

Standards Committee

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 3 OCTOBER 2024 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Paul Oatway QPM (Chairman), Cllr Allison Bucknell (Vice-Chairman), Cllr Matthew Dean, Cllr Christopher Newbury, Cllr Bill Parks, Cllr Sam Pearce-Kearney and Cllr Derek Walters

Also Present:

Cllr Richard Britton

106 **Apologies and Membership**

Apologies were received from:

Cllr Mike Sankey
Gordon Ball

The following membership changes were noted:

Cllr Pip Ridout, to be removed as a Member of the Committee and Councillor Christopher Newbury to be appointed as a Member of the Committee.

107 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 2 July 2024 were presented for consideration.

It was;

Resolved

To approve and sign the minutes as a true and correct record.

108 **Declarations of Interest**

There were no declarations of interest.

109 **Chairman's Announcements**

There were no announcements.

110 **Public Participation**

No questions were submitted within the timeframe as set out in the agenda.

111 **Status Report on Code of Conduct Complaints**

The Committee received the status report, updating on the number and outcome of Code of Conduct complaints received since the last meeting on 2 July 2024 and providing a summary of the complaints considered by the Assessment Sub-Committee (ASC).

There had been 14 Code of Conduct complaints received by the Monitoring Officer during the period of 24 June – 24 September 2024. These were broken down into the following:

- 4 dismissed by the Monitoring Officer due to the allegations relating to a member acting in their private capacity.
- 4 dismissed by the Monitoring Officer under paragraph 4.4 of Protocol 11.
- 2 dismissed by the Monitoring Officer due to the complaint being regarding an employment matter between the Complainant and council.
- 1 dismissed by the Monitoring Officer due to the complaint being regarding the actions of the council as a corporate body.
- 1 dismissed by the Monitoring Officer due to being out of time under paragraph 3.2 of Protocol 11.
- 1 determined as requiring No Further Action by the Assessment Sub-Committee.
- 1 awaiting assessment by the Monitoring Officer

A table of current cases had been provided to the Chairman on 3 October 2024, for a dip sample of cases to be undertaken to enable oversight.

The Committee discussed the possibility of mediation during the initial assessment of each complaint, where it was clarified that as set out in Protocol 11 (para 5.1), that the Monitoring Officer may at any point, seek to resolve the matter through alternative resolution, which may involve mediation, training, an apology by the Subject Member or other suitable action.

The Monitoring Officer noted that whilst mediation may be appropriate for some cases, it was not suitable for the majority of the Code of Conduct complaint cases received and could not be required.

After a discussion, it was,

Resolved:

To note the position on Code of Conduct Complaints.

112 **Complaints Procedure**

The Committee considered the report which set out proposed changes to Protocol 6 – Complaints Procedure, of the Constitution.

It was noted that the changes were in response to the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) which had each published new Complaint Handling Codes in February 2024.

The Council's Complaints Procedure involves two stages, with a response provided by the relevant service area at Stage 1 and an independent investigation undertaken by the Complaints Team at Stage 2.

The most significant change was an overall reduction in the time permitted for responding to complaints under the LGSCO at Stages 1 and 2. The amended timescales are shown in the table below:

Complaint stage	Wiltshire Council current practice (working days)	New LGSCO Code time limit (working days)
Complaint acknowledgement	2	5
Stage 1 response	20	10
Stage 1 extension	10	10
Stage 2 response	30	20
Stage 2 extension	10	20

The other main change was to definitions with Protocol 6 to make the process clearer.

At present there was no set timeframe for a customer to request an escalation from Stage 1 to Stage 2 by. A further update was suggested which would set out a set period of time in which an escalation must be requested, for example within 12 months.

The Committee discussed the proposed changes and considered 12 months to be an excessive period for which to request an escalation. The Officer advised that there was no guidance from the Ombudsman in regard to the capping of a specific timeframe either way.

Accordingly, Members agreed on the timeframe for a customer requesting an escalation to Stage 2 to be capped at 6 months, from the date the complaint was registered, with there being scope for additional discretion, as set out in Protocol 6.

At the close of discussion, subject to the amended timescale for requesting an escalation, it was;

Resolved

- 1. To recommend that, on 15 October 2024, Full Council adopt the amended Protocol 6 – Complaints Procedure to achieve full compliance with the LGSCO and Housing Ombudsman’s Complaint Handling Codes.**
- 2. To note that the council’s performance against the proposed new timescales will be monitored by the Legal and Governance Performance and Outcomes Board and will be reported to Committee in the Annual Complaints Report 2024-25.**

113 **Whistleblowing Policy**

The Committee received an update on the redrafted Wiltshire Council Whistleblowing Policy which was required to be reviewed every two years.

The Policy allowed for employees, coopted members and contractors to raise issues with the council. In addition, the revisions would include specific reference to elected Members.

The redrafted Policy contained additional provisions to cover concerns raised by members of the public and where these did not fall within the Council’s Complaints process or any other applicable policy.

The current Whistleblowing Policy had also been amended to make it clear that it did not cover schools, as every maintained school should have their own whistleblowing policy.

The Committee discussed the redrafted policy and questioned whether it was possible to remove the officer names and the specific external auditor reference from within the policy text and replace with job titles and a generic ‘internal auditor of the council’ references to reduce the need for future edits when staff or contract changes occurred. This was agreed, with the specific Officer and organisational names to be included in the list of further information, to enable users of the policy a clear route of contact.

The Committee noted that following the final amendments as discussed, the revised policy would be approved by the Cabinet Member for Governance, IT, Broadband, Digital, and Staffing.

It was;

Resolved:

To note the development of the Draft Whistleblowing Policy and the subject work to be undertaken once adopted.

114 **Constitutional Changes**

The Committee received a report on the proposed changes to:

Protocol 2 – Terms of Reference of the Wiltshire Pension Fund Committee (WPFC) and Local Pension Board.

The changes were summarised for the Committee which involved consequential changes to the Pension Fund Committee terms of reference to remove the existence of the Investment Sub-Committee, and other minor changes for clarity. It was confirmed by the Chairman of the Wiltshire Pension Fund Committee that the sub-committee had not met since 2021 as it was considered appropriate that the full committee deal with all matters, and it had met more often each year as a result.

All changes had been electronically reviewed for comment by the Constitution Focus Group, who had made no further suggestions.

Cllr Richard Britton, Chairman of the Wiltshire Pension Fund Committee spoke in support of the changes.

The Committee received clarification on how a Vice-Chairman would be appointed to the WPFC. It was noted that the Chairman would be appointed at Annual Council and that at the discretion of Council the appointment of the Vice-Chairman, drawn from one of the two Swindon Borough Council members could take place at the first meeting of WPFC following Annual Council.

At the close of discussion, it was,

Resolved:

To recommend Full Council approve changes to the following sections of the Constitution:

Protocol 2 – Terms of Reference of the Wiltshire Pension Fund Committee and Local Pension Board

115 **Wiltshire Council Annual Complaints Report 2023-24**

The Committee received an update on Wiltshire Council Annual Complaints Report 2023-24, which set out a detailed picture of the council's complaints activity between 1 April 2023 and 31 March 2024.

The report did not cover complaints about elected members and the Wiltshire Police and Crime Commissioner, which are reported separately to Standards Committee and the Police and Crime Panel respectively.

Since 2022-23, the percentage of complaints about Wiltshire Council upheld by the LGSCO increased by 2% to 62% (though the actual number decreased by

2). This was significantly lower than the 79% average for unitary councils nationally.

The LGSCO upheld a lower percentage of complaints about Wiltshire Council than about all other unitary councils in the South West.

Since 2022-23, the percentage of Stage 1 complaint responses provided on time decreased from 65% to 59%. The percentage of Stage 2 complaint responses provided on time increased from 89% to 92%.

The Committee discussed the scope for reviewing the data and how the data was used to make improvements within the service areas which had the highest level of complaints.

It was explained that the directors of the service areas which had been highlighted as having the highest levels of complaints would be requested to provide feedback on ways to improve service delivery and feedback data, to enable a comparison in next year's annual report.

At the close of debate, it was;

Resolved:

To note the Wiltshire Council Annual Complaints Report 2023-24, including any issues identified through complaints data and the actions in place to address these.

To note the actions to further improve the council's complaints handling function over the next 12 months.

116 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 - 11.40 am)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.alexander@wiltshire.gov.uk

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