

STANDARDS COMMITTEE

14 October 2024

Present:-

Councillors J Hart (Chair), T Adams, J Bailey, I Chubb, A Connett, C Slade
Coopted Members - R Hodgins, A Mayes and R Saltmarsh

In attendance (virtually):

Councillors P Maskell and C Leaver
I Hipkin (coopted member)

Apologies:-

None

55 **Declarations of Interest**

Details of Councillor membership of other authorities can be viewed here –
[County councillors who are also district, borough, city, parish or town councillors.](#)

There were no further interests declared.

* 56 **Minutes**

It was **MOVED** by Councillor Connett, **SECONDED** by Councillor Chubb and **RESOLVED** that the minutes of the meeting held on 8 July 2024 be agreed as a correct record.

* 57 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

58 **Findings from the Ombudsman's Report into the Case of Mr C**

The Committee received a Report from the Directors for Integrated Adult Social Care and Children and Young People's Futures (IASC/24/14) on the findings from the Ombudsman into the case of Mr C. This followed the public interest report issued by the Local Government and Social Care Ombudsman on the 8th August 2024 into a complaint about Devon County Council (Reference Number: 23 001 435).

There was a requirement such reports are brought to a relevant Council Committee for public scrutiny. The Report found fault causing injustice and had made a number of recommendations.

The complaint was brought by Miss B on behalf of her son, Mr. C, who was transitioning from children's social care to adult services upon turning 18. Mr C was a young adult with autism and ADHD.

The primary concerns included: Inadequate and delayed transition planning leading to Mr. C's relocation to a supported living placement 30 miles away from his family and educational setting; resultant isolation, missed education, and increased anxiety for Mr. C; distress experienced by Miss B due to reduced contact and involvement in decision-making regarding her son's care.

Points of failure identified were: delayed decision-making and implementation, inadequate coordination between services, challenges in securing suitable accommodation and transport, understanding legal responsibilities, and perception of transition processes.

In addition to public scrutiny of the Report, the Ombudsman also required Devon County Council to report to him within three months on the measures taken to address the recommendations in the Report.

The Council had accepted in full the recommendations of the Ombudsman and was committed to learning from what has happened to ensure sustainable improvements to its processes. Actions taken in response to the issues identified in the Ombudsman report were as follows:

1. Apologise to Mr. C
2. Compensate Mr. C and Mrs B
3. Arrange Support Meeting
4. Triage Transition Cases
5. Ensure Escalation Procedure
6. Brief Staff
7. Improve Team Communication

Further related actions included: a revised transition model, assessment monitoring, formalised escalation procedures, learning and improvement initiatives, creation of 16-18 year old forum and housing solutions for care leavers.

Members were informed that the Council acknowledged the significant failures and the Report offered valuable lesson opportunities to improve and understand where things didn't go well and to take appropriate actions.

Further discussion included the following points:

- Following actions that had been taken and were in train, there was a much higher level of confidence that these incidents would not reoccur.

- These included changing the transition model, better reporting around delays in assessments, identifying those with complex needs and implementing a joint working plan involving health colleagues
- Challenges around sufficiency levels and out of area placements
- Negotiations with other local authorities for children placed out of county
- Involvement of senior officers in the process in this case had been at a late stage
- Communication was an underlying factor in the case
- Concerns about the length of time involved
- The client's needs did not appear to be the primary factor in the case
- Although there were financial challenges this did not excuse the identified failures
- Clarification around the transition process and assurance that this was now a smooth transition with social workers working together.
- Information on the make up of the Panel and factors including financial issues involved in decision making.
- Forums had now taken over from Panels and had terms of reference, a wider number of people involved and quality at the forefront of decision making
- Better planning for young people to identify and understand needs and earlier conversations

There was a request that the Report also be presented to the Children's Scrutiny Committee.

It was **MOVED** by Councillor Hart and **SECONDED** by Councillor Connett and **RESOLVED:**

That the Committee:

1. Notes the case of Mr C, as outlined in the Ombudsman Reports, and the resultant action plan, as presented to the Committee; and .
2. asks that the Ombudsman Report and supporting documents to be sent to both the Adult and Health and Children's Scrutiny Committees, noting the Adult and Health Scrutiny Committee will be asked to oversee the action plan for improvement moving forward.

59 **Revised Member Complaints Process**

The Committee received the Report of the Director of Legal and Democratic Services (LDS/24/27) on the Revised Member Complaints Process.

Members were reminded that as part of the wider work being undertaken to review Governance procedures in the Council, it was recommended that the Council's Code of Conduct and the process of dealing with Members Complaints be reviewed.

A wholesale review of both processes had been undertaken, at Member Development Days and by the Governance Working Group and the Standards Committee.

The aim of the work strand was to ensure that both the Council's Code of Conduct and the processes for reviewing and dealing with complaints against elected Members were appropriate and fit for purpose.

The new Code had been adopted by the Council in May 2022. The Standards Committee conducted its annual review of the Code of Conduct in March 2024. Members felt the Code had been thoroughly reviewed and resolved it was appropriate and fit for purpose for Devon.

The revised wording of the complaints process had been presented to the Standards Committee on 8 July 2024. However, a number of changes had been suggested so the Committee agreed to defer the item to allow these changes to be considered.

The revised guidance set out the context for complaints and how they should be submitted, addressed issues of confidentiality, the preliminary tests that would be applied including legal thresholds, initial assessments and the public interest.

Also included in the new process was a revised complaints form, protocol for dealing with investigations into Standards allegations under the Localism Act 2011, Decision Notice (Appendix 1), Investigation plan (Appendix 2), draft statement template (Appendix 3), Interview plan (Appendix 4), Investigation plan review (Appendix 5), Decision Notice to cease an Investigation (Appendix 6) and a Comments Assessment Matrix (Appendix 7).

Members were content with the revisions and recognised the efforts which had gone into this.

It was **MOVED** by Councillor Hart and **SECONDED** by Councillor Chubb and **RESOLVED:**

That the Committee endorses the revised Member Complaints Process, based on the Local Government Association Model process, for recommendation to the Council, prior to publication to the Council's website.

Customer feedback 2023-24

The Committee received the Report of the Director of Legal and Democratic Services (LDS/24/42) on Customer Feedback which provided an overview of customer complaints received during the previous reporting year; namely 1 April 2023 to 31 March 2024.

It was highlighted that the Council was obliged to run three separate complaint procedures due to the legislation in place for Children's and Adult

Social Care complaints. All other complaints were handled under the Council's corporate complaint procedure.

The Report summarised the number of complaints received at Stage 1 across all Directorates in the reporting year. There was a drop in the number of complaints received in Q3 for all Directorates compared to previous quarters, however this increased back up to usual levels in Q4; it was not possible to attribute the variation in Q3 to any particular factor.

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

There was a gradual improvement in response times across the whole Council for the first three quarters of the reporting year, however performance reduced in Q4 leading to only 65% of all complaint responses being in time.

There were a significant number of Stage 2 requests received in 2022-23, which reduced in 2023-24 and continued to remain at a much lower level each quarter to date.

There were 42 Stage 2 complaint investigations concluded in 2023-24. Two were not upheld, 35 were partially upheld, and five were fully upheld. 7% of Stage 2 complaints were responded to within Statutory timescales.

A Stage 3 Review Panel Hearing (RPH) is the last Stage of the Council's complaints procedure for Children's Social Care. There were four RPHs held through the year; one RPH held in Quarter 1, none in Quarter 2, one in Quarter 3, and two in Quarter 4 of 2023-24.

The Local Government and Social Care Ombudsman (LGSCO) investigated complaints about councils, adult social care providers, including care homes and agencies, and some other organisations providing local public services. It assessed for fault and made findings in relation to maladministration of process and subsequent injustice to the customer. The Ombudsman was the final stage following the completion of the Council's relevant complaints process.

While Education and Learning saw a reduction in the number of LGSCO complaints received in Q3 compared to the two previous quarters, there was an increase in those received about Children's Social Care.

As a result of the 65 upheld complaints with fault in 2023-24, the LGSCO made 128 recommendations. Over half of the recommendations involved the payment of a financial remedy to the customer, totalling almost £72,000. Most of the financial remedies related to delays in EHCPs or alternative provision.

The Customer Relations Team now had greater capacity to support the administration of escalated complaints and the mitigating actions outlined

included setting clear deadlines, regular requests for updates, responses discussed and issued promptly, improving how data was recorded.

Members and officers discussion covered a number of issues including:

- Improving response times and how robust the process was
- Learning from real situations
- Changes in senior management and linkage to low numbers of responses at stage 2
- Questions around when improvements would be achieved
- The role of Senior Leadership Team and ownership of complaints
- The variety of ways people could contact the Customer Relations Team which included freephone number, free postal address, visiting the council offices, emailing and filling in an online form.
- Difficulties with investigations when officers were not always available due to operational demands
- Responding to complaints as part of the staff appraisal process

Members expressed the need for escalation to Directors to ensure sufficient oversight of complaints by the leadership team.

The Committee further asked for a Report to be brought back to the next meeting in March 2025.

It was **MOVED** by Councillor Hart and **SECONDED** by Councillor Slade and **RESOLVED**:

- a) That the Committee notes the contents of the Report but expresses concern over the timeliness of responses to complaints; and
- b) That the Committee requests these concerns are escalated to the Senior Leadership Team to ask that a stronger focus be given to the timeliness of responses to reduce the likelihood of escalation in future.

* **61** **Ethical Governance Framework: Monitoring**

The Committee received the Report of the Director of Legal and Democratic Services (LDS/24/40) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting monitoring compliance by Members and Officers with the Council's ethical governance framework.

Members had, since the report to the previous meeting in July 2024, attended the following meetings of Cabinet, Public Rights of Way and Health and Wellbeing Board, both virtually and in person, and their views/feedback are summarised below.

- The meeting was well chaired, inviting plenty of opportunity for discussion.

- The document circulated before the meeting was substantial, and reading all the reports and appendices would have taken considerable time.
- From the questions and comments by Councillors, it was clear that they had prepared well for the meeting and Councillors should be commended for this.
- People attending remotely on Teams should not use video unless speaking, as faces taking up a large part of the screen could be distracting.
- Despite a lengthy document pack – 129 pages, the meeting moved smoothly through the agenda and was completed in just under an hour but was not rushed.
- Advice was sought from Officers at every stage and consideration given to possible consequences of action taken, very thoughtful.
- Speeches were, in general clear, just the occasional sound distortion and loss if the speaker turned away from the mic.
- One presenter (on-line) struggled to share slides and it was therefore not easy to follow the sequence of the points made.

The Committee were pleased to note that there had been no areas of significant concern or any indication of actions or behaviours that might be felt to have resulted in a potential breach of the Code, acknowledging also that steps would continue to be taken to address practical and procedural matters in light of Member's comments arising from both this and the previous monitoring reports in future training sessions.

The issues of online attendees using cameras was raised. It was suggested that a reminder be incorporated into the Chair's notes and read out at the beginning of the meeting, reiterating that mics and cameras be turned off when people were not speaking. It was further suggested that this also be included in any revisions to improving working practices which was currently being examined by the Governance Working Group.

The Report was noted.

* **62** **Local Determination of Complaints**

The Deputy Director of Legal and Democratic Services reported that, since the last meeting, there had been only one new complaint concerning an alleged breach of the Members Code of Conduct as shown in the table contained within the Report (LDS/24/41). The complaint had been determined with o breach of the Code, but rather a matter of

miscommunication due to poor phone reception. Members were reminded about the timeliness of making business calls with a good signal and clear audio.

The Report was noted.

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 2.15 pm and finished at 3.55 pm