



You can view the agenda on the [website](#)
or use a smart phone camera and scan the code

To: The Chair and Members
of the Standards
Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

Date: 8 March 2024

Contact: Julia Jones

Email: julia.e.jones@devon.gov.uk

STANDARDS COMMITTEE

Monday, 18th March, 2024

A meeting of the Standards Committee is to be held on the above date at 1.30 pm in the Daw Room, County Hall, to consider the following matters.

Donna Manson
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 March 2023, 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 Ethical Governance Framework: Monitoring (Pages 1 - 4)

Report of the Director of Legal and Democratic Services (LDS/24/13) on co-opted members' attendance at meetings of the Council, Cabinet and Committee meetings, monitoring compliance with the Council's ethical governance framework, attached.

5 Annual Review of the Members' Code of Conduct (Pages 5 - 16)

Report of the Director of Legal and Democratic Services (LDS/24/14) providing an update on the current work being undertaken in reviewing the Members' Code of Conduct and the arrangements around this, attached. The Committee is asked to consider whether they are assured that the current Code of Conduct is fit for purpose.

Electoral Divisions(s): All Divisions

MATTERS FOR INFORMATION

6 Customer Feedback (Pages 17 - 26)

Report of the Director of Transformation and Business Services providing an overview of customer complaints received during this reporting year to date.

7 Local Government and Social Care Ombudsman complaint report (To Follow)

To consider and comment on the findings of the LGSCO report. The Interim Deputy Director for Children's Health and Wellbeing will attend and present this item.

8 Standards Committee - Annual Report (To Follow)

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 2023/24 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.

9 Local Determination of Complaints

Director of Legal and Democratic Services 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 exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). They need to be disposed of carefully and should be returned to the Democratic Services Officer at the conclusion of the meeting for disposal.

MEETINGS INFORMATION AND NOTES FOR VISITORS

Getting to County Hall and Notes for Visitors

For SatNav purposes, the postcode for County Hall is EX2 4QD

[Further information about how to get to County Hall](#) gives information on visitor parking at County Hall and bus routes.

Exeter has an excellent network of dedicated cycle routes. For further information see the [Travel Devon webpages](#).

The nearest mainline railway stations are Exeter Central (5 minutes from the High Street), St David's and St Thomas. All have regular bus services to the High Street.

Visitors to County Hall are asked to report to Main Reception on arrival. If visitors have any specific requirements, please contact reception on 01392 382504 beforehand.

Membership of a Committee

For full details of the Membership of a Committee, please [visit the Committee page](#) on the website and click on the name of the Committee you wish to see.

Committee Terms of Reference

For the terms of reference for any Committee, please [visit the Committee page](#) on the website and click on the name of the Committee. Under purpose of Committee, the terms of reference will be listed. Terms of reference for all Committees are also detailed within Section 3b of [the Council's Constitution](#).

Access to Information

Any person wishing to inspect any minutes, reports or background papers relating to an item on the agenda should contact the Clerk of the Meeting. To find this, [visit the Committee page](#) on the website and find the Committee. Under contact information (at the bottom of the page) the Clerk's name and contact details will be present. All [agenda, reports and minutes of any Committee are published on the Website](#)

Public Participation

The Council operates a Public Participation Scheme where members of the public can interact with various Committee meetings in a number of ways. For full details of whether or how you can participate in a meeting, please [look at the Public Participation Scheme](#) or contact the Clerk for the meeting.

In relation to Highways and Traffic Orders Committees, any member of the District Council or a Town or Parish Councillor for the area covered by the HATOC who is not a member of the Committee, may attend and speak to any item on the Agenda with the consent of the Committee, having given 24 hours' notice.

Webcasting, Recording or Reporting of Meetings and Proceedings

The proceedings of any meeting may be recorded and / or broadcasted live, apart from any confidential items which may need to be considered in the absence of the press and public. For more information [go to our webcasting pages](#)

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. Filming must be done as unobtrusively as possible without additional lighting; focusing only on those actively participating in the meeting and having regard to the wishes of others present who may not wish to be filmed. Anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance.

Members of the public may also use social media to report on proceedings.

Declarations of Interest for Members of the Council

It is to be noted that Members of the Council 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.

WiFi

An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall.

Fire

In the event of the fire alarm sounding, leave the building immediately by the nearest available exit following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings; do not use the lifts; and do not re-enter the building until told to do so. Assemble either on the cobbled car parking area adjacent to the administrative buildings or in the car park behind Bellair.

First Aid

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

Mobile Phones

Please switch off all mobile phones before entering the Committee Room or Council Chamber

Alternative Formats

If anyone needs a copy of an Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Customer Service Centre on 0345 155 1015 or email: committee@devon.gov.uk or write to the Democratic and Scrutiny Secretariat in G31, County Hall, Exeter, EX2 4QD.

Induction Loop available



ETHICAL GOVERNANCE FRAMEWORK MONITORING

Report of the Director of Legal and Democratic Services

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 in March 2023, attended the following meetings both virtually and in person and their views/feedback are summarised below.

Meeting	Date	Co-opted Member/Observer
Health and Wellbeing Board	13 April 2023	Anne Mayes
Devon Pension Board	18 April 2023	Ian Hipkin
Procedures	25 April 2023	Ian Hipkin
Children's Scrutiny Committee	6 June 2023	Ruth Saltmarsh
Investment and Pension Fund Committee	16 June 2023	Ray Hodgins
Cabinet	12 July 2023	Anne Mayes
Council	7 September 2023	Ray Hodgins
Farms Estate	11 September 2023	Ian Hipkin
Audit	25 September	Ian Hipkin
Devon Authorities Strategic Waste Committee	17 October 2023	Anne Mayes
Standing Advisory Council on Religious Education	15 November 2023	Ray Hodgins
Devon Education Forum	22 November 2023	Ruth Saltmarsh
Public Rights of Way	23 November 2023	Ruth Saltmarsh
Cabinet	13 December 2023	Ray Hodgins
Procedures	1 February 2024	Ray Hodgins
Audit	28 February 2024	Ruth Saltmarsh

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

Agenda Item 4

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 (where so declared)					N/A ✓✓ N/A N/A ✓✓✓✓✓✓✓ N/A N/A ✓✓
Effective Chairing/conduct of meeting			✓		✓✓✓✓✓✓✓✓
Adherence to Agenda				✓✓	✓✓✓✓✓✓✓✓
Listening and responding to advice (from Officers)			✓	✓	N/A ✓✓✓ N/A ✓✓ ✓ N/A ✓✓✓✓

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. Among the comments made were as follows:

- It was difficult to ascertain whether everyone was in the meeting.
- The Chair had asked everyone present to introduce themselves, which was helpful.
- A suggestion that those attending remotely should be encouraged to turn their camera off when not speaking (disconcerting to have a third of the screen taken up by one person looking directly at you and every now and again drinking from a flask).
- Good, informed discussion.
- There was lively discussion which the Chair and others handled well.
- The new Chair for the meeting and their introduction was clear and helpful. The meeting started at 10.30 and was closed about 2 ½ hours later. It was questioned whether enough time was being allocated to give the appropriate level of consideration, by so many people, to critical issues?
- Well chaired.
- For the early part of the meeting, the sound was generally poor and at times inaudible, but it was rectified later in the meeting.

Agenda Item 4

- A substantial agenda with a vast number of pages. The meeting was well chaired with plenty of time for questions.
 - Could not see who was speaking and did not know their name every time. It was helpful when those presenting shared their screens, but not all did.
 - There were several issues in this meeting which caused it to be a turbulent affair. This was not the first Education Forum attended where members had been vocal over certain issues and consequently it became a difficult meeting for the Chair. The details of the meeting have been discussed with the appropriate Officer and the concerns raised. (N.B Appropriate remedial actions have been taken to try to reduce future issues and improvements have been made).
 - Business was conducted in an orderly way. The paperwork which was sent to members about each of the applications was detailed and informative. It gave historical and up to date information and maps which were both relevant and helpful for Members making decisions.
 - Members listened to advice from officers.
 - The meeting was well chaired and efficiently and effectively run.
5. 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.

MARIA PRICE

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for Enquiries: J Jones

Tel No: 01392 380547 Room: G31

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

Nil

Annual Review of the Members' Code of Conduct

Report of the Director of Legal and Democratic Services

Recommendation:

That, in line with previously agreed practice, the Committee considers whether it is assured that the current Code of Conduct is fit for purpose, or whether Members are minded to suggest any amendment.

Summary

1. provides an update on the current work being undertaken in reviewing the Members' Code of Conduct and the arrangements around this. The Report In line with previously agreed practice, this issue is added to the Committee's agendas for an annual review.
2. The Committee is being asked to review the current code only.

Introduction and Background

3. The Local Government Association (in September 2019) agreed to produce a new Code of Conduct as part of a wider programme on civility in public life.
4. The purpose of the new LGA Code of Conduct was to assist Councillors in modelling the behaviour expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. The LGA Code set out general principles of conduct expected of all Councillors and their specific obligations in relation to standards of conduct.
5. The Council responded to the Consultation on the new Code. Whilst many of the additions to the new Code were welcomed, for example the inclusion of social media and other electronic communications, the lack of sanctions was still a cause for concern, although it was acknowledged these require primary legislative changes. Many felt that the new Code missed an opportunity to strengthen current Standards regimes.
6. The Standards Committee considered the matter in November 2021 and then further in March 2022 and proposed additional elements aimed to strengthen the current Code by inclusion and consideration of issues such as introductory statements, clearer definitions, application of the Code, social media, strengthening harassment definitions, gifts and hospitality and compliance with the Code and sanctions as well as declarations of interests. In May 2022 the revised Code with these additions was adopted by the Council.

Agenda Item 5

Review of the Code of Conduct

7. At the Member's Day event held in November 2023, Councillors were invited to give their views about the Code of Conduct and its arrangements via a Mentimeter presentation. Members were asked their thoughts about the current code, if they understood the differences between the DCC Code and the LGA model code, the current arrangements for dealing with complaints and possible options to amend such as being more flexible and allowing subject members to attend hearings.
8. The Governance Working Group also considered this matter at its meeting on 22 January 2024 and members were concerned that the low attendance at the Members Day meant that a significant number of Councillors had not been consulted about the Code.
9. It was suggested that the presentation be emailed to all members to seek any further views before making any recommendations.
10. The consensus from all these discussions were that the Code was fit for purpose, but the arrangements would be reviewed further.
11. As previously agreed, the current Code is being brought to the Committee for its Annual Review.

Conclusion

12. This Report has no specific equality, sustainability, legal or public health implications that have not already been assessed.

MARIA PRICE

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for Enquiries: J Jones

Tel No: 01392 380547 Room: G31

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

Nil

MEMBERS' CODE OF CONDUCT

Foreword, Statement and Purpose

(this Foreword, Statement and Purpose does not form part of the Members' Code of Conduct. It is intended to set out the background, purpose, and importance of the Code)

The role of Councillor is a vital part of democracy and it is important that Councillors can be held accountable and adopt the behaviours and responsibilities associated with the role.

Councillors represent local residents, work to develop better services and deliver local change. The public trust Councillors to represent the local area and take decisions fairly, openly, and transparently. There is both an individual and collective responsibility to meet the expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, Councillors should be able to undertake their role without intimidation, abuse, bullying or threatening behaviour from anyone, including the general public.

The Council's Code is designed to encourage good conduct and safeguard the public's trust in local government.

The Council will undertake an annual review of its Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.

The **purpose of the Code of Conduct** is to assist Councillors in modelling the behaviour that is expected, to provide check and balance, and to set out the type of conduct that could lead to action being taken. The Code is also there to protect Councillors, the public, fellow Councillors, Local Authority Officers and the reputation of Local Government. It sets out general principles of conduct expected of all Councillors and specific obligations in relation to standards of conduct.

Induction and training on Governance issues, including this Code of Conduct is important and the Council will provide this with updates as required. It is incumbent on Councillors to endeavour to attend.

PART 1: GENERAL PROVISIONS

Public Duty and Private Interests: An introduction

1.1. This Code applies to you as a Member or a Co-opted Member of Devon County Council (*For the purposes of this Code, a “Co-opted Member” means a person who is not a member of Devon County Council but who:*

(a) is a member of any committee or sub-committee of Devon County Council; or

(b) is a member of, and represents Devon County Council on, any joint committee or joint sub-committee of Devon County Council,

irrespective of whether or not that person is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.)

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 declare any offered gift or hospitality over the value of £25 and whether this was accepted or declined, in line with the Council's Policy Statement on the Proper Conduct of Business and [Financial Regulations](#). Declarations will be published on the Council's website.
 - (h) 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;
 - (i) 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;
 - (j) 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.
- 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 processes, investigations or sanctions 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 Officer 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.....

3.1. 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.

3.2 noting that the Code applies to all forms of communication and interaction, including;

- face-to-face
- online / telephone meetings
- written / verbal communication
- non-verbal communication and electronic & social media communication, posts, statements and comments

General obligations

4. You **must** –

- (a) treat others with courtesy and respect, including the public, fellow Councillors, Local Authority employees and also employees and representatives of partner organisations and those volunteering for the local authority; and
- (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.

(Respect means politeness and courtesy in behaviour, speech, and in the written word. Having different views is part of a healthy democracy and Councillors can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. However, there should be no subjecting individuals, groups of people or organisations to personal attack.

Contact with the public should always be polite and courteous.

In return, you have a right to expect respectful behaviour from the public. If this is not the case and Councillors are being subjected to abusive, intimidatory or threatening behaviour, they should seek support and assistance from the Monitoring Officer)

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, which places specific duties on Local Authorities);
- (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. It can happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be noticed by others);

- (d) harass any person (the Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence. It must involve such conduct on at least two occasions and can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person).
- (e) 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

- (f) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the County Council;
- (g) 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;
- (h) prevent another person from gaining access to information to which that person is entitled by law;
- (i) 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]

PART 2: INTERESTS

Registration of Interests

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

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 register, you may wish also to declare membership of any body which, in your view, 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, including any unpaid Directorships.

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; and
 - (d) not seek to influence improperly any decision about that business.
- 8.2 You also have an interest where a reasonable person with knowledge of the relevant facts would regard you, your relative, or your close friend as having an interest in any business of the County Council that is being considered at a meeting that you attend where the matter affects the financial interest or well-being of yourself, your relative or your close friend to a greater extent than it affects the financial interests of the majority of residents of the area affected by the decision such that it is likely to prejudice your view of the wider public interest.

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

TBS/24/6
Standards Committee
18 March 2024

Customer Feedback

Report of the Director of Transformation and Business Services

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That the Committee be asked to:

- (a) Note the content of the report

2) Introduction

This report is intended to provide an overview of customer complaints received during this reporting year to date; namely 1 April to 31 December 2023.

Please note that the Council is obliged to run three separate complaint procedures due to the legislation that is in place for Children's and Adult Social Care complaints. All other complaints are handled under the Council's corporate complaint procedure. Please note that where Stage 2 & 3 are referenced within this report, this only applies to Children's Social Care.

More information about these procedures and the underlying Legislation can be found here: [Customer Relations - Home \(sharepoint.com\)](#)

In addition, the Ombudsman has introduced a new [complaint handling code](#) which will apply to complaints about all corporate services. This is not mandatory however the Customer Relations Manager will be considering which areas of the Code could be adopted by the Council in order to make a recommendation to SLT and any relevant Committees.

There are no specific financial, legal, environmental impact or equality considerations in relation to this report.

3) Main Body

Complaints - Stage 1/Local complaints

The table below summarises the number of complaints received across all Directorates in this reporting period.

Agenda Item 6

Complaints received 23-24	Q1	Q2	Q3	Q4	YTD
Children's Social Care	87	91	81		259
Adult Social Care	40	57	31		128
Climate Change, Environment & Transport	229	217	166		612
Public Health, Communities & Prosperity	14	7	2		23
County Solicitors	6	9	3		18
Education and Learning	85	62	57		204
Transformation & Business Services	8	18	5		31
Grand Total	469	461	345		1275

It is clear to see that there has been a drop in the number of complaints received in Q3 for all Directorates compared to previous quarters; this could be because of services improving or other more negative factors such as customers being unsure how to raise a complaint. It is therefore not possible at this stage to attribute this drop to any particular factor.

The table below summarises the number of complaints responded to within the reporting period and the percentage partially or fully upheld for each Directorate.

Complaint outcomes 2023-24	Q1		Q2		Q3		Q4		YTD	
	Total Outcomes	%Upheld/Partially Upheld	Total Outcomes	%Upheld/Partially Upheld	Total Outcomes	%Upheld/Partially Upheld	Total Outcomes	%Upheld/Partially Upheld	Total Outcomes	%Upheld/Partially Upheld
Adult Social Care	41	34%	41	37%	31	6%			113	27%
Children's Social Care	57	51%	76	46%	48	41%			181	46%
Climate Change, Environment & Transport	165	5%	251	4%	167	6%			583	5%
Public Health, Communities & Prosperity	19	32%	8	0%	2	0%			29	21%
County Solicitors	3	33%	8	63%	2	0%			13	46%
Education and Learning	71	62%	80	40%	66	48%			217	50%
Transformation & Business Services	5	40%	11	36%	13	31%			29	34%
Total	361	29%	475	21%	329	21%			1165	24%

The number of complaints upheld remains low across the whole Council however Adult Social Care, Children's Social Care and Education and Learning tend to see a higher percentage of upheld complaints.

The table below summarises the response times for complaints across each Directorate. Children's Social Care complaints have timescales for response at each Stage set down in legislation, and all other complaints should be responded to within 20 working days of receipt, in line with the Council's Adult Social Care and corporate complaint processes. This can however be extended where there is a legitimate reason to do so, and therefore it should be possible for most complaints to be responded to within time.

Complaint Response Times 2023-24	Q1		Q2		Q3		Total	
	No. Responded to	% in time	No. Responded to	% in time	No. Responded to	% in time	No. Responded to	% in time
Children's Social Care	57	25%	76	49%	47	49%	180	41%
Adult Social Care	41	41%	41	59%	33	36%	115	46%
Climate Change, Environment & Transport	168	80%	260	82%	174	80%	602	81%
Public Health, Communities & Prosperity	20	85%	8	50%	2	100%	30	77%
County Solicitors	3	33%	9	78%	2	50%	14	64%
Education and Learning	73	52%	80	55%	68	71%	221	59%
Transformation & Business Services	5	60%	11	73%	13	100%	29	83%
Total	367	61%	485	69%	339	71%	1191	67%

There is a very gradual improvement in response times across the whole Council this reporting year, which is pleasing to see, although performance is variable within the Directorates.

Please see Appendix 1 for a summary document showing the outcome of a dip sample of Children's Social Care upheld complaints concluded at Stage 1 and Stage 2 in Quarter 3, undertaken by the Customer Relations Manager, Head of Service for QARSS and Principal Social Worker, collated under the seven Pillars of Practice in line with the way in which the service assesses the quality of practice through their auditing activity.

Similar work has not yet been undertaken for other services however the Customer Relations Manager is considering how this could effectively be achieved with the large volume of complaints received.

Complaints – Stage 2 & 3

Where a complaint is not resolved to the complainant's satisfaction at Stage 1 under the Children's Social Care statutory complaint procedure, the complainant has the right to request investigation of the complaint at Stage 2. It is not possible to prevent this from happening even if the complaint has been fully upheld at Stage 1. Consideration of complaints at Stage 2 is achieved through an investigation conducted by an external investigating officer and an independent person. Each Stage 2 costs on average £3,500, along with staff time in administering the process, being interviewed as part of the investigation, providing requested documentation to the investigator, and Head of Service time in adjudicating the Stage 2 on completion of the investigation. It is therefore important that as many Children's Social Care complaints as possible are resolved to the complainant's satisfaction at Stage 1.

There were a significant number of Stage 2 requests received in 2022-23, which has reduced in 2023-24 and continues to remain at a much lower level each quarter to date. There have been less requests received, but in addition Service Managers are being asked

Agenda Item 6

to attempt to resolve any outstanding issues to the complainant's satisfaction before they escalate to Stage 2.

Stage 2 complaint trends

	Q1	Q2	Q3	Q4
16/17	17	5	6	5
17/18	9	7	7	19
18/19	13	13	8	5
19/20	9	10	11	10
20/21	2	2	3	7
21/22	6	11	10	11
22/23	16	11	8	13
23/24	5	5	6	

There have been 34 Stage 2 complaint investigations concluded in 2023-24 to date. One was not upheld, 28 were partially upheld, five were fully upheld.

A Stage 3 Review Panel Hearing (RPH) is the last Stage of the Council's complaints procedure for Children's Social Care. The Panel is made up of three independent people, and their role is to look at the adequacy of the Stage 2 investigation and make further recommendations if required.

There was one RPH held in Quarter 1, one in Quarter 2 and none in Quarter 3 of 2023-24.

Complaints - LGSCO

The Local Government and Social Care Ombudsman (LGSCO) investigates 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 Ombudsman is the final stage following the completion of the Council's relevant complaints process. 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.

You can view the published LGSCO data for Devon and all other councils the LGSCO investigates here: [Devon County Council - Local Government and Social Care Ombudsman](#)

The table below shows the number of LGSCO complaints received in the reporting period. While Education and Learning have seen a reduction in the number of LGSCO complaints received in Q3 compared to the two previous quarters, there has been an increase in those received about Children's Social Care. Most of the complaints received about Children's Social Care in Q3 however were quickly closed by the LGSCO, stating that they couldn't or wouldn't investigate for various reasons. An increase in complaints received is therefore not particularly meaningful on its own, as it may just indicate that we are good at signposting customers to the LGSCO.

Agenda Item 6

LGSCO complaints received 2023-24	Q1	Q2	Q3	Q4	YTD
Children's Social Care	2	3	10		15
Adult Social Care	6	4	12		22
Education & Learning	15	22	9		46
Climate Change, Environment & Transport	9	12	9		30
Transformation & Business Services	3	1	2		6
Communities, Public Health, Environment & Prosperity	1	1	1		3
Legal & Democratic Services	2	1			3
Finance & Public Value					
Total	38	44	43		125

The table below summarises the LGSCO outcomes by Directorate for each quarter.

LGSCO Outcomes 2023-24	Q1							Q2							Q3							Total						
	Closed after initial enquiries - No further action	Closed after initial enquiries - out of jurisdiction	Not upheld - no fault or injustice	Upheld - Fault and injustice	Upheld - Fault but no injustice	% Upheld	Q1 Total	Closed after initial enquiries - No further action	Closed after initial enquiries - out of jurisdiction	Not upheld - no fault or injustice	Upheld - Fault and injustice	Upheld - Fault but no injustice	% Upheld	Q2 Total	Closed after initial enquiries - No further action	Closed after initial enquiries - out of jurisdiction	Not upheld - no fault or injustice	Upheld - Fault and injustice	Upheld - Fault but no injustice	% Upheld	Q3 Total	Closed after initial enquiries - No further action	Closed after initial enquiries - out of jurisdiction	Not upheld - no fault or injustice	Upheld - Fault and injustice	Upheld - Fault but no injustice	% Upheld	Grand Total
Children's Social Care	2		1	1		25%	4	1	1					4	4	2		1	2	14%	7	7	3	1	4	27%	15	
Adult Social Care									1	2		67%	3	1		1	2		50%	4	1		2	4		57%	7	
Education & Learning	2	1	11	1		73%	15	1		1	10	83%	12	3	2		14		74%	19	6	2	2	35	1	76%	46	
Climate Change, Environment & Transport	7					0%	7	6	2	1	1	10%	10	6	3	3			0%	12	19	5	4	1		3%	29	
Transformation & Business Services	3		2	1		17%	6	1			1	50%	2	1			1		50%	2	5		2	3		30%	10	
Communities, Public Health, Environment & Prosperity		1				0%	1	1				0%	1			1			0%	1	1	1	1			0%	3	
Legal & Democratic Services		1	1			0%	2	1				0%	1						0%	1	1	1	1			0%	3	
Finance & Public Value																						1	1	1				
Total	14	2	5	13	1	37%	35	11	3	3	16	48%	33	15	7	5	18	0	40%	45	40	12	13	47	1	42%	113	

It is positive to see that our uphold rate to date in this reporting year is just 42%, compared to 74% in 2022-23. While this may increase during the final quarter of the reporting year, it is currently almost half the uphold rate for similar Authorities in 2022-23. Having a lower uphold rate suggests that our operational work is generally good, as the LGSCO will usually only uphold a complaint if we have not acted in line with law, or our published policies and processes.

The LGSCO indicate that Devon's uphold rate in 2022-23 (74%) is lower than other similar authorities (80%) – it should be noted that while it is positive that our uphold rate is lower, the LGSCO consider all Local Authorities to be “similar” when making this comparison so this figure could be misleading. When compared to other Local Authorities with a similar size population, Devon's uphold rate sits a little lower than halfway. Our uphold rates are therefore roughly on par with other similar Local Authorities.

As a result of the 47 upheld complaints to date in 2023-24, the LGSCO made 122 recommendations.

Agenda Item 6

Over half of the recommendations to date involved the payment of a financial remedy to the customer, totalling £36,013. Most of the financial remedies relate to delays in EHCPs or alternative provision. This is not surprising, given the position of Education services at the current time and the improvement work ongoing. It is anticipated that the financial remedy payments will start to reduce as the improvement work is further implemented. Most of the remaining recommendations related to providing training or guidance to staff, and to review operational policy or procedure to ensure that it was in line with law or best practice.

4) Strategic Plan

The handling of customer feedback in an efficient and timely way aligns with the following Strategic Plan priorities:

Be ambitious for children and young people – by ensuring that they can have their say through a formal framework which is responded to by senior managers.

Improve health and wellbeing – providing managers with greater intelligence about where services are not working well or as intended, particularly in relation to social care.

5) Summary

We recommend accepting this report for publishing in the public domain in compliance with policy, in public interest, and to fulfil statutory obligations.

Name

Matthew Jones - Director of Transformation and Business Services

Electoral Divisions: All

Local Government Act 1972: List of background papers

Nil

Contact for enquiries:

Name: Helen Wyatt

Telephone: 01392 383703

Address: helen.wyatt@devon.gov.uk

Appendix 1 - Complaint Themes from Q3 (Children's Social Care)

Quality of Responses:

Overall there were demonstrable efforts by the complaint responder to speak with or meet with the complainant to discuss the details of their complaint prior to providing a written response. This shows a commitment to relational practice and an opportunity for the complainant to feel heard and be able to share their experiences with the service and supports a co-working approach to resolve complaints together with the complainant.

Some complaint responses did not provide definitive answers and could leave the door open for further complaints and correspondence about particular issues that were raised. For example, one complainant was not sent a copy of their assessment. Rather than sending a copy of the assessment the response advised that if the complainant still wanted a copy of their assessment, they could respond confirming this position and then one would be shared. This was an unnecessary task for the complainant to complete when a copy of the assessment should have been shared as per their request.

There continue to be some grammatical and spelling errors within complaint responses despite proof reading from the Customer Relations Team prior to responses being sent back to the complainant.

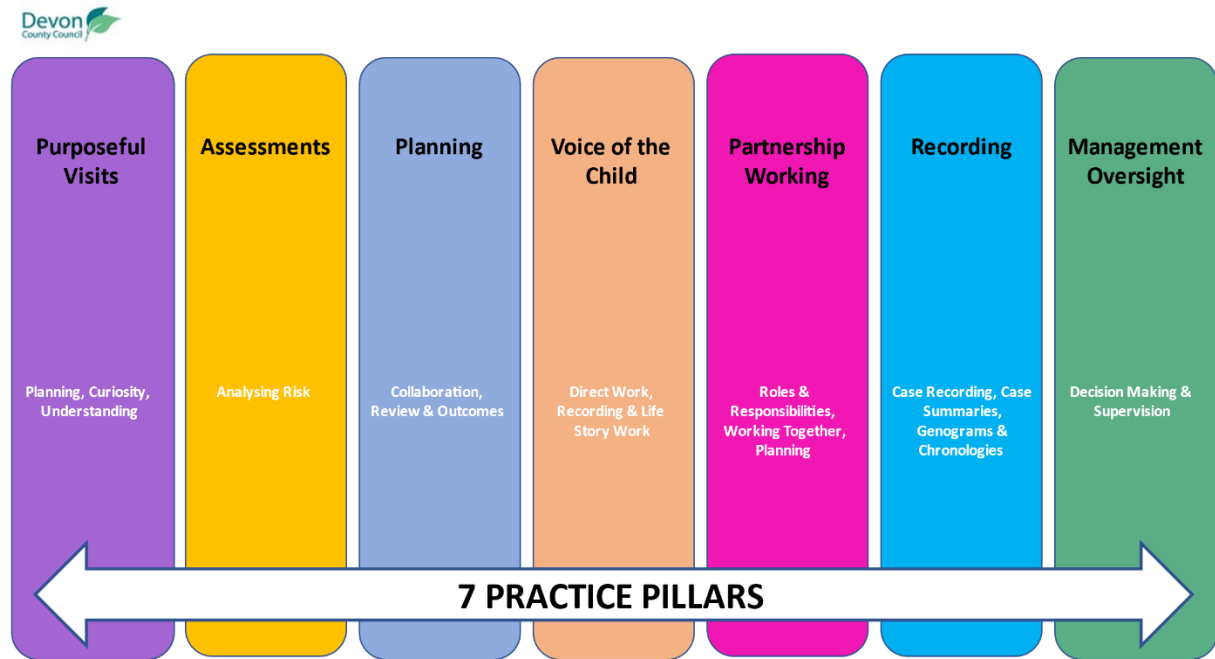
Whilst not always a specific issue in complaints that are made to the service, the turnover of practitioners often makes responding to complaints more difficult and where the opportunity for clear and thorough "handovers" between outgoing and incoming practitioners were missed, this created a missed opportunity for information to be shared and created difficulties in understanding certain aspects of our practice with children and families. This was compounded by missing recording from the outgoing social worker. All of this contributes to the quality of the response that we were able to provide to the complainant.

Complaint Themes:

In Q3 there were 39 responses in total to both Stage 1 and Stage 2 complaints. The Customer Relations Manager, Head of Service for QARSS and Principal Social Worker undertook a dip sample of 30% (11) of these responses where complaints were upheld, including both Stage 1 and Stage 2 complaint responses and a response written to a young person who had complained.

The themes that were found in the dip sample cohort have been collated under each of the Seven Pillars of Practice in line with the way in which we assess the quality of our practice through our auditing activity.

Agenda Item 6



Purposeful Visits

- In 1 complaint response (9%) it was found that the child's neurodiversity was not fully considered in the work with the child. A clear timescale was set for them to know the next steps for them, and when this timescale was not met it caused the child considerable distress. Understanding the importance of giving clear timescales but not making promises that we may not achieve is important, particularly when a child's neurodiversity may mean that they hold onto timescales that are of significant importance to them. This however is relevant for all children and not just those that are neurodiverse.
- In 2 complaint responses (18%), concerns about practitioner conduct were upheld.

Assessments

- Inaccuracies in our Reports or Assessments were raised within 27% of complaints (3/11).
- Assessment Quality was raised in 1 complaint (9%)

Planning

- In 1 complaint (9%) CIN planning had continued without Parenting Consent
- In 2 complaints (18%) the child was placed outside of a clear legal framework.
- In 1 complaint (9%) Safety Planning had been completed but it was deemed to be inappropriate to mitigate the identified risks as the emphasis was on the child having to keep themselves safe by removing themselves from risky situations.
- In 1 complaint (9%) the minutes from a CIN Planning Meeting had not been received.

Voice of the Child

- In 1 complaint response it was felt that the overall communication with the child was poor (9%)
- In 1 complaint response (9%) it was felt that the overall work with the child was poor in that visits and an ABE interview were undertaken without the knowledge of the child's parents and the child did not understand the process or what was happening, and the parents were unable to support. The social worker had also text the child their contact details but the child did not wish to receive them. The child had been upset by this.

Partnership Working

- In 1 complaint (9%) response it was acknowledged that the parent had not been provided with contact details for anyone other than the social worker whom they were able to contact in the social worker's absence.
- In 4 complaint (36%) responses it was felt that there had been poor communication with the parents.
- In 2 complaint (18%) responses the Social Worker leaving the service had contributed to difficulties in parents being offered responses to their concerns/questions.
- In 1 complaint response (9%) 3rd party information was shared with the family that we were working with about another family. For this family, this did not instil confidence in our service and the family were worried that we would share their information with others.
- In 2 complaint responses (18%) we had shared information about the family that we were working with to a 3rd Party enabling the 3rd party to identify the family that we were working with.

Recording

- In 2 complaint responses (18%) it was identified that there were gaps in recording.

Management Oversight

No complaints featured concerns relating to Management Oversight and Supervision.

