

STANDARDS AND ETHICS COMMITTEE

Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH

Date: Thursday, 29 September
2016

Time: 2.00 p.m.

A G E N D A

1. Apologies for Absence.
2. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
3. Minutes of the previous meeting held on 9 June 2016 (herewith) (Pages 1 - 3)
4. Declarations of Interest
5. Review of the Operation of the Whistleblowing Policy (Pages 4 - 9)
6. Rotherham MBC Annual Complaint Report 2015-16 (Pages 10 - 69)
7. Amended Member/Officer Protocol (Pages 70 - 106)
8. Update from the Monitoring Officer regarding Complaints
9. Gifts and Hospitality Book
10. Key updates on Standards and Ethics (Pages 107 - 145)
11. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
12. Date and Time of Next Meeting - 12 January 2017 at 2.00pm



SHARON KEMP,
Chief Executive.

STANDARDS AND ETHICS COMMITTEE**9th June, 2016**

Present:- Councillor McNeely (in the Chair); Councillors Allcock, Finnie, Ireland, Khan and Yasseen; Ms. A. Dowdall, Mr. P. Edler and Ms. J. Porter.

Also in attendance: Independent Persons Mr. P. Beavers and Mr. D. Roper-Newman.

Apologies for absence were received from Councillors Allen and Simpson, Ms. C. Saltis and Parish Councillors D. Bates, D. Rowley and J. R. Swann.

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

2. MINUTES OF THE PREVIOUS MEETING HELD ON 31ST MARCH 2016

Consideration was given to the minutes of the meeting of the Standards Committee which had taken place on 31st March, 2016.

Resolved:- That the minutes of the meeting of the Standards Committee held on 31st March, 2016 be approved as a correct record for signature by the Chairman.

3. WEBSITE UPDATE

Further to Minute No. 37(2) of the meeting of the Standards Committee held on 31st March, 2016, the Committee welcomed Mr. Nicholas Fisher (RMBC Communications and Marketing Team) who presented and demonstrated the revised website for the Standards and Ethics Committee.

Discussion took place on the system and form to be used for submission of complaints about Councillors (of Borough, Town and Parish Councils), as well as the need for required/mandatory fields on the form. It was suggested that the online form should be shortened, or sections amalgamated or simplified and that there should also be a print option available, enabling complaints to be hand-written and submitted to the Borough Council by post.

The Committee also discussed the possible use of a 'mystery shopper' exercise and whether examples of case-studies should be published on the website.

The Committee made favourable comments about the appearance and usefulness of the website and thanked Mr. Fisher for his presentation.

It was agreed that, as soon as the necessary alterations and completion of details have been undertaken, all Members of the Standards and Ethics Committee be informed of the date on which the website will go live.

STANDARDS AND ETHICS COMMITTEE - 09/06/16

The Chair and the Vice-Chair of this Committee would be consulted about the final content and format of the website, prior to publication.

4. STANDARDS AND ETHICS COMMITTEE - ANNUAL REPORT 2015/16

Consideration was given to the annual report of the Standards and Ethics Committee for the Municipal Year 2015/16.

The Committee agreed the following courses of action arising from issues within the report:-

(a) a report about the review the operation of the Borough Council's Whistleblowing Policy shall be submitted to a future meeting of this Committee;

(b) that, regularly on an annual basis, appropriate and comprehensive training should be provided for Elected Members in respect of the "Standards and Ethical" regime.

Resolved:- That annual report of the Standards and Ethics Committee for the Municipal Year 2015/16, as now submitted, be received and its contents noted.

5. REVIEW OF PROCEDURES RELATING TO MEMBERS

The Assistant Director, Legal Services (and Monitoring Officer) submitted a report about the review undertaken of the relevant procedures in relation to Elected Members, including the Officer-Member Protocol, Allowances and Expenses, Declarations of Interests and Gifts and Hospitality. It was noted that the review had included a comparison with the similar procedures of other local authorities.

During discussion, Committee members made various comments about the contents of the report and it was agreed that a revised report, including the Committee's comments and responses, shall be submitted to the next meeting.

Resolved: (1) That the report be received and its contents noted.

(2) That, at the next meeting, the Register of Borough Council Members' Interests be made available for inspection by this Committee.

6. COMPLAINTS RECEIVED - UPDATE

The Assistant Director, Legal Services (and Monitoring Officer) submitted a report detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Co-opted Members. The report listed four current cases of complaint and the action being taken in respect of each one.

The Committee discussed the cases highlighted within the submitted report.

Resolved:- (1) That the report be received and its contents noted.

(2) That the progress in respect of each case be noted.

(3) That, as a general rule, cases shall remain included within the progress reports submitted to meetings of the Standards and Ethics Committee until completion; and after their completion has been formally reported to the Committee, individual cases shall be removed from the progress reports.

7. STANDARDS AND ETHICS COMMITTEE - FUTURE WORK PROGRAMME

The Assistant Director, Legal Services (and Monitoring Officer) submitted a report detailing the future work programme of the Standards and Ethics Committee for the period until 31st December, 2016. The Committee suggested the following actions:-

(a) a report about the review the operation of the Borough Council's Whistleblowing Policy shall be submitted to a future meeting of this Committee, after adoption of the Governance Review Working Group recommendations;

(b) the Chair and the Monitoring Officer shall consider the need for training for Elected Members in respect of the use of social media by Elected Members and any possible impact upon the reputation of the Local Authority.

Resolved:- That the report be received and its contents noted.

8. DATE AND TIME OF NEXT MEETING

Resolved:- (1) That the next meeting of the Standards and Ethics Committee take place at the Town Hall, Rotherham on Thursday, 15th September, 2016, commencing at 2.00 p.m.

(2) That future meetings of the Standards and Ethics Committee take place as follows:-

Thursday, 12th January, 2017 (instead of 8th December, 2016)

Thursday, 9th March, 2017

Summary Sheet

Standards and Ethics – Committee 29th September 2016

Title

Review of the Operation of the Whistleblowing Policy

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Legal Services, Riverside House, Main Street, Rotherham S60 1AE
Tel : 01709 823523

Dermot Pearson, Assistant Director Legal Services, Riverside House, Main Street,
Rotherham S60 1AE

Ward(s) Affected

All

Executive Summary

A report regarding a review carried out in respect of the operation of the Whistleblowing Policy

Recommendations

- i) That the Committee notes the outcome of the review, and the steps taken to implement the findings.
- ii) That the Committee notes the Whistleblowing cases received since September 2015
- iii) That the Committee considers whether it is appropriate to include in the Whistleblowing Policy, reference to the policy being available to members of the public.

List of Appendices Included

None

Background Papers

Papers held on file by the Monitoring Officer

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title

Review of the operation of the Whistleblowing Policy

1. Recommendations

- 1.1 That the Committee notes the findings of the review, and the steps taken to implement the findings of the review.
- 1.2 That the Committee notes the Whistleblowing cases received since September 2015.
- 1.3 That the Committee considers whether it is appropriate to include in the Whistleblowing Policy, reference to the policy being available to members of the public.

2. Background

- 2.1 In accordance with the Standards Committee Terms of Reference and Work Plan a review has been undertaken in respect of the operation of the Council's Whistleblowing policy. The review was undertaken by the Council's Internal Audit Service.

Risk Management

- 2.2 The Assurance Objective in this regard is to obtain assurance that risk registers are available for recording risks relating to whistleblowing arrangements, which are maintained and effectively used as part of the risk management process.
- 2.3 The review found that appropriate risk registers are available for recording risks relating to whistleblowing arrangements, although no significant specific risks were identified.

Availability of the whistleblowing policy to employees and contractors

- 2.4 The Assurance Objective in this regard was to seek assurance that the whistleblowing policy is readily available to employees and contractors working for the Council.
- 2.5 The conclusion of the review is that the whistleblowing policy is prominent on the Council's intranet. An 'Employee Briefing' was issued on 29/02/2016 notifying all staff of the revised whistleblowing policy which has been posted on the RMBC intranet. There is a link to the new policy via the 'Quick Links' menu on the RMBC intranet home page, making it far more prominent than was the case with the old policy.
- 2.6 Contractors had previously been made aware of the policy in October 2014. It was recommended that this be done again and the relevant communications will be made by the end of September 2016.

Adequacy of the Whistleblowing Policy

- 2.7 The Assurance Objectives was to obtain assurance that RMBC has an adequate whistleblowing policy.
- 2.8 The conclusion was that the revised whistleblowing policy is adequate.

Arrangements for ensuring that whistleblowing concerns raised, are dealt with in accordance with the Policy

- 2.9 The Assurance Objectives in this regard is to seek assurance that whistleblowing concerns are correctly dealt with in accordance with the whistleblowing policy.
- 2.10 The conclusion was that Whistleblowing concerns that were open during 2015/16 were correctly dealt with in accordance with the whistleblowing policy.

Reporting of Whistleblowing Concerns to the Council

- 2.11 The Assurance Objectives is to seek assurance that whistleblowing concerns are adequately reported to Members on a periodic basis.
- 2.12 The last report to the Standards Committee was on the 10th September 2015. It was felt that the type/level of detail recorded in the report to the Standards Committee was not always consistent between cases.
- 2.13 In order to assist with reporting and to ensure that all relevant cases were appropriately reported, it was recommended that a central log of Whistleblowing concerns be kept by Legal Services. This has been put in place.

A similar review as to the operation of the Whistleblowing Policy will be undertaken as part of the Standards and Ethics Committee work plan for 2017/2018.

Whistleblowing Cases Sept 2015/Sept 2016

- 2.14 A schedule of cases for the relevant period will be provided at the meeting of the Standards Committee.

Availability of the Whistleblowing Policy to members of the Public

- 2.15 The Whistleblowing Policy is currently available for use by employees, workers and contractors of the Council. It is not currently available to members of the Public.
- 2.16 In reality when concerns were raised by members of the public in relation to serious misconduct, they have been dealt with appropriately. However it is now felt that explicit reference to members of the public being able to make reports of serious misconduct within the Whistleblowing policy should be considered by the Standards Committee.
- 2.17 Some authorities such as Birmingham City Council and Manchester City Council have reference within their Whistleblowing Policy to the policy and its associated procedures being available to members of the public. Members of the public do not receive the same legislative protections as stated in the

Public Interest Disclosure Act 1998, as these are specifically reserved to employees, workers and contractors.

- 2.18 Making the Whistleblowing Policy and procedure available to members of the public may have a positive effect in terms of encouraging the reporting of serious misconduct. A significant increase in the number of concerns received may however lead to an increase in resources needed to investigate these matters.
- 2.19 If the Committee felt it was appropriate for the Whistleblowing Policy to be made available to members of the public, the following paragraph (or a variation thereof) would be inserted into the current policy.

Whistleblowing by members of the public

Unlike disclosures by employees, PIDA(Public Interest Disclosure Act 1998) does not offer legal protection for disclosures made by members of the public. However, the Council will take reasonable and appropriate action to protect members of the public when they make a disclosure.

The Council considers that any disclosure made by members of the public in respect of serious misconduct should be handled in the same way as disclosures made by employees.

Once a disclosure from a member of the public has been received by the Council, it will be handled in the same way as a disclosure made by an employee under PIDA and the provisions of section xx shall apply.

3. Key Issues

- 3.1 The relevant issues within each element covered by the review are set out above.

4. Options considered and recommended proposal

- 4.1 Recommendations have been referred to above.

5. Consultation

- 5.1 N/A

6. Timetable and Accountability for Implementing this Decision

- 6.1 The required amendments to procedures have already been implemented by Legal Services.

7. Financial and Procurement Implications

- 7.1 Any work undertaken by Legal Services in implementing these recommendations is within the budget for Legal Services.

8. Legal Implications

8.1 The Council has a statutory duty to provide an appropriate Whistleblowing Policy and arrangement for dealing with concerns raised through the policy.

9.0 Human Resources Implications

9.1 None

10.0 Implications for Children and Young People and Vulnerable Adults

10.1 None

11.0 Equalities and Human Rights Implications

11.1 The Whistleblowing Policy is available to all employees, workers and contractors of the Council.

12. Implications for Partners and Other Directorates

12.1 None

13.0 Risks and Mitigation

13.1 No significant specific risks were identified by the review, however the risk register for Legal Services would include any risk arising from the Whistleblowing Policy and its operation.

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

Summary Sheet

Standards & Ethics Committee – 29 September 2016

Title

Rotherham MBC Annual Complaint Report 2015-16

Is this a Key Decision and has it been included on the Forward Plan?

Not a key decision, included on the Forward Plan for consideration by Standards and Ethics Committee

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

Stuart Purcell, Performance and Improvement Officer

01709 822661

Stuart.purcell@rotherham.gov.uk

Justin Homer, Head of Policy Improvement and Partnerships

01709 823618

Ward(s) Affected

All

Executive Summary

This report encloses a copy of the Council's Annual Complaints Report for 2015/16, which sets out information about complaints made to the Council between 1 April 2015 and 31 March 2016 under the Corporate Complaint's Procedure, Housing Complaint Procedure and the Adult and Children's Services Complaint Regulations.

It provides analysis on the particular trends in the complaints received, by service area, and in terms of the timescales in which responses were provided; as well as about the escalation of complaints.

It also highlights examples of key learning points from the complaints received, which have been used over the last year in regular reports to senior managers to address or correct any mistakes and improve services or procedures as a result.

Recommendations

That Members:

- a. note the content and key messages of the enclosed Annual Complaints Report for 2015/16, including in particular the service and performance improvement actions set out within it for 2016/17; and provide any further comments on areas for further and continuous improvement which can be delivered in partnership with service teams and members moving forward.

List of Appendices Included

Appendix – RMBC Annual Complaint Report 2015-16

Background Papers

NA

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview & Scrutiny Management Board (OSMB) considered the Annual Report at its meeting on 16th September 2016

Council Approval Required

No

Exempt from the Press and Public

No

Rotherham MBC Annual Complaint report 2015-16

1. Recommendations

1.1 That Members:

- Note the content and key messages of the enclosed Annual Complaints Report for 2015/16 (see Appendix), including in particular the service and performance improvement actions set out within it for 2016/17; and provide any further comments on areas for further and continuous improvement which can be delivered in partnership with service teams and members moving forward.

2. Background

- 2.1 All Councils need to provide complaint procedures to respond to customer concerns in an open and transparent way within defined timescales.
- 2.2 The enclosed annual report – see Appendix - details how the Council has responded to complaints and customer feedback in line with the Rotherham MBC complaint procedures and customer care standards during 2015/16. These complaints and associated processes for managing them allow the Council to monitor performance and provide customers clear expectations with regard to how their complaint will be responded to.
- 2.3 The annual report explains how the Council has performed against these standards and how it has learnt and improved the services it provides.
- 2.4 The Council's corporate Improvement Plan recognises the specific need for robust governance and performance management, and dealing with complaints effectively and efficiently is a key element of this. When responding to customer complaints the Council is provided with the opportunity to review its compliance to policy, procedure and legislation; and it can either confirm compliance or highlight the need for improvement and change.

3. Key Issues

- 3.1 The enclosed report – see Appendix - presents information about complaints made to the council between 1 April 2015 and 31 March 2016 under the Corporate Complaint's Procedure, Housing Complaint Procedure and the Adult and Children's Services Complaint Regulations.
- 3.2 The figures in the report include details of the number of complaints received, numbers of compliments received, and information on those complaints that have escalated to be considered by the relevant Ombudsman. It also sets out details of the numbers of Councillor ward surgery enquiries received via the Council's e-casework system, which were administered by the Corporate Complaints Team over the last 12 months. The information includes detailed breakdowns of complaints and enquiries received for each Council Directorate.

3.3 The key headlines of the report can be summarised as follows:

- i. Overall, the **numbers of complaints received by all services remained fairly static, at 695** (692 last year). However, within this there was another significant **increase in Children and Young People's Service (CYPS)** complaints (45 more, up to 204), and a **reduction in Housing complaints** (of 60, down to 268) - Housing Services, traditionally, having always comprised around half of all complaints received.
- ii. Overall, **80% of complaints were responded to within the required timescales** – this is slightly poorer performance than the 82% last year. A key reason for this is that the **response rate in CYPS over the whole year dropped to 50%** (from 55% last year). Performance **excluding CYPS for the year was 92%** in-time; however, the report also notes that a **new performance framework** for CYPS complaints developed during the last year saw this **performance increase to 90% in-time for the last quarter** of 2015/16 (a trend which has continued into the current year).
- iii. In terms of other positive trends, **fewer complaints overall were upheld** (152, or 21% compared to 220 or 31% the previous year) and **fewer were escalated** to further stages (6%, or **45** compared to 7%, 47 escalated in 2014-15) indicating that more complainants were satisfied with initial responses. Slightly **fewer numbers of complaints were referred to the Ombudsman** (30, compared to 33 in 2014/15); and external **complaint investigation costs** (in CYPS) were also reduced (from £21,000 to £12,300), reflecting fewer escalated cases.
- iv. Nevertheless, in terms of the specific Ombudsman cases, **while fewer were considered, more of these were upheld** than the previous year (8 of 30, compared to 5 in 2014/15); and there was an increase **in the amount of financial remediation** awards, up to £12,000 from £2,400, most of which related to reimbursed overpayments or incorrect fees/charges (which have been monitored more closely for this report than in previous years and includes awards requested by the Ombudsman).

3.4 Further performance results, from April 2014 to March 2015, can be summarised as follows:

- i. Slightly more complaints for Adult Services were received, at **76** (73 received in 2014-15)
- ii. There were fewer complaints for "Resources and Corporate" services (i.e. those covered by the previous "Resources & Transformation" Directorate, which now broadly form the Finance & Customer Services and Assistant Chief Executive Directorates), at **39** (43 in 2014-15)

- iii. Slightly more complaints were received for Regeneration and Environment Services (previously known as “Environment and Development Services”) at **108** (103 in 2014-15)
- iv. More “Councillor Surgery” cases were processed by the e-casework system, administered by the Complaints Team during 2015/16, at **942** (859 were received in 2014-15; and 714 received in 2014-15)
- v. Very slightly more compliments recorded by the Complaints Team, at **604** (603 recorded in 2014-15)
- vi. Fewer “informal” complaints¹ received, at **594** (732 received 2014-15 and 811 received 2013-14)

4. Options considered and recommended proposals

- 4.1 The format of the Annual Report broadly follows those published in previous years. It provides an overall summary of performance across the entire Council, followed by themed summaries of performance by Directorate, including more detailed Annexes for each Directorate.
- 4.2 All Councils will provide complaint procedures to respond to customers’ concerns in an open and transparent way and within defined timescales. These procedures are informed by the relevant local government legislation and differ depending on the service area in question.
- 4.3 Rotherham Council’s standards and procedures are made available to the public on the website – see www.rotherham.gov.uk/info/200025/complaints - and allow the Council to monitor performance and provide customers clear expectations regarding how their complaint will be handled.
- 4.4 The Council has four established procedures, namely for Corporate Complaints, Housing Complaints, Adult Services and Children’s Services. These set out what customers should expect in terms of when their issues will be acknowledged, how they will be contacted to get all relevant information, when they should expect a response, and what they can do if they remain dissatisfied. A summary of these procedures are in Table 1 below.

¹ Please note, “informal” complaints are defined as contacts by customers who are expressing dissatisfaction but the Council has been previously unaware of the concern and has not had an opportunity to put things right. These complaints have been dealt with and resolved to the customer’s satisfaction at their “first point of contact” and as a result the customer has not wanted to enter formal complaint proceedings. This is done with the agreement of the customer and it means that a number of enquiries are dealt with much quicker and at less cost to the Council (an example would be a report of an outstanding repair to a Council property).

Table1: Overview of the four complaints procedures adopted by the Council²:

Service Area / Procedure	Stage 1	Stage 2	Stage 3
Children and young People's Services (statutory process)	Line/Service Manager response – within 10 working days where possible (or within 20 days for most complex cases)	Investigation by person independent of the Council - with response issued within 25 working days (or, for most complex cases, within 65 working days)	Independent Complaints Review Panel –may take up to 50 working days to reach a conclusion
Adult Social Care (statutory process)	Agree with complainant who should investigate the issue – with a response provided within 10 working days (or no later than 20 days for most complex cases)	A more senior officer investigation (or an external consultant if required) – with a response issued within 45 working days	A further, more senior (usually Director) level investigation - with a response issued within 20 days
Housing (statutory process)	Line/Service Manager response - within 10 working days (where this is not possible, complainant is written to with full details for delay and a revised date)	Independent Council officer investigation (usually Complaints Team) – with response issued within 25 working days of receipt.	No third stage for Housing complaints
Corporate Complaints (discretionary process)	Line/Service Manager response - within 10 working days of receipt	Investigation by senior independent officer (usually Complaints Team) – full written response within 25 days of receipt	Elected member complaints review panel – date set within 20 days of receipt and report provided within 5 days of panel hearing

- 4.5 Please note that the Directorate break-downs within parts of the report reflect those that existed for the majority of 2015/16 (e.g. “Resources and Transformation” and “Environment and Development Services”) rather than current Directorate configurations, as this was how performance was tracked and monitored over the last year. New systems for 2016/17 are now in place to reflect the new Council structures.
- 4.6 The Council is able to compare, in general terms, its performance nationally by considering the Local Government Ombudsman’s Annual Review Letter and Report. This demonstrates that, based on a national average, the Council is performing well, with the Ombudsman receiving more complaints in the last year and also upholding more, at 51%, of those investigated. The Council received fewer Ombudsman enquiries and 27% of those investigated were upheld (8 out of 30).
- 4.7 The 2016/17 Corporate Plan sets a new target to achieve 85% performance for in-time responses in the current year, moving from the 80% overall achieved last year, back towards historic higher performance rates. However, it should

² Full details of all four procedures are set out on the Council’s website at www.rotherham.gov.uk/downloads/download/119/complaints_procedures

also be noted that previous, lower numbers of CYPS complaints may be a result of under-recording, with increasing steps taken over the last two years to make complaint reporting easier (including for young people themselves).

- 4.8 There has also been an increasing emphasis over the last year on learning from complaints, and the re-instatement of management reporting (to Directorate and Service Management Teams) which have aimed to improve levels of management oversight and information.
- 4.9 The Corporate Complaints Team working with services and Elected Members will ensure a constant focus on improving the way that the Council manages complaints and learns from them in 2016-17. Some example outline improvement actions are noted as follows (and covered in more detail within the Annual Report):
- i. Continuing to improve learning and service improvement opportunities from customer feedback, reviewing current Directorate and management team reporting in the light of new management appointments and the wider feedback received.
 - ii. New, regular monitoring of headline complaints performance for the Council as a whole through the new 2016/17 Corporate Plan reporting arrangements, and supporting Strategic Leadership Team focus on reviewing organisational performance data on a more robust and regular basis.
 - iii. Ensuring that all customer responses (from all Directorates) continue to be quality assured, with an enhanced focus on enforcing high quality standards in line with senior management, member and Commissioner expectations; to ideally further reduce the number of complaints escalating through the complaint procedure.

5. Consultation

- 5.1 The Directorate sections in the annexes of the Annual Report have been reported to each Directorate Management Team across the Council, building on the complaint monitoring information which is now reported regularly to these senior managers, to track progress and emphasise key learning points. In CYPS complaints are also reported to the Directorate Management Team on a weekly basis.
- 5.2 The 2015/16 Annual Report has also been considered previously at a meeting of Overview & Scrutiny Management Board (OSMB) on 16th September 2016.

6. Timetable and Accountability for Implementing this Decision

- 6.1 Improvements to the way the Council manages complaints and learns from them, as set out in the report, will be implemented within year 2016-17 for the next Annual Report in the summer of 2017.

7. Financial and Procurement Implications

- 7.1 Following more detailed monitoring in 2015/16, the enclosed Annual Report details financial remuneration payments made as a result of complaint

investigations, with a greater amount noted as awarded overall in 2015-16 (£12,376.85, compared to £2,454 in 2014-15). The majority of this - £9,076.85 - was a result of refunds of charges and fees; with £3,300 awarded in *ex-gratia* payments for distress and/or inconvenience caused.

- 7.2 A decrease in external complaint investigation costs in Children & Young People's Services (CYPS) is also noted – i.e. £12,350 (£20,956 in 2014-15).

8. Legal Implications

- 8.1 The Council's approach to handling complaints is informed by the following key pieces of legislation:

- i. Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (Making Experiences Count).
- ii. The Children Act 1989 Representations Procedure (England) Regulations 2006.
- iii. Localism Act 2011 (for Housing Services complaints)

9. Human Resources Implications

- 9.1 There are no direct Human Resources implications arising from this report.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The statutory complaints procedures for Children's and Adult Social Care provide an opportunity for children and young people and vulnerable adults to have their voices heard and to improve service delivery.

- 10.2 In Children's and Young Peoples Services a new performance management regime has been introduced by the Complaints Team working with the Directorate Leadership Team. The new performance management process includes a weekly complaints report to the Directorate Leadership Team highlighting outstanding enquiries which require a response; issuing of weekly reminders for all enquiries; and a process of acting swiftly to resolve those complaints which are at risk of not being responded to within statutory requirements.

- 10.3 The Corporate Complaints Team has also been working with the Young Inspectors programme in Children's and Young Peoples Services to improve its approach. Following a mystery shopping exercise carried out by the Young Inspectors the information on the Council website has been amended to make it more accessible to young people (for example, by revising the content and wording of the existing information and including specific information aimed at young people in care). The Council has also revised the contact details on the Council website and a young persons' complaint leaflet to highlight and promote the various methods which young people can use to contact the complaints team, including a dedicated text message number.

11 Equalities and Human Rights Implications

11.1 Investigations through the complaint procedure will consider all relevant policy and legislation, including those relating to equalities and human rights. All complaints are investigated with due consideration to the Council's policies and legislation.

12. Implications for Partners and Other Directorates

12.1 The enclosed report is applicable to all Directorates and the information contained within it – specifically the relevant Directorate Annexes - have been considered by all Directorate Management Teams and Service Management Teams where appropriate.

13. Risks and Mitigation

13.1 Although positive management of complaints has been achieved, the number and type of complaints received is sometimes determined by circumstances beyond the control of the services and Corporate Complaints Team. Regardless of any external factors the services are required to maintain a high level of performance and excellent customer care.

13.2 In addition, as the Council continues to deal with significant funding reductions and the impacts this may have on service provision and transformation going forward, there is a risk of an increased level of complaints from clients and customers, which the corporate Complaints Team and service leads will need to manage. It will be important to ensure an ongoing good level of service to the public that ensures complaints can continue to be handled with appropriate levels of care and consideration, in line with required timescales and legal requirements.

14. Accountable Officer

14.1 Shokat Lal, Assistant Chief Executive

Approvals Obtained from:

For the Director of Finance and Corporate Services: Stuart Booth, Assistant Director, Financial Services

Director of Legal Services: Dermot Pearson, Assistant Director, Legal Services

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Rotherham MBC Annual Complaints Report 1st April 2015 to 31st March 2016

Summary and performance headlines

1. This report provides information about complaints made between **1 April 2015 and 31 March 2016** to Rotherham Metropolitan Borough Council, as dealt with through the Council's procedures for Adult Social Services, Children's Social Services, Housing and Corporate complaints.

2. The figures in the report include details of the number of customers and the number of complaints they have made. For each Council Directorate (reflecting those structures in place for the majority of 2015/16) further information and a break-down summary of performance is provided. Tailored annual complaint reports by Directorate have also been presented to relevant senior management teams within Directorates over recent weeks, building on the regular management information on complaints that is provided to these management teams on an ongoing basis (see Appendices 1 to 5 for overviews of these Directorate reports).

3. **In total over the 12 months of 2015/16 the number of complaints received by the Council increased very slightly by 3 (0.3%) from the 692 received in 2014/15, to 695.** These compare to 672 received in 2013-14. It should be noted that the number of complaint significantly reduced in Housing Services. (See Appendix 2 for further information)

4. **Overall 80% of all complaints were responded to within the required timescales, which represents a small decrease in performance compared to the 82% in 2014-15.** In 2013-14 performance was 98% (though this also reflected fewer numbers of complaints received). It should be noted that the 2016/17 Corporate Plan sets the Council a new target of responding to at least 85% of complaints within the required timescales, to move performance back towards higher historical levels.

5. The Corporate Complaints Team works in line with a standardised approach to complaint handling with a focus on consistency, improving the way that complaints are managed and responded to across the Council, and ensuring a system of learning from complaints within services. The small corporate team (3 FTE complaint managers, with 1.3FTE administrative and business support) works closely with the responsible managers in service areas to respond to complaints effectively and efficiently, in line with the standards and procedures that are set out. Complaints are quality assured and all are reviewed for learning and service improvement, with management information provided on a regular basis (depending on the needs and requirements of the service) to Directorate and other management teams.

6. A key priority is for the Complaints Team to work for the customer, to make sure that they are provided a good level of service and most appropriate response to their complaint. The team has maintained a focus in 2015/16 on improving the way complaints are dealt with and, whilst the overall response performance has decreased slightly, there have been a number of positive developments over the last 12 months, including: **fewer Ombudsman complaints, fewer "informal" complaints, reduced investigation costs** (for more complex issues in Children's and Young People Services), and **fewer complaints upheld** overall.

7. It is the continuing aim of the Council to maintain a high level of performance and improve the quality of service offered to customers; and that complaints are responded to on time and the responses are of the best quality possible with full consideration given to learning and improvement. In addition, there is a continuing focus on improving the experience of customers, ensuring that it is easy to register complaints and allowing the public every opportunity to have their views considered and responded to through an open and transparent process.

8. When benchmarked externally in previous years, in terms of Adult Social Care and Housing complaint performance (where national and regional benchmarking networks and information is made available) Rotherham MBC performance, in terms of overall numbers of complaints received and those escalating to further stages has been in the top quartile. In terms of Children and Young People's Services, the Council has been an outlier in relation to the high number of complaints received in comparison to its population when compared with other Local Authorities in the Yorkshire and Humber region. Further benchmarking information for 2015/16 is expected to become available from the autumn of 2016 and further analysis and comparisons can be made at that stage. It is, however, worth noting that the Local Government Ombudsman annual report, published on 28 July 2016, notes an increasing number of complaints being referred to it concerning children and young people's services, so Rotherham's recent experience may appear to be matching a national trend.

9. The decrease in overall response time performance, to 80%, is due to reduced performance in particular in the area of Children and Young People's services, whose Directorate performance figure has decreased to **50%** across 2015/16 as a whole, down from 55% in 2014-15. When excluding Children and Young People's services from the figures, the overall performance figure for Council complaints responded to in time is **92%**.

10. However, it is important to recognise that a number of steps have been put in place during 2015/16 to improve complaint response performance within Children and Young People's Services. This includes a new performance framework and weekly monitoring of management information on complaints within the Directorate. These steps have seen significant improvements in performance, with **90%** of complaints responded to in time in the last quarter of 2015-16 (January to March).

11. The corporate Complaints Team will continue to work with services and managers across all Council Directorates to analyse the reasons for response times not being met, in order to better understand the causes of delays and determine ways to improve performance in 2016-

12. Alongside this there will remain a critical focus on learning from complaints, so that service responses and understanding of issues can continue to be improved, supported by the regular reporting into management teams. There will also be an ongoing focus on ensuring that elected members of the Council are supported to have a thorough understanding of the complaints procedures and processes, expanding on the initial, induction support provided for newly elected members (linked to their casework responsibilities at ward level).

13. This will build on the headline improvements achieved during 2015/16, which can be summarised as follows:

- Enhancing the focus on learning from complaints to identify service improvements (in particular through re-established regular performance reporting to Directorate and other senior management teams)
- Fewer Ombudsman complaints received
- Fewer complaints escalating through the complaint procedure

- Fewer “informal” complaints received
- Further expansion of monitoring and managing Councillor surgery enquiries via e-Casework system
- Significant reduction in the number of Housing Complaints received (See appendix 2 for further information)
- Reduced investigation costs in Children and Young Peoples Services
- Maintaining a response performance that benchmarks well with other authorities, despite an overall decrease in response time performance
- Providing guidance and training to investigating managers including 3 sessions for Children’s Social Care involving around 40 managers.
- Providing a focus on overall complaints performance in the finalised 2016/17 Corporate Plan

Summary of Rotherham MBC Complaints performance, 1 April 2015 to 31 March 2016

↑	Slightly more formal complaints (at all levels) received, at 695 (693 received in 2014-15)
↓	Fewer complaints were responded to within timescales, at 80% (82% in 2014-15)
↑	More complaints for Adult Services received, at 76 (73 received in 2014-15)
↓	Fewer complaints for Housing and Neighbourhood Services, at 268 (328 received in 2014-15)
↓	Fewer complaints for “Resources and Corporate” services (i.e. those covered by the previous “Resources & Transformation” Directorate, which now broadly form the Finance & Customer Services and Assistant Chief Executive Directorates), at 39 (43 in 2014-15)
↑	More complaints for Children and Young Peoples Services received, at 204 (159 received 2014-15)
↑	Slightly more complaints for Regeneration and Environment Services (previously known as Environment and Development Services, or “EDS”) at 108 (103 in 2014-15)
↑	More “Councillor Surgery” cases were processed by the e-casework system, administered by the Complaints Team during 2015/16, at 942 (859 were received in 2014-15; and 714 received in 2014-15)
↓	Fewer complaints (at all stages) were upheld, at 152 (21%) (220, or 31%, upheld 2014-15)
↓	Slightly fewer Stage 1 complaints required to be escalated to Stage 2, at 7% , or 45 . (7%, 47 escalated in 2014-15)
↑	More complaints about quality of service were received, at 385 (308 received 2014-15)
↓	Fewer complaints about actions of staff were received, at 135 (145 received 2014-15)
↓	The Ombudsman investigated very slightly fewer complaints, at 30 ; though upheld more, at 8 , or 26% (33 investigated and 5 (15%) upheld in 2014-15)
↑	More financial remediation to complainants was made; totalling £12,376.85 (£2,454.41 in 2014-15) with the majority relating to reimbursed over-payments/incorrect charges
↓	A decrease in external complaint investigation costs in CYPS, at £12,350 (£20,956 in 2014-15), reflecting fewer cases needing to be escalated
↑	Very slightly more compliments recorded by the Complaints Team, at 604 (603 recorded in 2014-15)
↓	Fewer “informal” complaints* received, at 594 (732 received 2014-15 and 811 received 2013-14)

** Please note, "informal" complaints are defined as contacts by customers who are expressing dissatisfaction but the Council has been previously unaware of the concern and has not had an opportunity to put things right. These complaints have been dealt with and resolved to the customer's satisfaction at their first point of contact and as a result the customer has not wanted to enter formal complaint proceedings. This is done with the agreement of the customer and it means that a large number of enquiries are dealt with much quicker and at less cost to the Council (an example would be a report of an outstanding repair to a Council property).*

Complaint trends

14. The Council continues to look for ways to improve the way it responds to customer and public complaints, through a collaborative approach between the small corporate Complaints Team and service managers in terms of how complaints are managed and monitored (for performance and learning points). The key focus of the corporate team has been to ensure compliance with the Council's procedures when dealing with complaints (rather than other, "non-complaint" enquiries), working in the interests of the complainant; and to prioritise all opportunities for learning from complaints, within services.

15. A key performance headline for 2015/16, as was the case in the previous year, has been the further increase in the number of complaints received with regard to Children and Young People's services – namely 45 more (at 204) than 2014/15. Looking back to 2013/14

16. Overall, however, numbers of complaints have remained relatively static at 695 (693 in 2014/15) due to a significant reduction in Housing Services complaints. Within Housing Services a number of performance improvements have been taken forward, including with regard to repairs and estate management, which have helped reduce the numbers of complaints received. The corporate Complaints Team has assisted these services areas to learning the lessons from complaints to help prevent common problems re-occurring.

17. All formal complaints are considered for learning and improvement and are subject to quality assurance by the Complaints Team. This has again meant that the number of complaints escalating through the complaint procedure (i.e. where complainants are not happy with their initial response) has remained at a relatively low level and the number of complaints being investigated by the Ombudsman services being reduced, albeit very slightly, to 32 (from 33).

18. A further positive trend over the last year is a significant increase in Councillor Surgery enquiries processed through the Council's e-casework system – an almost 10% increase (i.e. 942 - 83 more cases from those in 2014/15). This continues a year-on-year trend of increasing usage of the e-casework system, which helps ensure a track-able record of ward casework, whereby Councillors only close down cases on the basis they are satisfied with the response from the service.

19. Another positive trend in the year is the reduction in "informal complaints" (see also note on page 3 for a definition of what this term relates to). This is due to an effort by the corporate Complaints Team to make sure that only a very small number of enquiries received by the team are dealt with outside the formal complaint procedure – namely only those enquiries that can either be responded to immediately, with the agreement of the customer; or are specifically excluded under the exceptions set out within the relevant complaint procedure, will be considered via this route. Unless it is entirely clear that the complainant's issue can be resolved without going through the formal procedures, the focus is on ensuring the issue raised is treated robustly and transparently through the publicised process, as a formal complaint. This has the effect of potentially adding to the numbers of formal complaints – but positively so, in the interests of the complainant. Alternatively, it may also indicate that fewer issues are being drawn to the attention of the Complaints Team due to services dealing more effectively with "service request" enquiries, prior to them escalating to a complaint.

20. As noted previously (paragraph 9), the low levels of 'response time' performance in Children and Young People's Services in 2015-16 has had a negative impact on overall complaints turn-around performance, with this reducing from 82% to 80%. Performance excluding Children and Young Peoples services is 92%. However, it should also be noted that, while performance reduced overall during 2015/16 in Children's and Young People's Services, a number of steps have been taken to tackle performance issues and improve the flow of management information to highlight delays and potential problems. This has seen performance improve significantly during the year and into 2016-17. This new performance management framework, since taking effect, has seen performance of 90% of CYPs complaints being responded to in time in the last quarter 2015-16.

21. The number of complaints escalating through the relevant procedures (i.e. where the complainant was unhappy with their response and wished to take matters further) was maintained at 7%, with the number of complaints upheld after investigation reduced from 21% to 31%. This demonstrates positive performance, dealing with the vast majority of initial complaints to the satisfaction of the complainant.

22. Similarly, slightly fewer complaints were investigated this year by the Ombudsman – 30, compared to 33 last year (almost a 10% reduction). This also demonstrates a positive outcome, with fewer issues needing to be escalated by the complainant to this stage of investigation. However, on a more negative point, the number of complaints referred to the Ombudsman that were upheld did increase, from 5 (15%) in 2014/15 to 8 (27%). This appears to follow a national trend highlighted by the Local Government Ombudsman in its 2015/16 annual report, which upheld more complaints nationally in the last year - up to 51% from 46%. Nevertheless, despite this increase, Rotherham MBC performance is still lower than this national average.

23. The amount of financial settlement/remediation has increased since 2014-15 in part due to a decision to record more accurately all monies paid as a result of the customer making a complaint for all Service areas and for this to be reported. The amount reported includes refunds of charges or fees incorrectly incurred, or overpayments made, which make up to the majority of the figure (£9,076.85); as well as some *ex-gratia* payments for distress and inconvenience caused (£3,300). This figure includes those awards agreed by the Council through the complaint procedure and those suggested by the Ombudsman. This information, by Directorate, is set out in more detail in each of the enclosed appendices.

24. In terms of the overall number of complaints received, apart from those relating to Housing and Children and Young People's Services (as noted above), other Directorates received numbers in broadly similar quantities and on the same subject areas as previous years. Complaints are received in those areas that deal with the largest number of customers and are the most publically visible. In Environment and Development Services (now "Regeneration and Environment Services") the largest number of complaints was received by "Network Management" (which deals with roads, drainage, street lighting etc.); and in Adult Services this was "Assessment and Care Management". For "Resources and Corporate" services most complaints received related to the "Revenues and Benefits Service".

25. **Appendices 1 to 5** provide further detail and analysis of the complaints received by Directorate area.

Improvements & learning from complaints

26. Complaints are an opportunity for the Council not only to put things right for its customers and members of the public, but to learn lessons and improve the service it can offer. These learning and improvement points are the subject of regular reporting to Directorate management teams throughout the year, with some examples of the service changes that have been made as a result of complaint investigations asset out as follows (further details and additional learning points are also set out in the 'learning from complaints' sections in Appendices 1 to 5):

- A customer who was the main carer for their partner was unhappy with the response by the Council for extra support when she was going into hospital. She also felt that delays in her response made a crisis situation worse. In response the Council recognised the need for better action in these circumstances, and that any delays can have a severe impact on the care provided. This was discussed by all Social Work Teams in Adult Services and it was recognised that certain situations, such as this, required more urgent action. Protocols were updated as a result to allow Social Workers to respond more urgently when required.
- A customer's cheque payment was allocated to their rent account rather than split between Rent and Council Tax, despite an existing agreement. In response, the Council offered an apology and resolved the problem. It was found that the notes relating to the agreement had been lost due to IT system upgrades. Following remedial action, the notes were re-added; and, in addition, an IT update of the Finance systems will now include document management system that provide for customer notes and requests to be effectively transferred.
- A customer complained about the way in which a referral from their former spouse, making allegations about abuse towards their child, was dealt with; and, specifically, the Council's decision to carry out an assessment. In response to this complaint and in line with wider work to improve the way in which referrals are received and processed by the Council, steps were taken to ensure that all staff were aware of the correct route for making referrals concerning the welfare of a child; and that all referrals received by Children's Services are screened within 24 hours of receipt. The Council has also implemented robust performance management processes which ensure that assessments are completed within the required timescales and are continually monitored and subject to scrutiny to ensure compliance. Through the management of performance, the Council has ensured that members of staff are aware of the requirement to screen referrals and complete assessments within required timescales.
- A customer received incorrect tickets for a performance at the Civic Theatre. In response the complaint was discussed and considered by all the staff concerned. Ticketing procedures were updated as a result to prevent a similar event happening again.
- A number of complaints were received about the late payment of credits customers had on their District Heating accounts. In response the service created a list of all those meters where there have been difficulties obtaining an automatic electronic reading and a need to manually read the meters. It also ensured that the number of outstanding readings is performance managed through staff 1-2-1's.

Adult Services

27. The total number of complaints received for Adult Social Services in 2015/16 was 76 (compared to the total in 2014-15 of 73); and 91% of all complaints were responded to within the statutory timescales (compared to 100% in 2014-15). The number of complaints upheld decreased to 24% (18) from 28% (21) in 2014-15.

28. The majority of complaints were directed to the "Independence & Support Planning" service, which received 36 out of the 76; and the majority being dealt with by Locality Teams (16). "Maximising Independence" services received the second highest number of complaints, with 9 of the 76, with the majority regarding Rothercare, and the Direct Payments Team. The "Community Occupation Therapy" service received the third highest number of complaints, with 8.

29. In terms of the types of complaints received the highest number of complaints were regarding the "quality of service" provided - 34 of the 76 received. Customers complained when their expectations of service were not met or where they had experienced continuing problems on separate or numerous occasions. 17 complaints were received relating to the "cost of service", which were regarding either the cost of care being delivered or financial procedures. Customers also complained if they felt they were not given enough information about the cost of care; or if there were delays in processing financial assessments; or about disagreements over contributions towards care costs.

See Appendix 1 for further details of Adult Services complaints

Housing and Neighbourhood Services

30. The number of formal complaints has decreased by 18% in the year, from 328 to **268**. The number of complaints fully upheld (66) and partially upheld (34) also reduced. At the same, time cases progressing to Stage 2 (5%) remains low. The figures suggest a continued improvement in case handling. This view is supported by the fact the Local Government Ombudsman (LGO) or Housing Ombudsman Service (HOS) did not uphold any of the four complaints referred to it, meaning it has now not upheld any complaint about the service for four successive years.

31. There have been significant reductions in complaints in a number of service areas including, Contract & Service Development, the Repairs contractors and Housing & Communities. In all three services there is evidence of taking steps to apply the learning gained from complaints. The Contract and Service Development service has also seen significant reductions in the number of enquiries received from customers via MP's and Councillors, suggesting it has been particularly effective in applying customer insight to remodel its services.

32. The reduction in complaints has also been matched by an improvement the performance on answering complaints in time which has increased from 90% in the previous year to 94% 2015/6.

See Appendix 2 for further details of Housing and Neighbourhood Services complaints

Children & Young People's Services

33. In total 204 formal complaints were received, whereas 159 were received in 2014-15. The increase in the number of complaints has continued the upward trend in 2014/15, which followed the publication of the Jay report and the subsequent report from the Corporate Governance Inspection. The ongoing impact on public perception of services as well as proactive efforts to make it easier and more transparent to make complaints appear to have contributed to the further increase in the number of complaints and enquiries received in 2015-16.

34. The short-term impact of the restructuring and redesigning of services within CYPS was assessed to have had an impact in 2014/15 on complaints performance, in terms of meeting required timescales for responses. Whilst performance in responding to complaints at Stage 1 within statutory timescales has decreased further in 2015/6, from 55% to 50%, the introduction of new performance management arrangements has meant that performance during the year has improved; to the point where 90% of complaints were responded to in time between January and March 2016. This trend is continuing into 2016-17.

35. In terms of the types of complaints received, the Service continues to receive complaints about the conduct of staff and communication with customers. In addition, complaints continue to be received regarding the content, accuracy and timeliness of assessments and reports completed with families.

36. Concerns raised by young people include issues raised about decisions regarding changes to placements, other young people who they live with in care homes; support which they receive from their social worker; and actions of staff.

See Appendix 3 for further details of CYPS complaints

Environment and Development Services

37. The number of complaints received was **108**, a slight increase over the last year from **103**. **280** informal complaints have also been received, compared to **327** in 2014-15. Overall **86%** of all complaints were responded to within timescales compared with **90%** in 2014/2015, a slight decrease.

38. The highest number of complaints received related to Streetpride Services (**62**) and Planning, Regeneration, Customer and Cultural Services (**31**); and were specifically around services delivered by Waste Management, Network Management, Customer and Cultural Services and the Planning Service. The nature of complaints focused on the quality of service received and attitudes of members of staff. Complaints were also received relating to delays in services being provided.

39. The highest number of complaints received in Streetpride Services were regarding services delivered by Waste Management and related to missed bin collections, delay in receiving replacement bins, and conduct of refuse collectors. Complaints were also received regarding Network Management services, specifically about the conduct and service provided by Parking Services; conduct of Civil Enforcement Officers, parking enforcement, and lack of consistency when issuing Penalty Charge Notices. Leisure and Community Services received complaints relating to tree cutting and the attitude of staff members in parks.

40. Complaints were received by Customer and Cultural Services relating to the quality of service and advice offered to customers, delays in receiving service or attitude of staff. Specific complaints were received regarding, advice provided by the contact centre, service provided by Registrars, condition of seating at the Civic Theatre, time taken to be seen at Riverside reception and incorrect advice relating to the process for renewing a travel pass.

41. Complaints were received by the Planning Service relating to information provided, a lack of response to enquiries and a concern that correct procedures had not been followed. Specific complaints included concerns regarding a lack of consultation relating to a planning applications, lack of consideration of objections to a planning application, delay in action being taken relating to a breach of planning permission, concerns relating to a Tree Preservation Order, a claim that planning permission has been incorrectly given and the Council's responses to reports of a neighbour running a business.

See Appendix 4 for further details of Environment and Development Services complaints

Resources and Corporate Services

42. "Resources and Corporate Services" relates to service areas of the Council that now fall within the "Finance and Customer Services" and "Assistant Chief Executive" Directorates, but for the majority of 2015/16 were part of a "Resources and Transformation" Directorate. The total number of complaints received for these services was 39, which represents a decrease over the last year from 43. In addition, 65 "informal" complaints from customers were received – an increase on the 49 last year. Overall 95% of formal complaints were responded to within the statutory timescales, a very slight reduction from the 96% in 2014-15. Two Ombudsman complaints were upheld out of three decisions; there were none upheld out of three in 2014-15.

43. The majority of complaints were with regard to "Account Management and Benefits Assessment", with 21 of the 39. The complaints were regarding the maintenance of claims and the administration of payments. Complaints were also received regarding how people had been dealt with by staff and the advice that they had been provided with.

44. The second highest number of complaints received was in relation to "Local Taxation" with 14 complaints received. These were with regard to payment issues, relating to debt, overpayment or the amounts charged. Customers raised issues relating to information they had been provided, or information requests, or agreements being ignored. Complaints were also made regarding the accuracy of information held and the time taken to resolve issues of concern, along with the attitude of staff when dealing with accounts.

See Appendix 5 for further details of Resources and Corporate Services complaints

New Developments in 2015-16

45. The Council has continued to make improvements in complaint handling, and to work to make sure that customers receive the best response possible; continuing to look for ways to improve the service to customers, through consultation with managers, staff training, learning from complaints and customer feedback.

46. 2015/16 has seen the Council continued to deliver on previous year-on-year improvements, including through the following:

- Further embedding a system of learning from complaints to identify service improvements, in particular through a re-instated process of Directorate and other senior management team performance reports, provided on a regular basis based on the needs of the Directorate
- All responses being quality assured – with an increasing focus on meeting the standards required and expected by Commissioners, Elected Members, the Chief Executive and Senior Officers
- Work with complainants and services to ensure that initial responses avoid the escalation of issues and provide a satisfactory conclusion of the issue at the first attempt – this has led to fewer complaints progressing through the Council’s complaint procedures (Stage 2 and Stage 3) and fewer referrals to the Ombudsman
- A reduced number of “informal” complaints received while continuing to improve the process for filtering out “non-complaint” service requests received by the Complaints Team at point of contact so that they are dealt with promptly and more effectively for the customer.
- Assisting with and facilitating more Councillor Surgery enquiries through the e-casework system, allowing for issues to be accurately recorded and tracked, as well as feeding in to the system provider’s process to upgrade the system for 2016/17.
- Maintaining good performance for dealing with complaints within timescales – with the exception of Children and Young People’s Services, but where the development of a new complaints performance management (and learning) framework is now seeing an improvement in performance, on a par with other Directorates.
- Reviewed and improved access to complaints for Children and Young People, in response to an action plan set out by the Young Inspectors and wider work on responding to the voice of the child, led by Children and Young People’s Services.
- Training and support provided to Elected Members regarding e-casework and complaints as part of the induction process for new councillors.
- Continued to work with managers to make sure complaints are acknowledged, responded to quickly and resolved as early as possible - always apologising whenever appropriate.
- Ensuring a headline focus on overall complaints performance as part of the new Corporate Plan for 2016/17, which will ensure complaints feature as part of the reporting framework to Cabinet, Commissioners and the Strategic Leadership Team.

2016-17 Outline improvement actions

47. Given the need to ensure a constant focus on improving the way that the Council manages complaints and learns from them, the following outline improvement actions are noted, on which the corporate Complaints Team and services will need to work with Elected Members and Commissioners to refine during 2016/17:

- Continuing to improve learning and service improvement opportunities from customer feedback, reviewing current Directorate and management team reporting in the light of new management appointments and the wider feedback received.
- New, regular monitoring of headline complaints performance for the Council as a whole through the new 2016/17 Corporate Plan reporting arrangements, and supporting Strategic Leadership Team focus on reviewing organisational performance data on a more robust and regular basis.

- Ensuring that all customer responses (from all Directorates) continue to be quality assured, with an enhanced focus on enforcing high quality standards in line with senior management, member and commissioner expectations; to further reduce the number of complaints escalating through the complaint procedure.
- To specifically seek to ensure that the behaviours and values of the organisation, as set out in the 2016/17 Corporate Plan, are demonstrated in services' responses to complaints – including by treating customers with respect and sensitivity.
- Providing specific training and feedback to staff (including investigating officers) and elected members to further improve the quality of investigations and responses.
- To also use this engagement with services and members to review the current Council complaint procedures and over-arching Policy during 2016/17 (within legislative requirements) to ensure that they are fit for purpose and up to date.
- Develop an online complaints handling e-learning package for all staff and managers.
- To facilitate an effective hand-over the management and future reporting of the e-casework system to Democratic Services - allow the whole process to be maintained by Member support services.
- Working to further improve complaint experience of customers raising complaints with private providers and contractors, reflecting an increased focus on commissioned services across the Council.
- Supporting an improved and more consistent framework for the way that “VIP” (MP, Chief Executive and Commissioner) enquires is responded to across the Council.
- Maintaining the new performance management process in CYPs, to maintain high performance; and determining how similar approaches might support other Directorates, where relevant.
- Engaging in relevant regional benchmarking, networking and learning activity, including specifically with regard to commercial opportunities (e.g. where the Complaints Team currently provides free-of-charge services to schools).
- Working to further ensure that, where issues referred to the Complaints Team can be effectively responded to as “service requests”, these are dealt with rapidly and to the customer’s satisfaction outside the formal complaints processes – while also ensuring that complainants are given the full opportunity to have their issues fully and transparently investigated.
- To further explore the opportunities of new, automated complaints systems linked to wider ICT/system investments (e.g. *Respond*).

Adult Social Services

Directorate Performance in 2015-16

Over the last 12 months the total number of complaints received for Adult Social Services was **76** (Total received in 2014-15 - **73**)

Overall 92% of all complaints were responded to within the statutory timescales. (100% in 2014-15)

Headline Results 2015-16

↑	Number of complaints, 76 , increase from 73 received 2014-15.
↓	The number of complaints (at all stages) upheld, 18 (24%), decrease from 21 (28%) upheld in 2014-15.
↓	The number of complaints escalating, (10%), 7 Stage 1 complaints escalating to Stage 2, from 68 Stage 1 complaints. Decrease from 12% in 2014-15. (8 Stage 2 complaints and 63 Stage 1 complaints)
↑	Complaints about quality of service, 34 , increase from 22 received in 2014-15.
↓	Complaints about actions of staff 9 decrease from 16 in 2014-15.
↓	2 Upheld Ombudsman complaints from 6 decisions. 3 Upheld from 7 decisions in 2014-15.
↑	Total financial remediation awarded was £2274.57 , £0 in 2014-15.
↔	External complaint investigation costs, £0
↓	Number of Councillor Surgery's received was 27 , decrease from 28 in 2014-15.
↓	Number of Compliments received was 59 , decrease from 104 in 2014-15.
↓	Number of informal complaints received, 35 decrease from 43 received in 2014-15.

Adult Social Services has maintained the improvements in the following areas:

- Reduced the number of upheld complaints.
- Maintained excellent performance.
- Reduced the number of complaints escalating through the complaint procedure.
- Reduced number of Ombudsman complaints.
- Reduced the number of informal complaints.
- No external investigation cost.
- Learning from complaints – all complaints interrogated for learning.
- Improved reporting process. Complaints reported to DMT bi-monthly.

Top complaint issues

Complaints in Adult Social Services continue reflect the wide range of services offered by the Directorate. Common themes were regarding communication, information, attitude of staff and cost of service.

As is usual in Adult Social Services there were complaints received regarding the outcome of assessments. In these cases the complaint procedure functions as an appeals process for customers unhappy with decisions made and their care outcomes. These include disagreements about what type and how much care is appropriate, reductions in care or

decisions to decline additional care resources. Complaints were also received regarding delays in the assessments, attitude of staff and refusal to pay charges due to concerns about the quality of the care provided.

In addition, restructuring in the Directorate in part explains the small increase in complaints that has continued into year 16-17. Some of the complaints received regarding a delay in providing service or around communication were due to the structural and staffing changes undertaken.

Another continuing trend is that the majority of complaints were received by and dealt with by Adult Care management (Independence & Support Planning under the new current structure). They received **36** out of **76** complaints, with the majority being dealt with the Unplanned Review Team, **16** complaints (Locality Teams in the new structure). This is in part explained by the nature of the work the team provides. They are dealing with service users and their families in urgent and emergency situations, which can lead to disagreements over care outcomes and the cost of care. The remaining complaints were split evenly between the Hospital Social Work, Assessment and Planned Review Teams.

The Contact and Enabling Service (Maximising Independence in the new structure) received the second highest number of complaints, **9** complaints, with the majority of complaints regarding Rothercare, and Direct Payments Team. Rothercare complaints were regarding the attitude of staff, the quality of service provided on a call out and by a maintenance contractor. The Direct Payments Team received complaints regarding the delays relating to payments, the quality of service provided and the attitude of a member of staff.

The Community Occupation Therapy service received the third highest number of complaints, **8** complaints received. They were regarding the outcome of assessment, i.e. if an adaptation was not recommended and delays in the assessment process, either waiting for an assessment or waiting for an outcome.

The Learning Disabilities Team (LD services now provided by Independence & Support Planning under the new structure) received the fourth highest number of complaints, **6** complaints received. Complaints were regarding, time taken to arrange care, attitude of social workers and the payment of fees.

In terms of the types of complaints received the highest number of complaints were regarding the Quality of Service provided, **34** complaints received. Customers complained when their expectations of service were not met or they had experienced continuing problems on separate occasions.

17 complaints were received relating to Cost of Service; these were regarding the cost of care and financial procedures. Customers complained if they felt there were not given enough information about the cost of care or if there were delays in processing financial assessments or disagreements over contributions.

9 complaints were received relating to the Actions of Staff; these were regarding specific allegations about the conduct of a staff member. Examples include how they had addressed a customer, how they had failed to communicate correctly or how they had been made an incorrect decision.

The amount of financial remediation has increased due to better recording of all payments made to customers as a result of a complaint. The amount includes refund of care charges, £1774.57 and ex-gratia payments, £500.

For all complaints, including those that are not upheld, there is consideration applied for any learning and service improvement. This means that there is either immediate action taken to remedy the complaint or work is completed by the service to improve procedures and processes to the benefit of all customers. These are reported to the Directorate Management Team for further consideration which allows opportunity for learning across all Services within the Directorate.

Councillor eCasework enquiries

27 Councillor Surgery enquiries were received regarding Adult Social Care Services (**28** in 2014-15).

Councillors in the main raised requests for Occupational Therapy assessments (**12** received), usually relating to access to properties and to bathing adaptations. Other requests were received asking for social care assessments to be completed. (**9** received)

Ombudsman decisions

The Directorate received a total of **6** decisions from investigations completed by the Local Government Ombudsman in 2015-16. Only 2 of the decisions were upheld against the Council, detail as follows;

- The Ombudsman decided that the Council was right to support a customer's decision to return home from a rehabilitation centre. There is no fault in the way the Council conducted its safeguarding investigation when his wife made allegations about their homecare agency. However, the Council delayed in formally assessing his wife's carer's needs and failed to provide her with respite for about four months.

The Council agreed to the Ombudsman's recommendations and apologised in writing and paid £400 in financial remediation.

- The Ombudsman decided that there is no fault in the way the Council decided the customer should contribute to her supported living placement. The Council decided not to make allowances for extra expenses her mother incurs when the customer stays with her. The Council is entitled to decide this and is not at fault. However, the Council failed to formally respond to the customer's complaint and this could have prevented or delayed its debt recovery procedures. As a result the customer experienced distress and increased frustration.

The Council agreed to apologise in writing to the customer and pay £100 to acknowledge the injustice.

Compliments

59 compliments were received regarding Adult Social Care Services; some examples are as follows;

- Compliment for **Davies Court**. "The stay at Davies Court was a first class experience".
- Compliment for the **Unplanned Review Team** "We cannot thank and praise Janet enough for her professionalism and sensitivity".

- Compliment for the **Hearing Impairment Officer**. "For her prompt and sensitive assessment".
- Compliment for the **Unplanned Review Team**. "Thanks for the tremendous job they have done. They have shown great compassion, a can do attitude and I have been continually appraised of the position and given common sense advice from day one, mother is safer and happier because of your work and devotion".
- Compliment for the **Enabling Service**. "Treated both of us with the utmost respect and kindness. Worked out a suitable programme which is working perfectly. Your ladies are all wonderful"
- Compliment for the Social Worker in the **Learning Disabilities Service**. "Thank you for all your help in the past".
- Compliment for the **Direct Payments Team**. "Thank you for your prompt replay and thanks to the member of staff whose efforts I have no doubt have gone a long way towards sorting out this audit".

Learning from complaints

1. Contractors working for Rothercare entered a family member's property without informing the family, despite previous request to do so.

In response to their concerns;

- We will ensure that in future when Rothercare Assistants are undertaking jobs of this nature e.g. replacing batteries and equipment, they are provided with all relevant information and notes relating to the customer. This will ensure that when requested family members are contacted.

2. Concerns, including concerns relating to the cost of care, were raised about a temporary admission to respite care following a short stay in hospital.

In response to their concerns;

- The complaint highlighted the importance of discussing the FAQ sheet and admission letter and making sure that patients, their families and carers will read what has been provided. This was shared across the Directorate to all relevant Social Work Teams to make sure that this key information was provided.

3. Customer as main carer was unhappy with the response for extra support when she was going into hospital. She felt that delays in response made a crisis situation worse.

In response to their concerns;

- We have considered the complaint and have shared the findings across all Social Work Teams in the Directorate. The complaint has highlighted the need to arrange care even when someone is self-funding, if they are in crisis and have no one else to support them.
- In addition, we recognise if a family is in crisis they may need information urgently, staff have been advised to consider the best way of getting information to a family member.

4. Delay in arranging a Key Safe; incorrect advice provided about the process of installation and information about family members was not passed onto our contractor.

In response to their concerns;

- Staff given guidance on Key Safe procedures and importance of making sure that critical information is passed on in a timely manner.

5. The customer felt that the Social Worker was not listening to them.

In response to their concerns;

- We have considered the complaint and shared the findings across the Directorate. In future we will ensure that information we provide is clear and relevant and available. Concerns raised are responded to more empathically and sensitively. We have ensured staff fully explain the process of discharge and ensure that Social Workers discuss general financial issues as soon as it becomes appropriate.

New Developments during 2015-16

- The number of complaints upheld has reduced and the number of complaints escalating through the complaint procedure has also reduced. These measures indicate good complaint handling and improvements in the way in which the Directorate responds to formal complaints.
- Improved complaint reporting to Directorate Management Team meetings. Complaints are reported on a regular basis in line with corporate reporting structure.
- Learning from complaint procedures strengthened, all complaints considered for learning and service improvement. All upheld complaints have learning issues recorded.
- The Complaint Team continues to work closely with the Directorate, taking into account restructure and personnel changes. This included changes resulting from the implantation of the Care Act.

2016-17 Improvement Actions

- Analysis of complaints by service and type will continue to inform learning and service improvements.
- Continue to reduce the numbers of complaints received and to reduce the number of complaints escalating through the complaint procedure.
- Will consider appropriate complaints handling and investigation training for all staff and managers.
- Ongoing work to improve complaint experience of customers raising complaints with private providers.
- We will work with regional partners to improve our responses to complaints and participate in peer to peer review and benchmarking activity.

Public Health

Only 2 formal enquiries were received via the Corporate Complaint Team. It may be that the Service is receiving and responding to enquires directly or outside formal processes.

No complaints were received.

1 response to an MP was recorded. (**None** recorded in 2014-15)

- Sarah Champion MP raised a concern about changes in the provision and commissioning of sexual health services. In particular HIV testing, treatment and prevention of HIV.

Information about current commissioned services and the current provision of HIV services was provided.

1 response to a Councillor eCasework enquiry (**none** received in 2014-15)

- Customer raised concerns about frequency of drug litter finds in their local area and the Council's current needle exchange programme.

Customer was provided advice about the exchange programme and her local pharmacy was contacted on her behalf regarding her concerns.

Housing & Neighbourhood Services

Directorate Performance in 2015-16

Housing and Neighbourhood Services' complaints are dealt with under the Council's Corporate Complaint Procedure and Housing Complaint regulations, Localism Act 2011.

Over the last 12 months the total number of complaints received for Housing and Neighbourhood Services was 268 (Total received in 2014/5- 328)

Overall 94% of all complaints were responded to within the corporate timescales

There was an **18%** decrease in the number of complaints, the number of upheld and partially upheld cases also reduced. The quality of complaint investigation remains high with only 5% of complaints progressing to stage 2. No complaints were upheld by either the Local Government Ombudsman or Housing Ombudsman Service.

Headline Results 2015-16

↓	Number of complaints (at all levels) was 268 representing a 18% decrease on the 328 received in 2014/5
↓	255 New (stage 1) complaints were received representing a 17% decrease on the 306 received in 2014/5.
↓	The total number of complaints fully upheld at all levels was 66 a reduction on the 91 fully upheld in 2014/5. The combined total of upheld and partially upheld complaints was 100 compared to 137 in 2014/5.
↓	13 complaints escalated from stage 1 to stage 2 compared to 20 in 2014/5. One was withdrawn.
↔	Complaints about lack of service remain almost the same at 27 compared to 26 in 2014/15.
↓	Complaints about delays in service decreased by 39% to 44 from 72 in 2014/5.
↔	Complaints about the actions of staff remain almost the same at 53 compared to 54 in 2014/5.
↓	Complaints about the quality of service reduced by 8% from 126 in 2014/15 to 116 .
↓	There was just 1 complaint about the lack of information compared to 5 in 2014/5.
↓	There were 14 complaints about the cost of the service compared to 23 in 2014/5.
↑	£2,281.48 in financial remediation awards made, compared to £924.41 in 2014/15
↔	There were 167 Informal complaints, exactly the same number as last year.
↔	4 LGO/Housing Ombudsman judgements were received; No decisions were upheld against the Council.
↑	The number of Service Requests received was 171 compared to 137 in 2014/5.

↑	The number of Councillor Surgeries received through the e-casework system was 466 , an 8% increase from 433 received in 2014/15.
↑	The number of MP enquiries received was 180 , a 24% reduction from 238 received in 2014/15
↑	The number of Compliments received was 97 , a 43% decrease from 170 in 2014/15.

Stage 1 complaints

The number of stage 1 complaints reduced by 17% in 2015/6. The greatest reductions in the number of formal complaints has been Contract and Service Development (34%), Housing & Communities (19%) and the two repair & maintenance contractors (19%). The trends for stage 1 complaints by service area and performance against response time are shown in tables 1 and 2 below.

Table 1: Stage 1 Complaints by Service Area

Service Area	2015/6	2014/5	2013/4	% of total complaints
Asset Management	11	N/A	N/A	4.30%
Contract & Service Development (C&SD)	71	107	85	27.73%
Contractors	26	32	57	10.16%
Housing & Communities	64	79	70	25%
Housing Options	31	34	40	12.5%
Housing Income	23	23	16	8.98%
Safer Neighbourhoods	18	16	16	7.03%
Strategic Housing Investment (SHI)	6	8	23	2.34%
CSC/Connect	5	4	9	1.95%
Business Regulation	0	3	3	0
Total	255	306	319	100%

Table 2: Stage 1 Complaints dealt with in time

Service Area	Out of time	in time	% in time
Asset Management	1	10	91%
C&SD	0	71	100%
Contractors	1	25	96%
Housing & Communities	4	60	94%
Housing Options	1	30	97%
Housing Income	1	22	95%
Safer Neighbourhoods	5	13	72%
SHI	1	5	83%
CSC/Connect	0	5	100%
Total	14	241	94.5%

Summary of complaints by service Area

Contract and Service Development

Complaints about Contract and Development Service form the largest number of complaints, this reflects the number of inspections and repairs which is approximately 55,000 a year. It should also be noted issues crossing the boundary between the C&SD service and the repairs contractors are now logged to the C&SD Team; this approach was adopted in 2014/5 to improve the co-ordination of investigation and response to more complex complaints.

The reduction in the number of complaints about the C&SD service has also been mirrored by the reduction in the number of Councillor and MP enquiries about the service, this is highlighted later in this report. The reduced number of complaints can in part be contributed to the fact that some of the programmed works managed by Asset Management would previously appear as Contract and Service Development complaints. Even if every Asset Management complaint were added to the C&SD complaints it would still result in an overall reduction of 23%.

The number of complaints and thousands of interactions that the service has with customers has allowed the service to identify trends over the years and the reduction in complaints. This would appear to be the consequence of remodelling the service in light of customer insight. The service has continued to introduce improvements in 2015/16 such as making all repairs appointable from November 2015, which will have had a positive impacted on the number of complaints in the third and fourth quarters.

The top three issues¹ recorded were damp (14) delayed repair (12) and repair quality (10). The damp issue reflects the increase of condensation related issues which are believed to be closely linked to fuel poverty. Delayed repair complaints are due to the time taken to complete repairs or are caused by poor communication when repairs have been placed on programmes. Repair quality is in part linked to patched repairs when the customer may be expecting the renewal of a path or greater extent of plastering than the Area Technical Officers believes is necessary to complete the repair. Actions are in place within C&SD to reduce complaints in all these areas and regular feedback and lessons learned are shared between the council and its contract partners.

Approximately half of all complaints about the service are upheld or partially upheld. The two main reasons for upheld or partially upheld complaints being associated with damp and delays. The figures for partially and fully upheld complaints for all service areas are shown in table 3 on the following page.

¹It should be noted that the prime issue is only recorded, this is to avoid double or triple counting. A customer may complain about more than one issue, for example a customer complaining about the conduct of an officer could also be complaining about his or her diagnosis of damp meaning it would be reported as a complaint about the action of the staff member. This should be taken into account when considering the issue figures.

Table 3: Stage 1 Complaints by service Area and Outcome.

Service Area	Total received	Not upheld	Partially upheld	Upheld	Inconclusive	Withdrawn	% Partially or fully upheld
Asset Management	11	3	2	6	0	0	73%
C&SD	71	31	16	22	1	1	54%
R&M Contractors	26	13	3	9	1	0	46%
CSC/Connect	5	1	0	4	0	0	80%
Housing & Communities	64	45	2	13	2	2	23%
Housing Income	23	12	4	7	0	0	48%
Housing Options	31	25	2	3	0	1	16%
Safer Neighbourhoods	18	14	3	0	0	1	17%
SHI	6	2	2	2	0	0	66%
Total	255	146	34	66	4	5	39%

Repair Contractor Performance

The number of complaints about the contractors has reduced for the last four years the current figure of 26 is less than half what were received two years ago. This reflects the time invested by CSD ensuring feedback is provided to the partners. The partner's willingness to learn from complaints and use of "tool box talks" to promote service improvements to the work force. It is difficult to develop significant trends when the number of complaints are so low, but the top three identified issues were the quality of the work undertaken (7), perceived delays in works being completed (6) and missed appointments (6). Slightly under half of the complaints about the contractors are partially or slightly upheld, the single biggest contributor being the six missed appointments.

Asset Management

The Asset Management team who were previously located within EDS received 11 complaints ranging from issues relating to corporate buildings and management of the RTB process. The one clear trend as the number of complaints about external insulation work undertaken on council tenancies (6), mostly from neighbouring owner occupiers complaining about the mess and disturbance created by contractors, all were partly or fully upheld. To address this issue the services has tightened their processes for project co-ordination and communicating with affected neighbours.

Housing and Communities

The second largest number of complaints by service areas were about the Housing and Communities service, although it should be noted the service also experienced a 19% reduction in complaints during the year, and less than a quarter were partially or fully upheld. The single largest cause of complaints is the perceived poor management of anti-social behaviour cases (20), a further 12 complaints were about the actions of staff. Most of these related to the alleged conduct of officers investigating ASB cases. The complaints were made by both the reporters and alleged perpetrators of the ASB, only a small percentage of this type of complaint were upheld. At the beginning of 2015/6 the service provided all its front line Area Housing Officers with de-escalation training to support officers dealing with conflict, this

may have contributed to the reduction of complaints about the Housing and communities Services.

The next biggest trend of complaints about the service relate to the termination of tenancies. These complaints contributed to almost half of all partially or fully upheld complaints about the Housing and Communities Service.

Housing Options

There has been a decrease in the number of Housing Options complaints for the second successive year with 31 complaints being received in 2015/16. The one clear trend is the number of complainants (11) who think their priority is not in line with the Allocation Policy, only a small percentage of such complaints were upheld. The second highest area of complaints was about adaptations (5) and the Furnished Homes Scheme (4). In total only 16% of all complaints about the Housing Option Service are upheld meaning it is difficult to identify a trend for partially or fully upheld complaints.

Housing Income

The number of complaints about the Housing Income team remains the same at 23, almost half of the complaints were partially or fully upheld. The highest number of complaints were about district heating (9), caused by problems experienced with defective valves and late repayments of credits. The figure was also affected by bringing the district heating tariff for the Fitzwilliam Estate in line with the rest of the district heating systems in the borough, which meant residence experienced a significant increase in their tariff at the start of the year. The next highest number of complaints related to tenants complaining about perceived incorrect rent arrears and (7) and the actions of those pursuing rent arrears (4).

Safer Neighbourhoods

The number of complaints about the Community Protection Unit rose slightly from 16 to 18 although only 17% of the complaints were partially or fully upheld. The level of complaints reduce the significance of any trends, the highest number of complaints being about the perceived poor management of noise complaints (4) and actions of staff pursuing enforcement (4).

Strategic Housing Services

The number of recorded complaints reduced from eight to six, the number is too small to identify a significant trend.

Customer services

Only five complaints were received about Rotherham Connect, although four were upheld for poor advice. The officers were advised accordingly and complaints used as case studies for the operatives.

Financial remediation

The payment of compensation doubled in 2015/6 to £2,281. Three cases accounted for the vast majority of the payment. Firstly a complaint about the Furnished Tenancy Scheme resulted in the customer being reimbursed £1,206.48, the case is highlighted later in the report. A payment of £500 was made for the distress and inconvenience caused by disruptive repairs that should reasonably have been completed before the property was let. A third complainant received a payment of £250 for poor advice about the "bedroom tax" which influence their decision to move home.

Stage 2s

13 stage 1 complaints progressed to stage 2 in 2015/6. One about the condition of an empty property including failure to identify a damp problem and woodworm was upheld. Three were ongoing at the end of the year and will be reported in 2016. Performance on answering complaints in time fell to 77% with 3 complaints being answered out of time.

Stage 3s

As a result of the Localism Act 2011 the complaints procedure for most of the landlord function ends at stage 2 for the complaints procedure, meaning there were no stage 3 hearings for Housing and Neighbourhood Services. One stage three hearing about Revenue and Benefit services issues included an element about noise which was not upheld.

Ombudsman decisions

The Directorate received a total of 4 decisions from investigations completed by the Housing Ombudsman in 2015-16. No decisions were upheld against the Council.

Identifying complaint trends and introducing improvements

The service has treated every complaint as a learning opportunity and has sought to improve the service and customer experience by targeting emerging complaint trends. The following are examples of how the service has been improved.

Damp

Damp continues to be a significant cause of complaints in 2015/6 despite improvements introduced to combat damp in the previous years. The reason for the trend is attributed to condensation related damp and black mould caused by the rise in fuel poverty.

Area Technical Officers have been given an improved toolkit to identify and advise on condensation related damp. This includes Hydrometers to identify the level of humidity, they are also issued with mould spray to show and advise tenants how to combat condensation related mould. A mould treatment kit is also ready to be utilised by Technical Officers, empowering tenants to deal with and treat mould within their homes, which promotes tenant responsibility and independence.

A procedure has been put in place for 2016/17 which requires officer's to demonstrate the level of humidity, advice on condensation reduction and mould removal. This is recorded in a standard action plan sheet which is signed off by the tenant and is followed up three months later with a repeat visit to assess progress.

To augment this process the service is currently going out to tender to procure a mould/condensation specialist to assess excessive mould and condensation issues and advise on the solution. The specialists, in addition to the existing contract with Rentokil Ltd to address rising and penetrating damp, will inspect properties as advised by the Area Technical Officers.

In addition to the above, a full Rentokil Ltd survey is now triggered by the identification of suspected rising or penetrating damp, not just the areas demonstrating damp. All reasonable remedial works advised by the specialist contractor will be completed.

Full mould/condensation/damp training has taken place for all Technical Officers and a consistent approach in identifying issues established.

Complaints about the time taken to complete work

A significant number of these complaints were about work which had been placed on programmes following day to day repair inspections, with works being issued in batches on 12-16 week programmes. To address this issue the service has strengthened communication with the customer, including letters from the Council and contractor. Crucially issuing work on a monthly basis, meaning notification and completion are both quicker.

De-escalation training

A number of complaints about the quality of the repair service and the perceived actions of the technical officers can be attributed to officers advising customers that in their professional opinion either no repair is required, or more often, the extent of repair required is less than the tenant requests. To address this issue the Contract and Service Development Team have procured the de-escalation training provided to the Area Housing Officers. It is believed that this will allow officers to manage customers' expectations and express their reasoning in a way that minimises conflict and reduces complaints.

Termination of tenancies and succession

A trend in the year was the number of complaints made about the termination of tenancy process, issues involving relatives out of the borough terminating tenancies, terminations following death and succession following death. To address this issue the service has and is taking the following steps:

- The termination process has been rewritten to ensure that it is not only lawful but fair and reasonable.
- The death of a joint tenant letter has been rewritten to make it more sensitive and has been built into Civica.
- The pre termination letter has been amended meaning the Next of Kin or relatives do not need to hold the keys until the property has been inspected.
- Benchmarking has taken place and a new process is being developed with Legal Services which will be built into Civica. The process will take into account where there is a death and no successor, or next of kin, or probate and limited estate. The aim being to avoid notification to the Probate Office in Sheffield where it is reasonable to do so, thus allowing the tenancy to be terminated much sooner.

It is believed that these improvements will stop or greatly reduce the number of complaints relating to the termination process.

Termination of tenancies & Former Tenant Arrears

In the year the Housing Income team received several complaints about former tenant arrears, recovery action from customers who claimed to be unaware of arrears at the end of their tenancy. To address this issue the service has used the opportunity of the introduction of the new Civica system to rewrite the termination process so that the system automatically produces an end of tenancy account. The four week notice period has been trialled and the process is being adjusted to include notification on death which requires two weeks. It is expected that this process will be fully implemented in the second quarter of 2016/17.

Learning from individual complaints

All complaints are analysed for learning opportunities, the following are a sample of how complaints have helped reshape and improve the service.

Learning from complaints case studies

1. A number of complaints were received about the late payment of credits customers had on their District Heating accounts

In response to the service has:

- Created a list of all those meters where there have been difficulties obtaining an automatic electronic reading and will manually read the meters.
- The number of outstanding readings is an issue performance managed through 1-2-1's.

2. A complaint was received about an incorrectly drawn RTB boundary resulting in the loss of an outhouse for a neighbouring council tenant. The plan was drawn without consultation with the Area Housing Team who had the local knowledge to advise the surveyor.

In response to the complaint the service has:

- Made an apology and agreed to support the affected resident move accommodation more appropriate to their current health needs.
- Reviewed and amended the RTB plan process so that all plans are signed off by the Area Housing Team as correct before they are included in the conveyance documents.

3. A complaint was received about the length of time it took Willmott Dixon to repair a garage door because they did not possess the necessary skill set.

In response to their concerns the Contractor has:

- Made an apology and a specialist contractor added to their approved contractor list to ensure the works are completed promptly in the future.

4. A complaint was made about the disposal of possessions left in a communal area of a block of flats.

In response to the service has:

- Made an apology, reimbursement the complainant and the Management of Communal Areas Guide has been reviewed and re-written. The revised process includes notification to the individual or full block residents where the owner is not known. The level of risk is taken into account meaning where there is a very high level necessitating immediate removal the items are stored and notification given to the owner/residents on how they can be retrieved the items and the associated costs if any.
- A general letter was issued to all residents of flats reiterating health and safety standards and what is required of them.

5. A complaint regarding the length of time it took for officers to offer the financial options to a customer experiencing financial difficulties with their Furnished Homes Package. An apology was given along with a £1,206.48 refund. Following a review conducted by the Furnished Homes Team the following has taken place:

- A Furnished Tenancy Support Officer is now in place within the Housing Income Team the post highlights and flag up arrears cases for furnished tenancies, and offer advice and options regarding their furnished pack.
- The new Tenancy Agreement now includes revised information regarding responsibilities and options as part of being a furnished tenant.
- Revised information regarding the scheme, options, tenant responsibility and the services responsibilities are provided via the “it’s your move” interview and during the sign up.
- During the post sign-up “welcome visit” tenants receive a newly devised “welcome pack” which reaffirms the information given prior and during sign up. The tenant is also visited by a furnished officer to carry out an inventory; this occurs at 100% of new tenancy sign ups.
- Financial safeguarding measures have been reinforced to give assistance to those who find that they can no longer afford the charge. This includes the opportunity to return goods and down size.
- A review of the 1200 furnished tenancies has been completed where the options have been reaffirmed to customers.
- Refresher training has been provided to Housing Advice staff who sign up new tenants to the scheme and the Furnished Homes team were briefed to discuss the lessons learned.
- As part of the digital inclusion strategy, the Rotherham Furniture Solutions web page will be updated to ensure it is clear to tenants what they are paying for and information about the scheme.

6. A complaint was received about a number of programmed repair issues taking place in a tenants kitchen, it was partially upheld because of one issue that could have been resolved sooner if the service had responded to comments made on site to the supervisor.

In response to the complaint the service has:

- Introduced an on-site Residents Log for programmed works, to capture comments and suggests from residents and ensure they are responded to promptly.

7. A complaint about a delay in the RTB process, which was not upheld, has resulted in the introduction of a new letter which is now sent once a property valuation has been accepted. It provides the customer with clearer information about the next stages of the procedure and timescales involved. The S125 Offer Notice has also been amended to make it clear that an Energy Performance Certificate will not be supplied immediately after it has been produced.

Councillor eCasework enquiries**Table 4 Councillor Surgeries by Service Area**

Service Area	Surgeries *received	% of total enquiries
Housing & Communities	170 – (135)	36.48%
Contract & Service Development Team	121 – (136)	25.97%
Safer Neighbourhoods	68 – (42)	14.59%
Housing Options	65– (86)	13.94%
Strategic Housing Investment	16 -- (17)	3.43%
Asset Management	17	3.65%
Housing Income	5 – (10)	1.07%
Repairs Connect	3 -- (1)	0.65%
Business Regulation	1-- (5)	0.21%
Total	466 – (433)	100%

*2014/5 Councillor Enquiry numbers are shown in the brackets

466 Councillor Enquiries were received via the Council's e-case work surgery system in 2015-16 a rise of 8% on the previous year. Enquiries to Housing Communities (170) were up 26% and Safer Neighbourhoods enquiries (68) up 54%. Against this trend enquiries relating to the C&SD's day to day repair issues (121) went down by 11%, this is consistent with the reduction in the number of complaints and MP enquiries received for the service.

There are distinct trends within the enquiries received, the top three enquiries for those services receiving the bulk of enquiries are listed below:

Housing & Communities: ASB management (50), Trees& hedges (37) and Gates and Fencing (12)

Contract & Service Development: Requesting / reporting a repair (44), Damp (22) and Footpaths, hardstands and driveways (11).

Safer Neighbourhoods: ASB management/noise (15), Fly-tipping/Rubbish (15) and Dogs/dog fouling (8)

Housing Options: Rehousing request (16), queries about application of policy/priority (13), Waiting time (9) and Adaptations (9)

MP Enquiries**Table 5 MP enquiries by Service Area.**

Service Area	MP enquiries *Complaints	% of total complaints
Housing & Communities	56 – (72)	31.11%
Housing Options	55 – (62)	30.56%
Contract & Service Development Team	32 – (56)	17.78%
Safer Neighbourhoods	15 – (27)	8.33%
Strategic Housing Investment	10 – (13)	5.55%
Housing Finance	9 – (4)	5%
Asset Management	3	1.67%
Total	180 – (238)	100%

*2014/5 MP enquiry numbers are shown in the brackets

180 MP enquiries were received in 2015-16 a reduction of 24% from the 238 reported in 2014-15. Two thirds of all enquiries were received by the services managing tenancy and estate management issues and the allocation policy and allocation of council tenancies. Half of all the enquiries received by Housing & Communities service were about anti-social behaviour (28), the next highest number of enquiries received by the team were in relation to trees, hedges gates and fencing (10). The enquiries made to the Housing Options team are almost all about rehousing constituents, waiting times and querying the allocated priority/homeless status. A significant number of enquiries were also about the Adaptations service (7). The third biggest reason for enquiries was in connection with the repair service, the main reason being the time taken to complete repairs (7).

Compliments

97 compliments were received regarding Housing and Neighbourhood Services compared to 170 in 2015/16, some examples are as follows;

Compliment for Housing Options *"The service my family have received has been life-changing and first rate - your staff are amazing"*

Compliment for, Housing Options *"Thanks to the Officer, she has given not only hope for the future, but a roof over mine and my daughters head. She has led me every step of the way and I can't thank you enough".*

Compliment for Housing Options *"I wanted to say how wonderful it was working with the Officer yesterday. She was very caring and kind towards my client.....She was very helpful and her manner was second to none....."*

Compliment for Adaptations Team *"I had my bathroom made into a wet room and it is absolutely beautiful the men worked so hard, I can't thank them enough, they cleaned all the rubbish and dust and wiped everything down."*

Compliment for Adaptations *"A big thank you to everyone involved. The workers were lovely and the standard of work is amazing"*

Compliment for Mears *"The workmen who came out to do the work did a great job and put plastic covers on their shoes so they wouldn't leave a mess. They were great"*

Compliment for Wilmott Dixon – *"The operatives were two of the nicest people and couldn't have been more helpful. I believe they went 'the extra mile' and I can't thank them enough"*

Compliment for Wilmott Dixon *"less than 24 hours later Willmott Dixon have repaired it already - your staff are amazing"*

Compliment for Housing & Communities *"I thank you for being a fantastic individual who cared enough to keep helping me even when it was difficult. Thank you again"*

Compliment for Housing & Communities *"Thank you to everyone concerned with the presentation for the winners of this year's garden competition. The effort put in for this occasion was terrific"*

Compliment for Housing & Communities *"Thank you for great service and understanding when you helped our family to move - very impressed and grateful".*

Compliment received for Housing Income *"Thank you and your staff for all you have done in this case - very impressed"- Kevin Barron MP.*

Compliment for Community Protection Unit *"I would like to thank you for the time, effort and only it would seem with your involvement made things happen, I know it's part of your job, but it's always nice to be thanked".*

Compliment for Community Protection Unit *"Can I express my gratitude for the prompt response to my complaint the speed of service has been second to none"*

Compliment for the ASB Officer, *"Thank you for all your help. The problem has now stopped and happy to close the report"*

Compliment for Leaseholder Service, SHI *"With regards to the information you put together it was most informative and very good. Please keep this up. It's nice to have concise information that is explanatory, clear and detailed"*

Compliment for Leaseholder Service, SHI *"The Officer is an excellent member of staff and his customer service is excellent"!*

Compliment for the Contract and Service Development Team *"what a very knowledgeable officer you are and how in-depth you are with your work"*

Compliment for Contract and Service Development Team *"Thank you for works carried out to my drive – I am delighted and want to thank the Officer involved."*

Compliment for Contract and Service Development Team - *"Thank you so much - you provided exemplary customer service, listening to the customer and acting upon it fairly"*

New Developments during 2015-16

- Monthly learning from complaints reporting to the SMT introduced.
- The Complaints Team continue to liaise with the Housing Ombudsman to understand its approach to complaints and trends of complaints received by other social landlords.
- All complaints continue to be subject to learning from complaint procedures. Stage 2 complaints are subject to special consideration by the services responsible in collaboration with the Complaints Team.
- As part of wider economy drive the number of investigating officers in the complaints team was reduced from four to three.

Improvement Actions 2016/17

- The Transfer of the allocation and administration of Councillor enquiries will take place in the year to allow investigating officers to concentrate on that part of the service that adds value to the Council
- Similarly the management of MP enquiries will need to be reviewed to ensure the team can maximise its contribution service improvements by learning from complaints.
- Analysis of complaints by service and type will continue to inform service improvements and the Complaints Team's focus. The Service will monitor the implementation of improvement plans generated by individual complaints.

- The service will continue to focus on the quality of response to stage one complaints to improve customer satisfaction and reduce the number of complaints escalating through the complaint procedure.
- The service will review its use of informal complaints, in the light of recent LGO and Housing Ombudsman findings
- The Complaints Team will investigate improving the efficiency of the service through the implementation of a new IT system this will include opportunities offered by the implementation of CIVICA.
- E-learning package for complaints handling and investigation will be developed for all staff and managers.
- The Complaints Team will continue to identify service sector best practice by attending the Housemark Complaints benchmarking group to aid service improvements.

Children & Young People Services

Directorate Performance in 2015-16

This Annual Report provides details of complaints made to Children and Young People's Services (CYPS) between 1 April 2015 and 31 March 2016, under The Children Act 1989 Representations Procedure (England) Regulations 2006; alongside comparisons with previous years.

Over the last 12 months the total number of Stage 1 complaints received for Children and Young People's Services has increased from 146 to 192, which is a 32% increase.

In total 204 formal complaints were received, whereas 146 were received in 2014-15.

Overall 50% of Stage 1 complaints were responded to within the statutory timescales, compared to 55% (2014-15); and 50% of all complaints, including Stage 2 complaints were closed within timescales.

Whilst performance in responding to complaints within statutory timescales has decreased from 55% in the previous year to 50% in 2015-16; the introduction of new performance management arrangements has meant that performance over the year has improved to the point where 90% of complaints were responded to in time between January and March 2016. This trend has continued into 2016-17.

Headline Results 2014-15

↓	Number of school complaint enquiries, 76 . Decreased from 102 in 2014-15.
↑	Number of enquiries from MPs, 55 . Increased from 34 in 2014-15.
↓	Number of decisions from Local Government Ombudsman, 14, 4 Upheld . Decreased from 19, 1 Upheld in 2014-15.
↑	Number of complaints at all levels, 204 . Increased from 159 in 2014-15.
↑	Number of Stage 1 complaints, 192 . Increased from 146 in 2014-15.
↔	Number of Stage 2 complaints, 10 . Remained at 10 from 2014-15.
↓	Number of Stage 3 complaints, 2 . Decreased from 3 in 2014-15.
↔	Number of complaints escalating from Stage 1 to Stage 2, 10, 5% . Remained at 10, 7% in 2014-15.
↑	Number of complaints upheld (26) and partially upheld (73) at all levels, 99, 52% . Increased from 48% in 2014-15.
↓	Percentage of complaints at all levels responded to in timescales, 50% . Decreased from 52% in 2014-15.
↓	External complaint investigation costs, £12,350 . Decreased from £20,956 in 2013-14.
↓	Number of Councillor Surgery enquiries 5 . Decreased from 9 in 2014-15.
↓	Number of informal complaints received, 47 . Increased from 43 in 2014-15.

↓	Number of compliments received 72 . 160 received in 2014-15.
↑	Total financial remediation awarded was £8,274 in respect of 6 complaints. Decreased from £0 financial remediation awarded in 2014-15.
↑	Complaints about quality of service, 147 , increased from 77 received in 2014-15.
↓	Complaints about actions of staff, 37 , decreased from 38 received in 2014-15.

Complaints and other enquiries from Children and Young People

The number of Stage 1 complaints received from children and young people was **17** in 2015-16. This has remained the same as in 2014-15. Only 1 complaint from 2 young people was considered at Stage 2 of the complaints procedure.

12 complaints from children and young people were upheld or partially upheld at Stage 1. This has decreased from 17 in 2014-15.

The proportion of complaints at Stage 1 from children and young people which were responded to in timescales is **33%**. This has decreased from 41% in 2014-15 and is lower than the proportion of all complaints which were responded to in timescales. This does not necessarily reflect that the complaint was not being actively dealt with and that the manager dealing with the complaint had not engaged with the young person within that time frame; but that the final response to the complaint and resolution was not achieved within the timescale. This is a reflection of the complexity of dealing with complaints and resolving issues from children and young people; and it should be noted that none of the complaints from young people which were considered at Stage 1 were escalated by the young person which indicates that issues were ultimately resolved to their satisfaction or that they accepted the response to their complaint.

The Complaints Team is currently being undertaken to evaluate the handling of complaints from children and young people and to ensure that the complaints procedure is child-friendly and resolution focussed.

Proportionally, 59% of complaints from children and young people received in 2015-16 related to Looked After Children and Leaving Care Services; and 24% related to children's homes. This is broadly similar to previous years. 71% of complaints from children and young people were upheld or partially upheld; which has decreased from 100% of complaints in 2014-15. This is an indication of the strong focus on resolving complaints and addressing issues which means that the likelihood of complaints from children and young people being upheld is higher; and also a reflection of the transition and changes within Looked After Children and Leaving Care Services in particular.

Analysis of the details of complaints received from children and young people highlights a number of key themes including:

- Decisions regarding changes to placement where either young people are reluctant to move to a new placement or young people are requesting a move to a new placement; or frequent changes in placement.
- Young people unhappy with or wanting a change in their social worker.
- Impact of the behaviour of other individual young people in children's homes.
- Actions of staff in children's homes and supported living accommodation.

Stage 1 complaints

The number of Stage 1 complaints received in 2015-16 has increased by **32%**; from 146 in 2014-15 to **192** (Including 17 from children and young people). Whilst there has been a significant increase in the number of complaints; 59% of those complaints were received between April and September 2015 where the numbers of complaints received peaked at 30 in April and 26 in June. Between October 2015 and March 2016 the numbers of complaints received were at more consistent levels; at an average of 13 per month. It is expected therefore that any change in the number of complaints in 2016-17 will be less substantial.

There has been a corresponding decline in timeliness of response in 2015-16 with only **50%** of complaints responded to in timescales; compared to 55% responded to in timescales in 2014-15. 'South – Children in Need' (20%) and 'Looked After Children and Leaving Care Services' (38%) were services which underperformed in responding to complaints within timescales.

However following the introduction of new performance management processes in October 2015 performance has improved substantially. For the 3 months between October 2015 and December 2015, 59% of complaints were responded to in timescale; and for the 3 months between January 2016 and March 2016, **90%** of complaints were responded to in timescale. The improvement in performance has continued between April 2016 and June 2016 where **94%** of complaints have been responded to in timescales.

There has also been a corresponding increase in the proportion of complaints which were upheld or partially upheld in 2015-16; which has increased from 31% in 2014-15 to **52%**.

74% (143) of complaints received in 2015-16 related to the quality of service. This is an increase from 53% of complaints in 2014-15. **20%** (36) of complaints received in 2015-16 related to the actions of staff. This is a decrease from 26% of complaints in 2014-15.

26% (49) complaints related to Borough Wide Duty and Referral Teams (Including Multi-Agency Safeguarding Hub). This has increased from 21% (30) in 2014-15. 37% (72) of complaints received related to Locality Social Work Teams (18% North Locality, 16% South Locality, 4% Central Locality). This has decreased from 40% in 2014-15. Looked After Children and Leaving Care Service also received 19% (37) of complaints in 2015-16. There is no comparison with previous years at this was no recorded as a separate service.

It can best be concluded that the above statistics reflect the short-term impact on services of the changes being made which are leading to improvements in services in the medium and long-term. This is particularly evident in analysis of complaints received about Borough Wide Duty and Referral where there has been much improvement and transformation work undertaken in the first half of the year. Whilst this service received 49 complaints over the course of the year it is important to note that 32 of these complaints were received between April and September 2015; and only 17 for the remaining 6 months of the year.

Stage 2 and 3 Complaints

In 2015-16, **10** complaints were escalated to Stage 2 of the Complaints Procedure. This has remained at 10 as in 2014-15. However, proportionally fewer (5% in 2015-16 compared to 7% in 2014-15) complaints have escalated.

In 2015-16, **2** complaints were escalated to Stage 3 of the Complaints Procedure. This has decreased from 3 in 2014-15. Again this is proportionally fewer (1% in 2015-16 compared to 2% in 2014-15).

Only **29%** of complaints at Stage 2 were responded to in timescales. This has increased from 10% in 2014-15. Whilst this is partly a reflection of the complexity of the complaints which is dealt with at this stage and performance has improved, this remains an issue which needs to be addressed.

The proportion of complaints upheld or partially upheld at Stage 2 is **57%** (4). This has increased from 20% in 2014-15. Further analysis of these complaints needs to be undertaken to understand, given the proportion that were upheld; whether there was an opportunity to resolve complaints at an earlier stage. The proportion of complaints upheld or partially upheld at Stage 3 is 0%.

The cost of appointing independent persons to undertake the consideration of complaints at Stage 2 and 3 of the Statutory Complaints Procedure was **£12,350** in 2015/16. This has decreased significantly from £20,956 in 2014-15 due to improvement in the way that complaint investigations are managed.

Local Government Ombudsman cases

In 2015-16, **11** enquiries were received from the Local Government Ombudsman. This has decreased from 16 in 2014-15.

14 decisions were received from the Local Government Ombudsman in 2015-16. 3 decisions were received from enquiries made prior to 1 April 2015 as well as the 11 enquiries received in 2015-16.

11 enquiries related to Children's Social Care Complaints and the following decisions were made:

- **4** complaints were upheld – maladministration and injustice.
- **1** complaint was not upheld – no maladministration.
- **3** enquiries were closed after initial enquiries with no further action.
- **3** enquiries were closed and not counted as a complaint decision.

Complaints that were upheld related to quality of life story work, child protection and legal processes, referrals to and assessments undertaken.

3 enquiries related to school admission appeals panels. This is a decrease from 10 in **2014-15**. None of the 3 complaints were upheld.

Learning from Complaints

Lessons learned were identified from 51 Stage 1 Complaints in 2015-16. Proportionally this is 27% of all Stage 1 complaints. This has increased from 45 in 2014-15 but proportionally has decreased from 31% of all Stage 1 complaints.

Examples

Complaint:

A complaint was received that the Council failed to protect her children and act on referrals regarding her children. The complainant stated that a number of referrals had been made to Children's Social Care by other agencies but these had not been addressed.

Learning:

Managers have reported that they are not currently able to provide written responses to most referrals made by other agencies as indicated by the guidance. The service should identify a timescale for meeting this objective or amend the guidance so that referring agencies are aware not to expect a written reply.

Action:

The Local Authority has introduced a process which means that a response letter is provided to all referrals which are received by the Multi-Agency Safeguarding Hub. The response letter is completed by the social worker who deals with the referral and is sent once they have completed the initial consideration of the referral.

Complaint:

A complaint was received about the involvement of family in child protection by children's social care and lack of support from Children's Disability Service. The complainant stated that child protection visits had not been undertaken regularly.

Learning:

All staff should be reminded of the need to carry out statutory Child Protection visits according to Rotherham MBC procedures.

Action:

Robust performance management and audit processes have now been put in place to ensure that procedures are followed. This has led to evidenced improvement in statutory child protection visits being carried out. 100% of statutory child protection visits are now completed in accordance with the relevant procedures.

Complaint:

A complaint was received by the Local Government Ombudsman about the way in which a referral her former husband made about her abusing their son was dealt with; and the Council's decision to carry out an assessment.

Learning:

The Local Government Ombudsman found fault in the way the referral was initially dealt with as it had been received by a Senior Officer and not referred immediately to the Multi-Agency Safeguarding Hub. Once the decision was made to carry out an assessment, the assessment took too long to complete.

Action:

The Council has made significant improvements to the way in which referrals are received and processed by the Council. Steps have been taken to ensure that all staff are aware of the correct route for making referrals concerning the welfare of a child. All referrals received by Children's Services are screened within 24 hours of receipt.

The Council has implemented robust performance management processes which ensure that assessments are completed within the required timescales and are continually monitored and subject to scrutiny to ensure compliance. Through the management of performance, the Council has ensured that members of staff are aware of the requirement to screen referrals and complete assessments within required timescales.

Further work is therefore being undertaken to maximise the opportunities for learning to be captured from all complaints and from July 2016 learning from complaints has been incorporated into complaints performance management.

Learning is also identified from Stage 2 and Stage 3 complaints as well as complaints investigated by the Local Government Ombudsman.

Recommendations were made by Investigating Officers/Senior Managers following 3 investigations of complaints at Stage 2; and consideration of 1 complaint at Stage 3. Learning was identified from these recommendations.

In addition learning was identified from consideration of 2 complaints by the Local Government Ombudsman and the recommendations which they made.

MP Enquiries

In 2015-16, **55** enquiries were received from Members of Parliament which relate to Children and Young People's Services. This has increased from 34 in 2014-15.

During 2015-16 the Complaints Team have undertaken work to improve the quality and timeliness of responses to MP enquiries; support and guidance and has been provided to services and quality assurance of responses has been increased.

School Complaint Enquiries

The Local Authority has no responsibility for dealing with complaints about schools however enquiries are recorded to reflect the service provided in giving advice to members of the public about the school complaints procedure.

The number of school complaint enquiries received in 2015-16 has decreased from 102 in 2014-15 to **76**. 39 enquiries related to complaints about Secondary Schools, 33 enquiries related to complaints about Primary Schools; and 4 enquiries related to complaints about Special Schools.

The Complaints Team has continued to improve the information and advice provided to parents to reduce avoidable contact with the Council regarding school issues; and has continued to provide support to schools through regular contact with school management staff and provision of annual training to school governors.

Compliments

72 compliments were received about services in 2015-16. This has decreased from **160** in 2014-15.

The decrease in the number of compliments received can be attributed to changes in processes for capturing feedback which has reduced the opportunity for positive feedback to be captured.

Further work will be undertaken with the Performance and Planning Team in Children and Young People's Services to ensure that the opportunities for feedback from young people and families are maximised and both positive and negative feedback are captured.

The following are examples of compliments received in 2015-16:

- Compliment for worker in **Integrated Youth Support Service**. "Thank you for what you did for me..... You stuck by me... you brought our family back together....you are the best person I ever met."
- Compliment for Social Worker in **Adoption Service**. "Thank you for all the hard work and what you have done for us so far.....we both want you know that we truly do appreciate everything you do, and are doing, and are thankful of your continuing support."
- Compliment for **Independent Reviewing Officer**. "Many thanksI sincerely hope he has your tenacity and empathy you have shown all for which has now benefited *Child* and us his loving parents."
- Compliment for **Social Worker in Locality Team**. "Social Worker has done a fantastic job supporting the families and school, and she is one of the most efficient and effective social workers I have worked with and it has been a pleasure to work with her."
- Compliment for **Foster Carer**. "Foster Carer has been a real pleasure to work alongside....I have been so impressed by her commitment to and understanding of *Child's* and his needs.....nothing has been too much trouble for her."

Financial Remediation

A total of **£8,274** was paid to 6 complainants as a result of complaints made in 2015-16. This has increased from £0 in 204-15.

However, only £1,750 was paid to complainants in recognition of distress suffered as a result of their experience and for time and trouble in pursuing complaints.

£6,524 was paid to 2 complainants to reimburse money which they were entitled to but not received either as a result of incorrect policy or delay in processing payments..

Top complaint issues 2015-16

Customer Service

Complaints about phone calls not being returned or customers being unable to contact members of staff account for a significant proportion of all complaints received, particularly in relation to Children's Social care. These types of complaints are tending to form the main basis of complaint where previously they were supplementary issues.

Actions, Conduct and Professionalism of Staff

Previously complaints about actions of staff have been made supplementary to the main issues which the customer has complained about. But these types of complaints have continued to be a main focus of complaints in 2015-16.

These types of complaints particularly refer to:

- Specific comments made by social workers which are viewed by the complainant as inappropriate.

- Social workers not carrying out actions that they have promised to do.

Content and timeliness of assessments and reports

The most common types of assessments and reports which form the subject of complaints are Child Multi-Agency Assessments and Case Conference Reports:

- Customers unhappy with what is written about them in reports and assessments.
- Complaints about delay in delivering the social worker's Case Conference Report which should be provided 48 hours before Case Conference.

Communication with families

- Customers unhappy with involvement or lack of involvement with individual family members particularly where there are separated parents involved and the child lives with one parent.
- Communication with extended family members and clarity around information shared with them and level of involvement.

Information sharing and confidentiality

- Customers unhappy with their personal information being shared and decisions to share information.
- Customers unhappy that their details have not been kept anonymous when they have made a referral.

Child Protection Practice and Processes

- Customers unhappy with delays in social care assessment resulting from protracted criminal investigations.
- Customers disagreeing with the decision to initiate child protection investigations.

Developments in 2015-16

- A new performance management regime has been introduced by the Complaints Team working with the Directorate Leadership Team in Children and Young People's Services. The new performance management process includes a weekly complaints report to the Directorate Leadership Team highlighting outstanding enquiries which require a response, issuing of weekly reminders for all enquiries; and a process acting swiftly to resolve those complaints which are at risk of not being responded to within statutory requirements.
- The Complaints Team have reintroduced a monthly Complaints and Customer Feedback Report to Directorate Leadership Team highlighting exceptions in performance and learning.
- The Complaints Team have worked with the Performance and Planning Team in Children and Young People's Services to implement an improved process for capturing and reporting learning from complaints which has seen an increase in the number of complaints where learning has been identified.

- Learning from Complaints is integrated into the Quality Assurance and Improvement Framework.

The beyond auditing innovative approach has been introduced to further strengthen quality assurance processes. This approach audits cases to strengthen learning opportunities and support practice improvements. Cases chosen for auditing for this approach will include cases where a complaint has been received from a child, a complaint is upheld or partial upheld. The learning from these complaints is built into the overall service improvement action plan.

Learning from Complaints will also be included in Whole Service Events. The approach will be to take learning from Children & Young People complaints will be themed and discussed at quarterly meetings with practitioners to identify service improvements and provide feedback on the impact of improvements made.

- Complaints Training has been commissioned by the Complaints Team in 2015-16 and delivered to Team and Service Managers in March/April 2016 focussing on response and resolution at Stage 1; to improve the quality and effectiveness of responses to complaints.
- Following a mystery shopping exercise carried out by the Young Inspectors we have improved the information on the Council website to make it more accessible to young people by revising the content and wording of the existing information and including specific information aimed at young people in care. We have also revised our contact details on the Council website and young persons' complaint leaflet to highlight promote the various methods which young people can use to contact the complaints team including the dedicated text message number.

12. Planned Improvement Actions in 2016-17

In 2016/17 we have up to June 2016:

- Introduced performance management for capturing lessons learned from complaints and included this in existing weekly and monthly performance reporting processes.
- Incorporated lessons learned from complaints into the auditing framework for Children's Social Care so that learning from complaints contributes to wider improvements in services.
- Introduced a quarterly Learning from Complaints report to Directorate Leadership Team in Children and Young People's Services to highlight progress.

In 2016/17 we will:

- Further develop our processes for learning lessons from complaints to ensure that actions identified translate into improvements in service which deliver better outcomes for children and young people, and their families. We will do this by working with the Performance and Planning Team in Children and Young People's Services to develop a process which identifies lessons which ensure that lessons are identified, actions taken and outcomes measured.
- Improve access to the complaints procedure for children and young people including children with disabilities by reviewing and improving the quality of information

provided to them and opportunities to tell us their views; and review the entire complaints procedure to ensure that it is child-centred and child-friendly throughout. This includes continuing to explore the options for a mobile application to enable young people to make complaints and communicate with the Council.

- Deliver advice and guidance to front line staff about the complaints procedure and their obligations when dealing with young people and their families; to ensure that young people and their families are aware of their right to complain and are properly informed about how to do so.
- Revise the complaints information contained in the social care procedures to provide a practical guide for frontline staff and managers regarding the complaints process and their responsibilities; and include all the relevant templates.
- Work with Performance and Planning Team in Children and Young People's Services to ensure that options for capturing positive and negative feedback are maximised.

Environment and Development Services

Directorate Performance in 2015-16

Environment and Development Services' complaints are dealt with under the Council's Corporate Complaint's Procedure.

Over the last 12 months the total number of complaints received was **108**. This represents a slight increase over the last year from **103** to **108**. However **280** informal complaints have also been received.

Overall **86%** of all complaints were responded to within timescales compared with **99%** in 2013/2014.

Headline Results 2014/15

↑	Number of complaints (at all levels) increased from 103 in 2014/2015 to 108
↑	Complaints regarding Streetpride 72, 67% (2014/2015, 53, 51%)
↓	Complaints regarding Planning, Regeneration, Customer & Cultural Services 35, 32% (2014/2015, 44, 43%)
↑	Total number of complaints upheld was 47, 44% (2014/2015, 34, 33%)
↑	An increase in the number of complaints escalating has been seen:-From 6 in 2014/15 to 11 for Stage 1 complaints escalating to Stage 2 in 2015/16
↓	Percentage of complaints at all levels responded to in timescales, 86% . Decreased from 99% in 2014-15.
↑	Complaints about quality of service increased to 63, 58% (2014/2015, 56, 54%)
↓	Complaints about actions of staff decreased to 27, 25% (2014/2015, 28, 27%)
↑	£0 financial remediation awards were made, in total £0 (2014/2015, £1030.00)
↓	Ombudsman upheld 0 out of 3 complaints investigated.
↑	Number of Councillor Surgery's received was 436 (2014/2015, 379)
↑	Number of Compliments received was 371 (2014/2015, 269). <i>The majority of compliments (277) received related to Streetpride Services</i>
↓	Number of informal complaints decreased to 280 , (2014/2015, 327)
↑	The number of MP enquiries received was 72 , a 55% decrease from 160 received in 2014/15

Top complaint issues

Streetpride

The highest number of complaints received related to Streetpride Services and were specifically around services delivered by Waste Management and related to missed bin collections, delay in receiving replacement bins and conduct of refuse collectors.

In relation to Network Management complaints were received about the conduct and service provided by Parking Services; conduct of Civil Enforcement Officers, parking enforcement and lack of consistency when issuing Penalty Charge Notices.

Leisure and Community Services received complaints relating to tree cutting and the attitude of staff members in parks.

Planning, Regeneration Cultural & Customer Services

Complaints were received by Customer and Cultural Services relating to the quality of service and advice offered to customers, delays in receiving service or attitude of staff. Specific complaints were received regarding, advice provided by the contact centre, service provided by Registrars, condition of seating at the Civic Theatre, time taken to be seen at Riverside reception and incorrect advice relating to the process for renewing a travel pass.

Complaints were received by the Planning Service relating to information provided, a lack of response to enquiries and a concern that correct procedures had not been followed. Specific complaints included concerns regarding a lack of consultation relating to a planning applications, lack of consideration of objections to a planning application, delay in action being taken relating to a breach of planning permission, concerns relating to a Tree Preservation Order, a claim that planning permission has been incorrectly given and the Council's responses to reports of a neighbour running a business.

Learning from complaints case studies

1. Customer received incorrect tickets for a performance at the Civic Theatre.

In response to their concerns we have:

- Apologised to the customer. The complaint was considered and discussed at full team meeting. The best way of dealing with similar situations was agreed to prevent this from happening again.

2. A complaint was received about the removal of items from a memorial bench in Clifton Park and the conduct of an officer.

In response to the complaint the service has:

- Made an apology and the standard memorial bench agreement is to be reviewed. The review is to be linked with a review of the Road side memorial agreement with a target completion date of the third quarter of 2016/7.

3. A complaint was received about the time taken to answer a phone call when reporting an issue to the contact centre about Streetpride services and what was perceived as misleading messages about the position in the queue.

In response to the complaint the service has:

- Made an apology, extended the staff lunch break periods from 11:00 until 15:00, meaning staff lunch breaks are more spaced out during these hours and employed more staff on part time contracts to work over this period.
- The in-queue messages that are played whilst customers are waiting to have been reviewed and amended.

Informal Complaints

280 contacts were received which were logged as Informal Complaints compared to **327** in 2014/2015. The majority of these contacts related to services delivered by Streetpride Services (**221**). Issues relating to Waste Management (**56**), Transportation and Highways Design (**21**), Corporate Transport (**1**), Leisure and Community Services (**56**) and Network Management (**77**).

In addition Planning, Regeneration, Customer and Cultural Services received (**58**), Planning (**13**) and Customer and Cultural Services (incl. Contact Centre) (**38**), and Regeneration (**4**).

Informal contacts related to missed bin collections, disposal of waste at Household Waste Recycling Centres, recycling points, green waste collection, grounds maintenance, street cleansing, replacement litter bins, potholes, road resurfacing, parking, winter maintenance, dangerous driving by taxi driver, safe walking route, IT problems in Riverside House Library, payment facilities at Customer Service Centres, delay in receiving blue badge service, shouting and swearing Riverside House Café, Smell from public toilets in Riverside House, boundary dispute and disposal of land issues.

Councillor eCasework enquiries

436 enquiries were received in the last year, compared with **379** received in 2014-15, **13%** increase. The vast majority being related to services delivered by Streetpride primarily Network Management (**215**) and Leisure and Community Services (**130**). Issues relating to Network Management Service were concerned with potholes, condition of the highway, repair to grass verges, improvement works, damaged street signs, request for anti-motorcycle frames and ongoing parking issues.

Issues related to Leisure and Community Services were concerning fly tipping reports, overgrown trees, request for litter bins, concerns about litter and concerns about the frequency of cutting to a local park.

Enquiries were also received relating to the Highway Design and Transportation Service (**31**) regarding road markings, request for traffic calming measures, noise and other concerns relating to Heavy Goods Vehicles, excessive noise from roads, double yellow lines, request for new signage.

Waste Management Service (**28**) received enquiries relating to concerns about changes in times of collection, stolen wheeled bins, charges relating to replacement bins, missed collections, excess waste left by householders and additional green bins.

Ombudsman decisions

In 2015-16, 3 decisions were received, compared to 3 decisions in 2014-15. No decisions were upheld.

Compliments

371 compliments were received, **269** received in 2014-15, some examples are as follows:-

Leisure and Community Services

- For removal of fly tipping and litter picking along Grange Lane.
- How clean, tidy and well maintained their local area is looking.
- Have done a wonderful job on Moorgate of clearing leaves.
- Thanks for Street Cleansing Works on High Street.
- For the wonderful display of wild flowers in the central reservation along Bawtry Road.
- Thank you to two members of Streetpride Staff who stopped and helped the customer pick up laminate which had dropped out of his boot on the way to the tip - they were cheerful and helpful with a good attitude.
- Thanks to Street Cleansing for clearing away the dog fouling.
- Thanks to Streetpride for the emergency clear up.
- Thank you to driver of the channel sweeper - him and his team did an exceptional job
- Thanks for providing 2 weeks activities for children, took two grandchildren one with autism, this was an invaluable opportunity to mix and join in organised activities with mainstream children.
- Grass cutting suspending to aid growth of Bee, Marsh and Spotted Orchids. Your patience is appreciated.
- Thanks for your assistance; the walkway hedges have now been trimmed.
- Thank you for recent work on trees in St James Church Yard - it has made a huge difference to the light we are receiving.

Network Management

- Huge thank you to all involved in the resurfacing of Barnsley Road/Hesley Lane
- Good job done with the wooden post on the grass verge
- Thank you very much for help with Parking Charge Notice
- Thank you for repairs done to the
- Thanks for the excellent job done on the resurfacing of Ladyfield Road in Thorpe Salvin and Thorpe Road in Harthill.
- Just to say thank you to you and the Green Spaces team and volunteers for the kissing gate.
- Thank you for a resurfacing a public footpath in Rawmarsh.
- The crew have done an excellent job and the customer wanted to pass on his thanks.
- Thank you for the resurfacing of Greystones Road
- The crew have done an excellent job
- Thank you for your timely response and the cancellation of my parking ticket. Much appreciated.
- Huge thank you to you from me and other riders in our area. We will now be able to use the bridleway and enjoy safer off road riding.
- Thank you for resurfacing work on Cowrakes Lane - little disruption and very pleased with the completed works
- Thank you - you did a really good job cutting back the trees near Recreation Road
- I just wanted to say thank you for your help and co-operation with the Cancer Research UK Race for Life event.
- Thanks for the work currently in progress removing the overhanging trees and shrubs.
- Thank you, you do a brilliant job - jetting gulley team.
- Thank you for speedy response & action taken to address overhanging trees reported.

Waste Management

- Thanks for prompt action on getting his bin emptied also wanted to say thank you to the crew as well for their quick and prompt response.
- They always go out of their way to move the lorry so that I can get past, or run to collect the bins if there is nowhere for them to move to. They are really accommodating and kind which I think should be mentioned as this doesn't happen enough these days. Please pass my sincere thanks on to the men who do this round as they make a real effort to be conscientious and this should be recognised. Many thanks
- Thanks to you and their patience and kindness I got them back and cannot thank you all enough I am so very very grateful. It restores faith in human kindness and shows there are some good people out there!!!!. Please let the lads know how much I appreciate what they have done and thank you for allowing them time from their schedule to do what they did. Many many thanks again much appreciated.
- I just want to compliment the bulky item collection team. They were punctual, professional and very courteous, excellent value for money; I would certainly use the service again.
- Staff at Ravenfield Disposal site on Lidget Lane. He said that their effectiveness and helpfulness is second to none
- Thank you for the assisted collection she is receiving she said all of the crews are kind and Courteous she wouldn't be able to recycle if it wasn't for the help of the crews.
- They were helpful & so polite says we should be proud of these working for council.
- Compliment for Waste Management customer wanting to thank us for sorting out emptying green bin after being missed.

- Compliments for service received at the North Anston Recycling Centre.

Customer and Cultural Services

- Thank you to Customer Service Operative for arranging the collection of a settee and beds. Very helpful even though very busy and the technology was going down.
- Thank you so much for service and to the people who brightened up my day. Excellent and very helpful, very pleased and grateful for all the help
- Excellent service by staff, visit has opened up numerous avenues to further my research into my family history.
- I would like the person responsible for customer services in Dinnington to tell his staff how happy I was with the service I received when renewing my blue badge. I know there job us not issue but they do a wonderful job and they made me very welcome with my canine partner.
- Just to give feedback. I phoned today to order copy birth Certs for our grandchildren and was dealt with by a delightful Scottish lady. I have to say what a credit to our Council she is. She was friendly, patient, efficient and a delight to deal with. It is so good to be able to give really positive feedback to our much maligned but wonderful Council. Thank you (and give her a pay rise immediately!)
- Wanted to pass on her thanks to all the staff in the CC that she has spoken to regarding issues with getting her green bin emptied.
- Yourself and the Staff were exceptional considering the extreme weather and it was a full house, you did not have to wait long to be served at any of the points of sale, and everyone was lovely and polite.
- Compliment for a member of staff at Aston Library who he spoke to on the telephone - naturally pleasant, helpful and polite young lady

Planning Service

- A big thank you to RMBC for their efforts in transforming the site from a waste tip to what can be a real heritage asset for Rotherham
- Thanks so much for getting back to me with a very comprehensive reply that has answered all my questions. I wish I'd been put through to you back in January! Thanks for the excellent customer service.
- Thank You for your help, as a newby to the business world you made me feel at easeif you were a business yourself I would recommend you.
- He was always approachable and returned calls in a timely manner.....I have been very impressed with the professionalism of your team and thank you accordingly.
- We felt her presentation to be clear, concise and candid....I have been very impressed with the professionalism of your team and thank you accordingly.
- Quality of Service - 1 Compliment for Planning Service - "I read in last Friday's Advertiser that your Department was one of the top ten in the country and I am not surprised. Your Planning Department stands out in all it offers us as Agents - reliable, prompt and approachable, a "breath of fresh air"

Regeneration Service

- Thank you very much for your e-mail. The information is very valuable and much appreciated....I have been very impressed by the quality of the guidance I have received up to now.
- I would like to say that the RIDO project is invaluable to small businesses. They are well run and always meet the client's needs. I have also found RIDO to be available

and accommodating when approached.....The whole operation and delivery of this service should be celebrated.

- "Had a very useful meeting today with RIDO Business Intelligence - always come away with good ideas"
- I'll tell you what mate – you're brilliant!
- Transformation of Rotherham - quality buildings restored and land cleared to open up spaces - impressive and aesthetically pleasing from all angles

New Developments 2015-16

- Improved complaint reporting to Directorate Management Team meetings, and to Service Management Teams. Complaints are reported on a regular basis in line with corporate reporting structure.
- Learning from complaint procedures strengthened, all complaints considered for learning and service improvement. All upheld complaints have learning issues recorded.
- The Complaint Team continues to work closely with the Directorate, taking into account restructure and personnel changes.

2016-17 Improvement Actions

- Analysis of complaints by service and type will continue to inform learning and service improvements.
- Continue to reduce the numbers of complaints upheld and to reduce the number of complaints escalating through the complaint procedure.
- Will consider appropriate complaints handling and investigation training for all staff and managers.
- Ongoing work to improve complaint experience of customers raising complaints with private providers.

Resources & Corporate Services

Directorate Performance in 2015-16

Resources and Transformation Service's complaints are dealt with under the Council's Corporate Complaint's Procedure.

Over the last 12 months the total number of complaints received was **39**. This represents a decrease over the last year from **43**. In addition **65** customer informal complaints have also been received. (**49** received in 2014-15)

Overall **95%** of all complaints were responded to within the statutory timescales compared to **96%** in 2014-15.

Headline Results 2015-16

↓	Number of complaints (at all levels) was 39 , 16% decrease from total in 2014-15 – 43 .
↓	Total number of complaints upheld was 11 , 28% compared to 17 , 35% in 2014-15.
↑	Increase in the number of complaints escalating:- 4 (10%) Stage 1 complaints escalating to Stage 2 in 2015-16. (3, 7% in 2014-15) 1 Stage 3 complaint was received in 2015-16. (1 in 2014-15.)
↑	25, 64% of complaints about Quality of Service were received (27, 63% in 2014-15.)
↑	9, 23% of complaints about Actions of Staff were received (9, 21% in 2014-15.)
↓	£1506.80 in financial remedies awarded from 5 complaints. (1 award totalling £500 in 2014- 15.)
↑	2 Ombudsman complaints were upheld out of three decisions. None out of 3 in 2014-15.
↓	8 Councillor Surgery's received (10 in 2014-15.)
↑	5 Compliments received (3 in 2014-15.)
↑	65 informal complaints were received increase from 49 in 2014-15.
↑	22 MP enquiries received. (15 received in 2014-15.)
↑	15 Commissioner enquiries received. (New enquiry type for 2015-16.)

Resources and Transformation Services maintained the recent significant improvements in the following areas:

- Maintained excellent performance against complaint timescales.
- Number of upheld complaints reduced.
- Reduced the amount of financial remediation awarded.
- More learning from all complaints issues identified and reported.
- All enquiries reported on a regular basis to management team.

Learning from complaints case studies

1. Staff member in Local Taxation could not resolve the customers query to the level the customer expected and there should have not been a need to refer the query to a manager.

In response;

- It was found that the member of staff had failed to realise and explain clearly that the account was set to be paid by direct debit. (and the adjusted amount would be taken by direct debit).

Staff member was spoken to, they were advised that the call would have been resolved much quicker if the customer had been advised that the final balance was going to be taken by direct debit. All staff were briefed following the complaint.

2. Customer's cheque payment was allocated to their rent account rather than split between Rent and Council Tax, despite existing agreement.

In response;

- Apology offered and payment re-allocated. It was found that the notes relating to the agreement had been lost due to system upgrades. The notes were re-added.

In addition there has been an IT update of the Income systems which will now include document management systems that will allow customer notes and requests to be better transferred.

3. (Local Taxation) We did not update the direct debit details when they were provided and chased the customer for payment. In addition, the instalments were more due to the delay setting up the direct debit.

In response;

- Apology offered and instalment plan amended to reflect the original instalment amounts. The member of staff was spoken to about the error and reminded of the importance of ensuring all accounts are updated correctly. All staff were briefed following the complaint.

Top complaint issues

Revenue and Benefits

The majority of complaints for the Directorate were received in Revenue and Benefits, 14 complaints received. The complaints were regarding the maintenance of claims and the administration of payments.

Complaints were also received regarding how people had been dealt with by staff and the advice that they had been provided with.

Complaints were received around overpayment of claims, alleged breaches of confidentiality and Discretionary Housing Applications.

Local Taxation

Complaints were received relating to the payment issues, relating to debt, overpayment or the amount charged. Customers raised issues relating to information they had been provided or requests or agreements being ignored. Complaints were also made regarding the accuracy of information held and time taken to resolve issues of concern along with the attitude of staff when dealing with accounts.

Councillor eCasework enquiries

8 Councillor Surgery enquiries were received in the year compared to **10** in 2014-15, the majority being related to services delivered by Revenues and Benefits. Issues relating to Revenues and Benefits - Benefits Assessment (**3**), Account Management (**2**).

The types of enquiries received related to the outcome of discretionary housing payments claims, query relating to a Benefit claim and issues relating to arrears payments.

Ombudsman enquiries

3 decisions were received from the Local Government Ombudsman. They were regarding;

- *Revenues and Benefits – Account Management.* The Ombudsman advised that there was fault by the Council in its record keeping. This led to injustice for the customer as they received communication about debt recovery should not have received, including a bailiff's letter.

The Council agreed to the Ombudsman's recommendations. They apologised to the customer, to steps to ensure staff members were reminded of the importance of accordance record keeping and paid £100 in financial remediation.

- *Revenues and Benefits – Local Taxation.* The Ombudsman advised that there was fault by the Council in awarding a council tax discount in error to the customer. The Council agreed to write off a remaining charge of £414 due to the fault.

As advised the Council agreed to write off the remaining charge. The Council has revised its application form to include guidance regarding the criteria. The Council has also carried out training for staff and introduced procedural changes so that a different officer will consider the review of the original decision.

- *Human Resources.* The Ombudsman advised the Council that they had received an enquiry from a member of Council staff in respect of personnel issues. They did not divulge the name of the member of staff and informed the Council it was out of their jurisdiction to investigate.

Informal Complaints

65 contacts were received which were logged as Informal Complaints compared to **48** in 2014-15. The majority of these contacts related to services delivered by Local Taxation and Account Management. Issues relating to Council Tax (**20**), Account Management (**20**) and Benefit Assessment (**12**).

Informal contacts related to charges relating to, council tax payments including arrears, recovery action and the calculation of charges, discretionary housing payments and arrears caused by problems relating to a Benefit claim.

Compliments

5 compliments were received, as follows;

- “Rotherham Show was fantastic, a really enjoyable day out for the family. Well done to the Council and organisation that worked together. Thank you to everyone that must have worked very hard to get the show ready and give us a fantastic time.”
- “The running of this year’s Rotherham Show, I thought it was superb. Thank you for the long hours that people put in and the help they give so willingly.”
- Compliment regarding Rotherham Vintage Vehicles Rally. “The two words THANK YOU just don't seem enough somehow. With all the work, effort, etc., that you and the other ladies/men put into both days both before, during and I have no doubt about it, after, those two words just do not seem adequate.”
- Compliment for the Communication Team. “Thanks to joined up teams and customer care from the people at RMBC press our daughter managed to get hold of an important lost letter.”
- Compliment for Benefits Assessment. “Big thank you for your efforts in resolving our overpayment issue. The fantastic communication and courtesy we received from yourself and your team was excellent.”

New Developments 2015-16

- Improved quality assurance process for all responses. 100% of complaint response letters continue to be checked.
- Improved learning and service improvements from complaints, 100% of complaints considered for potential learning. All reported through to the Directorate Management Team.
- All complaints and customer enquiries are reported on a regular basis to the Directorate Management Team.
- Review of contract monitor arrangements in respect of debt recovery contractors following an Ombudsman report. (Relating to the actions of other Council’s nationally)

2016-17 Improvement Actions

- Revised training programme for investigating manager’s to be introduced, bespoke training to be developed incorporating discussions around learning from complaints.
- Analysis of complaints by service and type will continue to inform learning and service improvements.
- Continue to reduce the numbers of complaints received and to reduce the number of complaints escalating through the complaint procedure.
- Reduce the number of Informal Complaints received.

Standards Committee Report

Standards and Ethics Committee – 29 September 2016

Title

Amended Member/Officer Protocol

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Sumera Shabir, Legal & Democratic Services, Riverside House, Main Street,
Rotherham S60 1AE
Tel : 01709 823568

Dermot Pearson, Assistant Director Legal Services, Riverside House, Main Street,
Rotherham S60 1AE

Ward(s) Affected

All

Executive Summary

A report outlining some suggested changes to the Member/Officer Protocol; following discussion at the previous Committee meeting on 9 June 2016.

Recommendations

That the Standards and Ethics Committee

- i) notes the suggested changes
- ii) confirms or rejects the suggested changes
- iii) makes further suggestions to improve the relevant protocol.

List of Appendices Included

None

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Yes

Exempt from the Press and Public

No

Title

Review of the Member/Officer Protocol

1. Recommendations

1.1 That the Standards and Ethics Committee

- iv) notes the suggested changes
- v) confirms or rejects the suggested changes
- vi) makes further suggestions to improve the relevant protocol.

2. Background

2.1 In accordance with the previous Standards and Ethics Committee meeting on 9 June 2016, some changes were suggested to the Council's Member/Officer Protocol. Thus, changes have been suggested for consideration and discussion and have been annexed as Appendix A.

3. Key Issues

3.1 There are no identified relevant issues within the changes suggested.

4. Options considered and recommended proposal

4.1 Recommendations have been referred to above.

5. Consultation

5.1 N/A

6. Timetable and Accountability for Implementing this Decision

6.1 The required amendments to the Protocol would be presented to Full Council.

7. Financial and Procurement Implications

7.1 Any work undertaken by Legal Services in implementing these recommendations is within the budget for Legal Services.

8. Legal Implications

8.1 The Council needs to ensure that Member/Officer Protocols are appropriate, and updated.

9.0 Human Resources Implications

9.1 Advice and comments are being sought from HR and the Committee will be updated at the meeting.

10.0 Implications for Children and Young People and Vulnerable Adults

10.1 None

11.0 Equalities and Human Rights Implications

11.1 These procedures apply equally to all Officers and equally to all Members.

12. Implications for Partners and Other Directorates

12.1 None

13.0 Risks and Mitigation

13.1 No significant specific risks were identified by this review.

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

Approvals Obtained from:-

Assistant Director Legal Services and Monitoring Officer
Dermot Pearson

Appendix A

Code of Official Conduct

Rotherham MBC

Introduction

This Code of Conduct for 'Officers' is based on key principles arising from the work of the Nolan Committee on standards in public life and outlines the minimum standards expected of Officers.

The purpose of this Code is to guide Members and Officers of the Council in their relations with one another as well as members of the public in such a way as to ensure the smooth running of the Council. If complied with it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members. It helps promote consistency by making all Officers aware of their responsibilities whilst engaged in work for the Council, by specifying standards of behaviour and by clearly defining rules concerning official conduct.

Officers must comply with this Code as it forms part of their terms and conditions of employment. Some Departments e.g. Adult Social Services also issue supplementary codes of practice on officer conduct. These and the Council's security policies and codes of practice must also be complied with.

The Council believes that Officers are responsible for their actions. It is the responsibility of Officers to read the Code. If any of the provisions contained within this Code of Conduct and related codes of practice are not fully understood Officers must, in their own interests, seek clarification from their Manager or Human Resources Managers. Managers should take in to account the translation and interpretation needs of the individual. This Code can be made available in other languages and formats on request.

In instances which do not clearly fall within the guidance of this Code and following discussion between a Director, the Director of Legal & Democratic Services and the Director of Human Resources, individual cases will be referred to the Standards Committee for consideration.

- (1) For the purpose of the content, '**Members**' are Elected Member/Councillor undertaking duties as duly elected or appointed Members as Parish, Borough and Town Members. See separate section about undertaking the role of Ward Member (Appendix 4; Section 7).
- (2) For the purpose of the content, '**Officers**' are persons employed by the Council as well as any casual workers, agency staff, locum appointments, contractors, secondees and volunteers.

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- [Appendix 1](#) Definition of a Secret Society
[Appendix 2](#) Other employment Related Activities – Fees
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[Appendix 5b](#) Procedure for the investigation of fraud and corruption.

Failure to observe this Code of Conduct, failure to properly perform Officer duties, serious misconduct or criminal offences committed during or outside working hours which could bring the Council into disrepute may result in disciplinary action being considered, including the possibility of dismissal and or prosecution.

1. **Standards**

1.1 **General**

The Citizens of Rotherham expect the highest standards of behaviour and customer care from Council Officers. Public confidence in Officers' integrity would be shaken by the least suspicion that they could be influenced by improper motives. Officers must not put themselves in a position where their honesty or integrity could be called into question. Officers should be aware at all times about the potential for public perception to be different to their own and avoid placing themselves at risk of allegation of wrongdoing at all times.

1.1.2 The Council reserves the right to monitor its Officers, including surveillance, in accordance with Council Policy and the law to ensure that the provisions of this Code of Conduct are adhered to.

1.1.3 Officers will be expected, without fear of recrimination, to bring attention to the appropriate level of management, concerns about how Council resources and services are managed or provided. The Council operates a Confidential Reporting Code and Officers must report to the appropriate Manager any impropriety or breach of procedure.

1.1.4 Other general standards of conduct are set out in the Council's disciplinary procedure and summarised below. The standards of conduct and behaviour are intended to promote fair and consistent treatment of individuals, apply to all Officers of the Council and will be regarded as part of each Officers contract of employment.

1.2 **Attendance**

All Officers are expected to attend regularly and punctually, not to absent themselves from duty without permission and to perform their duties in a manner, which combines prompt and efficient service with a concern for the feeling of others, including colleagues, Managers and members of the public.

1.3 **Health and Safety**

In respect of Health and Safety all policies and procedures must be observed at all times. All Officers are reminded that the Council operates a no smoking policy, in all of its premises. Staff who absent themselves from work during their working hours to smoke outside public buildings will be subject to the disciplinary procedure.

1.4 **Discrimination, Bullying and Harassment**

Officers must conduct themselves in accordance with the Council's Equal Opportunities in Employment Policy. Officers should not themselves discriminate, induce or attempt to induce, other Officers to discriminate and should not harass, abuse or intimidate other employees on grounds of gender, marital status, age, race, disability, sexuality or religion.

1.4.1 All Officers have a responsibility to discourage any forms of bullying and harassment whatsoever. Sexist or racist language or behaviour, for example, is wholly unacceptable.

1.4.2 All members of the local community, customers and other Officers have a right to be treated with fairness and equity. Officers should ensure that policies and practices relating to equality issues, as agreed by the Council, are complied with in addition to the requirements of the law.

1.5 Performance

The Council expects its Officers to carry out all reasonable duties and instructions, given by Supervisors and Managers, efficiently and to the required standard. If Officers are in any doubt about required standards of performance they should raise the matters with their supervisor/Line Manager at the earliest opportunity. Managers are expected to discuss performance standards as part of the probationary review process and subsequently in one-to-one supervision sessions or at performance and development reviews. Except in the case of probationary Officers, capability issues will be dealt with under the Council's capability procedure.

1.6 Sickness

In respect of sickness all Officers must comply with the notification requirements and complete self-certification forms on their return to work. Unauthorised absence or repeated short absences will be investigated and may lead to disciplinary action.

1.7 Gross Misconduct

Certain actions constitute gross misconduct and will result in summary dismissal unless mitigating circumstances are accepted. Set out below are examples of such conduct which in the Council's view may constitute gross misconduct. This list is purely illustrative and not exhaustive.

- Violent or threatening behaviour (Including bullying or intimidating behaviour);
- Breaches of the Council's Health and Safety at work rules and procedures which cause (or could cause) unacceptable loss, damage or injury (to themselves or others);
- Breach of Confidence and Trust - including breaches of professional protocol and ethics;
- Negligence, including dereliction of duty;
- Willful damage to property or equipment;
- Willful breach of confidentiality;
- Refusal to carry out duties or reasonable instructions;
- Corruption and the receipt of gifts as inducements or reward (see sections 14 and 15);
- Criminal offences (whether committed during or outside the Officers hours of work for the Council) which have employment implications;

- Unfitness for duty through alcohol or misuse of drugs. (Any such occurrence to be considered in the light of the Council's substance misuse policy).
- Discrimination or harassment on the grounds of sex, race, disability, age, religion or sexuality.
- Inappropriate use of internet and or the internal e-mail system/social media.

2. Disclosure of Information

- 2.1 The law requires that certain types of information must be available to Members, Auditors, Government departments, service users and the public. The Council itself may decide to open other types of information. Officers must be aware of which information within the Council is open and which is not, and act accordingly.
- 2.2 Confidential, personal or financial information about any Officer, such as salary details, must not be disclosed to any unauthorised person, or normally, to any external organisation/agency, without the express approval of the person concerned.
- 2.3 Where the request relates to references, arising as a consequence of job applications, applications for mortgages, etc, these may be issued only after verifying the identity of the enquirer either by replying in writing or in the case of telephone enquiries, by telephoning the person/organisation back.
However, in the case of references relating to job applications for colleagues or ex-Council Officers, Council Officers can only act in a personal capacity. Only the applicant's Line Manager can provide employment references. Any misrepresentation of the Council will be treated as misconduct.
- 2.4 Officers should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
- 2.5 Officers may be personally prosecuted for offences under the Data Protection legislation. If any Officer is in doubt about their responsibilities, they must consult their Manager or the Monitoring Officer. The Council also has a Data Protection and Information Security Officer who can help.

3. Communications with the Media

- 3.1 It is Council Policy that all media liaison relating to Council activities is handled by the Communications Team in conjunction with Directors and Strategic Directors. If an Officer has ideas for positive stories about the Council's policies or activities or is approached by a journalist who is unaware of, or avoiding, the Council's procedures, the approval of the Head of Communications must be obtained before any information is given verbally, via e-mail or in writing.
- 3.2 Where an Officer is writing material for publication which does not refer specifically to the Council, but does relate to his/her profession/occupation e.g. articles in professional journals the Officer should notify his/her Director prior to publication.

- 3.3 Officers are expected to raise any concerns, including concerns of a critical nature within the Council, directly with Line Managers or within Officers Forums. Public comments of a critical nature which undermine the Council or bring the Council into disrepute, other than those disclosed under the protection of the Confidential Reporting Code or statute, could be construed as a fundamental breach of confidence and trust, which may have implications for continued employment. This may include comments made by Officers when participating in an outside group if such comments bring them into conflict with the Council.

4. Political Neutrality

- 4.1 Officers serve the Council as a whole. It follows they must serve all Members and not just those of the controlling group, and must ensure that the individual rights of all Members are respected.
- 4.2 Subject to the Council's conventions, Officers may also be required to advise political groups. They must do so in ways, which do not compromise their political neutrality.
- 4.3 Officers, whether or not politically restricted (see Appendix 3), must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 4.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 4.1 to 4.3.
- 4.5 Whilst engaged in or on Council business Officers must not wear or display on their person, vehicle or items such as tools and equipment, objects indicating affiliation with or opposition to any political party or related pressure group.

5. Relationships

5.1 Between Officers

- 5.1.1 All Officers have a responsibility to treat their colleagues with dignity and respect.
- 5.1.2 The Council requires all its Officers to act responsibly to ensure their own and colleague's health and safety by: complying with safety clothing and equipment; contributing to the review and improvement of working methods; acting in accordance with their training and instructions and current best practice and taking necessary emergency action having regard to their own or others' safety. Any work situation considered by an employee to be a serious and of immediate danger, or any matters considered to be a failure or inadequacy in the health and safety precautions relevant to their work, must be notified to their immediate Line Manager.

5.2 Members

Officers are responsible to the Council through its senior Managers. For

some, their role is to give advice to Members and senior Managers and all are there to carry out the Council's work. Mutual respect between Officers and Members is essential to good local government. Close personal familiarity between Officers and individual Members can damage the relationship and prove embarrassing to other Officers and Members. In certain circumstances they may blur accountability, endanger the democratic process and lead to ineffective and inefficient management. Over familiarity should therefore be discouraged. Appendix 4 to this document is the Council's approved Code in respect of relationships between Officers and Members.

5.3 The Local Community and Service Users

5.3.1 Officers, in providing services to the Community, are acting on behalf of the Council and should always act in a way that preserves public confidence in the Council.

5.3.2 Officers have a duty at all times, to uphold the law and relevant guidance bearing in mind the public's trust placed in Council employees.

5.3.3 Officers working with young people or vulnerable adults are in a particular position of great trust. Any breach of that trust, assault or sexual misconduct or breach of policies and procedures meant to safeguard vulnerable service users and other recipients of Council services will be regarded as potential gross misconduct. Officers must, in their own interests read their Department codes of practice and conduct in conjunction with this Corporate Code of Conduct and must observe the Children's Act (as amended), the Rotherham Area Child Protection and Adult Abuse Protection Procedures.

5.4 Relationships with prospective or current Contractors

5.4.1 Officers involved in the tendering process and dealing with contractors should be clear on the distinction between client and contractor roles within the Council. Senior Officers who have both a client and contractor responsibility must be aware of the need for accountability and openness.

5.4.2 Officers who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship in writing to their Director.

5.4.3 Officers who are privy to confidential information on contracts out to tender, or costs for either internal or external contractors, must not disclose that information to any unauthorised party or organisation.

5.4.4 Officers must ensure that no special favour is shown to current or former Officers or their partners, close relatives or business associates in awarding contracts to businesses run by them or employing them.

5.4.5 Officers contemplating a 'management buyout', must as soon as they have a definite intent inform the Chief Executive and the relevant

Strategic Director and Director. They must withdraw from all aspects of preparation, tendering, evaluation and award processes.

5.4.6 Where the competitive tendering of Council Services is being carried out by Officers involved directly in the process must declare their membership of or affiliation to, any organisation which may have an interest in tendering for the service to their Director/Strategic Director.

6. Recruitment and other employment matters

- 6.1 In accordance with the Council's Equal Opportunities in Employment Policy, Officers must take care that they are not open to any charge of discrimination in recruitment or employment practices, by fully adhering to the Council's Recruitment and Selection Code of Practice.
- 6.2 To avoid any possible accusation of bias, Officers must not be involved in selection and appointment processes where they are related to an applicant or have a personal or business relationship with them. They should declare an interest where there is a potential conflict of interest in such cases.
- 6.3 Similarly, Officers should not be involved in decisions relating to discipline, promotion or pay adjustments for any other Officer who is a relative, partner, etc.
- 6.4 Whilst Officers are employed by the Council as a whole; Members roles are:
a) the appointment of specified senior posts,
b) determining human resources policies and conditions of employment,
c) hearing and determining appeals.
- 6.5 In undertaking duties under section 6.4 above, Members should:
a) remember that the sole criteria is merit,
b) never canvass support for a particular candidate,
c) not take part where one of the candidates is a close friend or relative,
d) not be influenced by personal preferences,
e) not favour a candidate by giving him/her information not available to other candidates.
- 6.6 Similarly, Members should not participate in any appeal hearing (disciplinary or otherwise) if the appellant is a friend, a relative, or an Officer with whom the Member has had a working relationship or is in close proximity to where the Member lives or represents.

7. Information Technology and Data Security

- 7.1 Officers must ensure that they follow the Council's security procedures in relation to the use of computers and the proper management of computer-held information. Particular care must be taken to observe established procedures when using passwords and when logging on and off. Officers must never share passwords, which may lead to unauthorised access to Council systems. Where this practice is found, Officers should be aware it may lead to disciplinary action.

- 7.2 In respect of internet and intranet access, Officers must comply with Council Policies such as the Codes of Practice on Information Security, Internet and e mail usage, the Use of Communications Policy and relevant legislation such as the Regulatory and Investigatory Powers Act, Data Protection Act, Obscene Publications Act, Computer Misuse Act and the Theft Act.

8. Use of Council Systems, Property and Facilities

- 8.1 The Council's property such as telephones, mobile phones, the internet, intranet, e-mail, stationery, photocopiers, word processors and other machines or tools, materials, offices, car parks and facilities, may only be used for Council business unless permission for private use is given under the terms of the Council's codes of practice or by management. This also applies to all automatic processing equipment such as laptops, PC's, software including computer games and data, none of which may be used for private purposes or removed from the premises without the express permission of the appropriate Manager.
- 8.2 Officers will be required to pay for telephone calls using land lines or mobile phones, or the use of facsimile equipment, for private purposes, through the approved systems in place for the collection of such monies. Officers will be expected to keep calls to a minimum level and Managers will have the discretion to determine what is, or is not excessive.
- 8.3 Telephone call and e-mail/internet logging systems are in operation in the Council and may be used to identify usage for private purposes. Any communications using Council systems can be monitored.
- 8.4 Officers must adhere to all of the Council's specific security system measures that are currently in place or introduced in the future.
- 8.5 Care in the use of language contained in e-mails is essential as misuse could leave Officers and the Council liable to legal action. In the case of Officers internal proceedings under bullying and harassment procedures or the disciplinary procedure may also result.

9. Dress and Personal Appearance

- 9.1 Council Officers act as ambassadors for Departments. Consequently, Officers must maintain a standard of dress and appearance that is appropriate or required for the workplace and to the work being undertaken. Officers' appearance contributes to the quality of customer care provided. Officers must be clean and tidy and ensure good personal hygiene. Where particular clothing is provided for health, safety and hygiene and/or uniform purposes it must be worn. This includes name badges. In particular, Managers and Officers on Council reception areas are expected to dress smartly and portray a business-like and professional image.
- 9.2 The Council seeks to promote diversity within its workforce and recognises the importance of cultural dress to its Officers. Cultural dress is a visible sign of this commitment and Officers will be supported in observing cultural dress codes within the general principles referred to at 9.1 above.

10. Criminal convictions

- 10.1 Where an Officers job involves working with children or vulnerable adults the Council will require the Officers to apply for appropriate enhanced disclosure of criminal convictions as required in law. . Officers are required under the Rehabilitation of Offenders Act 1974 (Exemptions Amendment Order), to disclose all convictions (spent or unspent), cautions or bind overs, before commencement of employment. In the case of other jobs an Officer must disclose any 'unspent'criminal convictions before commencement of employment.
- 10.2 Officers whose work involves driving a Council vehicle must declare any motoring offences to their Manager, including parking fines.
- 10.3 As a matter of fundamental confidence and trust Officers must inform their Manager of any pending criminal proceedings against them before or during their employment.
- 10.4 Any declaration made under 10.2 or 10.3 must be recorded in writing by Managers and placed on the Officer's personal file as a matter of record.
- 10.5 Failure to disclose convictions or to comply with any of the above constitutes possible gross misconduct and may result in disciplinary action, including the possibility of dismissal.

11. Drugs and Alcohol

- 11.1 Council Officers act as ambassadors for the Council and must attend work in a fit condition to undertake their duties in a safe manner.
- 11.2 The Council believes that the consumption of alcohol impairs performance and may constitute a health and safety risk. It therefore discourages its Officers from drinking before work or at lunch times. Officers should be aware of the impact consuming alcohol can have on their image and performance and the way that subsequent actions/behaviour may be perceived by the public and other Officers. Drinking during working hours is a disciplinary offence and Officers adjudged to be under the influence of alcohol while at work may be suspended from duty.
- 11.3 The use of illegal substances at work or which impact adversely on performance at work will not be tolerated and may result in the Council reporting the matter to the police and potential disciplinary action.
- 11.4 Officers are advised to acquaint themselves with the Council's substance misuse policy. Managers have responsibility to ensure staff who may experience such problems are provided with copies of the policy. Support and advice will be given to Officers willing to accept help and follow a programme of rehabilitation. A failure to follow any such programme and continuing problems in the workplace will result in issues of conduct being dealt with under the Council's disciplinary procedure.

- 11.5 Officers should inform their appropriate managers of any prescribed medication and its appropriate storage requirements, especially if it is part of their everyday life.

12. Outside commitments

- 12.1 The Council's duty of care under the Working Time Regulations requires that reasonable steps are taken to ensure that workers do not exceed an average 48 hours per week. The Council prefers its full time Officers not to have paid secondary employment of any kind. The Council recognises that many of its part time Officers may have secondary employment. However, all Officers are required to declare to their Director any secondary employment. It will be the responsibility of Managers to confirm with the Officer whether this conflicts with their Council employment.
- 12.2 All Officers should be clear about their contractual obligations and should not take outside employment, which conflicts with the Council's interests. This will include any activities which might be approved, monitored or regulated as part of their Council employment.
- 12.3 An Officer's declaration of secondary employment, does not remove the right of the Council to take disciplinary action against any Officer whose secondary employment is deemed to be, or has been, detrimental to the interests or reputation of the Council.
- 12.4 Officer appointments as School Governors, Members to other local authorities, membership of the Territorial Army, appointment as a Justice of the Peace or as a Member of the Employment Tribunal do not constitute secondary employment as described in this Code. Nonetheless the principles of Officers making Line Managers aware of these duties and seeking appropriate time off in a reasonable and timely manner apply.
- 12.5 Guidance on payment and receipt of fees for other work is shown in Appendix 2.
- 12.6 Officers of the Council will not be permitted to hold voting rights or trusteeships of external bodies who have contracts with or otherwise grant funded by, the Council, without the express consent of their Director. There is a potential conflict of interest between an Officer's responsibilities to protect the interests of the Council and the legal duties of a Trustee or voting member of an independent organisation. It is also extremely doubtful whether Officers will be covered by the Council's indemnity in such circumstances.
- 12.7 The copyright in all records and documents made by Officers in the course of their employment shall belong to the Council.

13. Personal interests

- 13.1 Officers must declare to their Director any non-financial interests that may bring about conflict with the Council's interests. All such declarations should be recorded in Service's registers of interests.

- 13.2 Officers must declare to an appropriate Manager any financial interests, which could conflict with the Council's interests.
- 13.3 Officers should declare to an appropriate Manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. A definition of what constitutes a secret society is shown at Appendix 1.
- 13.4 Any Officer contemplating purchasing or leasing of Council owned land should raise the matter with their Director or Strategic Director to ensure that there is not or could not reasonably be seen to be any opportunity for influencing the disposal process or use or information not generally available to purchasers. Certain Officers holding designated posts directly concerned with land disposal will be precluded from purchasing or leasing Council land.

14. Corruption

- 14.1 Council Officers must not use their position to confer on or secure for himself/herself, or any other person, an advantage or disadvantage.
- 14.2 Officers must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity.
- 14.3 The Council acknowledges the responsibility it has for the administration of public funds, and emphasises to the public and its Officers the importance it places on probity, financial control and honest administration. The Council is also committed to the fight against fraud, whether perpetrated by Officers, contractors or the public.
- 14.4 To demonstrate this commitment and the Council's proactive approach to the prevention and detection of fraud and corruption and the action it will take, the Council has adopted policy statements on reporting and investigating fraud and corruption as shown at Appendices 5a and 5b.
- 14.5 Officers must use public funds responsibly and lawfully. They must work to ensure the Council uses its resources prudently and within the law and that the local community gets value for money. The Council's Standing Orders and Financial Regulations must be observed.
- 14.6 Defrauding and stealing (or attempting to do so) from the Council or any person or organisation in any way will not be tolerated. This includes falsification of claims, e.g. time sheets, mileage and travel/subsistence allowances with the intention of obtaining payment. Officers should be aware that the Council shares data with other Government agencies such as Department for Work and Pensions and the Inland Revenue; and is regularly updated.
- 14.7 Officers should not use Council procurement processes for personal purchases, unless authorised to do so.

15. Gifts and Payments

15.1 Gifts and payments to employees related to employment

15.1.1 Officers must be careful in the exercise of their duties not to show by their behaviour that they may be influenced by any gifts whilst acting in an official capacity.

15.1.2 The Prevention of Corruption Acts 1906 and 1916 make it a criminal offence for Officers to demand or accept any gift or reward in return for allowing themselves to be influenced in their official capacity by any person seeking to obtain a contract from a local authority.

15.1.3 As a general rule, therefore, all gifts and other benefits must be refused. If gifts are delivered or sent by post to the place of work, they should be returned if the sender can be identified with an appropriately worded letter. Offers should be declined tactfully, with an explanation that this is Council policy. Where it is not possible to return a gift, or if it is considered that refusal would cause unnecessary offence, then the gift may be appropriated for the benefit of the Council and donated to the Mayor's Charity or other suitable similar purpose.

15.1.4 Officers must record any gift, received or offered, in a Gifts and Hospitality Book, to be held and monitored by each Director. The record should include the following information:

- 1) the date and time of offer/receipt;
- 2) the person making the offer;
- 3) persons present;
- 4) the nature of the gift;
- 4) the approximate value;
- 5) whether accepted or declined;
- 6) reasons for acceptance (if applicable).

15.1.5 The only gifts not required to be recorded in accordance with the above paragraph are those of a nominal value (i.e. below £5) issued for publicity purposes such as pens, diaries and calendars.

15.2 Gifts and payments to Officers unrelated to employment

15.2.1 Officers on occasion receive payment or gifts for personal care/work, which is unassociated with their employment with the Council. All Officers who carry out such work for members of the public who are in receipt of services from the Council and particularly Adult Social Services (e.g., home care, warden service, social work support) must declare these arrangements to their Director in writing. Any such declaration must be acknowledged and the service user advised that next of kin should be made aware of the arrangement.

16. Hospitality

- 16.1 Officers should exercise discretion in offering and accepting hospitality. Acceptance of meals and refreshments for example may be a necessary part of Council business, i.e. provided to enable the parties to continue discussion. The meals or refreshments must be of a modest kind and if possible the Officers should pay for their own meal and claim for reimbursement under the Conditions of Service.
- 16.2 In deciding whether to accept hospitality, regard should be given to the following: -
- (i) whether the person or firm offering the hospitality is likely to benefit from the hospitality;
 - (ii) whether that person or firm is seeking a contract, or one has already been awarded;
 - (iii) the timing of the hospitality in relation to decisions which the Council may take which will affect those offering it;
 - (iv) whether it is preferable in the circumstances to entertain the person or persons concerned at the Council's premises or at the Council's expense;
 - (v) the scale and location of the hospitality and whether it falls within working hours;
 - (vi) whether a proposed visit is genuinely instructive or constitutes more of a social function;
 - (vii) the frequency of the hospitality.

In all cases Officers should be able to justify the arrangements they have made in the interests of the Council.

- 16.3 If an Officer has any doubt about the acceptance of an invitation, this should be discussed with his/her Director. Officers must discuss any offers of hospitality over and above meals and refreshments with their Head of Service prior to accepting or declining them.
- 16.4 Acceptance by Officers of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, Officers should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 16.5 Officers must record any hospitality, received or offered, in the Gifts and Hospitality Book, to be held and monitored by each Director. The record should include the following information:
- 1) The date and time of offer/receipt;
 - 2) the person making the offer;
 - 3) persons present;
 - 4) the type of hospitality;
 - 5) the approximate value;
 - 6) whether accepted or declined;

7) reasons for acceptance (if applicable).

- 16.6 The only hospitality not required to be recorded in accordance with the above paragraph, is hospitality of a modest kind received during normal working hours in the course of conducting the Council's business. This would include light refreshments such as tea, coffee, biscuits and sandwich lunch or similar.

17. Legacies

- 17.1 Occasions have arisen when Officers who work, for example, in residential homes for the elderly, and Home Carers have been included in the Wills of people whom they have looked after. On the one hand this can reflect the genuine wish of a client to register their thanks to someone who has looked after them, perhaps over a number of years. On the other hand, such gestures could be open to misinterpretation, particularly if a large sum of money is involved. It is, therefore, a rule that an Officer must notify their Director if they are left a legacy, which is connected with their employment or if the person in question was in receipt of a personal Council service. Failure to disclose receipt of a legacy may result in disciplinary action. The Director must report the circumstances of all cases to the appropriate Cabinet Member and the Monitoring Officer.

18. Sponsorship – Giving and Receiving

- 18.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 18.2 Where the Council wishes to sponsor an event or service neither an Officer nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Officer's Director of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, Officers should ensure that impartial advice is given and that there is no conflict of interest involved.

19. Investigations and Monitoring

- 19.1 Each Director and Strategic Director is responsible for the monitoring of his/her Officers activities in accordance with the provisions/declarations of this Code of Conduct and related Codes of Practice. Any such monitoring will comply with relevant legislation such as the Regulatory and Investigatory Powers Act, the Data Protection Act and the Human Rights Act.
- 19.2 Where the Monitoring Officer is undertaking an investigation in accordance with regulations under section 66(2) of the Local Government Act 2000 Officers of the Council must comply with any requirement made by the Monitoring Officer in connection within such an investigation.

19.3 Where necessary, action can be taken against a Member that breaches this Code, additional to action that can be taken following breach of the Members' Code of Conduct.

20. Summary

20.1 Officers requiring further information or requiring advice concerning the appropriate course of action to adopt in any situation, should contact their Line Manager, Director, the Director of Human Resources, the Internal Audit Manager or the Monitoring Officer.

20.2 This Code should be read in conjunction with any appendices and with any other Council codes of practice or policies that relate to Officer conduct and/or workplace or security system policies and procedures.

21. Date of implementation

21.1 This Corporate Code of Conduct applies to all Officers of the Council with effect from (date to be confirmed).

The Corporate Code of Conduct will be kept under review in the light of recommendations and guidance issued nationally in relation to standards of conduct in public life and revised as necessary.

DEFINITION OF WHAT CONSTITUTES A MEMBERSHIP OF SECRET SOCIETY

The following is the Council's definition of what constitutes a society with secret rules (secret society).

'Any lodge, chapter, society, trust or regular gathering or meeting, which:

- a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and
- b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.

OTHER EMPLOYMENT RELATED ACTIVITIES – FEES

Officers may be asked on occasions to give lectures or undertake work using their professional skills and expertise. If the work forms part of the duties of a post and the Officer is carrying out an official duty, he/she must forward all fees to their employing Department. Any expenses incurred will be reimbursed through the normal procedures.

Officers in receipt of 'fees' in respect of undertaking work and/or lecturing to an outside organisation/persons) may retain the 'fees' providing:

- a) preparation and delivery of the work is undertaken outside working hours (unless covered below);
- b) equipment and/or materials are not being provided by the Council;
- c) the Officer is not acting as a representative of the Council.

Where the work or lecture is undertaken during working hours the equivalent working hours must be re-arranged, in agreement with the Line Manager to accommodate the Officer's request or annual leave, flexi leave or time off in lieu must be used. The Officer concerned may also be granted unpaid leave, subject to the agreement of the Line Manager in consultation with their Human Resources Manager.

POLITICALLY RESTRICTED POSTS

In order to uphold the principle of political neutrality of local government Officers, under the Local Government and Housing Act 1989 (as amended), some Council posts are designated as 'politically restricted'.

Political Restriction applies to:

- Chief and Deputy Chief Officers
- Officers who give advice on a regular basis to the Council or speak on a regular basis to journalists or broadcasters on the Council's behalf.
- Officers who work in politically sensitive areas, i.e. the Council's Elections Department.

The following restrictions apply to any Officer who is appointed to a politically restricted post:

- The post holder must not announce an intention to be a candidate for election to the House of Commons, the European Parliament or a local authority.
- Where an Officer announces that he/she wishes to resign his/her post because he/she intends to be a candidate for election to the House of Commons, his/her appointment shall terminate.
- The post holder must not act as an election agent or sub-agent.
- The post holder shall not be an officer or other such associate of a political party or branch, or a committee or sub-committee Member of a party, if this involves him/her in general management of or acting on behalf of the party or branch. This does not prevent membership of a political party or, for example, social activity unrelated to the general management of the party or branch.
- The post holder shall not canvass on behalf of a political party or on behalf of a candidate for election.

Post holders other than political assistants are also prevented from:-

- Speaking to the public with the apparent intention of affecting support for a political party.
- Publishing or causing to be published written or artistic work if intended to affect public support for a political party. This would not, however, apply to for example displaying a poster on private property.

Officers for exemption from political restriction in respect of their posts. In making an application to the Independent Adjudicator, an Officer is required to provide a certified job description together with a certificate of opinion to state whether or not in the opinion of the Council, the duties of the post include advising the Council on a regular basis or speaking on a regular basis to journalists or broadcasters. In other words, exemptions can only be granted to those whose posts are politically restricted because of salary alone but whose duties do not include those just mentioned.

MEMBER / OFFICER RELATIONS PROTOCOLIntroduction

- A With the adoption of the Code of Conduct for Members, which came into effect on (date to be confirmed), the opportunity has been taken to produce a Protocol with regard to Member/Officer relations. It seeks to set out guidance and promote greater clarity and certainty and the setting of good standards in accordance with the Nolan Report and subsequent Government guidance. This also includes general guidance about the access to information.
- B Given the variety and complexity of Member and Officer relations, this Code does not seek to cover everything or be prescriptive in its application. General guidance is offered on some of the issues that most commonly arise or cause concern. It is hoped, therefore, that the approach which this Code adopts will serve as a guide to dealing with other issues that may arise from time to time.
- C This Code seeks to encourage best practice and to promote greater clarity and certainty between the various relationships. If any Member is unsure about any matter, he or she should contact the Monitoring Officer (Director of Legal & Democratic Services) for appropriate advice and assistance. If any Officer is unsure about any matter, he or she should contact the relevant Chief Officer and/or the Director of Legal & Democratic Services.
- D The Standards Committee may issue further general guidance on Rotherham's Code of Conduct for Members. In addition, a separate code is being considered for planning matters.

1. Underlying Principles

- 1.1 Members and Officers are bound by their respective Codes of Conduct which seek to promote the highest ethical standards. This Code supports those codes and is intended to promote mutual respect between Members and Officers with regard to their respective roles as set out below and in the Council's Constitution.
- 1.2 In order to ensure the business of the Council is transacted in an effective and efficient manner and with a view to ensuring that the Council is not brought into disrepute, the key guiding principles for Members and Officers have to be openness, honesty, fairness, transparency and treating everyone with respect.

- **Selflessness**

Acting solely in terms of the public interest.

- **Objectivity**

Taking decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

- **Accountability**

Accountability to the public of their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

- **Duty to uphold the law**

Acting and encouraging others to act in accordance with the law at all times in order to ensure the proper administration of justice.

- **Stewardship**

Ensuring the careful, responsible and prudent use of the Council's resources at all times.

2. 2. **The Role of Members**

2.1 They must promote the social, economic and environmental well being of the community.

2.2 They must collectively be the ultimate policy makers and decision-makers and carry out a number of strategic and corporate functions.

2.3 They must represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities.

2.4 They must deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances.

2.5 They must balance different interests identified within the Ward and represent the Ward as a whole.

2.6 They must be involved in decision making, where appropriate.

2.7 They must be available to represent the Council on other bodies.

2.8 They must promote the highest standards of conduct and ethics.

2.9 They must uphold the **Seven Principles of Public Life:**

- **Selflessness**

Holders of public office should act solely in terms of the public interest.

- **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

- **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

- **Accountability**

Holders of public office are accountable to the public of their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

- **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

- **Honesty**

Holders of public office should be truthful.

- **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2.10 They must act collectively as the employer of the Officer.

2.11 They must act in a specific capacity listed below where appointed so to do by the Council in accordance with the Constitution:

- Chairman of the Council
- Leader of the Cabinet
- Member of the Cabinet
- Portfolio holder (with or without delegated authority)
- Chairman of a Scrutiny Panel
- Member of a Scrutiny Panel
- Chairman of a committee other than Scrutiny
- Member of a committee other than Scrutiny
- Representing the Council on outside bodies

2.12 Political Group meetings, whilst they form part of the preliminaries to Council decision-making, are not formal decision-making bodies of the Council and, as such, are not empowered, even under the new constitutional arrangements, to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that Members and Officers understand and interpret them accordingly;

2.13 They must be alert to the potential for conflicts of interest that can arise between the number of roles carried out by Members

2.14 They must not certify financial transactions or enter into a contract on behalf of the Council as they are not authorised to do so.

2.15 They must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration which could bring the Council into disrepute.

2.15 They must respect the impartiality of Officers.

3. The Role of Officers

Officers are under a contractual and legal duty to be impartial when undertaking their duties and there is a statutory limitation on Officers' involvement in political activities.

3.1 They must initiate and implement the policies set and the decisions made by Members.

3.2 They must provide impartial professional and technical advice to Members.

3.3 They must carry out those functions delegated to Officers.

3.4 They must provide reasonable help, support and advice to all Members.

3.5 They must represent the Council on outside bodies.

3.6 They must act in a specific capacity listed below where appointed so to do by the Council:

- **The Chief Executive as Head of Paid Service** (as defined by the Local Government and Housing Act 1989 section 4) has the following functions and duties:

to prepare proposals for the consideration of the Council as to the co-ordination of the discharge of the Council's functions; the number and grades of staff that are required to discharge those functions; the organisation of the Council's staff; and the appointment and proper management of the Council's staff.

- **The Head of Legal and Democratic Services as Monitoring Officer** (as defined by the Local Government and Housing Act 1989 section 5) has the following functions and duties:

to prepare reports for the consideration of the Council where it appears that any proposal, decision or omission by the Council, a committee, sub-committee, or Officer has given rise or is likely to give rise to a contravention of any statute or maladministration or injustice as mentioned in part III of the Local Government Act 1974.

- **The Head of Corporate Finance as Chief Financial Officer** (as defined by the Local Government Act 1972 section 151) has the following functions and duties:

to prepare reports for the consideration of the Council where it appears that any committee, sub-committee, or Officer has or is about to make a

decision which involves or would involve the Council incurring expenditure which is unlawful; or has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and is likely to cause a loss or deficiency to the Council; or is about to enter an item of account, the entry of which would be unlawful.

4. The Relationship Between Officers and Members

- 4.1 The relationship between Officers and Members should be characterised by mutual respect which is essential to good local government.
- 4.2 A distinction must be drawn between good working relationships and close personal familiarity between individual Members and Officers which can damage professional relationships and prove embarrassing to other Members and Officers. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct. This includes excessive socialising between Members and Officers.
- 4.3 Whilst it is recognised that in some circumstances a close personal relationship will develop between Council Members and Officers, both the Member and the Officer must disclose that relationship to the Chief Executive. The Member must also disclose that relationship to his or her political group leader.
- 4.4 At all times the Member and Officer will ensure, as far as possible, there is no conflict of interest between them.
- 4.5 Any dealing between Members and Officers should be conducted with courtesy and respect and neither party should seek to take unfair advantage of their position. In particular, Members should recognise and pay due regard to their role as an employer in their dealings with Officers. Equally Officers should understand that decisions of the Council are made by the Council as a whole and should not be attributed to individual Members unless specific delegated powers exist.
- 4.6 The Council has statutory duties with regard to equalities issues to positively promote equality. Members and Officers shall not by their behaviour or speech be discriminatory with regard to a person's gender, marital status, age, race, disability, religion or sexual orientation, as prescribed in law. Such principles shall apply to the implementation of all personnel policies, recruitment and promotion as they apply to everyday operations.
- 4.7 Members should not raise matters relating to the conduct or capability of a Council Officer or of the Officers collectively at meetings held in public or in the press. Officers have no means of responding to criticism like this in public. (If Members feel they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of a Council Officer they should raise the matter with the Director concerned if they fail to resolve it through direct discussion with the Officer.)

- 4.8 Members should not require any Officers to change their professional advice nor take any action which the Officer considers unlawful or illegal or which would amount to maladministration or breach of a statutory code of conduct.
- 4.9 Members should consult with the Monitoring Officer and the Chief Finance Officer about legality, maladministration, financial impropriety and probity or where they have any doubt as to whether the particular decisions were or are likely to be contrary to the policy framework or budget.
- 4.10 In seeking advice and support Members should have due regard to the seniority of the Officer with whom they are dealing and the fact that, while those Officers owe duties to the Council as their employer such duties are first expressed to their respective Manager and the Chief Executive and not to any individual Member. For this reason Members should not give direct instructions to staff unless authorised so to do by the Constitution. If so authorised, instructions shall be given to the relevant Chief Officer rather than a more junior Officer.
- 4.11 Members of the Cabinet, Scrutiny Panels and Regulatory Committees shall, at all times, respect the political impartiality of Officers and must not expect or encourage Officers (save for any political assistants to the political groups) to give a political view on any matter.
- 4.12 Before any formal decisions with a financial implication are taken by Members, the Finance Officer and the senior Officer(s) of the service(s) concerned must be consulted.
- 4.13 Members must, when making decisions (collectively or individually), state the reasons for those decisions. The written record of the decisions must include the reasons.
- 4.14 Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.
5. The Relationship Between the Overview and Scrutiny Committee and Officers (when Executive decisions are being scrutinised).
 - 5.1 The Council's Overview and Scrutiny Committee shall seek the advice of the Monitoring Officer where they consider there is doubt about the legality of Executive decisions or the Monitoring Officer and other appropriate Officers where they consider a decision of the Executive might be contrary to the policy framework.
 - 5.2 When considering calling Officers to give evidence the Committee shall not normally, without the consent of the relevant Chief Officer, request the attendance of a junior Officer to ensure that more junior Officers are not put under undue pressure.

- 5.3 When asking Officers to give evidence before the Committee questions should be confined, so far as possible, to questions of fact and explanation and professional opinion relating to policies and decisions.
- 5.4 Where they consider it appropriate the Committee may ask Officers to explain advice given to Members (of the Executive) prior to decisions being taken and explain decisions they themselves have taken under the Scheme of Delegation.
- 5.5 The Committee shall not question Officers in such a manner whereby the nature and frequency of the questions or tone or language used could be considered by a reasonable person to be harassment, discriminatory or otherwise unacceptable, nor deal with matters which are of a possible disciplinary/capability nature.
- 5.6 The Committee shall at all times respect the political impartiality of the Officers and must not expect Officers to give a political view.
- 5.7 It is recognised that Officers required to appear before an Overview and Scrutiny Committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances such Officers may have a conflict of interest. Both Members and Officers need to consider the severity of the conflict. If appropriate, research and advice may be sought elsewhere – for instance, internally from the Council’s Overview and Scrutiny support officers or even externally.
6. Officer Relationships with Political Groups
 - 6.1 It must be recognised by all Officers and Members that in discharging their duties, Officers serve the Council as a whole and not exclusively any political group, combination of groups, or any individual Members.
 - 6.2 Officers may properly be called upon to support and contribute to the deliberations of political groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even handed manner.
 - 6.3 The support provided by Officers can take many forms, ranging from a briefing with the Leader of the Executive, the leaders of other political groups, or Chairs of Committees, to a presentation to a full political group meeting.
 - 6.4 When attendance of an Officer is duly requested for political group meetings:
 - 6.4.1 the request to attend a group meeting must be made through the Chief Executive;
 - 6.4.2. unless otherwise agreed by the Chief Executive, Officers will not attend political group meetings which include persons who are not Members of the Council or be present at purely political discussions;
 - 6.4.3 such a request can only be made in relation to Council business;

- 6.4.4 Officers must respect the confidentiality of any political group discussions at which they are present.
- 6.5 Members must not do anything which compromises or is likely to compromise Officers impartiality, if and when an Officer is duly requested to attend a political group meeting
- 6.6 An Officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a political group meeting
- 6.7 No Member will refer in public or at a meeting of the Council to advice or information given by Officers to a political group meeting.
- 6.8 At political group meetings where some of those present are not Members of the Council, care must be taken not to divulge confidential information relating to the Council business, i.e. observers.
- 6.9 Officers must never be asked to attend Ward or constituency political meetings.
- 6.10 Whilst it is acknowledged that some Council staff (e.g. those providing dedicated support to Executive Members) may receive and handle messages for Members on topics unrelated to the Council, these will often concern diary management, and care should be taken to avoid Council resources being used for private or political purposes.

7. Members in their Role as Ward Member

- 7.1 When acting as a Ward Member, be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on Officer time.
- 7.2 Whenever a public meeting is organised by the Council to consider a local issue all the Members representing the Ward or Wards affected should be invited to attend the meeting.
- 7.3 Members may request Officers to attend meetings or site visits or provide other assistance in their role as Ward Member. Such requests should be made to the relevant Director and not to individual Officers.

8 Member Access to Documents and Information

- 8.1 Every Member of the Cabinet or of a committee, sub-committee of the Council has a right to inspect documents about the business of the Cabinet, that committee, or sub-committee.
- 8.2 A Member who is not a Member of a specific committee, sub-committee (or the Cabinet) may have access to any documents of that part of the Council if they satisfy the Council's Monitoring Officer that they reasonably need to see the documents to perform their duties (commonly known as the "need to know" principle).

- 8.3 A Member is not entitled to inspect any document or have access to any information about a matter in which they have a prejudicial interest or where to do so would be in breach of any statutory provision.
- 8.4 The Local Government (Access to Information) Act 1985 (Section 100F of the Local Government Act 1972 was introduced by that Act), gives further rights to Members in addition to those at common law above. Section 100F makes it clear that any document which is in the possession or under the control of the Council and contains material relating to any business to be transacted at a meeting of the Council, or a committee or a sub-committee of the Council, will be open to inspection by any Member of the Council unless it contains confidential or certain classes of exempt information.
- 8.5 Members and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 8.6 Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.
9. Press Releases and Correspondence (including e-mails)
- 9.1 Press releases must operate within the limits of the Local Government Act 1986 which prohibits the Council from publishing material which appears to be designed to affect public support for a political party. During the election period special rules apply with regard to local authority publicity.
- 9.2 Council press releases are produced and distributed by the communications team, from information supplied by Officers. Press releases will usually quote the Leader, or the Member with responsibility for the area covered by the press release. On occasions, Officers are also quoted. Contact with the media should be channelled through the communications team.
- 9.3 All correspondence written on behalf of the Council must be written on the relevant headed paper.
- 9.4 When Members are writing they must make it clear whether they are writing on behalf of the Council or as the Ward Member.
10. Sanctions for Breach
- 10.1 Complaints regarding any breach of this Code by a Member should be made in the first instance to the Chief Executive and to the Monitoring Officer. If the complaint cannot be resolved it may be referred to the Council's Standards Committee. If the matter complained of also amounts to a breach of the Code of Conduct, the matter may be referred to the Standards Board for England.
- 10.2 Complaints regarding any breach of this Code by an Officer may be referred to the relevant Strategic Director or Director, the Chief Executive and the Monitoring Officer, and may lead to disciplinary action. Complaints should be made in the first instance to the Officer's Director.

APPENDIX 5a

PROCEDURE FOR REPORTING OF SUSPECTED FRAUD AND CORRUPTION

This procedure and the Officer obligations contained within it have been adopted as Council policy and it is therefore incorporated into all Officers' terms of employment.

If you suspect a fraud within your workplace, including fraud perpetrated by council contractors, or receive information from an external source regarding fraud, the following procedure should be followed: -

Make an immediate note of all relevant details.

These should include date and time of the event, record of conversations (including telephone), names of persons present (or description if the name is not known), vehicle details where appropriate e.g. type, colour, registration etc.

Report your suspicions as rapidly as possible together with the relevant details to an appropriate level of authority and experience.

This can either be your Line Manager **OR** the Internal Audit Division of Corporate Finance on Rotherham on (to be confirmed) **OR** the Assistant Director of Legal Services, Ext (to be confirmed) **OR** the Chief Executive at Rotherham Borough Council, Riverside House, Main Street Rotherham, S60 1AE Ext. (to be confirmed)

Alternatively you may prefer to put your suspicions in writing to the Internal Audit Manager(to be confirmed) at Rotherham Borough Council, Riverside House, Main Street Rotherham, S60 1AE and mark the envelope "CONFIDENTIAL – TO BE OPENED BY THE ADDRESSEE ONLY". The Council would prefer you not to provide information anonymously as it may be necessary for you to provide further information. However all anonymous information that is received will be investigated.

All reported suspicions will be dealt with sensitively and confidentially.

DO NOT: -

- Confront or accuse anyone directly.

- Try to investigate the matter yourself.

- Discuss your suspicions with anyone other than the appropriate level of authority.

- Be afraid to report a matter on the basis that your suspicions may be groundless, all reports will be treated on the basis that they are made in good faith.

FURTHER ADVICE

If you are unsure whether, or how, to use this procedure or you prefer independent advice at any stage, you may contact the independent charity Public Concern at Work on (to be confirmed). Their lawyers can give you free confidential advice at any stage about how to raise a concern about fraud or other serious malpractice in the workplace.

PROCEDURE FOR THE INVESTIGATION OF SUSPECTED FRAUD AND CORRUPTION

1. Responsibilities

The responsibility for the prevention of fraud, other irregularities and error rests with management.

Auditors are responsible for reporting to management on areas of weakness and deficiencies in internal controls on the financial systems, together with investigating circumstances where occurrence of fraud is suspected.

2. Procedures

Once management has discovered or suspect a fraud, Internal Audit should be notified immediately.

When Internal Audit discover or suspect a fraud, management of the relevant department should be contacted and discussion take place and agreement reached on how the matter will be investigated.

Where the investigation involves Officers of the Council it will be necessary to consult with a Human Resource Manager to discuss procedures for possible suspension of the Officer pending further investigation.

Members shall be informed of any investigation into Council affairs that requires reporting the District Auditor as soon as is practical without prejudicing the investigation as per Minute 2920 (7) (ii) (D) of May 1977(to be confirmed).

3. Objectives of an Investigation

The objectives of any investigation shall be to: -

- Prove or disprove the original suspicions of fraud.
- Provide evidence in an appropriate format to substantiate proven cases of fraud.
- To implement appropriate controls to prevent a recurrence of the incident.

4. Conduct of an Investigation

The investigation should be conducted by the Internal Audit Section in conjunction with management of the department in the following manner: -

Secrecy and confidentiality shall be maintained at all times.

An early decision may be required at the start of the investigation to determine whether to suspend an Officer to ensure evidence is not tampered with, subject to the proviso that the suspension does not prejudice the outcome of the investigation.

All documentation and evidence that is relevant to the investigation should be requisitioned and secured at an early stage by either management or Internal Audit.

Evidence and relevant information should be properly documented, considered and evaluated.

5. **Interviewing**

Interviews with potential perpetrators of fraud will normally be held both at the beginning and at the end of the investigation. However this procedure may be subject to alteration dependent upon circumstances. Interviews will be held in accordance with the Council's disciplinary procedure and in cases where the person(s) under investigation are Officers of the Council, they will be allowed to have a "friend" or trade union representative present.

At all interviews a person shall be nominated to take notes of the meeting.

6. **Conclusion of Investigation**

Once a decision has been reached after interviewing the suspect, the following further matters will need to be considered: -

(a) Involvement of Police

The Council should always, except in exceptional and extenuating circumstances, have a consistent and fair approach to the involvement of the police in proven cases of fraud and deception. This is especially crucial in the cases where recompense for any losses suffered is sought from the Council's insurers. The Fidelity Guarantee Policy includes a clause which reserves the right of the insurance company to involve the police in the name of the Council, but at the expense of the insurance company, in order to recover losses met within the terms of the policy.

Where the sums involved in an investigation are significant the question of police involvement should be discussed by the relevant Strategic Director, the Head of Finance in his role as Section 151 Officer and the Head of Legal Services, and the Director of Human Resources. The Chief Executive should then be informed of the decision reached.

(b) Informing the District Auditor and the Chair of Audit

They should always be informed of the outcome of all fraud investigations as part of his role in gathering statistics and information relating to fraud.

(c) Review of Systems

Where a fraud has occurred as a result of weaknesses in existing systems then steps must be taken to remedy the problem to prevent recurrence.

(d) Insurance / Recovery of losses incurred

Appropriate action shall be taken to ensure that the losses incurred by the Council are minimised including: -

- (i) Recover losses directly from the perpetrator of the fraud.
- (ii) Recovery from an Officers contributions to the Superannuation Fund where appropriate.
- (iii) Claim on the Council's insurers.

Committee on Standards
In Public Life

Annual Report **2015–16**

Forward Plan **2016–17**

THE SEVEN PRINCIPLES OF PUBLIC LIFE

The Seven Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The Principles also have application to all those in other sectors delivering public services.

SELFLESSNESS

Holders of public office should act solely in terms of the public interest.

INTEGRITY

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

OPENNESS

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

HONESTY

Holders of public office should be truthful.

LEADERSHIP

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

These principles apply to all aspects of public life. The Committee has set them out here for the benefit of all who serve the public in any way.

The Seven Principles were established in the Committee's First Report in 1995; the accompanying descriptors were revised following a review in the Fourteenth Report, published in January 2013.

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FOREWORD

This report provides an overview of the Committee's activities over the course of the past year and also sets out our forward plan of work for 2016–17.

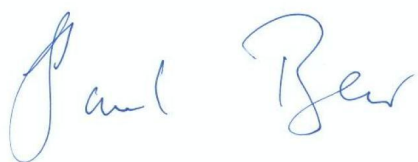
It is twenty one years since the First Report of this Committee made recommendations for reform. They have formed the basis of the language and infrastructure of standards of propriety in public life, which remain in place today. Nolan set out the Seven Principles of Public Life and the mechanisms for embedding and enforcing those principles.

This year the Committee has been undertaking a comprehensive review of how regulators seek to uphold the Seven Principles of Public Life. Despite the central role they play in public life, this is the first dedicated review of regulators that the Committee has undertaken. Created to operate in the public interest, their decisions impact on individuals and organisations. Like much of the public sector, regulators face reduced expenditure and unprecedented scrutiny on how they operate. Our report will argue that it is critical therefore, that regulators are robustly independent of those they regulate and demonstrate high standards with their own activities and decisions. And with the referendum decision to leave the EU, and Britain facing the prospect of having to rewrite much of its regulatory arrangements, these issues have become all the more acute and complex. We will be publishing the review in September 2016.

This year, the Referendum on whether the UK should stay in the EU has dominated the press. We received a number of complaints regarding the conduct of players in the referendum and much has been said as to whether both sides followed the rules. The Committee is clear that the topic requires ongoing review and analysis. To this end, the Committee intends to hold a seminar on referenda.

The issue of party funding has also been raised again – it remains a matter of significant public concern centred on the confluence of money, power and influence. The Committee's own efforts on this issue have continued to play a key role in taking the debate forward, our previous report from 2011 led to further discussion via the Trade Union Bill and subsequent House of Lords Select Committee Report. The Committee has undertaken further research in this area by commissioning [a study into party finances](#), building on previous work. The issue of party funding cannot be resolved without political will; the Committee believes it is long overdue for the main political parties to show leadership, put aside partisan positions and re-convene talks to reach cross-party agreement on possible reforms. Given the destructive nature of this issue for politics in the UK, I believe it is necessary to continue to press for reform.

Finally I must conclude by thanking our departing members. Patricia Moberly and Lord Alderdice have both made invaluable contributions to the Committee. Their knowledge, insight and judgement will be greatly missed. Patricia's contributions in particular to our reports, *Tone from the top* and, most recently, *Ethics for Regulators* have proven absolutely fundamental to the success of these projects. We wish them both well in their future endeavours.

A handwritten signature in blue ink that reads "Paul Bew". The signature is written in a cursive style with a large initial 'P' and 'B'.

Paul Bew

Chair

July 2016

ABOUT THE CSPL

1. The Committee on Standards in Public Life monitors, reports and makes recommendations on all issues relating to standards in public life.¹ This includes not only the standards of conduct of holders of public office, but all those involved in the delivery of public services.
2. As an independent Committee we are uniquely placed to consider the ethical landscape as a whole. As a standing committee we have a constant presence, which enables us to monitor progress on different issues, including our own recommendations, over time. It also enables us to respond quickly when an ethical issue arises which requires our consideration.
3. Our purpose is to help promote and maintain ethical standards in public life and thereby to protect the public interest through:
 - monitoring standards issues and risks across the United Kingdom (by invitation in the devolved areas);
 - conducting inquiries and reviews and making practical and proportional recommendations that are generally implemented;
 - researching public perceptions on standards issues relating to specific areas of concern, and also over time.
4. The Committee's status is that is an independent advisory non-departmental public body (NDPB). It is not founded in statute and has no legal powers to compel witnesses to provide evidence or to enforce its recommendations. Our secretariat and budget are sponsored by the Cabinet Office.
5. To fulfil our remit effectively it is important that we remain robustly non-partisan and independent of the Government that appoints us. It is for that reason that the chair and other members, other than those representing the political parties, are now appointed through a fair and transparent public appointment process, for non-renewable terms. The Committee's political members are nominated by Party Leaders at the time of appointment.
6. By convention, the Committee consults the Prime Minister before starting an inquiry, and can be asked by the Prime Minister to mount an inquiry on a specific subject, but the decision on whether to proceed will be our own.

¹ See Appendix 1 for our terms of reference

STRATEGIC PLAN

Our strategic objectives

7. The Committee has agreed the following five strategic objectives:
 - Where appropriate, we will undertake balanced, comprehensive inquiries which enable us to develop evidence-based, practical recommendations which will help maintain or improve ethical standards across public services.
 - We will undertake robust and effective research which will provide useful information about public perceptions of ethical standards across public services. We believe that it is important to check our perceptions of the standards the public expects of public servants and organisations, and the extent to which they are being met, against reality.
 - We will make informed contributions to public debates about ethical standards.
 - We will constantly be alert, spotting developments and responding promptly to emerging ethical risks, engaging with a wide range of stakeholders to develop the ethical standards agenda.
 - We will improve the way we work, evolving so that we continue to be an effective, efficient organisation delivering value for money.

Setting Priorities

8. Since our remit is wide and our resources limited, we will ensure that we take a strategic approach and set priorities. The distribution of our effort between substantive inquiries and the rest of our work will depend on our assessment of current standards issues, their relative importance and how best they can be addressed. We will ensure that time spent in responding to inquiries and consultations initiated by others, while important, and is not allowed to crowd out work on other issues we regard as important.

Selection of inquiries

9. The choice and scope of our inquiries will be informed by our assessment of the importance of the issue, the scope for a distinctive and authoritative contribution and its potential impact. We also have to bear in mind our limited staff and financial resources. In each inquiry we will aim to identify concrete recommendations which will ensure the highest standards of propriety in public life. After reports have been delivered we will continue to follow up on our recommendations, as appropriate, to monitor the extent of their implementation and the effectiveness of the measures taken.

10. Specific areas in which we will continue to take an interest in the next few years, which may not necessarily become the subject of a full inquiry, are set out in detail in the Standards Check section of this report.
11. We will be ready to initiate inquiries promptly on other issues not currently on the horizon, as circumstances require, and to identify any general lessons from individual issues of impropriety that may come to light.

Monitoring standards issues

12. To further our remit to monitor ethical standards across public services as a whole we will:
 - Maintain a watching brief to identify emerging or persistent standards issues and respond promptly to them.
 - Undertake independent quantitative and qualitative research into public perceptions of ethical standards.
 - Respond to consultations and key policy announcements and legislation where these impact on ethical standards and we have an informed contribution to make.

Making sure our voice is heard on standards issues

13. In addition to our inquiries and monitoring of standards issues, we will take steps to ensure our voice is heard promoting high ethical standards, including as appropriate by:
 - Providing evidence to Select Committees and Public Bill Committees in both Houses.
 - Writing to ministers and others on key issues.
 - Participating in conferences, seminars and workshops.
 - Contributing to published consultation papers.
 - Writing articles and delivering speeches to communicate our key messages; and
 - Speaking to the media.
14. We will also aim to increase our collaboration with other bodies providing advice, support and challenge to organisations as they work on standards issues; and jointly promoting high ethical standards in public life. We hope in this way we can add value and use our resources to best effect.

Using our resources to best effect

15. The Committee accepts the importance of being as economical as possible in its use of resources, consistent with delivering effectively against its remit. Its annual budget for 2016/17 is £284 000. Both budget and staff numbers have reduced considerably over the last few years and this has necessarily placed limitations on the scope and extent of work the Committee can undertake and limited the Committee's ability to respond quickly and comprehensively to standards issues as they emerge.

16. We will continue to exercise economy, including in the following ways:

a) *Research*

Our Research Advisory Board added questions to a survey being undertaken by the Electoral Survey. This reduced costs without, we think, significantly compromising the quality of the results. In addition, analysis of the results of the research has been undertaken by a doctoral student part funded by the Committee, under the supervision of the Research Advisory Board.

b) *Visits*

While we continue to maintain an interest in standards issues in the devolved administrations, the Committee has not held public hearings or visited stakeholders in these areas, unless invited, since our remit was amended in 2013 to the effect that we should no longer do so without the agreement of their governments and legislatures.

As part of the evidence gathering for the 'Ethics for Regulators' inquiry we made 26 visits to regulators, however as travel was minimal the costs accrued remained relatively low.

In recent times budgets have not allowed the Committee to investigate comparable issues in countries outside the UK by making visits there. We have instead taken into account international surveys and studies where appropriate and commissioned international comparative work from academic sources. We may, however, request the resources necessary for overseas visits should the circumstances of an inquiry and the absence of the availability of necessary information from other sources appear to demand it.

c) *Administrative processes*

All services (including travel, accommodation, IT and HR) are obtained wherever possible through Cabinet Office framework agreements or approved providers. This ensures best value for money and helps maximise the volume of public sector business being obtained through certain contracts, in order to drive down costs across the public sector.

Measuring our effectiveness

17. Our effectiveness will depend upon the success with which we fulfil the specifics of each year's business plans. But we will continue to identify issues on which our voice has been heard and we have made a difference.
18. We have developed the following Key Performance Indicators:
 - Delivering effective reports as frequently as necessary which identify ways to improve and maintain ethical standards in public services, together with other proactive outputs as specific issues arise. We will always try to produce a rounded and proportionate package of measures intended to be implemented as a whole;
 - Demonstrably increasing the profile of ethical standards as an issue in public services; and
 - Ensuring we continue to justify our role and contribution through meaningful mechanisms of openness and accountability.
 - Ensure adequate media coverage.
19. In making recommendations it should always be our intention to make recommendations that are persuasive, practical and firmly evidence-based. In the past the Committee has usually had the majority of its recommendations accepted, although not always in the precise form suggested and sometimes not immediately. We will monitor this. We will not hesitate to make recommendations that we believe to be right even though we anticipate that those responsible for implementing them may find them difficult.
20. In addition, we will identify and measure the success of our impact and stakeholder engagement by developing, monitoring and evaluating the following measures:
 - Numbers attending events.
 - Numbers responding to consultations.
 - Requests for speeches or presentations.
 - Traffic to our website.
 - Coverage in print and broadcast media.
 - Twitter followers and usage.
 - Feedback and take up rate of quarterly newsletter.
 - Stakeholder survey results and feedback.

OVERVIEW OF ACTIVITIES 2015–2016

21. Our [Business Plan 2015–16](#) set out our plan for the year. We have delivered against that plan and gone further.

Ethics for Regulators

22. The Committee announced in its 2015/16 Business Plan that it would undertake a review of ‘Ethics for Regulators’. The initial aim was to undertake a ‘health-check’ of the way in which regulators manage ethical issues in their own organisations; and the extent to which the unique characteristics of regulators create or demand any specifically tailored ethical solutions. However, the range of issues around regulation we have encountered and the quality of the research has exceeded our initial expectations so we broadened the scope of this project into a full report and a command paper.
23. Regulators play a central role in public life, extending horizontally and sectorally across a broad range of commercial and non-market activity at national regional and local levels. Both within and beyond 22 Non-Ministerial Departments and 346 Agencies and Public Bodies, there are a substantial number of autonomous regulatory bodies in the UK, ranging from the very large to the very small. There has undoubtedly been an assumption that the Seven Principles of Public Life apply to regulators in the same way as to any other holder of public office. However, the Committee does not appear, at any time over its 20 years to have focused an entire report on them.² The project received responses to our survey from over 60 regulators and conducted 26 visits to regulators. We also held three roundtables for academics, regulators and stakeholders, respectively, and commissioned four academic papers and conducted desk research.
24. The Committee aims to publish its findings in September 2016.

Ethical standards for providers of public services guidance: follow up

25. In December 2015 the Committee published an [online guide](#) for providers of public services – whether outsourced or in-house – to promote high ethical standards. This guide followed up the Committee’s [earlier report](#) which established the importance of common standards for all those delivering public services.

² A brief reference was made to regulators in [Standards Matter](#) 2013

26. Lord Bew stated in his foreword to the online guidance:

'The purpose of this document is to emphasise the key messages from our report and build on its research and conclusions by providing short practical guidance to both providers of public services in building and embedding ethical standards in an organisation, and to commissioners in setting ethical expectations for the delivery of public services as well as ensuring those standards are met. The Committee recognises the efforts and investments which many providers have already made in enhancing awareness of, and adherence to high ethical standards. The Committee recognises the challenges faced by any organisation large or small in ensuring that all employees adhere to high ethical standards of behaviour...Ethics matter. This is increasingly recognised by the business community as a necessary part of winning trust and building confidence in the public service markets. Ethical standards should not be taken for granted. Commissioners and providers need to be explicit with each other and the public as to the standards expected in the services which are being delivered.'

27. The impact of this document has been considerable with 2750 online views since December. In addition, to coincide with the launch of the online guide, Committee member Sheila Drew Smith OBE gave an [interview](#) with the Financial Times which reiterated the need for chief executives to set "a tone from the top" in order to imbue the workforce with the importance of ethical behaviour.

28. The Committee will continue to make the case for public service providers to take steps to embed ethical practices and culture within their organisation. We remain committed to providing research and guidance to this end.

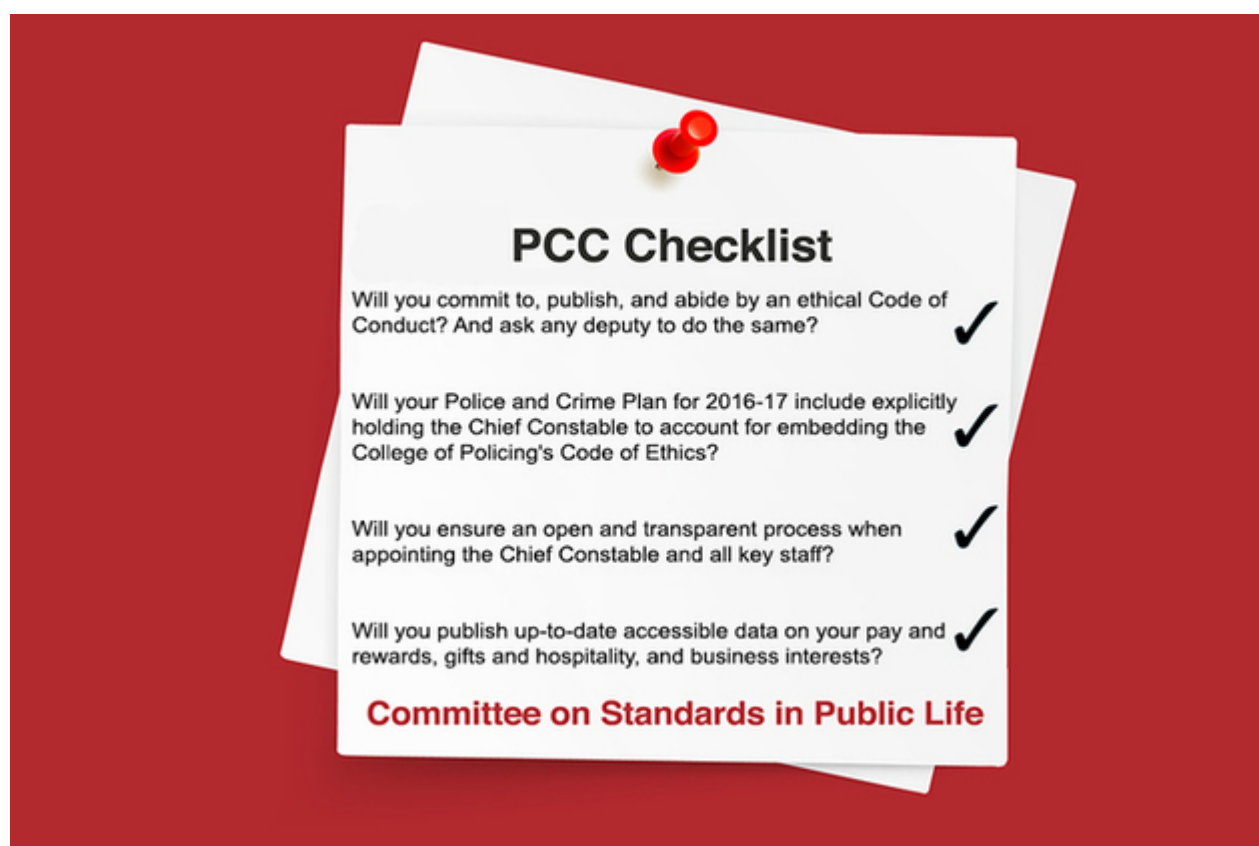
Police Accountability

29. On 29 June 2015 the Committee published the final report of its inquiry into policing accountability: [Tone from the top – leadership, ethics and accountability in policing](#). The Committee's research, conducted by Ipsos MORI, asked over 1000 members of the public what they knew about local policing accountability. Through a series of structured questions, it was found that, in general, respondents had a pretty positive perception of the standards of conduct of the police; the majority thought senior police officers could be trusted to tell the truth and felt that the police are held to account for their actions. People also largely thought that police deal with the crime and anti-social behaviour issues that matter.

30. However we also learned that despite being generally happy with the conduct of police and saying that the police are held to account, many people asked were unclear who to complain to about problems with local policing and thought that local people did not have a say in how the police spent their time and budget.

31. Following publication, letters to key stakeholders were sent at the end of July requesting their responses to the recommendations relevant to them.
32. Letters were sent to all Chief Constables, Chairs of Police and Crime Panels, Police and Crime Commissioners and representative organisations. Stakeholders were given until 29 November to respond, and we have received responses from 57 stakeholders to date.

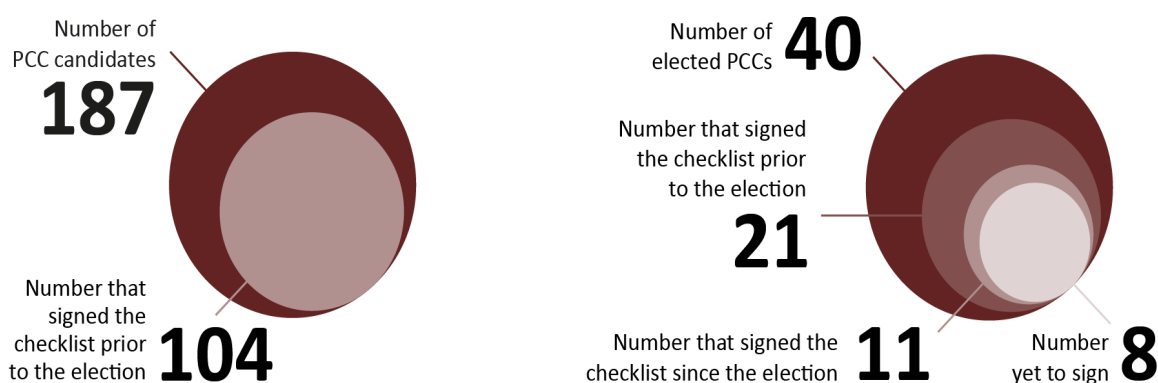
PCC Elections



33. On 21 March 2016, the Committee asked for all candidates standing to be Police and Crime Commissioners (PCCs) at the 5 May 2016 local elections to sign up to the ethical standards checklist. Following its inquiry last year into local policing accountability, the Committee called for all candidates to declare their approach to conduct, appointments and hospitality so that the public can make an informed judgement when casting their vote.
34. On 29 April Lord Bew published the blog '[PCCs – important and powerful roles need robust scrutiny and accountability](#)' following the decision by the South Yorkshire Police and Crime Commissioner to suspend the Chief Constable following the verdict in the Hillsborough inquest. Lord Bew noted that this is the most high profile illustration of the powers vested in elected PCCs which poses questions over who keeps the holders of such power to account – the Police and Crime Panels. Lord Bew wrote that after the elections,

we hope that Police and Crime Panels will use their scrutiny and support role to hold the new PCCs to their promises and help ensure that they live up to the standards of conduct and accountability expected by the public. He also reiterated the Committee’s call for all PCCs to commit to our ethical checklist.

35. By the election on 5 May, over 50 percent of candidates had signed up to the ethical checklist. Following the elections the Committee wrote to the Police and Crime Panels reminding them of the recommendations in last year’s [policing report](#). We also wished to restate our call for PCCs to commit to the ethical checklist, so the public know whether their PCC had signed up, and to bear this in mind when holding their PCC to account.



Lobbying: Follow Up

36. The Government responded in full in October 2015 to our report [Strengthening Transparency around Lobbying](#), which was published in November 2013.
37. The lobbying industry, along with their representatives, charities, campaign bodies, academics and think-tanks all gave evidence to our review. With the evidence gathered we aimed to produce proportionate recommendations which would be complementary and separate to the legislation passing through Parliament on lobbying and would help restore public trust and confidence. In particular we were keen that decision makers who experience lobbying are able to clearly demonstrate probity. We concluded that a package of measures was urgently required to deliver a culture of greater openness and transparency around lobbying; provide greater clarity for public office holders on the standards expected of them; and to reassure the public that a more ethical approach to lobbying is actively being applied by all those individuals and organisations involved in lobbying.
38. Following publication, the Committee Chair met with the then Minister, Francis Maude, in December 2014 to discuss the detail of our recommendations and the reasoning behind them. On 21 October 2015 the Government responded further by offering its assurance that transparency around lobbying is a key

priority and the acceptance of a number of recommendations the Committee believes are important. The Committee stated that it welcomed this response. In particular the Government's commitment to improving the timeliness and accessibility of the published information about Ministers' and Permanent Secretaries' official meetings with outside interest groups as well as hospitality received by ministers and members of departmental boards.

39. On 11 February 2016 Lord Bew posted the blog [‘Current arrangements aren't enough’](#) where he praised the Government's efforts in this area; but made it clear that the current arrangements and the lobbying register were not going to provide sufficient transparency and accountability to enable effective public scrutiny of lobbying.
40. The Committee will continue to monitor developments in this area in order to promote the highest standards of propriety in public life.

Trade Union Bill

41. Our 2011 report on party funding came back into public debate in early 2016 when the House of Lords agreed on 20 January to appoint a Select Committee to consider the impact of clauses 10 and 11 of the Trade Union Bill, in relation to the Committee on Standards in Public Life's report, *Political Party Finance: Ending the Big Donor Culture (2011)*. The Select Committee reviewed the necessity of urgent new legislation to balance those provisions with the other recommendations made in the Committee's report.
42. The Trade Union Political Funds and Political Party Funding Committee was appointed on 28 January.
43. On Tuesday 9 February 2016 Lord Bew and former chair, Sir Christopher Kelly, appeared before the Select Committee's second evidence session.

Key points from that session:

- Lord Bew reiterated the points that the report was intended to be taken as a package; that he had not received positive responses from the party leaders when he contacted them post-election regarding this issue. Lord Bew restated the need for action on this and the issues of party expenses more generally.
- Lord Bew also raised his ongoing concerns regarding the issue of public trust and the question of money in politics.
- Sir Christopher answered questions on the aims, content and reception of the 2011 report. He provided detail on the principles and pragmatic reasons for the emphasis of the recommendations as a

package. Sir Christopher confirmed that the aim was to achieve an outcome that was both fair and reasonable to all parties.

44. On 2 March the Select Committee published its [report](#), which concluded that the Trade Union Bill would have a significant impact on union political funds and in turn on Labour Party funding, whilst offering some measures to mitigate this effect. The Committee also advised the Government to convene urgent cross-party talks on party funding reform.

45. The report was debated in the House of Lords on 9 March when the Minister, Baroness Neville-Rolfe commented:

“Evidence to the committee suggested moving ahead with smaller reforms that might command cross-party support, such as finding practical ways in which to encourage more and smaller donations from wider audiences. As part of the Government’s broader approach of promoting giving to good causes, the Government would be willing to take that forward for further consideration, such as publishing a discussion paper in the first instance, if there was a positive reaction to such a potential step from the political parties. I hope noble Lords will be pleased to hear that; I shall be particularly interested to hear the views of the committee chaired by the noble Lord, Lord Bew, on these issues”.

46. The Committee confirmed to the Minister it would be happy to contribute to the debate and subsequently commissioned Dr Michael Pinto-Duschinsky to [update his 2011 report](#) on political funding with some additional work covering party income.

47. On 3 May the Bill returned to the Lords having undergone significant amendments, most notably:

- The government agreed that the switch to an ‘opt-in’ approach to union political funds would now be contingent on consultation with the union Certification Officer and trade unions – plus the backing of both Houses of Parliament.
- If the consultation and Parliament determine that the switch to ‘opt-in’ should go ahead, unions will now be given at least a year, as opposed to the three months outlined in the Bill previously, to transition towards making members ‘opt in’ to their political funds.
- Ministers conceded that unions can trial e-voting for their internal elections and strike ballots.
- Members will now be allowed to opt in to union political funds online.

Both Houses agreed on the text of the Bill which received Royal Assent on 4 May 2016.

48. As stated above, Lord Bew made the point at the Select Committee in February that the landscape had changed since 2011 and that the Committee would undertake further research on the topic. To this end the Committee will be undertaking work in this area in 2016/17 by commissioning the work by Michael

Pinto-Duschinsky as noted above and see forward plan (below) for further details.

Consultation by Law Commission: Misconduct in Public Office

49. In January 2016, the Law Commission announced it was undertaking a review of the offence of misconduct in public office. The reform objectives were to decide whether the existing offence of misconduct in public office should be abolished, retained, restated or amended and to pursue whatever scheme of reform is decided upon.
50. The Committee has previously commented on this issue in the 1997 paper on misconduct in public office. That paper argued that that the current common law offence lacked clarity and advised that consideration should be given to the introduction of a new statutory offence.
51. Lord Bew spoke at the Commission's Symposium on Misconduct in Public Office on 20 January 2016 at King's College London, where he reiterated the general position of our 1997 paper and highlighted that the challenge for the Committee is to negotiate space between those breaking law and moral behaviours in general.
52. The Committee responded to the Commission's consultation and published its evidence on the website. The Committee did not focus on the legal technicalities, which were beyond its scope, but the [response](#) considered general principles and standards which are the Committee's primary focus. We did make two key points regarding: (a) the definition of public office holders; and (b) sanctions for any misconduct.
53. With regards to the definition of public office holders the Committee noted the difficulty in defining the term "public office" and "public office holders". There is an increasingly blurred distinction between public, private and voluntary sectors; this has been reflected in the Committee's own remit being widened to make clear that the seven principles apply to any organisation delivering public services. However, the Committee also made clear that the public want all providers of public services to adhere to and operate by common ethical standards, regardless of whether they are in the private, public or voluntary sectors.
54. With regards to the issue of sanctions the Committee acknowledged that the picture had moved on since our previous 1997 paper.³ We did state that, whilst we believe standards remain high, our position now is that there is the need, to have sanctions in place if standards are not met. We believe that to define clear and principled consequences of any material failure to achieve ethical standards would support the re-building and sustaining of public trust in public office. Therefore, if it is decided to proceed with a legal definition of "misconduct" we, the Committee, would strongly encourage the discussion of sanctions and consequences in the event of any transgression.

³ Since then the Bribery Act 2010 and the Local Government Act 2000 have addressed many of the issues raised in the 1997 paper.

55. Professor Mark Philp, Chair of the Research Advisory Board provided a note as part of the Committee's [response](#) which highlighted the broad issue of the complex nature of this offence, as well as commenting on the distinction between public and political office and on the issue of sanctions.

MPs' Code of Conduct

Parliamentary Commissioner's Consultation

56. On 21 January 2016 the Independent Parliamentary Commissioner, Kathryn Hudson, launched a public consultation exercise to review the current Code of Conduct for MPs. The Committee was asked to respond to the consultation, which comprised a set of questions ranging from what the overall purpose of the code should be, to whether the Commissioner should be able to investigate alleged breaches of the general principles of conduct.
57. The Committee's response argued that the Code's purpose should be to establish the standards and principles of conduct expected of all Members and to set the rules which underpin these standards.
58. Additionally the response made the case for a principles-based approach to the Code, arguing that leadership is essential in promoting and supporting the seven principles, and that the Code of Conduct should reinforce these fundamental values.
59. More specifically, the Committee restated the view that the House needs an Independent Commissioner as her role in overseeing registering interests and investigating breaches remains key in the Commons standards system. Breaches of the Code are the most public aspect of the role and we stated that it is essential that a mechanism for their investigation remain in place.

Oral Evidence

60. Lord Bew also [gave evidence](#) on 15 March 2016 to the Parliamentary Standards Committee which is exploring the same issue of the code of conduct alongside the Commissioner's own review. Prior to this appearance, Lord Bew gave an interview with *the Daily Telegraph* where he stated his support for the Committee as well as the importance of input from lay members.
61. During the session, Lord Bew highlighted the strengths of the Code while suggesting it remains open to improvement. He reiterated the role of induction for MPs as well as the repeating the Committee's position that lay members of the Parliamentary Standards Committee should be given voting rights, or at the least that their views should be made public. He also supported the suggestion that the Parliamentary Commissioner be given more power to investigate breaches of the Nolan principles.

Consultation on Review of Public Appointments Process – Grimstone Review



62. On 2 July 2015 the Minister for the Cabinet Office announced that Sir Gerry Grimstone would lead a review of the Office of the Commissioner for Public Appointments. Although the Office of the Commissioner for Public Appointments is technically not a public body, the review followed the guidance on conducting a triennial review.
63. On 29 October 2015, the Committee published its [contribution](#) to Sir Gerry's review. With regards to the role of Commissioner, the Committee stated that, given the role of public scepticism around appointments, it is firmly of the view that the Commissioner's role is still required. The Committee sees no case to depart from the model of a Commissioner for Public Appointments who is demonstrably independent of government and the civil service and can provide effective, external scrutiny. This model has gained broad acceptance and recognition and has stood the test of time. However, we added that this does not mean that more cannot be done to improve the way in which these important appointments are made.
64. The Committee also stated that, in the interests of transparency for stakeholders and the public alike, the Committee believes there should be a separation of post holders between Public Appointments Commissioner and the First Civil Service Commissioner.
65. Sir Gerry Grimstone's report was published on 11 March 2016, and on 17 March the Committee welcomed the [announcement](#) of the Rt Hon Peter Riddell CBE as the preferred candidate for Commissioner for Public Appointments.
66. We welcomed the proposals in Sir Gerry Grimstone's [report](#) to improve the transparency of the public appointment process. However, the Committee expressed its unease about the cumulative effect of the other changes suggested in the Grimstone review.

67. The Committee stated it fears the changes will remove some of the independent checks and balances of the public appointments process, and may have the unintended effect of offering limited protection for Ministers who wish to demonstrate they have appointed on merit alone.
68. The Committee will be looking at the Grimstone report's recommendations in more detail. The Public Administration and Constitutional Affairs Select Committee (PACAC) offered its qualified support to the appointment of Peter Riddell as the Commissioner for Public Appointments. PACAC expressed its concern that the changes proposed by Grimstone may be leading to an increasing politicisation of senior public appointments. They added that they would report on their inquiry into the Grimstone proposals after the Code of Practice for Public Appointments and a new Order-in-Council have been published. In fact PACAC reported in July and requested the Government to think again about implementing the proposals.
69. Our Committee noted that the Government will be seeking further views and bringing forward changes in the Code of Governance and we hope to work with them and Peter to help address these risks.

STANDARDS CHECK

In addition to the specific areas of inquiry outlined above, we have also maintained an interest in other standards issues during this year:

Party Funding

70. The debate prompted by the Trade Union Bill has brought renewed prominence to the issue of party funding in Britain. As noted above, this is a topic that the Committee has reported on previously, most recently in [2011](#). One of the key conclusions the Committee reached at the time was that the system, while not corrupt, was perceived to be corruptible. And our research showed that the public were highly sceptical of the motivations of all big donors; regardless of whether they were individuals, trades unions or organisations.
71. The package the Committee put forward required all parties to accept some challenging measures in the interests of the health of democracy in this country. The package also proposed an extra £25m of public funding, which the Committee recognised was a significant request in an incredibly difficult financial climate.
72. Once the report was published, with dissenting notes from both Margaret Beckett MP and Oliver Heald MP, the three main parties convened talks. Despite the fact that reform of party funding was in all three parties' manifestos and in the Coalition agreement, the talks failed.
73. The Committee has maintained an interest in this issue and, as stated in our [last report](#), the Chair wrote to each party following the 2015 general election inviting them to re-convene discussion on party funding; particularly in the light of public dissatisfaction with the political process as evidenced by the Hansard Audit. Unfortunately the response we received to this request was not as forthcoming as we would have hoped and these talks were not held.
74. Given the time that has elapsed since that last report, we have decided to return to the topic of party funding in order to gauge the key developments in what has been a rapidly evolving context. To this end the Committee arranged for questions on party funding to be included in the British Election Study, results of which will be available in Summer 2016. In addition, we have also commissioned Dr Michael Pinto-Duschinsky to [update his previous contributions on this topic](#). These steps will enable the Committee to gauge the current public opinion on party funding, as well as refining its position to contribute to the debate.

Parliamentary Standards

75. The Committee continues to contribute to the issue of Parliamentary Standards. As noted above we responded to the Parliamentary Commissioner's review into the current Code of Conduct for MPs, as well as giving evidence at a session by the Parliamentary Standards Committee which was exploring the same issue. In addition we will be contributing to the Independent Parliamentary Standards Authority's consultation on MPs' scheme of business costs and expenses.
76. The Committee continues to stress role of guidance, education and training on the rules and principles of the standards regime particularly with regard to recall. The public remain highly critical of MPs and are unlikely to accept ignorance of the principles or the rules as a defence in cases of alleged misconduct and, for their part, MPs are unlikely to accept unclear advice on opaque rules. We welcome the recent appointment of four additional lay members to the House of Commons Committee on Standards, which results in an equal number of MPs and lay members on the committee.
77. The Parliamentary Standards Commissioner (the post recommended by this Committee) and the Standards Committee will need to continue the work started with the House Authorities and the political parties on induction training to raise awareness and understanding of a clear and transparent standards regime amongst MPs.

Local Government Standards

78. The Committee on Standards in Public Life has a long-standing interest in local government standards. In our 2014/15 [Annual Report](#) we stated that the Committee had agreed at the time of the Localism Act to maintain a watching brief on:
 - the need for a mandatory code of conduct,
 - strong local leadership,
 - effective independent persons; and,
 - concern at the lack of sanctions.
79. We continue to note that there is some evidence to suggest that the role of the independent person is generally well received and that vexatious complaints are falling. However, the effectiveness of the sanctions regime is still a concern.

80. The Committee maintains a watching brief of national and local media on this issue, as well as correspondence. We receive correspondence both from members of the public, Councils and councillors on this issue. This correspondence includes, for example, calls for a national code of conduct, strengthened guidelines or sanctions or a power of recall.
81. The Committee promotes the Seven Principles as consistent descriptors of ethical standards which represent common standards and core values. They can then be translated into outcome focused, locally based rules, codes or methods of implementation which are flexible enough to adapt to changing circumstances. We continue to invite councils to consider whether their own local standards frameworks are sufficient to address standards breaches and build public trust.
82. We will continue to liaise with the relevant stakeholders on the way in which ethical standards can effectively be embedded in all parts of local government.

Civil Service and government

83. The Committee has, over the years, made a number of recommendations relating to the regulatory regime for appointments to the Civil Service and how best to achieve high standards of conduct and propriety by civil servants. Many of these recommendations have been adopted.⁴ In October 2014, the Committee responded to the Triennial Review of the Civil Service Commission. We argued that there is a continuing need for the Civil Service Commission, specifically as an independent body, with its remit and the regulatory arrangements for Civil Service appointments, as well as the Civil Service Code values of honesty, integrity, impartiality and objectivity, remaining on a statutory basis.
84. On 11 March 2016, the Government published Sir Gerry Grimstone's [review](#) of the Public Appointments Process. As stated above, the Committee's response was to welcome the review, while expressing unease about the cumulative effect of some of its recommendations.
85. On 7 April 2016, the Committee submitted evidence to the Public Administration and Constitutional Affairs Committee (PACAC) inquiry on the review of the public appointments process.

⁴ For example, putting the civil service, the Civil Service Code and the principle of appointment on merit after a fair and open competition on a statutory basis (First Report, Sixth Report, Ninth Report); an active role for the (then) Civil Service Commissioners in scrutinising the maintenance and use of the Civil Service Code, particularly in induction and training (Ninth Report); convergence between the regulatory regime of the (then) Civil Service Commissioners and the Commissioner for Public Appointments (Tenth Report).

86. Our submission welcomed the Government's intention to seek further views and consult on the Code of Governance, as the quality of the Code will be vital in ensuring the success of the new system. However the Committee continued to express its unease, about the potential cumulative effect of the changes proposed in the review. The Committee fears that, taken together, the changes proposed may remove too many of the checks and balances on Ministerial powers in relation to the public appointments process. In addition, our concerns are greater where the public appointment is to a sensitive or high profile organisation and in particular appointments to regulatory bodies.

REPRESENTATIONS, SPEECHES AND COMMUNICATION

87. The Committee continues to maintain an international profile in the field of standards promotion in terms of exemplifying an effective principles-based approach to standards in public life. As has been the case in previous years, the Committee has found that the UK has a high international reputation in such matters and many other countries wish to learn from our experience. The Committee will continue to host international delegations, visiting civil servants, scholars and students to explain how the standards framework operates in the UK. The Committee will also continue contributing to the research base on standards, trust and compliance, both by working with national and international institutions and scholars, and conducting in-house research.
88. Over the course of the year, the Chair has spoken at a number of events on standards issues, promoting the work of the Committee and the importance of the Seven Principles of Public Life and providing other examples of best practice, including:
- 07/09/2015 – Police Superintendents Association
 - 16/09/2015 – Policing in Northern Ireland
 - 08/10/2015 – Solace Annual Summit
 - 14/10/2015 – Public Chairs Forum
 - 28/10/2015 – CoPaCC – PCCs and Transparency
 - 12/11/2015 – Westminster Abbey Institute
 - 01/03/2016 – Induction for new peers
 - 08/03/2016 – Inside Government – Improving Leadership, Ethics and Accountability in Local Policing
 - 14/06/2016 – Policing and Ethics Conference – Bath Spa University
89. Other Committee and Secretariat members also spoke about the work of the Committee and standards issues in a range of contexts including:
- 14/03/2016 – Police and Crime Panelists at an LGA Workshop – Patricia Moberly and Monisha Shah
 - 15/03/2016 – CoPaCC PCC Candidate National Briefing Day – Monisha Shah

90. The Committee has been proactive in promoting the Seven Principles of Public Life through responses to a number of consultations including:
- Parliamentary Commissioner’s Consultation – MP’s Code of Conduct
 - Law Commission: Misconduct in Public Office Review
 - Review of Public Appointments Process – Grimstone Review
91. The secretariat receives and responds regularly to public enquires and correspondence on standards issues, including requests under the Freedom of Information Act 2000.

Communications

92. Between 1 September 2015 and 31 July 2016, the Committee’s corporate website on Gov.uk (<https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>) received 14,420 visits, totalling 19,871 page views. The Seven Principles of Public Life page (<https://www.gov.uk/government/publications/the-7-principles-of-public-life>) was viewed 42,267 times over this period.
93. We will continue to ensure that we communicate our work effectively, making it visible to public office holders and others with an interest in ethical standards. Recommendations will be targeted, specific and followed up as appropriate. We will contribute to relevant policy debates where we can add an informed and distinctive voice. We will engage in constructive dialogue with key stakeholders including ethical regulators. We will ensure our website provides an effective means of communicating our views and activities.

Policy on openness

94. In its first report, the Committee defined the Seven Principles of Public Life. The Committee has always sought to implement these principles in its own work, including the principle of Openness.
95. The Secretary of the Committee has responsibility for the operation and maintenance of the Committee’s publication scheme under the Freedom of Information Act 2000. Most of the information held by the Committee is readily available, and does not require a Freedom of Information Act request before it can be accessed. The Committee can be contacted in writing, by email, by telephone or by fax. The public can also access information via the Committee’s website. Requests for information under the Freedom of Information Act should be made to the Secretary to the Committee at the following address:

Committee on Standards in Public Life

Room GC.05

1 Horse Guards Road

London

SW1A 2HQ

public@public-standards.gov.uk

FORWARD PLAN 2016–17

Areas of Interest

96. In addition to following up on our recent reports, which considered a series of standards issues that raised significant ethical risks we will continue to track and monitor and, where necessary, intervene and maintain a watching brief on the issues set out in Standards Check.
97. Given our limited resources, the Committee will need to be very focused on the particular areas it devotes attention to during the next 12 months. We have identified the following topics which will allow the Committee to fulfil its remit, while operating within the context of a reduced budget and secretariat:

Operation of Referenda

98. On 16 July 2015 Lord Bew gave evidence to the Public Administration and Constitutional Affairs Committee (PACAC) inquiry into Purdah and Impartiality.
99. The inquiry focused on the proposal in the EU Referendum Bill to disapply Section 125 of the Political Parties and Referendum Act 2000 (PPERA 2000) which sets out the statutory rules which apply to the 28 day purdah period in the run up to the Referendum.
100. Lord Bew reiterated the Committee's support for the ethos of Section 125. The Section was a response to the Committee's own recommendation from the 1998 report which stated "The Government of the day in future referendums should, as a Government, remain neutral and should not distribute at public expense literature, even purportedly 'factual' literature, setting out or otherwise promoting its case".
101. Following the EU referendum, the Committee received a number of complaints from members of the public regarding the conduct of both remain and leave camps during the campaign. PACAC opened an inquiry into lessons learned from the referendum;⁵ the inquiry ran from July to September 2016. Given the timescale of the inquiry and that this issue is a matter of public concern of direct relevance to the Committee, we have decided that the topic requires ongoing review and analysis. We wrote to the Chair of PACAC to explain our plans.
102. We intend to work with interested parties, to co-host a seminar on this issue in the latter half of 2016. The seminar will look at key issues arising from the operation of referenda to identify possible areas for research.

⁵ <http://www.parliament.uk/business/committees/committees-a-z/commons-select/public-administration-and-constitutional-affairs-committee/news-parliament-2015/lessons-learned-eu-referendum-launch-16-17/>

Ethical Standards for Providers of Public Services

103. In June 2014, the Committee published its report Ethical Standards for Providers of Public Services which considered what standards of ethical conduct should be expected from those third-party organisations providing public service. The report was followed by a short guidance document, published in December 2015. We now intend to follow up that work to review whether awareness of the need for ethical standards in the delivery of public services has changed. We will talk to government departments to review the current position and intend to report by Spring 2017.

Local Government

104. The Committee regularly receives correspondence on the issue of ethical standards in local government, at both officer and elected member level. So, looking further ahead, we intend to undertake a review to clarify the topics of substantive concern, research the underlying causes and to identify best practice in well-governed authorities. This work will straddle the Committee's work programme for 2016/17 and 2017/18.

Party funding

105. It is clear that party funding remains a live ethical issue of concern for the public around the confluence of money, power and influence. It is a significant issue of public concern that has not gone away and cannot be resolved without the political will to do so. The Committee remains committed to helping inform the debate. Lord Bew reported to the Select Committee in February 2016 that the Committee would undertake further research on the topic.

106. The Committee will publish in 2016 data from the BES questions on party funding.

107. These steps will help the Committee to gauge current public opinion on party funding, as well as considering whether any further work might be possible.

APPENDIX 1: ABOUT THE COMMITTEE

Our remit

On 25 October 1994, the then Prime Minister, the Rt Hon John Major MP, announced the setting up of the Committee on Standards in Public Life with the following terms of reference:

“To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.

For these purposes, public office should include: ministers, civil servants and advisers; Members of Parliament and UK Members of the European Parliament; members and senior officers of all non-departmental public bodies and of national health service bodies; non-ministerial office holders; members and other senior officers of other bodies discharging publicly-funded functions; and elected members and senior officers of local authorities.”⁶

On 12 November 1997 the terms of reference were extended by the then Prime Minister, the Rt Hon Tony Blair MP:

“To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.”⁷

On 5 February 2013 the terms of reference were clarified by the Government in two respects:

“...in future the Committee should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies.”

“...the Committee’s remit to examine ‘standards of conduct of all holders of public office’ [encompasses] all those involved in the delivery of public services, not solely those appointed or elected to public office.”⁸

Our remit does not allow us to investigate individual allegations of misconduct. That is usually the role of the relevant regulator. We do, however, seek to draw any general lessons that can be learned from individual instances.

⁶ Hansard (HC) 25 October 1994, col. 758

⁷ Hansard (HC) 12 November 1997, col. 899

⁸ Hansard (HC) 5 February 2013, col. 7WS

Our members

Committee members are appointed for a three year term, with the possibility of reappointment. The current four independent members were recruited for a five year non-renewable term. The Chair is also appointed for a single non-renewable five year term.

Chair: Lord Paul Bew

Appointed: 1 September 2013 **Term ends:** 31 August 2018

Paul Bew joined Queen's University Belfast in 1979 and was made Professor of Irish Politics in 1991. He acted as historical adviser to the Bloody Sunday Inquiry between 1998 and 2001 and was appointed as a non-party-political peer by the independent House of Lords Appointments Commission in February 2007 following his contributions to the Good Friday Agreement. In 2007 he served on the Local London Authority Bill Select Committee and in 2011 served on the Joint Committee on the Defamation Bill, which addressed key issues of academic freedom. He chaired the independent review of Key Stage 2 (SATs) provision in England which reported in 2011 and was accepted by the government. He also served on the Joint Committee on Parliamentary Privilege which produced its report on in July 2013. Lord Bew continues to teach Irish History and Politics at the School of Politics, International Studies and Philosophy at Queen's University. Among Lord Bew's many publications is the Ireland volume of the Oxford History of Modern Europe.

Members active in 2014–2015

Lord Alderdice

Appointed: 1 September 2010 **Reappointed:** 1 September 2013 **Term ends:** 31 August 2016

John Alderdice is a fellow of the Royal College of Psychiatrists. He led the Alliance Party and was President of the European Liberal, Democrat and Reform Party and or Vice President of Liberal International. He was one of the negotiators of the Good Friday Agreement. Raised to the peerage on October 1996, he took his seat on the Liberal Democrat benches in the House of Lords on 5 November that year. In 1998 Lord Alderdice was elected member for Belfast East and appointed Speaker of the Northern Ireland Assembly. In 2004 he was appointed as a Commissioner for the newly established Independent Monitoring Commission. He is currently a Senior Research Fellow and Director of the Centre for the Resolution of Intractable Conflict at Harris Manchester College, Oxford, and a Clinical Professor in the Department of Psychology at the University of Maryland. He is also the Chairman and a Director of the Centre for Democracy and Peace Building (based in Belfast) and President of ARTIS (Europe) Ltd, a research and risk analysis company.

Rt Hon Dame Margaret Beckett DBE MP

Appointed: 1 November 2010 **Reappointed:** 1 November 2013 **Term ends:** 31 October 2016

Margaret Beckett has been Labour MP for Derby South since 1983. She was Secretary of State for Trade and Industry 1997–1998, President of the Council and Leader of the House of Commons 1998–2001, Secretary of State for Environment, Food and Rural Affairs 2001–2006, for Foreign Affairs 2006–2007, Minister for Housing and Planning (attending Cabinet), Department for Communities and Local Government 2008–2009. She has also been Chair of the Intelligence and Security Committee. Margaret is a member of the Labour National Executive Committee and Chair of the Joint Committee on National Security Strategy.

Patricia Moberly

Appointed: 17 May 2012 **Term ends:** 1 September 2016

Patricia Moberly was Chair of Guy's and St Thomas' NHS Foundation Trust from 1999 to 2011. During her previous career as a schoolteacher, she worked in secondary schools in London and Zambia, and was Head of the Sixth Form at Pimlico School from 1985 to 1998. She served on the National Executive of the Anti-Apartheid Movement, was a member of Area and District Health Authorities and of the General Medical Council, a local councillor and a magistrate. Currently she is a prison visitor and serves on an advisory panel to the Secretary of State for Transport on drink and drug driving. She is a panellist for the Judicial Appointments Commission.

Sheila Drew Smith OBE

Appointed: 17 May 2012 **Term ends:** 16 May 2017

Sheila Drew Smith OBE is an economist by background. She was an independent assessor for public appointments (OCPA) from 1997 to 2012 and undertakes selection work in the private sector. She is the Chair of the National Approved Letting Scheme and a committee member for Safe Agents. She is also a member of the appointments panel of the Bar Standards Board, the Member Selection Panel of Network Rail, an independent panel member for RICS and a number of other regulatory bodies. She was a board member of the Housing Corporation between 2002 and 2008, the Audit Commission between 2004 and 2010, and the Infrastructure Planning Commission and the Office of the Regulator of Social Housing until March 2012. Prior to this she was a partner in the predecessor firms of PricewaterhouseCoopers working in the UK and internationally. Her earlier career was in the civil service.

Dame Angela Watkinson DBE MP

Appointed: 30 November 2012 **Term ends:** 30 November 2017

After an early career in banking and a family career break, Dame Angela Watkinson worked for several local authorities in special education and central services. She has served as a councillor for both the London Borough of Havering and an Essex County Council. Angela was elected as Conservative MP for Upminster in 2001 and continues to serve her enlarged constituency of Hornchurch and Upminster. She has spent most of her

Parliamentary Career as a Whip, and Lord Commissioner to the Treasury. Angela is also a member of the Parliamentary Assembly of the Council of Europe.

Richard Thomas CBE

Appointed: 17 May 2012 **Term ends:** 16 May 2017

Richard Thomas CBE LL.D. was the Information Commissioner from November from 2002 to 2009 and the Chairman of the Administrative Justice and Tribunals Council (AJTC) from 2009 to 2013. He is currently a Strategy Adviser to the Centre for Information Policy Leadership and has served as Deputy Chairman of the Consumers Association, as Trustee of the Whitehall and Industry Group, and as Board Member of the International Association of Privacy Professionals (IAPP). During his earlier career his roles included Director of Consumer Affairs at the Office of Fair Trading from 1986 to 1992 and Director of Public Policy at Clifford Chance, the international law firm, from 1992 to 2002.

Members appointed in 2015

Monisha Shah

Appointed: 1 December 2015 **Term ends:** 30 November 2020

Monisha took up post on 1 December for a five year term. She is Chair of Rose Bruford College of Theatre and Performance, non-executive director of Imagen Ltd, Cambridge, and independent non-executive director, Next Mediaworks Plc, India.

Monisha served as Trustee of Tate until July 2015. She was also Tate's Liaison Trustee to the National Gallery Board from June 2013. In July 2013, she joined the Board of the Foundling Museum. She has served on several councils and committees for all of the above, including Nominations, Governance, Remuneration, Digital Media, Ethics and Freedom of Information. Monisha has served on several panels as an Independent Member, including Triennial Reviews of the British Council and the British Film Institute, and the appointments panel for the Chair of the BFI.

Monisha's last executive role was with BBC Worldwide, where she worked for 10 years. She was Director of Sales for Emerging Markets, including Europe, Middle East, India and Africa where she was responsible for the exploitation of British intellectual property across television, radio, digital media and publishing. She represented BBC Worldwide on several Boards including joint ventures for radio and magazines. She stepped down from this role in 2010.

Monisha is a graduate of the University of Bombay, India; she also has a post-graduate degree from SOAS, and an executive MBA from the London Business School. She was elected Young Global Leader by the World Economic Forum in February 2009.

Research Advisory Board

The Committee's work is supported by a Research Advisory Board. The current Board members are:

- **Professor Mark Philp** (Chairman), Professor, Director of the European History Research Centre, Dissertation Coordinator, Department of History, University of Warwick
- **Dr Jean Martin**, Senior Research Fellow, Social Inequality and Survey Methods, Department of Sociology, University of Oxford
- **Professor Cees van der Eijk**, Professor of Social Science Research Methods, Director of Social Sciences Methods and Data Institute, University of Nottingham
- **Dr Wendy Sykes**, Director of Independent Social Research Ltd (ISR) and Member of the SRA implementation group on commissioning social research.

Members' attendance (1 April 2015 – 31 March 2016)

The table below shows the total number of meetings that each member of the Committee could have attended and the number they actually attended.

Name	Possible meetings	Actual meetings
Lord Bew	10	10
Lord Alderdice	10	4
Rt Hon Dame Margaret Beckett DBE MP	10	8
Patricia Moberly	10	10
Richard Thomas	10	9
David Prince	4	2
Sheila Drew Smith OBE	10	10
Dame Angela Watkinson DBE MP	10	9
Carolyn Fairbairn	4	4
Monisha Shah CBE	3	3

In addition to the monthly Committee meetings, all members attend a variety of other meetings and briefings in relation to the business of the Committee.

Remuneration

Committee members who do not already receive a salary from public funds for the days in question may claim £240 for each day they work on committee business. The Chair is paid on the basis of a non-pensionable salary of £500 per day, with the expectation that he should commit an average of 2–3 days a month, although this can increase significantly during Committee inquiries. All members are reimbursed for expenses necessarily incurred.

For the period 1 April 2015 to 1 March 2016 committee members other than the Chair claimed a total of £34,897.13 in fees and expenses.

In total, the Chair claimed £15,373.52 in fees and expenses.

Code of Practice

In accordance with the best practice recommended in its first report, members of the Committee formally adopted a code of practice in March 1999. The code is available on the website and has been reviewed periodically by the Committee, most recently in July 2011. The Code is required to be reviewed once during the tenure of each Chair. The Code is currently under review and an updated version will be published in the second half of 2016. Members provide details of any interests that might impinge on the work of the Committee through the Committee's register of interests, also available on the website at <https://www.gov.uk/government/publications/register-of-interests>

APPENDIX 2: FINANCIAL INFORMATION

Expenditure	2014–2015 (£)	2015–2016 (£)
Staff costs and fees	254,950	218,009.44
Other running costs	124,000	85,423.49
Total net expenditure	378,950	303,432.93

As an advisory Non-Departmental Public Body (NDPB), the Committee receives its delegated budget from the Cabinet Office. The Cabinet Office Accounting Officer has personal responsibility for the regularity and propriety of the Cabinet Office vote. Day-to-day responsibility for financial controls and budgetary mechanisms are delegated to the secretary of the Committee including responsibility for certain levels of authorisation and methods of control. Creation of all new posts and the use of external resources are subject to the approval of the Cabinet Office Approvals Board.

The Secretary and the rest of the secretariat are permanent civil servants employed by the Cabinet Office or on secondment from other departments.

Whilst the core secretariat has been reduced to three, the Secretary can and has used the budget to buy-in additional time limited resource to service specific inquiries and reviews. This level of resource necessarily constrains the choices the Committee makes in relation to its work programme and, together with the time taken to secure approvals, affects its ability to respond quickly and comprehensively to standards issues as they emerge.

The Secretary to the Committee is responsible for setting out the outputs and outcomes which the Committee plans to deliver with the resources for which they have delegated authority, and for reporting regularly on resource usage and success in delivering those plans. The Secretary is also responsible for maintaining a robust system of internal control over the resources she has delegated authority, and for providing the accounting officer with assurances that those controls are effective.

For the year 2014–15 the Committee's budget allocation was £400,000. There was an under spend of £21 050. The main causes of this underspend were savings generated by small forecast underspends on pay costs and press officer services. Both of the projects on the two most recent reports also ran into the current financial year.

APPENDIX 3: REPORTS AND PUBLICATIONS

The Committee has published the following reports:

- Ethics for Regulators – (Cm XXX) (July 2016)
- Tone from the top – leadership ethics and accountability in policing (Cm 9057) (June 2015)
- Ethics in Practice: Promoting Ethical Standards in Public Life (July 2014)
- Ethical standards for providers of public services (June 2014)
- Strengthening transparency around lobbying (November 2013)
- Standards matter: A review of best practice in promoting good behaviour in public life (Fourteenth Report (Cm 8519)) (January 2013)
- Political Party Finance – Ending the big donor culture (Thirteenth Report (Cm 8208)) (November 2011)
- MPs' Expenses and Allowances: Supporting Parliament, Safeguarding the Taxpayer (Twelfth Report (Cm7724)) (November 2009)
- Review of the Electoral Commission (Eleventh Report (Cm7006)) (January 2007)
- Getting the Balance Right: Implementing Standards of Conduct in Public Life (Tenth Report (Cm6407)) (January 2005)
- Defining the Boundaries within the Executive: Ministers, Special Advisers and the permanent Civil Service (Ninth Report (Cm 5775)) (April 2003)
- Standards of Conduct in the House of Commons (Eighth Report (Cm 5663)) (November 2002)
- The First Seven Reports – A Review of Progress – a stock-take of the action taken on each of the 308 recommendations made in the Committee's seven reports since 1994 (September 2001)
- Standards of Conduct in the House of Lords (Seventh Report (Cm 4903)) (November 2000)
- Reinforcing Standards (Sixth Report (Cm 4557)) (January 2000)
- The Funding of Political Parties in the United Kingdom (Fifth Report (Cm 4057)) (October 1998)
- Review of Standards of Conduct in Executive Non-Departmental Public Bodies (NDPBs), NHS Trusts and Local Public Spending Bodies (Fourth Report) (November 1997)
- Standards of Conduct in Local Government in England, Scotland and Wales (Third Report (Cm 3702)) (July 1997)
- Local Public Spending Bodies (Second Report (Cm 3270)) (June 1996)

- Standards in Public Life (First Report (Cm 2850)) (May 1995)

Since 2004, the Committee has also undertaken four biennial surveys of public attitudes towards conduct in public life. Findings were published in 2004, 2006, 2008, 2011 and 2013.

Annual Report 2015–16 and Business Plan 2016–17

Published electronically by the Committee on Standards in Public Life

The Committee on Standards in Public Life

Room GC05

1 Horse Guards Road

London SW1A 2HQ

Tel: 020 7271 2948

Internet: <https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>

Email: public@public-standards.gov.uk

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