

AGENDA SUPPLEMENT (2)

Meeting: Standards Committee

Place: Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Tuesday 2 July 2024

Time: 1.30 pm

The Agenda for the above meeting was published on 24 June 2024. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Lisa Alexander of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01722 434560 or email lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

5 **Public Participation – Public Question & Response (Pages 3 - 6)**

DATE OF PUBLICATION: 1 July 2024

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Question for the Standards Committee Membership

Question – Given overview of corporate complaints handling and oversight of the constitution are the responsibility of the Standards Committee, in light of the following justification, will the Standards Committee undertake an investigation into the Stage 1 handling of complaint COM143339 and COM143339S and report its findings?

Justification - Reference to Wiltshire Council Complaints COM143339 and COM143339S will show they were not handled in accordance with Wiltshire Constitution Protocol 6 Complaints Procedure. Whereas Protocol 6 requires the Stage 1 response be provided by the 'relevant service team', it will be found that COM143339 and COM143339S Stage 1 responses were provided by a Corporate Director. It will therefore be apparent to the Standards Committee that the issuing of a Stage 1 complaint response by a Corporate Director required either, -

- the 'relevant service team' relinquishing their complaint handling role and responsibility as defined by Protocol 6 thereby rendering that service team complicit in transgressing the Stage 1 complaints procedure, or
- the 'relevant service team' were prevented from fulfilling their Stage 1 complaint handling role and responsibilities as defined by Protocol 6, or
- the 'relevant service team' produced a Stage 1 response as required by Protocol 6 but it was not released having been intercepted and discarded by a Corporate Director who favoured composing and issuing her own Stage 1 response.

Objective - An investigation into the Stage 1 handling of COM143339 and COM143339S will confirm the issuing of a Stage 1 response by a Corporate Director was a deliberate deviation from Protocol 6 making it an 'area of concern' that has devalued Wiltshire Council Constitution and corrupted the integrity of the Corporate Complaints Department. An investigation will also provide the opportunity to determine whether or not the Complaints Department enjoys the autonomy essential for ensuring its reviews and investigations are conducted independently and impartially, and free from fear, favour or interference. The investigation will also afford the Standards Committee the opportunity to identify those improvements necessary to ensure strict adherence to Wiltshire Council Constitution by members, officers, managers, directors and executives of all disciplines at all levels since existing assurances embodied in the Constitution have been proven inadequate and ineffective by the actions of a Corporate Director.

Authority - Wiltshire Council Constitution Protocol 6 Complaints Procedure, item 1.3.5 declaration that it is a function of the Complaints Procedure to '*learn from customer feedback in order to improve*', and the 'Learning from complaints' block on page 6 requires '*areas of concern are reported to senior officers and councillors*'.

Limitation - The Standards Committee is politely and respectfully asked to ensure that it confines its investigation to the Councils Stage 1 handling of COM143339 and COM143339S since neither the Councils Stage 2 investigation or the LGSCO findings have any relevance to the question.

Procedure – This matter was previously rejected by the Chairman of the Standards Committee on the advice of the Monitoring Officer (who also serves as Corporate Complaints Officer), for the sole reason the LGSCO findings had not been published

on the LGSCO website. Now that it has been published the question is resubmitted, albeit more comprehensively presented in an endeavour to prevent further irrelevancies causing delay. Since Constitution Part 2, item 3.6 prevents both the Chairman and the Monitoring Officer/Corporate Complaints Officer from reviewing or scrutinising a decision in which they have been previously involved, the Standards Committee has been marginalised as it cannot function in accordance with its constitutional procedure (as written). As the Constitution does not cater for this situation, it is reasonable to expect the Standards Committee membership to revert to their primary constitutional role as defined by Part 12 Code of Conduct for Members, Appendix 1, item 7.4.4, *'To contribute to decision making by monitoring the performance of local services to ensure they are held to account'* and to pursue the above question unrestrained by constitutional procedures because of the conflicting constitutional demands arising from the first submission.

Response:

As indicated in the question, the council's Protocol 6 – Complaints Procedure requires 'the relevant service team' to provide a response to complaints at Stage 1 of the Procedure. Typically, such responses are provided by an officer at the manager or head of service level, but sometimes it is appropriate for the response to be provided by a director with responsibility for the relevant service. This approach is still fully in accordance with Protocol 6.

Where requested by the complainant, a further review is then undertaken and response provided at Stage 2 of the Procedure by the council's Complaints team.

If the complainant remains dissatisfied following receipt of the Stage 2 response, they are able to ask the Local Government and Social Care Ombudsman to review the matter.

In this case, the question to the Committee has not been submitted by the complainant, nor has the complainant given permission to the council for any third party to act on their behalf. As such, the council will not confirm which published LGSCO decision relates to the council complaint reference included in the question. However, it is confirmed that, having reviewed the matter, the LGSCO concluded:

1. *"There was no fault in the way the Council assessed the service user's needs.*
2. *There was fault when the Council failed to update the service user's assessment.*
3. *The Council apologised and updated the assessment. I consider this remedies the injustice."*

The LGSCO raised no concerns about the process followed by the council in handling the complaint.

For clarity, under the Constitution the Standards Committee is responsible for the following functions in relation to corporate complaints:

"2.5.7.9. overview of corporate complaints handling and Ombudsman investigations;

2.5.7.10 reviewing the implementation of recommendations made by the Ombudsman”.

The Committee play no operational role in handling individual complaints processed under the council’s Complaints Procedure.

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