

PUBLIC

**MINUTES** of a meeting of the **STANDARDS COMMITTEE** held on 5 October 2016 at County Hall, Matlock

**PRESENT**

Councillor C M Cox (in the Chair)

Councillors K Buttery, S Freeborn (substitute Member), P A Gilby, C A Hart, T Kemp, I Ratcliffe and D J Wilcox

Also in attendance – Messrs K Jackson-Horner, L Newby MBE and P Smith (Independent Persons)

Apologies for absence were received on behalf of Councillor C R Moesby

**5/16        MINUTES RESOLVED** that the minutes of the meeting of the Standards Committee held on 4 May 2016 be confirmed as a correct record and signed by the Chair.

**6/16        APPOINTMENT OF INDEPENDENT PERSONS TO THE STANDARDS COMMITTEE** Following consultation with the Chair and Vice-Chair of the Standards Committee, a report to the Council on 14 September 2016 reported that the three Independent Persons' current terms of office would come to an end in December 2016. In view of the experience which they had gained, it was considered that it would be helpful to secure their continuation in office. They had all indicated they would be happy to continue for a second term of four years, expiring in December 2020.

**RESOLVED** that the Committee note the re-appointment of Mr Peter Smith, Mr Lloyd Newby MBE and Mr Keith Jackson-Horner as Independent Persons on the Standards Committee for a second four year term.

**7/16        COMPLIMENTS, COMPLAINTS AND REPRESENTATIONS TO THE CHILDREN'S SERVICES DEPARTMENT 2015-16** The terms of reference of the Standards Committee provided that the Committee had an overview of the complaints procedure. In order to inform Members of the procedure for complaints in Children's Services, the Committee was invited to receive the report entitled 'Compliments, Complaints and Representations Annual Report April 2015 to March 2016', which was attached at Appendix 1 to the report. Mandy Stafford-Wood, Head of Service (Quality, Performance and Participation) for Children's Services attended the meeting to inform Members of work on complaints in the Children's Services Department.

Mrs Stafford-Wood reported that complaints to the Department fell within two broad categories:

- Those relating to Children's Social Care which were dealt with under the Statutory Complaints procedure; and
- Those relating to wider Children's Services which were dealt with under the Council's Corporate Complaints procedures.

The Council had a very limited role in complaints relating to schools and would only become involved in serious matters such as the non-delivery of the National Curriculum, serious safeguarding matters or where the Local Authority had named the school provision in a child or young person's Statement or Education, Health and Care Plan.

Mrs Stafford-Wood highlighted various aspects within the report, including client feedback, compliments and complaints received, areas of concern and the steps that had been taken to develop practice in response to dealing with complaints.

This year 55% of complaints were acknowledged within the departmental standard of within 2 working days of receipt with 75% being acknowledged within the statutory timescale of 5 working days. The statutory timescale for the acknowledgement of was 5 days but locally this had been set at 2 working days and this had proved a challenging target for a number of reasons. Mrs Stafford-Wood explained the process for acknowledgement of complaints

Members expressed their concern about this process and the responses the complainants were receiving. It was suggested that this process be looked into and that measures be put in place to improve acknowledgement and response times.

**RESOLVED** (1) to recommend to the Strategic Director of Children's Services that the importance of the system of notifying Quality Assurance of the receipt of compliments and complaints is highlighted to the department;

(2) a future meeting of the Standards Committee be updated on the implementation of the recommendations contained in the report; and

(3) that consideration be given to benchmarking of the County Council against other authorities, especially relating to organisational learning.

**8/16      COMPLAINTS AGAINST COUNCILLORS – 2015-16** The Council's Procedure for considering complaints that Members had breached the Code of Conduct provided that the Monitoring Officer, in consultation with one of the Independent Persons from the Standards Committee, decided how complaints should be dealt with. Decisions were made as to whether or not

complaints should be investigated and whether or not they should be referred on to the Standards Committee for consideration. During the year ending 31 March 2016, four complaints had been received, as detailed below:-

1. A former employee who had been dismissed for misconduct complained against four Councillors, alleging that they had colluded with bullying and harassment by officers and that they had not adhered to the Council's Whistleblowing Policy. The complaints were considered not to require consideration under the Code of Conduct since they were of a broad, corporate nature, reflecting the complainant's concerns about how he had been treated by the Council, rather than relating to the personal conduct of individual Councillors. The former employee had been dealt with in accordance with established policies and procedures and she was advised that she should seek redress by means other than ethical standards complaints. In addition, the employee was advised that the Whistleblowing Policy had not in fact been engaged but that the Policy was in place for use as necessary.
2. A member of the public had complained that a Councillor had failed to ensure that his complaint was considered in accordance with the Council's Complaints Procedure. It was established that the Councillor had been acting in his capacity as a school governor rather than as a Councillor and so the complaint did not fall to be considered under the Code of Conduct. The complainant was advised to follow the school's complaints procedure.
3. A member of the public complained that a Councillor had cancelled a meeting with him but this was considered to have been an administrative issue rather than a matter which fell to be considered under the Code of Conduct.
4. A district councillor complained that a County Councillor had disclosed to the public at a parish council meeting, a plan indicating the route of a proposed highway. It was suggested that the plan should not have been disclosed since it was highly commercially sensitive and should have remained confidential until a planning application had been submitted. It was found that the plan had been provided to the County Councillor by an officer of the Council for the express purpose of informing discussions with the parish council and that the plan was not confidential and there was no question of a breach of the Code.

**RESOLVED** that the Committee notes the contents of the report and to note that further reports will be presented on an annual basis.