty, integrity, impartiality and objectivity.                          | 82.2% | 16.7%          | -    | 1.1%       |
| • encourages, develops and maintains high standards of conduct by training and supporting Members.              | 60.4% | 20.9%          | 1.1% | 17.6%      |
| • encourages, develops and maintains high standards of conduct by training and supporting Officers.             | 59.3% | 29.7%          | 1.1% | 9.9%       |
| • has a positive attitude towards and is willing to act on criticism  | 54.9% | 36.3%          | 1.1% | 7.7%       |
| • considers ethical conduct and high standards as an important component of the Council's vision for the future | 71.1% | 18.9%          | -    | 10%        |

| Q8. Would you welcome receiving regular examples of good practice concerning ethical governance? | Councillor  |             | Officer     |             |
|--|-------------|-------------|-------------|-------------|
|  | Yes         | No          | Yes         | No          |
|  | 13<br>(46%) | 13<br>(46%) | 25<br>(40%) | 37<br>(59%) |