

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on 11 October 2018.

PRESENT: Councillors Rostron, (Chair), Davison, Goodchild, Storey and Thompson

OFFICERS: A Crawford, S Dorchell, D Johnson, S Lightwing

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Brunton Dobson, Hubbard

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DECLARATIONS OF INTERESTS

There were no Declarations of Interest at this point in the meeting.

1 MINUTES - STANDARDS (HEARINGS) SUB COMMITTEE - 19 MARCH 2018

The minutes of the meeting of the Standards (Hearings) Sub Committee held on 19 March 2018 were taken as read and approved as a correct record.

2 MINUTES - STANDARDS COMMITTEE - 3 JULY 2018

The minutes of the meeting of the Standards Committee held on 3 July 2018 were taken as read and approved as a correct record.

3 ANNUAL COMPLAINTS REPORT 2017/18

A report of the Strategic Director of Finance, Governance and Support was presented which summarised the numbers and outcomes of complaints received by the Council during 2017/2018 falling under its corporate complaints procedure and the statutory procedures for adult and children's services. The report also summarised the complaints escalated to the Local Government and Social Care Ombudsman (LGSCO).

The Council operated three separate complaints procedures: adult and children's services were both statutory procedures, and a corporate complaints procedure, based on practice recommended by the LGSCO but determined by the Council.

The table showing the number of complaints received by the Council between 2016/2017 and 2017/2018 at paragraph 11 to the submitted report was updated at the meeting. It was highlighted that some children's services complaints were dealt with under the corporate procedure during 2017/2018 and the overall number of complaints relating to children's services increased from 78 in 2016/2017 to 92 in 2017/2018.

There had been significant growth in the total volume of complaints received by the Council between 2016/2017 and 2017/2018. This was driven largely by the fact that the Council had created awareness of its ambitions for customer excellence through the Customer Strategy and made it easier for customers to complain. Customers could now use various mediums including online, email, phone and in person to submit their complaint. It was noted that over 60% of the growth was complaints that were not upheld.

The increase in the proportion of complaints that were upheld/partially upheld from 23% in 2016/2017 to 31% in 2017/2018 were indicative of genuine issues in some services, which were identified and addressed during the year.

The service areas with the highest number of complaints were typically those with the most contacts with customers. In 2017/2018 the most complained about services were: Environment, Revenues and Benefits, Highways and Transportation, Children's and Adult Social Care, accounting for 85% of the total.

The increases within the top three service areas could be largely explained by the following factors:

- Environment Services - issues experienced in changing waste collection rounds during the year.
- Revenues and Benefits - issues experienced transitioning to a new model of service delivery and the unavailability of some system functionality during the year, which created a processing backlog of customers.
- Highways and Transportation - traffic disruption caused by the overrun of some road improvement schemes and, principally, the poor winter weather which generated a spike in complaints about winter maintenance.

The Council continued to resolve the majority of complaints within Stage 1 of the procedures, with only 2% progressing to Stage 2 and beyond in 2017/2018. It was considered that too many issues and complaints were entering the formal process rather than being resolved informally. The focus was on early resolution so that less complaints had to go through the complaints process. However, if a customer was not satisfied with early resolution proposals, the complaints process would be invoked.

The Council had seen a small increase in the number of issues escalated to the LGSCO over the past three years, though the numbers of complaints upheld were relatively static and falling as a proportion of detailed investigations undertaken by the Ombudsman. The majority of complaints upheld by the LGSCO related to complex adult and children's services cases but there had been a rise in upheld complaints relating to revenues and benefits during the past three years.

Consideration of LGSCO data across the Tees Valley for 2017/2018 showed that, whilst Middlesbrough had the most issues raised and most detailed investigations undertaken, its upheld rate was the second lowest of neighbouring Councils. It has also been noted that Middlesbrough's current initial response time was 10 working days, however most other Local Authorities worked to a limit of 20 working days. Middlesbrough would now move to an initial response time of 20 working days, unless the issue could be resolved within 3 days when the complaints procedure would not need to be followed.

Guidance from the LGO indicated that large complaint volumes should not be seen as an indicator of a bad Authority. If a Council was not receiving any complaints it could mean that there was no process in place. A number of changes to policy and procedures across the Council had been made in response to the consideration of complaints during 2017/2018. In addition, the Complaints Team had transferred to Strategy, Information and Governance, as the Council continued to align key customer-focussed teams in support of the Customer Strategy. A review of the Corporate Complaints procedure had taken place and a number of improvements had been identified and would be implemented in 2018/2019.

Members discussed the information provided and requested further information in relation to compliments received by the Council.

AGREED as follows:

1. the complaints statistics and trends for 2017/18, the outcomes and lessons learned, and the planned improvements to the management of complaints during 2018/2018 were noted.
2. the Complaints Manager would circulate details of the latest statistics available in relation to compliments received by the Council to all Members of the Standards Committee.

4 **STANDARDS – CODES OF CONDUCT UPDATE**

A report of the Strategic Director of Finance, Governance and Support was presented to consider the application of previously imposed sanctions in relation to the findings of standards hearing and to consider any amendments required to sanctions and communication plans imposed on the relevant Members, together with associated standards matters.

It was emphasised by the Chair that this was not a re-hearing of previous standards matters.

The Deputy Monitoring Officer requested Members to note an amendment to the submitted

report at page 20, paragraph 19, as follows:

The first sentence to be deleted and replaced with:

'It should also be recognised that relationships between some Councillors and Officers are strained, and this was most recently referenced in the updated Audit Results Report.'

In February and March 2018 the Standards (Hearings) Sub Committee met to consider two separate Code of Conduct investigations in respect of Councillors Lawton and Rathmell and determined that both Councillors had breached the Code of Conduct. Both Councillors were given a number of sanctions and placed on communication plans.

Details of the sanctions imposed on Councillor Lawton in February 2018 were contained in the submitted report, along with sanctions from a previous Standards (Hearings) Sub Committee held in July 2017. To date, the following sanctions had not been complied with:

- Councillor Lawton was required to write to all persons named in the Investigating Officer's Reports from both Hearings, with an apology for his conduct, produced in such a way that it could be made public.
- Councillor Lawton was required to undertake training in relation to the Data Protection Act 1988, the Code of Conduct, use of appropriate challenge and social media usage.
- Councillor Lawton and the Officers named in the report be invited to participate in mediation.

In relation to the sanction requiring Councillor Lawton to attend mediation, an invitation to do so had been issued and Councillor Lawton had expressed his willingness to participate. Mediation between the Councillor and the relevant Officers had not yet been arranged.

Details of the sanctions imposed on Councillor Rathmell in March 2018 were contained in the submitted report.

To date, the following sanctions had not been complied with:

- That within a period of 4 weeks Councillor Rathmell issued a written apology to the Officers named in the report.
- Training to be undertaken by Councillor Rathmell in relation to Data Protection and social media (appropriate use).
- Councillor Rathmell and the Officers named in the report be invited to participate in mediation.
- The provisions of the Communication Plan which was imposed.

Councillor Rathmell had been invited to participate in mediation but was not willing to participate at the current time. Efforts continued to be made to encourage his participation.

A letter dated 19 March 2018 was sent to Councillor Rathmell detailing the sanctions imposed by the Standards (Hearings) Sub Committee. A letter dated 22 March 2018 was sent to Councillor Rathmell providing the full detail of the communication plan.

Councillor Rathmell had continued to fail to adhere to the communication plan, by seeking to call Officers via telephone, and by accessing Council office spaces. As a result, steps were taken to block such access through the Council's telephony/cotag system, to ensure that Councillor Rathmell could not contact Officers directly.

Councillor Rathmell had raised concerns that he was not receiving Council papers and other general information and offers were made for him to access the Council's IT system, which were refused. All such communications were now sent to Councillor Rathmell via hard copy, which could cause delays.

Subsequent to the above actions, Councillor Rathmell had raised concerns with the Deputy

Monitoring Officer that they impacted on him personally as a member of the public as well as a Councillor. Councillor Rathmell was also concerned that his correspondence was being filtered through the Chief Executive. The Deputy Monitoring Officer responded to the concerns raised by recommending that Councillor Rathmell, or any other Councillor wishing to contact the Council in relation to personal matters, should do so via the public access route. Also that Councillor Rathmell's correspondence would be redirected through another person and not the Chief Executive.

It was suggested that the remainder of Councillor Rathmell's communication plan remained in place.

It was also proposed the Monitoring Officer, in conjunction with the Head of Paid Service, be delegated authority to review the communication plans, ease restrictions or change the administration/filtering route for the management of communications as and when necessary, but not less than every six months. It was clarified that this delegation would not allow Officers to impose further sanctions or extend the communication plans.

Committee Members discussed the contents of the report and the limited sanctions available to the Standards Committee under the current legislation. The Chair highlighted that a Government review was currently considering the standards regime and comments had previously been submitted by Middlesbrough Council. The Chair requested that further representations were made to the Secretary of State.

AGREED as follows:

1. The continuing failure of Councillor Lawton and Councillor Rathmell to respond/adhere to sanctions previously imposed was noted.
2. The offer of mediation would be communicated to Councillor Lawton and Councillor Rathmell, with a pre-condition for that mediation to take place being the cessation of the behaviour for which both Councillors had been sanctioned.
3. The communication plans in respect of Councillor Lawton and Councillor Rathmell, would continue to apply, with the block on telephone contact lifted, to enable communication in a private capacity.
4. Authority was delegated to the Monitoring Officer, in consultation with the Head of Paid Service, to make further revisions, remove plans, ease restrictions or change the administration/filtering route of the communication plans, if deemed necessary.
5. Standards Committee would be notified of any revisions to communication plans made under delegated authority.
6. The Deputy Monitoring Officer would write to the Secretary of State to raise the Standard Committee's concerns in respect of the lack of sanctions available in response to breaches to the Members' Code of Conduct.