

AGENDA

Meeting: Standards Committee

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

Date: Tuesday 3 October 2023

Time: 2.00 pm

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

Membership:

Cllr Paul Oatway QPM (Chairman)	Cllr Mike Sankey
Cllr Allison Bucknell (Vice-Chairman)	Cllr Iain Wallis
Cllr Andrew Davis	Cllr Derek Walters
Cllr Matthew Dean	Gordon Ball
Cllr Ruth Hopkinson	Kathy Barnes
Cllr Bill Parks	Joanne Cetti
Cllr Sam Pearce-Kearney	Julie Phillips
Cllr Pip Ridout	

Substitutes:

Cllr Richard Britton	Cllr Mel Jacob
Cllr Trevor Carbin	Cllr Gordon King
Cllr Ernie Clark	Cllr Kathryn Macdermid
Cllr Howard Greenman	Cllr Dr Nick Murry
Cllr Jon Hubbard	Cllr Graham Wright

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Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

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The full constitution can be found at [this link](#).

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AGENDA

Part 1

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

2 **Minutes** (*Pages 5 - 8*)

To confirm the minutes of the meeting held on 20 June 2023 (*copy attached*).

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Tuesday 26 September 2023 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Thursday 28 September 2023. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Wiltshire Council Annual Report Complaints 2022-23** (*Pages 9 - 42*)

To note the Annual Report.

7 **Status Report on Code of Conduct Complaints** *(Pages 43 - 48)*

To note the Status Report on the current position on Code of Conduct Complaints.

8 **Urgent Items**

Part II

Item(s) during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

Standards Committee

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 20 JUNE 2023 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Paul Oatway QPM (Chairman), Cllr Allison Bucknell (Vice-Chairman),
Cllr Andrew Davis, Cllr Ruth Hopkinson, Cllr Sam Pearce-Kearney, Cllr Mike Sankey,
Cllr Derek Walters, Gordon Ball, Joanne Cetti and Julie Phillips

68 **Apologies for Absence**

Apologies were received from:

- Cllr Pip Ridout
- Cllr Bill Parks
- Cllr Iain Wallis

69 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 19 April 2023 were presented for consideration.

It was;

Resolved

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

70 **Declarations of Interest**

There were none.

71 **Chairman's Announcements**

There were none.

72 **Public Participation**

Public Speakers

Mr Francis Morland spoke in relation to item 8 – Recommendations from the Constitution Focus Group on Proposed Changes.

Mr Morland stated he was opposed to the Council decision taken to adopt the current Code of Conduct in place of the previous light touch version, though the recommended changes were an improvement.

The Chairman noted that the process undertaken by the Standards Committee and the Code of Conduct Working Group had been extensive, and he considered the proposals in the report addressed issues that arisen.

The Committee also noted that the Code of Conduct adopted by Wiltshire Council was for its members only and that when a complaint was assessed against a member of a town or parish council, it would be done so against the code relevant to each individual council.

There were no other statements.

Two questions had been submitted by Mr Peter Gantlett, in time for a written response.

The questions and responses had been published as supplement 1 to the agenda.

73 **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 19 April 2023 and providing a summary of the complaints considered by the Assessment Sub-Committee (ASC).

There had been 4 Code of Conduct complaints received by the Monitoring Officer during that period. Of these, 1 was determined No Further Action (NFA) by the Monitoring Officer, 1 was resolved via Informal Resolution, 2 were due to be assessed by the ASC at its next meeting on 20 June 2023 (on the morning of the day of the Standards Cmmtt meeting). There were currently 4 investigations running.

A table of current cases had been provided to the Chairman on 12 April and 14 June 2023, for a dip sample of cases to be undertaken to enable oversight.

The Chairman of the Assessment Sub Committee noted that the level of complaints was variable, with often multiple complaints related to the same few parish councils, which appeared not to be functioning properly.

It was suggested that those parish councils involved in multiple Code of Conduct complaints, and which were felt not to be functioning correctly, could be named in future.

The Monitoring Officer agreed that this information could be included. He commended the professional manner in which the members of the ASC, the

Independent Persons and the Complaints Team carried out their duty which was of a high standard.

After a discussion, it was,

Resolved:

To note the position on Code of Conduct Complaints.

74 **Appointment of Members to the Sub-Committees and Working Groups**

The Committee noted the report.

It was;

Resolved;

1) To appoint five members to the Standards Assessment Sub-Committee for the forthcoming year as follows:

**Cllr Ruth Hopkinson, Cllr Richard Britton, Cllr Ernie Clark,
Cllr Gordon King, Cllr Sam Pearce Kearney**

2) To agree the terms of reference for the Constitution Focus Group, and appoint a Standards Committee representative as follows:

Cllr Richard Britton.

75 **Recommendations from the Constitution Focus Group on Proposed Changes to the Constitution**

Kieran Elliott, Democracy Manager (Democratic Service) presented a report on the proposed changes to:

- Parts 12 – Code of Conduct,
- Protocol 4 – Planning Code of Good Conduct and
- Protocol 12 – Wiltshire Police and Crime Panel Protocol

All changes had been recommended by the Constitution Focus Group. It was confirmed changes to Protocol 12 would also need to be approved by Swindon Borough Council.

It was,

Resolved

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

- Part 12 – Code of Conduct
- Protocol 4 – Planning Code of Good Practice
- Protocol 12 – Wiltshire Police and Crime Panel Protocol

76 **Date of the Next Meeting**

Resolved;

It was agreed that the next meeting would be held on 28 September 2023 at 2.00pm.

77 **Urgent Items**

(Duration of meeting: 2.00 - 2.35 pm)

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

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

Wiltshire Council

Overview and Scrutiny Management Committee

26 September 2023

Standards Committee

3 October 2023

Wiltshire Council Annual Complaints Report 2022-23

Purpose

1. To present the Wiltshire Council Annual Complaints Report 2022-23 (**Appendix 1**).

Background

2. The Annual Complaints Report provides a detailed picture of the council's complaints activity between 1 April 2022 and 31 March 2023. The report does 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.
3. The Annual Complaints Report presents information about:
 - How promptly complaints were responded to and resolved;
 - How many potential complaints were triaged and resolved informally as service requests;
 - How many complaints and service requests were received overall;
 - Which services we received complaints about;
 - The underlying factors behind identified complaint trends and the measures in place to address them;
 - The outcome of complaints;
 - How many complaints were received, investigated and upheld by the Local Government and Social Care Ombudsman (LGSCO);
 - How complainants choose to submit their complaints.
4. The Annual Complaints Report presents data covering the last five years to illustrate any trends across these measures.

Main Considerations

Annual Complaints Report headlines

5. The key headlines are:
 - Complaints have **increased** by 12% since 2021-22, ending the gradual decline seen since 2018-19. A rise in complaints received relating to the

council's Special Educational Needs and/or Disabilities (SEND) & Inclusion service more than accounts for this overall increase.

- Complaints resolved as 'service requests' **increased** by 35% to 1,787.
 - The number of complaints resolved at Stage 1 of the corporate Complaints Procedure continues to steadily **decrease**.
 - The number of complaints resolved at Stage 2 of the corporate Complaints Procedure has **increased** by 43% since 2021-22.
 - The service areas attracting the highest numbers of **formal complaints** were:
 1. **Children's Services**¹ (148) – an increase of 68% on the previous year and the highest annual total over the last five years.
 2. **Adult Social Care** (74)² – an increase of 16% on the previous year, ending the gradual decline seen since 2018.
 3. **Development and Building Control** (60) – a decrease of 15% on the previous year.
 - The service areas attracting the highest numbers of complaints that were **resolved informally** (i.e. as **service requests**) were:
 1. **Waste Management** (387) – an increase of 51% on the previous year
 2. Highways, Transport and Streetscene (307) – an increase of 31% on the previous year
 3. **Housing** (195) – an increase of 40% on the previous year.
 - There was small **increase** to the percentage of complaints upheld or partially upheld by the council.
6. The report refers to the findings presented in the LGSCO's Annual Review Letter 2022-23 for Wiltshire Council (**Appendix 2**). The annual letters provide a breakdown of the Ombudsman's investigations and findings during the year. The 2022-23 letter shows that:
- There was a 10% **increase** in the number of complaints about the council received by the LGSCO, but a **decrease** in those requiring investigation.
 - The percentage of complaints about the council upheld by the LGSCO **decreased** by 2%, while the percentage of complaints upheld about other unitary councils **increased** by 8%
 - The council paid £8,750 in financial remedies following recommendations from the LGSCO, £6,900 of which related to delays in the issuing of Emotional Health and Care Plans (EHCPs).

¹ Throughout the report, 'Children's Services' refers to the Children and Families, and Education and Skills directorates.

² Throughout the report, 'Adult Social Care' refer to the Ageing and Living Well, and Wholelife Pathway directorates.

- The council complied with **all** LGSCO recommendations following upheld complaints .

Issues identified

7. The analysis and reporting of complaints activity is an important part of a learning culture for the organisation. Without a detailed picture of complaints activity, elected members and officers are less able to identify and address issues with service delivery.
8. Under the section ‘What did we receive complaints about?’, the Annual Report breaks down the complaints received regarding key services. It highlights specific issues experienced by some services in 2022-23 including:
 - A significant increase in complaints about SEND & Inclusion services, specifically in regard to Educational Health and Care Plans (EHCPs);
 - An increase in complaints about Adult Social Care;
 - Several services that, while they do not attract a significant number of formal complaints, create comparatively high numbers of complaints ultimately resolved as service requests (e.g. Waste, Highways, Streetscene & Transport and Housing).
9. The Annual Report includes information about the factors behind these trends and the actions in place to address them.

Improvements to the council's complaints handling function

10. To further enhance the council's complaint handling function, the following actions are planned for the next 12 months:
 - A new complaints casework management system is being developed by ICT and will enable more comprehensive reporting to support officers to identify and resolve emerging issues promptly.
 - The Complaints team are now delivering training for service teams in complaint handling and developing council-wide guidance. Of particular focus is supporting all services to:
 - a. **Increase** the percentage of complaints resolved early and informally;
 - b. **Decrease** the percentage of complaints progressing to Stage 2 by providing comprehensive Stage 1 responses that include remedies where appropriate;
 - c. **Increase** the percentage of Stage 1 complaint responses provided within timescales;
 - d. **Increase** the percentage of complaints received by the LGSCO where it determines that the council has already provided a satisfactory remedy.

Proposals

11. To note the Wiltshire Council Annual Complaints Report 2022-23

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

Perry Holmes, Monitoring Officer and Director for Legal & Governance

Report author: Henry Powell, Democracy and Complaints Manager, 01225 718400
complaints@wiltshire.gov.uk

Date: 12 September 2022

Appendices

Appendix 1 Wiltshire Council Annual Complaints Report 2022-23

Appendix 2 Wiltshire Council's Annual Review Letter 2022-23 – Local Government and Social Care Ombudsman

Wiltshire Council

Annual Complaints Report

2022-2023

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Introduction

1. This Annual Complaints Report provides an overview of the complaints Wiltshire Council received between 1 April 2022 and 31 March 2023 and how we have dealt with them (though we have not published the names or other personal details of people who have complained).
2. Wiltshire Council welcomes feedback to help us to identify and address problems for customers, and to improve our services. We aim to deliver a complaints function that:
 - is simple for everyone to use and understand
 - is led and supported by the very top of the organisation
 - ensures excellent service standards are delivered
 - fulfils the needs of our customers
 - enables us to learn from customer feedback in order to improve
 - complies with the relevant legislation and council policy
 - focuses on fair, proportionate resolution at the earliest stage
 - works in an open-minded and impartial way.

What is a complaint?

3. Complaints can be wide-ranging, but can be defined as:
 - a failure to provide a service, or an inadequate standard of service
 - dissatisfaction with the application of a council policy
 - treatment by, or attitude, of a member of staff
 - disagreement with a decision where the customer cannot use another procedure to resolve the matter
 - the council's failure to follow the appropriate administrative process.
4. It should be noted that when an issue is raised with the council for the first time, where appropriate, it is treated as a request for a service, rather than as a formal complaint. This reflects how the customer's priority is usually to have their issue promptly resolved, rather than to make a formal complaint. However, such service requests can escalate to formal complaints if the customer remains dissatisfied.

How do we handle complaints?

5. The council has a dedicated Complaints team, sitting within Democracy, Governance and Customer Services, and the Legal and Governance directorate. The Complaints team works closely with council services to respond to and address issues raised by customers.
6. To meet its statutory obligations, the council has several complaints procedures. Customers are supported to follow the appropriate route when they submit their complaint. The procedures are as follows:

	Stage 1	Stage 2	Stage 3
<p>1. Complaints Procedure (Protocol 6 of the Constitution)</p> <p><i>For all complaints, except those falling under the procedures outlined below.</i></p>	<p>Acknowledged within 2 days</p> <p>Response from the relevant service team within 20 days* (can be extended by 10 days)</p> <p>*within 10 days for complaints about the council as a housing landlord</p>	<p>Independent investigation and written response from the Complaints team</p>	<p>Customer referral to the Local Government and Social Care Ombudsman (LGSCO)</p> <p>or</p> <p>Housing Ombudsman (HO) for independent review.</p>
<p>2. Children’s Statutory Complaints Procedure</p> <p><i>For complaints regarding the council’s actions under the Children Act 1989, which generally includes assessments and services regarding:</i></p> <ul style="list-style-type: none"> • <i>Children in need</i> • <i>Looked after children</i> • <i>Special Guardianship support</i> • <i>Post-adoption support</i> 	<p>Acknowledged within 2 days</p> <p>Response from the relevant service team within 20 days (can be extended to 30 days)</p>	<p>Independent investigation and written response from the Complaints team, overseen by an independent person, within 25 days</p>	<p>Consideration by Independent Review Panel within 30 days</p>
<p>3. Adult Social Care Statutory Complaints Procedure</p> <p><i>For complaints regarding the council’s provision of Adult Social Care services.</i></p>	<p>Acknowledged within 2 days</p> <p>Response from the relevant service team within 6 months (best practice within 20 days)</p>	<p>Customer referral to the Local Government and Social Care Ombudsman (LGSCO) for independent review</p>	<p>N/a</p>
<p>4. Pension complaints</p>	<p>Response from the adjudicator (a person</p>	<p>Response from the referee (cannot be the</p>	<p>Complainant referral to The Pensions</p>

<i>For complaints about decisions made by the employer and/or Wiltshire Pension Fund regarding pensions.</i>	nominated by the body whom the complaint is against) within 2 months Extension permitted	same as the adjudicator) within 2 months Extension permitted	Ombudsman (TPO) for independent review
<p>The council also considers complaints regarding:</p> <ul style="list-style-type: none"> • Elected or co-opted members of local councils in Wiltshire • The Wiltshire Police and Crime Commissioner. <p><i>These types of complaint are dealt with under separate procedures and are not covered within this report.</i></p> <p><i>Please see the council's complaints webpage for further information.</i></p>			

Complaints activity 2022-23

- 7. This report provides an overview of complaints received by the council during the period **1 April 2022 to 31 March 2023**. It also outlines other contacts received by the Complaints team that were resolved without a formal complaints procedure being followed. Typically, these complaints were handled as ‘service requests’, where the Complaints team direct the customer to the appropriate service for resolution of their problem.
- 8. It should be noted that all council teams may receive customer ‘complaints’ directly and, where these are resolved outside of a formal complaints procedure, they are not captured in this report.

Key headlines – 2022/23

- Complaints have **increased** by 12% (43) since 2021-22, ending the gradual decline seen since 2018-19. A rise in complaints received relating to the council’s Special Educational Needs and/or Disabilities (SEND) & Inclusion service more than accounts for this overall increase.
- Complaints resolved as ‘service requests’ have also **increased** by 35% to 1,787, the highest annual total during the past 5 years.
- The number of complaints resolved at Stage 1 of the corporate Complaints Procedure continues to steadily **decrease**.
- The number of complaints resolved at Stage 2 of the corporate Complaints Procedure has **increased** by 43% since 2021-22.
- The service areas attracting the highest numbers of **formal complaints** were:

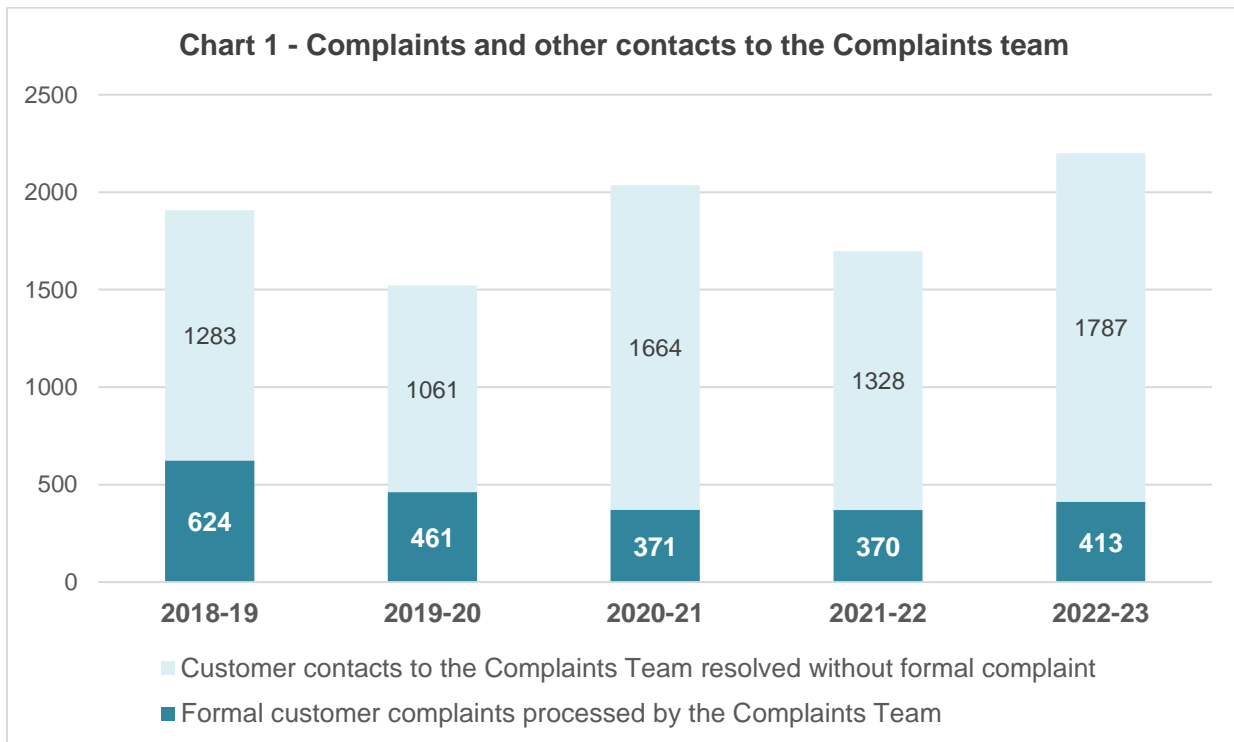
1. **Children's Services**¹ (148) – an increase of 68% on the previous year and the highest annual total over the last five years.
 2. **Adult Social Care** (74)² – an increase of 16% on the previous year, ending the gradual decline seen since 2018.
 3. **Development and Building Control** (60) – a decrease of 15% on the previous year.
- The service areas attracting the highest numbers of complaints that were **resolved informally** (i.e. as **service requests**) were:
 1. **Waste Management** (387) – an increase of 51% on the previous year
 2. Highways, Transport and Streetscene (307) – an increase of 31% on the previous year
 3. **Housing** (195) – an increase of 40% on the previous year.
 - There was small **increase** to the percentage of complaints upheld or partially upheld by the council.
 - There was a 10% **increase** in the number of complaints about the council received by the LGSCO, but a **decrease** in those requiring investigation.
 - The percentage of complaints about the council upheld by the LGSCO **decreased** by 2%, while the percentage of complaints upheld about other unitary councils **increased** by 8%
 - The council paid £8,750 in financial remedies following recommendations from the LGSCO, £6,900 of which related to delays in the issuing of Emotional Health and Care Plans (EHCPs).
 - The council complied with **all** LGSCO recommendations following upheld complaints .

¹ Throughout the report, 'Children's Services' refers to the Children and Families, and Education and Skills directorates.

² Throughout the report, 'Adult Social Care' refer to the Ageing and Living Well, and Wholelife Pathway diectorates.

Number of complaints received

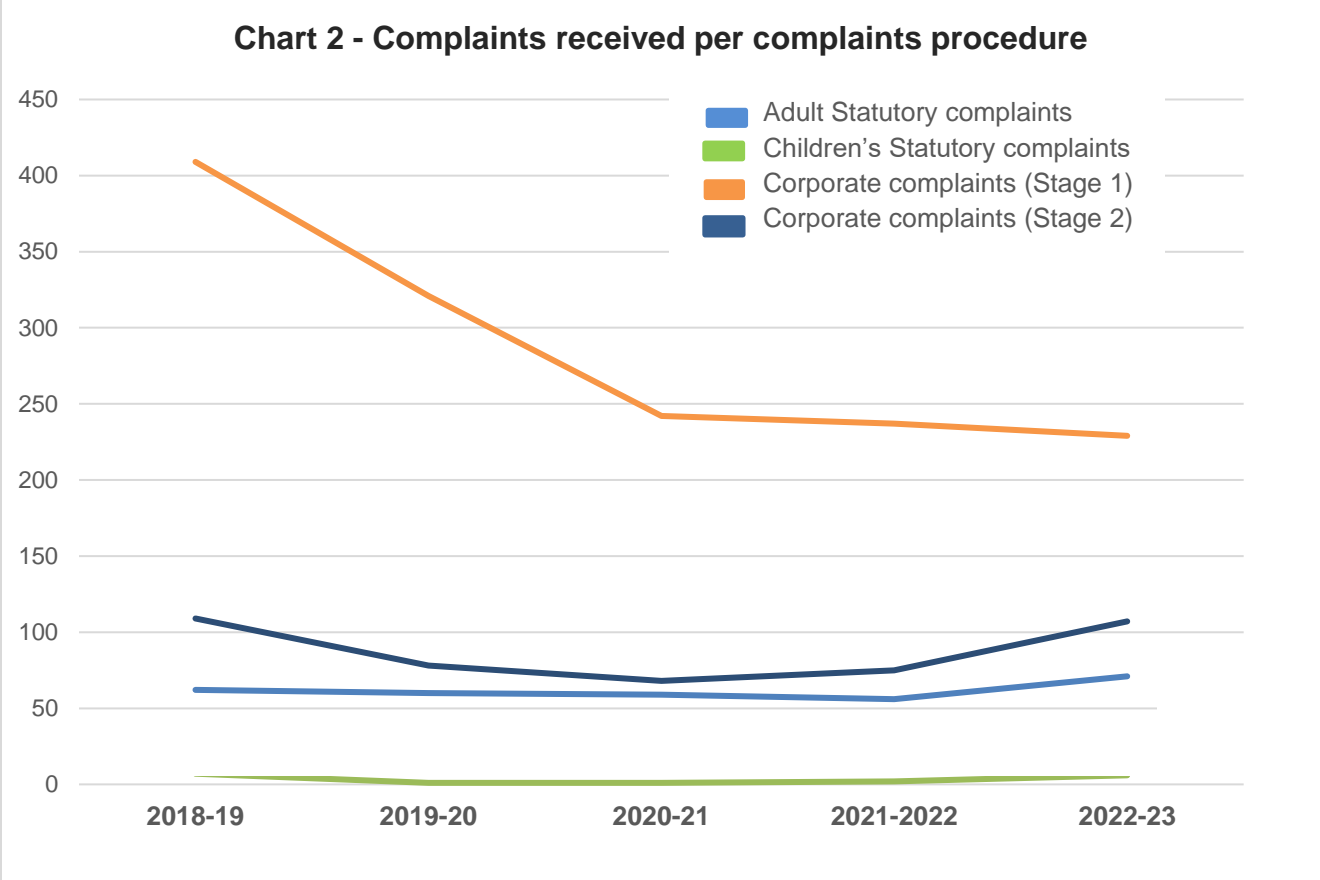
9. As **Chart 1** shows, in 2022-23 the council handled 413 complaints through its formal procedures. This represents an increase of 12% on the previous year and ends the gradual decline in complaints received annually over the past five years. Complaints about Children’s Services accounted for 46% of this increase, with the rest of the increase shared across multiple services. If complaints about SEND & Inclusion had remained at 2021-22 levels, there would have been an overall reduction in complaints to the council of 3%.
10. There were also 1,787 customer contacts to the council’s Complaints team that were resolved without a formal complaint. This represents an increase of 35% on the previous year. The vast majority of the increase relates to contacts regarding Waste Management (51% increase), Highways, Transport and Streetscene (31% increase) and Housing (40% increase).
11. The percentage of contacts to the Complaints team that were taken through a formal complaints procedure decreased from 28% in 2021-22 to 23%.



How the council handled complaints

12. **Chart 2** shows how complaints were handled under the council’s various complaints procedures over the past four years.

- 13. The number of complaints resolved at **Stage 1** of the corporate Complaints Procedure **reduced** slightly, while the number progressing to **Stage 2 increased** by 43%.
- 14. The number of complaints handled under the statutory Adult Social Care procedure **increased** by 27%.
- 15. The number of complaints handled under the statutory Children’s procedures is **stable**.

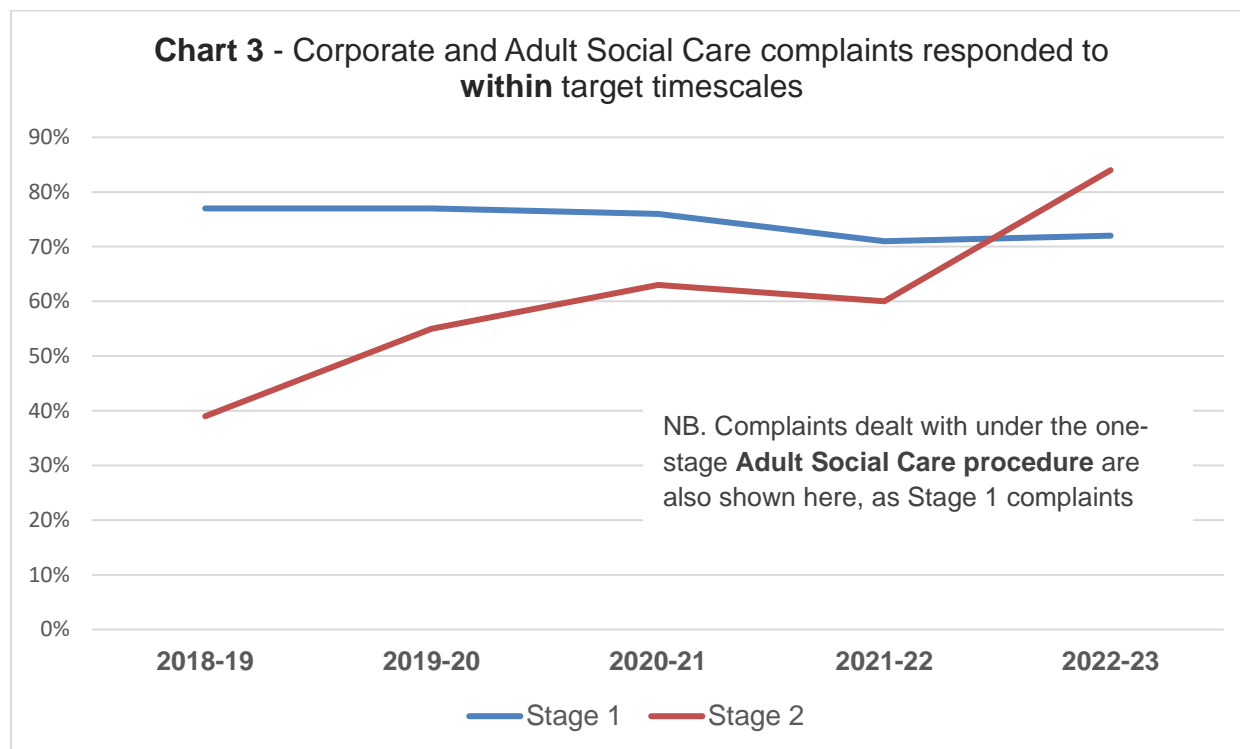


How quickly the council resolved complaints

- 16. The council’s complaints procedures include target timeframes for providing substantive responses to complainants (see paragraph 6 for details).
- 17. **Chart 3** shows the percentage of complaints for which responses were provided within those target timeframes. Stage 1 responses are provided by the appropriate service area. If the complainant remains dissatisfied, a Stage 2 investigation is undertaken by the Complaints team who then provide a further response.
- 18. Complaints dealt with under the Adult Social Care statutory procedure, which is a one-stage process, are reflected in Chart 3 as Stage 1 complaints. The statutory

timeframe for responding to complaints under this procedure is six months, but the council aims to respond within the same timescales as for corporate complaints.

19. In 2022-23, **slightly more** responses to Stage 1 complaints, and **significantly more** response to Stage 2 complaints, were provided on time than in 2021-22. This reflects an increased corporate focus on meeting these timescales, particularly within the Complaints team, which provides responses at Stage 2.

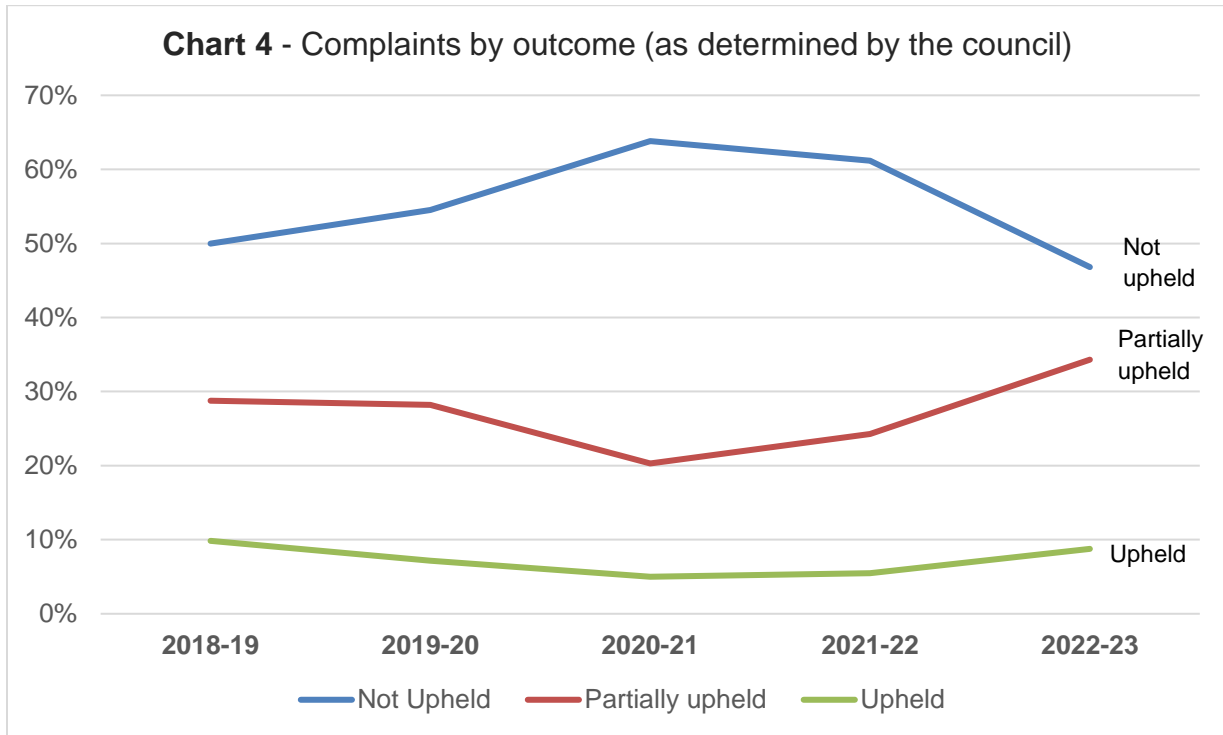


Complaint outcomes

20. Once a complaint is resolved, it is labelled by the council as ‘upheld’, ‘partially upheld’ or ‘not upheld’. For those complaints that are upheld or partially upheld, some form of remedial action is taken, such as provision of a service and an apology to the complainant.
21. **Chart 4** shows the outcomes of complaints, as determined by the council³. In 2022-23:
- 47% of complaints were **not upheld** by the council
 - 34% were **partially upheld** by the council
 - 9% were **upheld** by the council.

³ Unfortunately the data here is incomplete, with only 376 of the 413 complaints received being assigned an outcome. The council is currently developing a new complaints casework management system, which will improve complaints data recording and reporting.

22. This represents a small **increase** in the percentage of complaints being upheld, a more significant **increase** in complaints being partially upheld, and a **decrease** on the percentage of complaints not being upheld, since 2021-22.



23. **Chart 5** shows the outcomes of individual complaints (not *complainants*) broken down by service area. This is described further under the service section below.

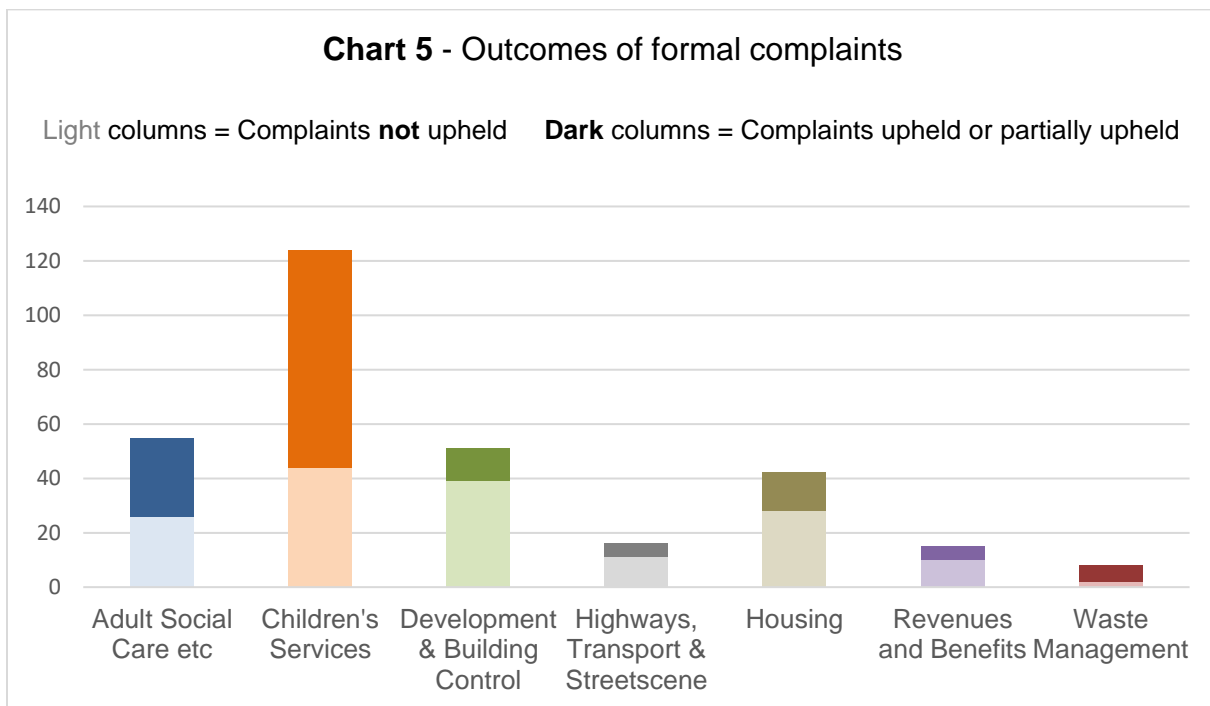
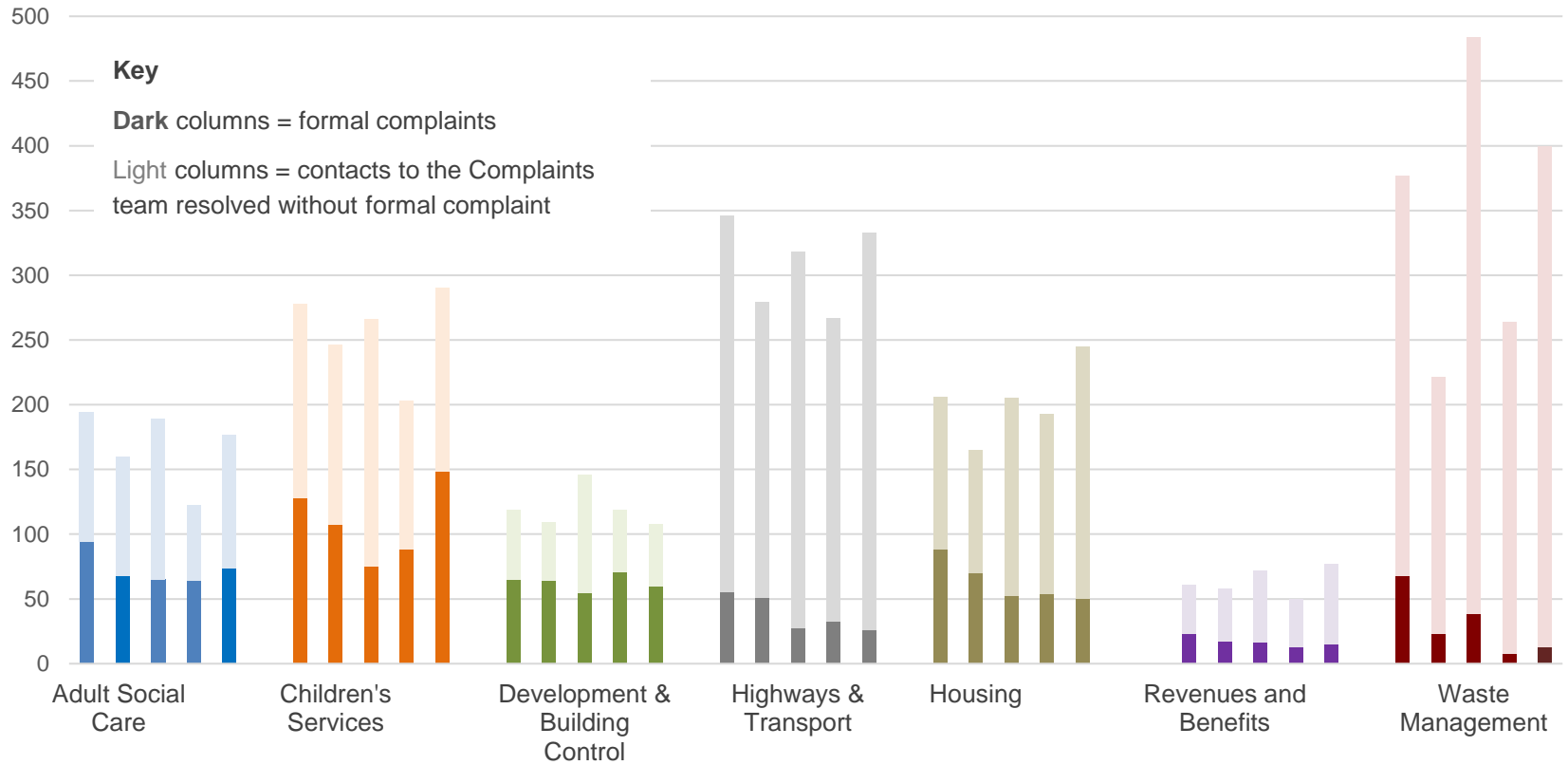


Chart 6 - Complaints and other contacts to the Council's Complaints team

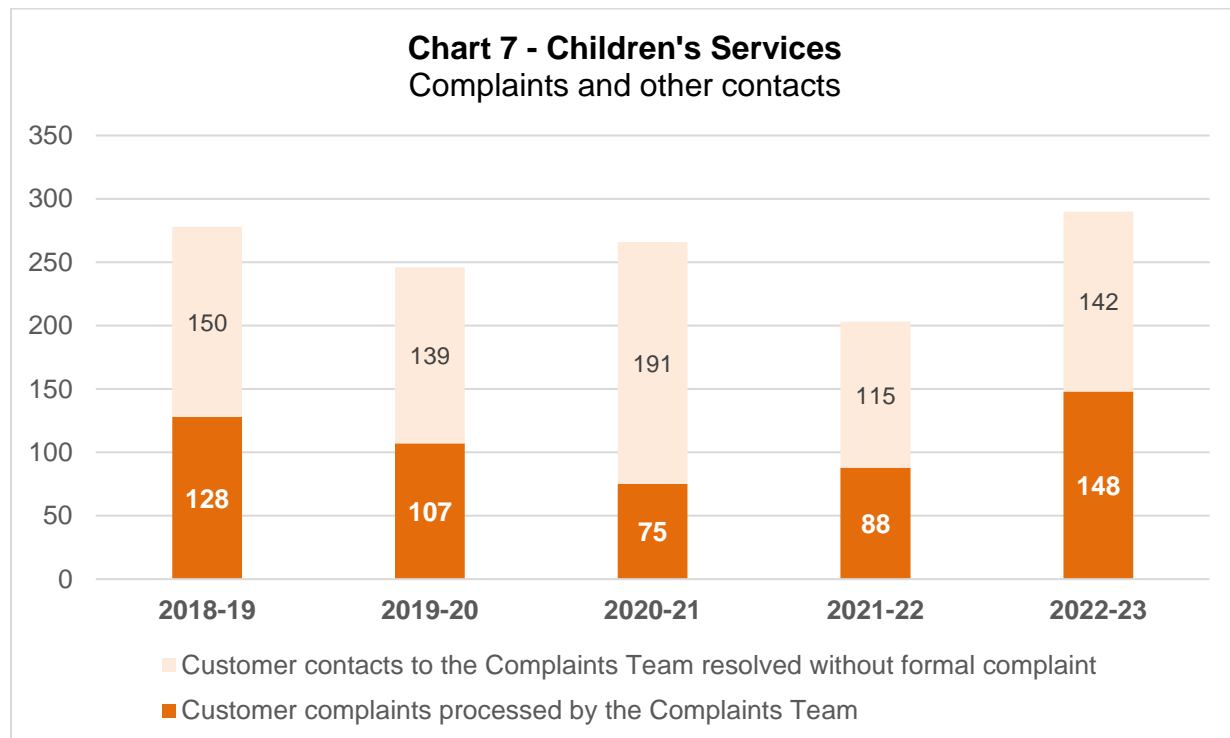


5-year figures: 2018/19 to 2022/23

What did we receive complaints about?

24. **Chart 6** (above) shows how complaints and service requests to the Complaints team were distributed across the **seven** council service areas that attracted the highest number of such contacts. The chart also shows the trends over the last five years.
25. It is important to note that the number of complaints received is significantly influenced by the number of residents who access the service, its importance in their lives and the impact of service decisions (e.g. child protection).
26. **Chart 6** also shows the number of contacts received by the Complaints team that were resolved outside of the formal procedures – typically as service requests. For some areas, the number of formal complaints is relatively low, while the number of service requests is high. This reflects how, for those services, most customers want to resolve their issue (e.g. address a missed bin collection) rather than pursue a formal complaint.
27. The seven service areas are presented below in descending order of the most formal complaints received.

1. Children's Services⁴



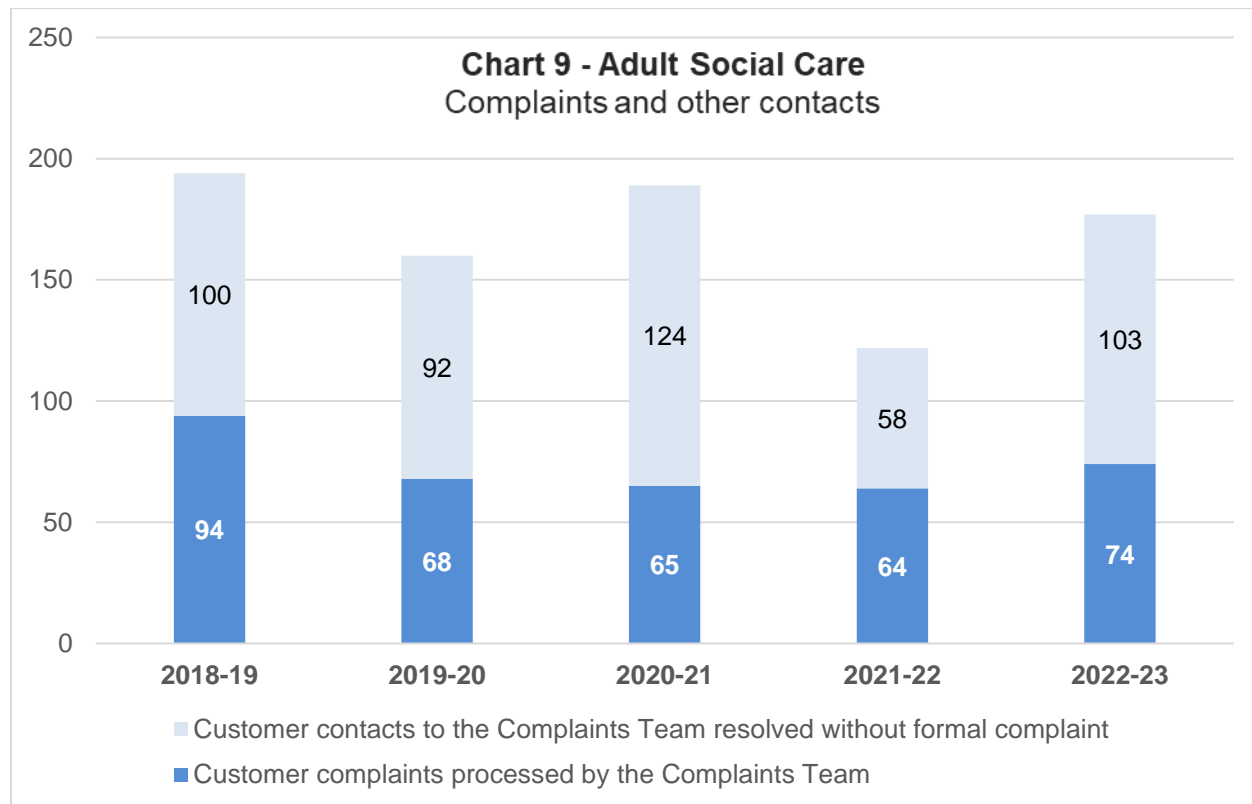
⁴ 'Children's Services' combines the Council's Children and Families, and Education and Skills directorates.

28. In 2022-23, the council handled **148** complaints about Children's Services through its formal procedures (36% of the council's total), and an **increase** of 68% on the total in 2021-22 (88 / 24%).
29. Of the 148 complaints received,
- 50 related to the Families and Children directorate, which includes the Support & Safeguarding and Children in Care functions. 42% were not upheld while 29% were either upheld or partially upheld⁵.
 - 98 related to the Education & Skills directorate, which includes the School Admissions, Early Years, Special Educational Needs and/or Disabilities (SEND) & Inclusion, School Effectiveness and Targeted Education functions. 92 of the 98 complaints related to SEND & Inclusion; an increase of 136% since 2021-22. 21% of the 98 were not upheld, while 66% were upheld or partially upheld.
30. The LGSCO received 28 complaints about the councils 'Education and Children's Services'⁶ – the most of any service area, 6 of which (24%) were upheld. Of the 6 upheld, 4 were regarding delays in the issuing of Education, Health and Care Plans, and these led to the council paying a total of £6,900 in financial remedies to customers at the recommendation of the LGSCO.
31. The SEND service has continued to experience significant demand following the pandemic and this has impacted on the timeliness of Education, Health and Care Plans (EHCPs). Contributions from education, health and care are required for every assessment received. In many cases, the statutory 20-week period has been missed and this has resulted in an increase in complaints. The service is implementing plans to improve timeliness and to provide support whilst awaiting an assessment.
32. In addition to formal complaints, there were 142 other contacts to the council's Complaints team about Children's Services that were resolved without the need for a formal complaint. This is in line with the increase seen across other services.

⁵ For 29% of complaints, the outcome was not recorded.

⁶ The way the LGSCO categorises complaints does not align precisely with the Council's directorates.

2. Adult Social Care⁷



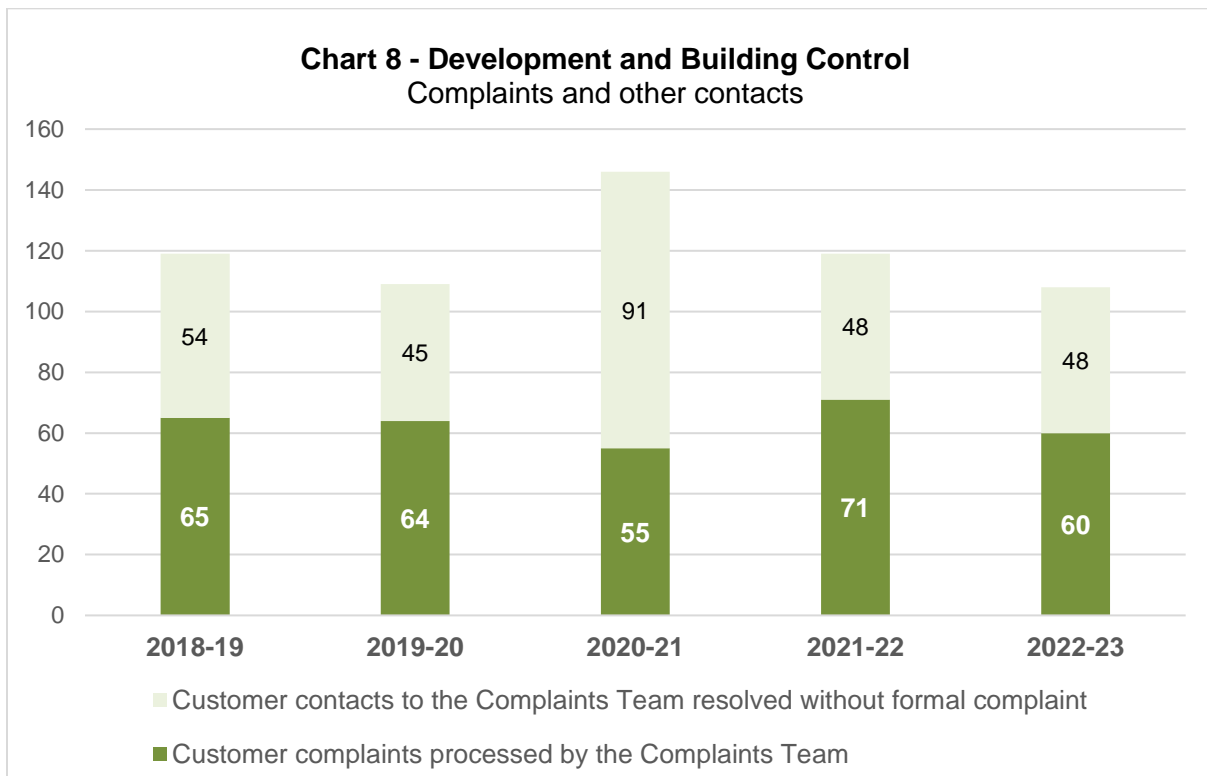
33. In 2022-23, the council handled **74** formal complaints about Adult Social Care (18% of the council's total), comprising 71 through the statutory Adult Social Care Procedure and 3 through the corporate Complaints Procedure.
34. This represents an **increase** compared with the previous year, but is consistent in terms of the percentage of complaints received by the council overall.
35. Of the 74 complaints received, 38% (29) were upheld or partially upheld, while 34% (26) were not upheld⁸.
36. The LGSCO received 13 (19) complaints about the council's 'Adult Social Care' service area – the third highest number by service area and a reduction on 2021-22 (19). Of these, 5 (38%) were upheld.
37. In addition to formal complaints, there were 103 other customer contacts to the council's Complaints team about Adult Social Care that were resolved without the need for a formal complaint. This **increase** is in line with that seen across other services.

⁷ 'Adult Social Care' combines the Ageing and Living Well, and Wholelife Pathway directorates.

⁸ For 28% of complaints, the outcome was not recorded.

- 38. Complaints about Adult Social Care primarily related to its locality teams (now titled Ongoing Support) (49%) and finance (19%) – a picture that is broadly **consistent** with previous years.
- 39. Adult social care has seen a significant increase in demand across the department. This is a result of the latent demand from covid-19 and increase in the complexity of need. The increase in complaints is consistent with increased demand for services.
- 40. Adult social care is proactively recruiting staff to address the increase in demand and this will reduce the number of complaints due to work being allocated in a timely manner.
- 41. Complaints are being proactively managed as is evidenced by 59% of complaints being managed at the informal level. Work is ongoing to ensure that concerns are being addressed at the earliest opportunity.
- 42. Adult social care is implementing new practice standards and a quality assurance framework to improve the quality of services that individuals receive. This will have a positive impact on the experience of people who use the service and further reduce the number of complaints.

3. Development and Building Control

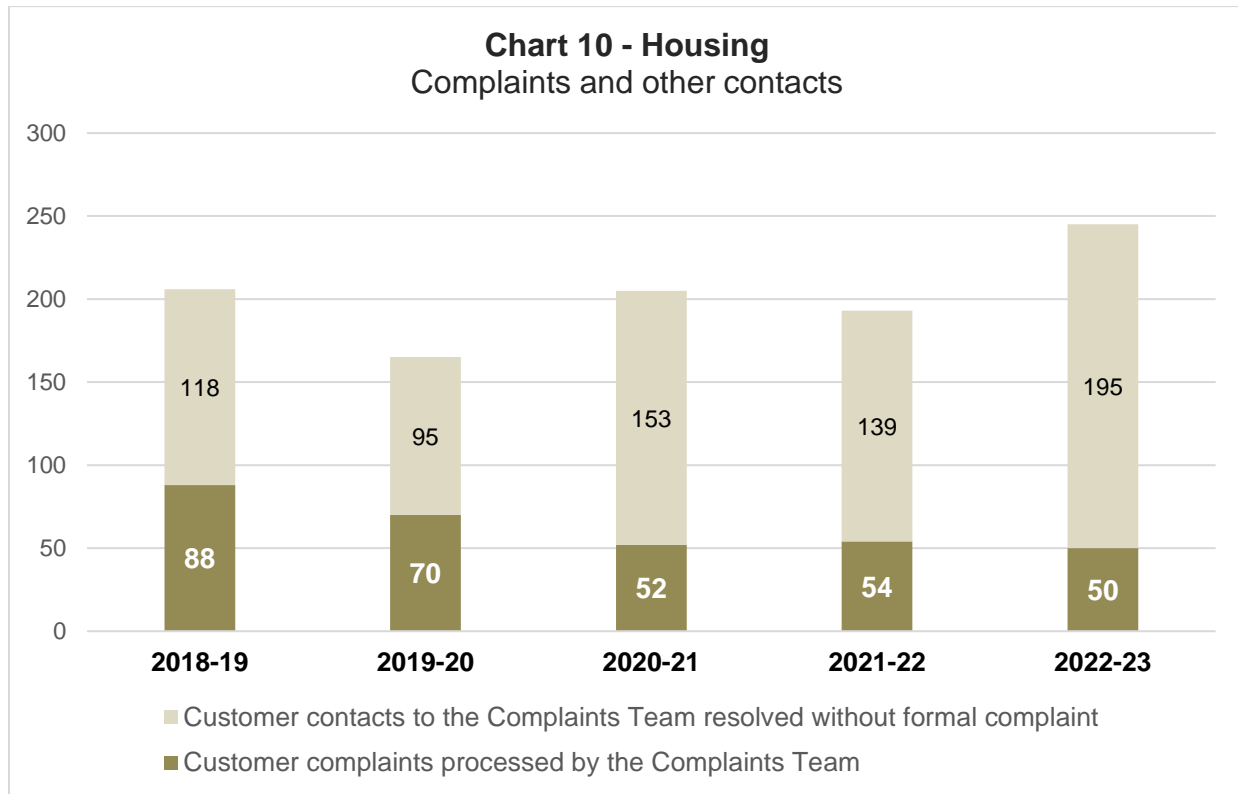


43. In 2022-23, the council handled 60 complaints about Development and Building Control through its formal procedures (15% of the council's total); a **decrease** since 2021-22 (71 / 19%).
44. Of the 60 complaints received, 20% (12) were upheld or partially upheld while 64% (39) were not upheld⁹.
45. The LGSCO received 24 complaints about the council's 'Planning and Development Control'¹⁰ service area, the second highest of any service area. Of these, 0 were upheld.
46. In addition, there were 48 other customer contacts to the council's Complaints team about Development and Building Control that were resolved without the need for a formal complaint. This is the same figure as for 2021-22.
47. Complaints about Development and Building Control in 2022-23 were concentrated on its Development Control (39%) and Enforcement (33%) functions – a picture that is **consistent** with previous years.
48. Such complaints often relate to situations where there has been disagreement between officers and interested parties on the merits of planned development or the expediency to take enforcement action. When making decisions officers must consider the policies of the development plan and planning case law, as well as the circumstances of the site.
49. In some circumstances, complaints are received about the time it has taken to handle planning or enforcement matters. Often these matters are complex and require input from a range of people both within and external to the council.
50. Whilst the service welcomes the reduction in the number of formal complaints, the recent Planning Peer Review has identified areas which may need to be looked at for improvement, and this may result in a reduction of complaints received in future years.

⁹ For 16% of complaints, the outcome was not recorded.

¹⁰ The way the LGSCO categorises complaints does not align with the Council's directorates.

4. Housing

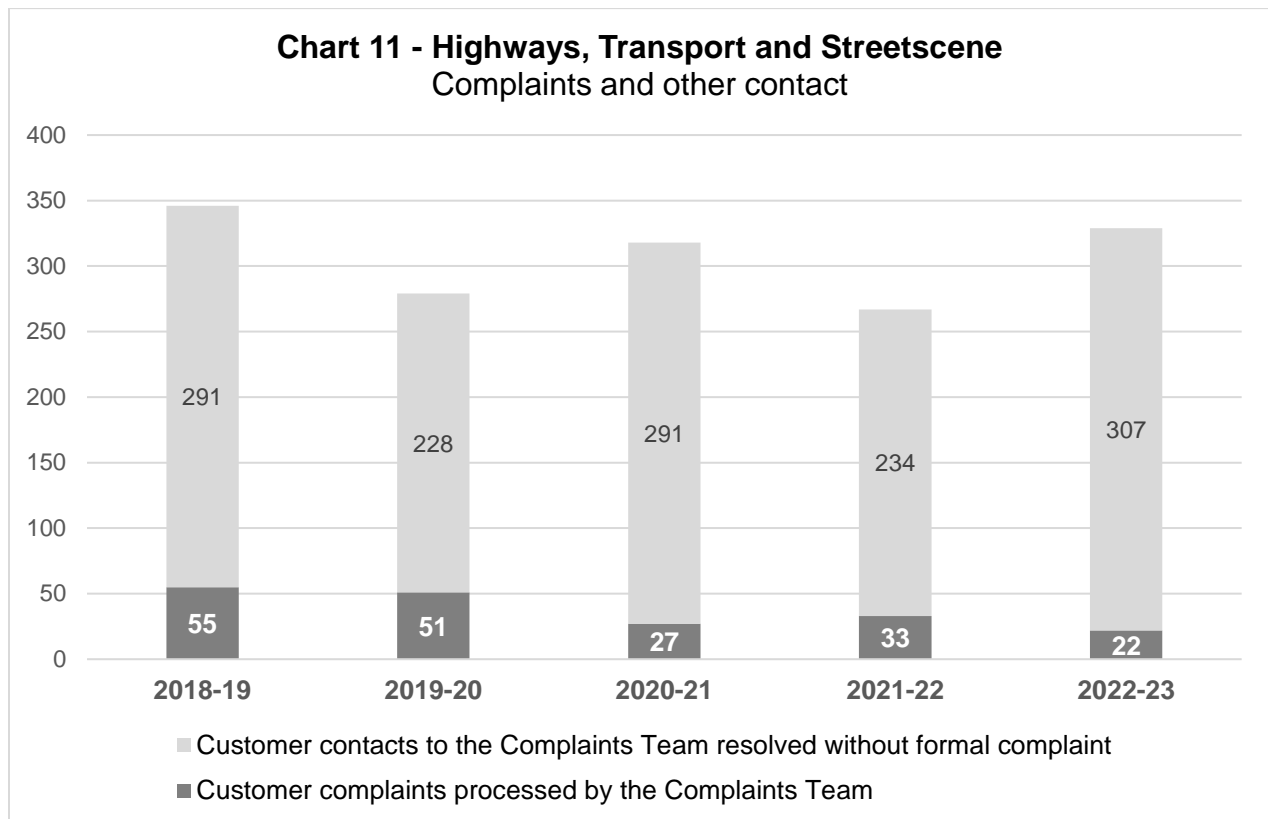


51. In 2022-23, the council handled 50 complaints about Housing through its formal procedures (12% of the council's total). This is a slight **reduction** on the number received in 2021-22. Of these 50 complaints, 70% (35) related to the council's landlord functions, 28% (14) to Housing Options & Homelessness and 2% (1) to private sector housing.
52. Of the 50 complaints received, 28% (14) were upheld or partially upheld by the council, while 56% (28) were not upheld¹¹. This is consistent with previous years.
53. Of those complaints regarding the council's landlord functions, 55% were about repairs and 23% were about tenancy matters. Issues raised included communication, inaction and damp and mould, amongst others. Regarding damp and mould, the council's Housing landlord service is undertaking specific work to meet the Housing Ombudsman's expectations in this area (set out [here](#)), including the introduction of a Tenant's Guide to Damp and Mould ([link](#)).
54. There were 195 other customer contacts to the council's Complaints team about Housing that were resolved without the need for a formal complaint – a 40% increase on those received in 2021-22. As illustrated in **Chart 5**, this represents the **third highest** number of such contacts to the Complaints team of the seven services detailed here.

¹¹ For 16% of complaints, the outcome was not recorded.

55. Across the social housing sector, it is understood that the number of complaints from tenants have increased and the council is considered to be consistent with the overall sector. The gradual reduction in the number of formal complaints received year-on-year is welcomed. The focus is on resolving customer's complaints as early as possible, effectively providing a pre-stage to the formal complaints process. To ensure compliance with the Housing Ombudsman's Complaint Handling Code, after any 'early resolution' efforts, all customers are given the option of progressing their complaint through the formal complaints procedure. A customer may at this point be happy that the problem has been resolved, but if they want a formal response letter to their original complaint, it is provided to them.
56. Housing teams use complaints data to develop services, eliminate waste and enhance customers' experience, with service improvements reported to the Housing Board ([link](#)) when appropriate.
57. Regarding complaints about Housing Advice and Lettings, there has been a 75% increase in demand in this area. A restructure has been undertaken to better meet customer needs, but the transition has seen a small increase in complaints, which was anticipated. Housing Advice, Lettings, and Private Sector Housing are now managed outside the directorate where the council's housing landlord service is managed.
58. The Housing Ombudsman requires member landlords like the council to handle complaints about its landlord functions in compliance with the Complaint Handling Code ([link](#)) and to undertake annual self-assessments that demonstrate how it is doing so. The council's 2023 self-assessment was reported to the Housing Board and can be viewed online ([link](#)).

5. Highways, Transport and Streetscene



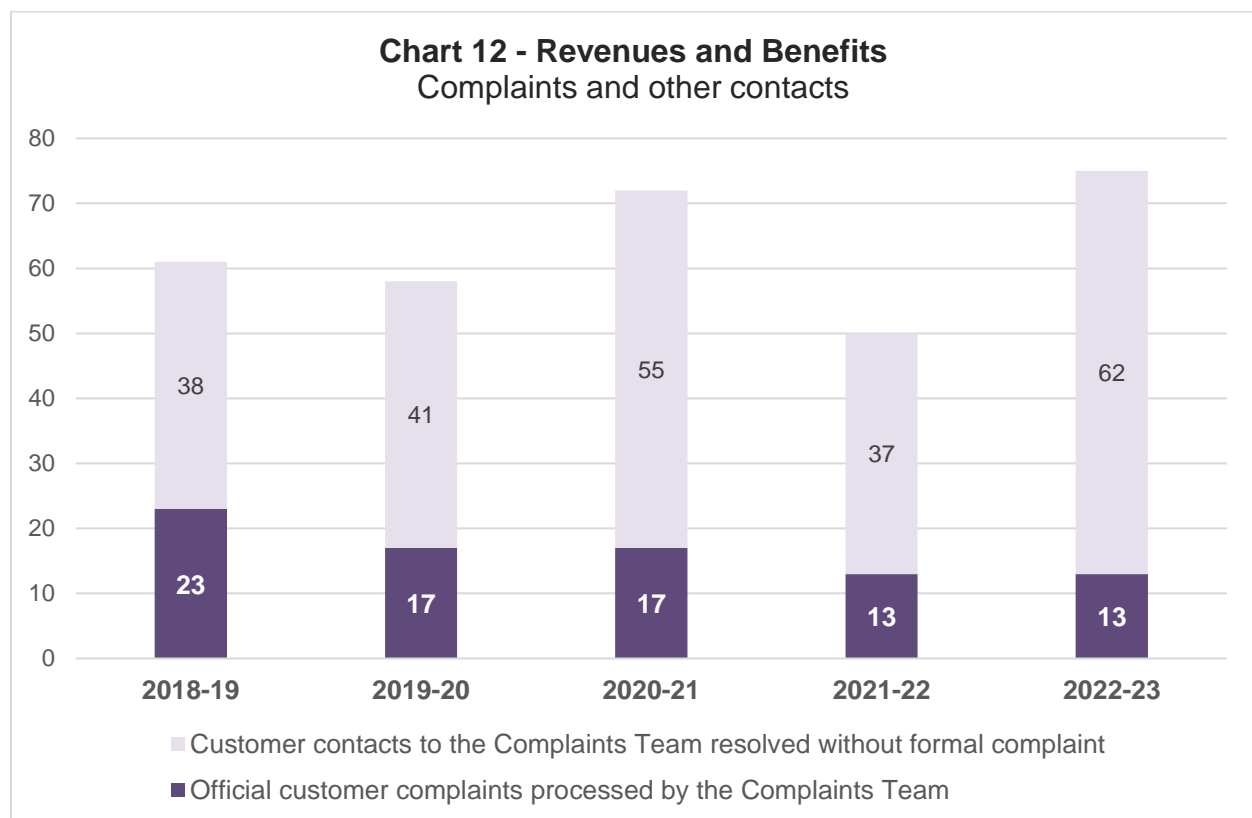
59. In 2022-23, the council handled 22 complaints about Highways, Transport and Streetscene through its formal procedures (5% of the council's total). This is a **reduction** on all previous years.
60. Of the 22 complaints received, 26% (5) were upheld or partially upheld, while 58% (11) were not upheld¹².
61. In addition, there were 307 other customer contacts to the council's Complaints team about Highways, Transport and Streetscene that were resolved without the need for a formal complaint. This is an increase of 31% on 2021-22, in line with the increase in contacts to the Complaints team overall. As illustrated in **Chart 5**, this represents the **second highest** number of such contacts of all the council services.
62. Complaints about Highways, Transport and Streetscene in 2022-23 were concentrated on its Highways (8) and Passenger Transport functions (8) (each equating to 36% of the total).
63. The service maintains over 4,400km of road and related infrastructure, along with 6,000km of public rights of way. There is considerable customer interest in issues such as routine maintenance and gully emptying where funding has been reduced

¹² For 16% of complaints, the outcome was not recorded.

over recent years. Funding is now being increased in these areas but contract inflation on the procurement of works is an issue in the longer term. Shortages of drivers and the availability of resources can affect delivery of passenger transport functions, which can result in increased complaints.

64. Following customer feedback, Highway Operations has reviewed its services, with the following outcomes:
- Parking Services review has commenced and a tendering process for new parking machines is underway;
 - New Streetscene contract;
 - Emerging strategy for Fleet Services;
 - New Highway Resilience Plan;
 - Additional funding for Streetscene local priority services; and
 - An improvement plan for fly-tip control by Enforcement.
65. Where appropriate, Highway Services continue to delegate services to the local councils to better meet local priorities.

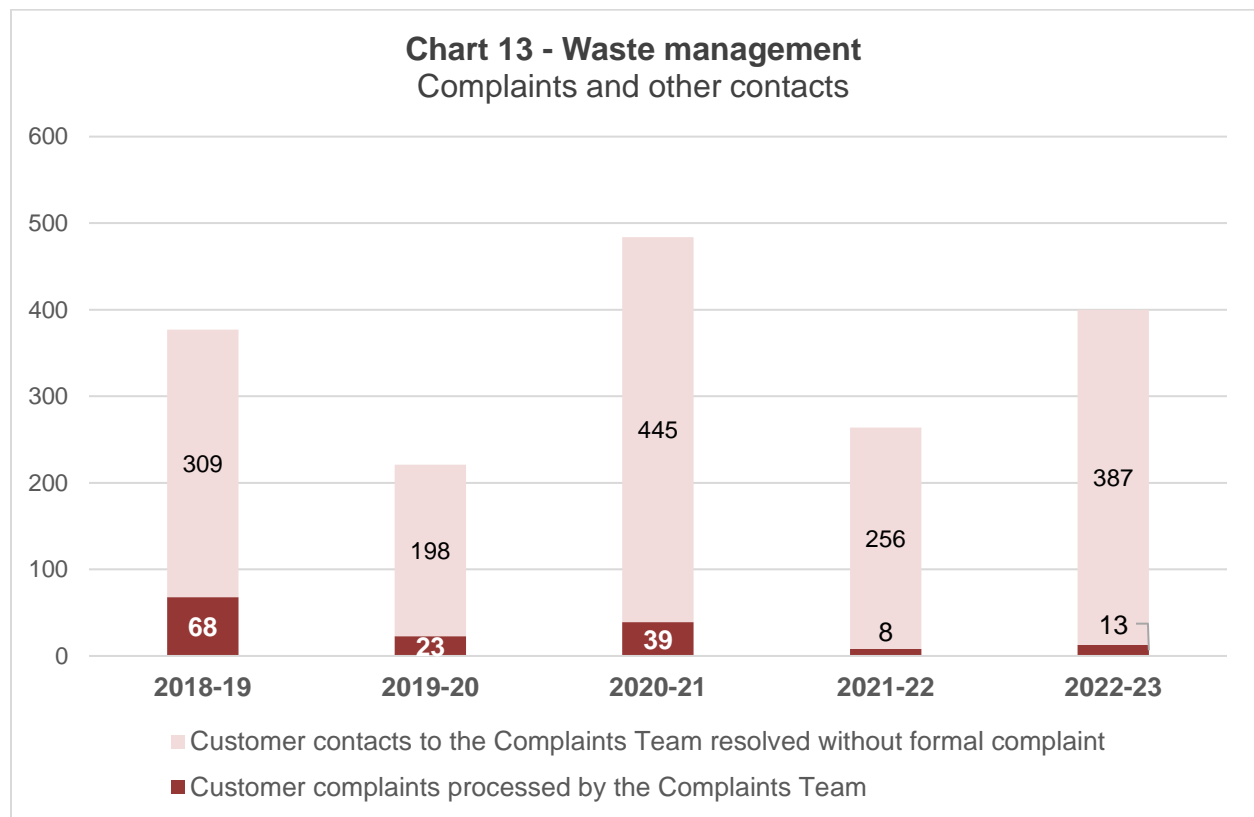
6. Revenues and Benefits



66. In 2022-23, the council handled 13 complaints about Revenues and Benefits through its formal procedures (4% of the council's total).

67. Of the 13 complaints received, 33% (5) were upheld or partially upheld by the council, while 67% (10) were not upheld by the council.
68. In addition, there were 62 other customer contacts to the council’s Complaints team about Revenues and Benefits resolved without the need for a formal complaint. This is an **increase** of 68% on those received in 2021-22.
69. The team continued to provide support to households in response to the cost of living crisis; these included energy rebates to 150,000 households, the second and third iteration of the household support fund scheme and at the end of the year deliver the Energy Bills Support Scheme (EBSS) and Alternative Fuel Payment (AFP) scheme. Ensuring households received the support they needed was often complicated, leading customers to question and challenge decisions. We also had to adapt to new council tax regulations regarding the treatment of Ukranian refugees and may have responded better to these legislative changes and further reduced complaints had there not been as many schemes to deliver at the same time.

7. Waste management



70. In 2022-23, the council handled 13 complaints about Waste Management through its formal procedures (3% of the council’s total).
71. In addition, there were 387 other customer contacts to the council’s Complaints team about Waste management resolved without the need for a formal complaint. This is

an increase of 51% since 2021-22 and, as illustrated in **Chart 5**, represents the **highest** number of such contacts to the Complaints team of the council service areas detailed here.

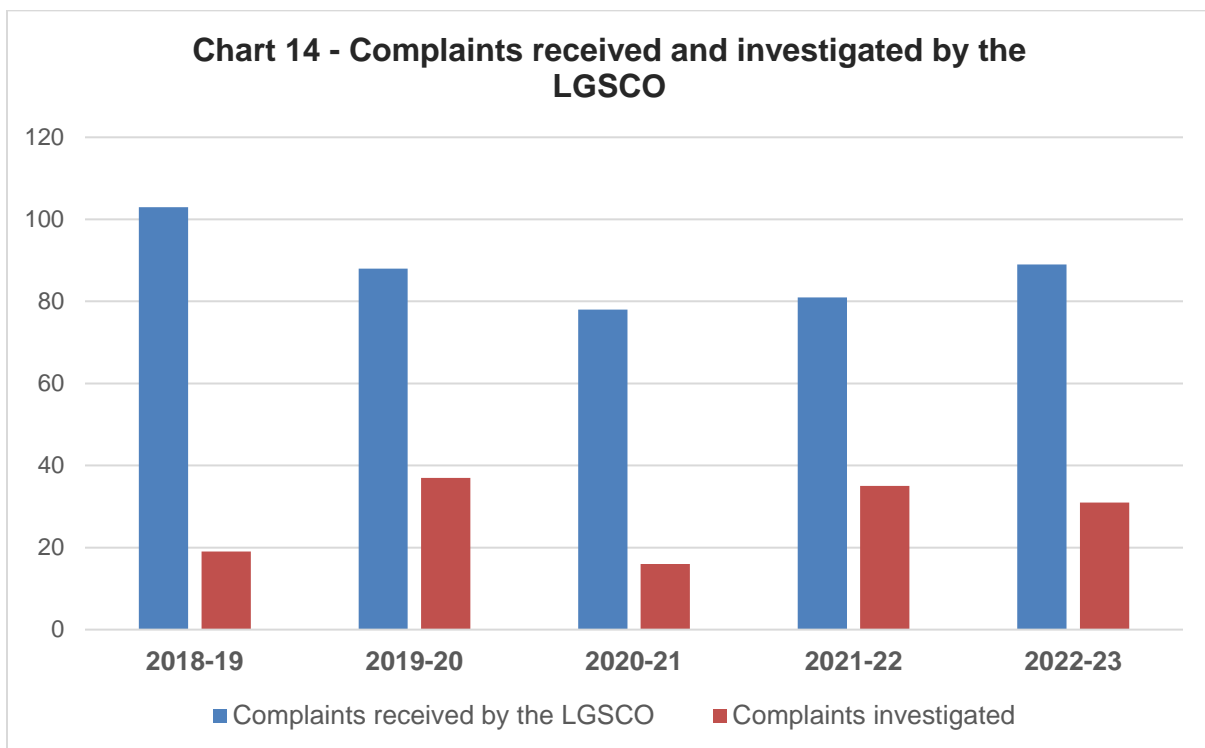
72. The Waste Management service regularly transacts with every Wiltshire household, typically providing over 1 million collections of waste, recycling and garden waste every month. The service is also responsible for contracts for the management and processing of all waste collected, including the operation of ten household recycling centres across the county. The figures shown in Chart 13 should therefore be considered in the context of the scope and scale of the services provided, plus the significant public interest that they attract.
73. To ensure continued service efficiency and reliability, work was completed in February 2021 to rebalance some collection rounds, with affected households notified in writing. As previously reported, this activity was negatively impacted by Industrial Action taken by some of the contractor's workforce, which led to a temporary countywide suspension of kerbside recycling collections in March 2022. The recovery of the kerbside recycling service was further compromised by the contractor's lack of available operational staff, leading to the use of formal contract mechanisms to resolve. The service was deemed to be fully recovered in October 2022, prior to which a considerable number of collection rounds needed to be rescheduled on a planned basis, leading to ongoing service disruption for some households.
74. The waste service, with support from the council's Customer Service, ICT, and Finance teams, administers an optional service for the chargeable collection of garden waste. Approximately 80,000 households subscribe, and are invited to renew their subscription annually, typically between May and June each year. In a change to previous years, the council required subscribers to open a MyWiltshire system account before they could renew their garden waste subscription for 2022-23. Many residents found this change to be challenging, and it also coincided with issues experienced by the council's payment provider (Civica). Following a "lessons learned" review, significant amendments have been made to processes and systems in relation to the 2023-24 chargeable garden waste renewal period.

Ombudsmen findings

75. When residents are not satisfied with a local authority's handling of, or response to, a complaint, they can ask the [Local Government and Social Care Ombudsman](#) (LGSCO) to consider the matter. When the complaint relates to the local authority's responsibilities as a housing landlord, the complaint should be referred to the [Housing Ombudsman](#). When the complaint relates to pensions, it should be referred to the [Pensions Ombudsman](#). Normally, the appropriate Ombudsman will only consider complaints when all stages of the local authority's complaints procedure have been completed.

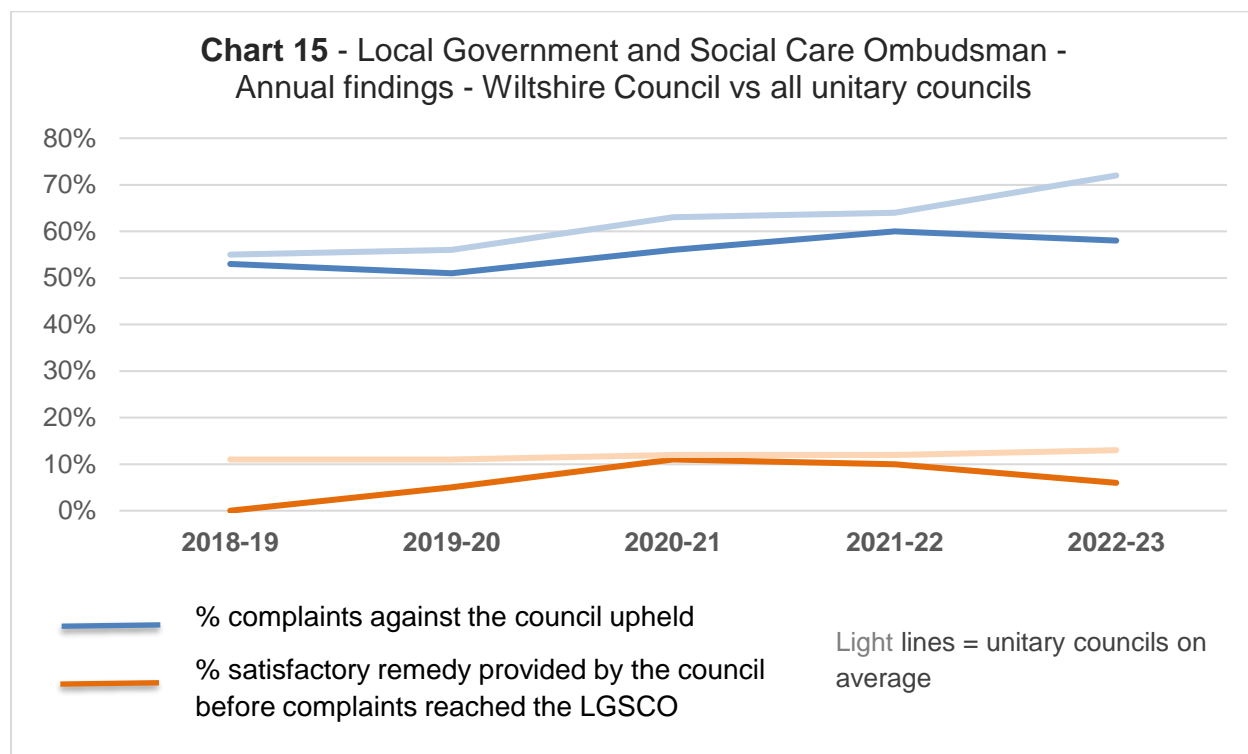
Local Government and Social Care Ombudsman

76. LGSCO produces an annual review letter each year providing a summary of the complaints made to the LGSCO regarding the council, and the LGSCO's findings in relation to those that they investigated. The council's 2022-23 letter and all previous letters are available on the LGSCO website, [here](#).
77. In 2022-23, the LGSCO received 89 complaints regarding the council (see **Chart 14**), a slight increase on the total received in 2021-22 (81).
78. Of the 89 complaints received, the LGSCO decided to investigate 31, a decrease on the number investigated in 2021-22 (35).



79. 58% of investigated complaints about the council were upheld (18 of 31 investigations) (see **Chart 15**).
- This is a small **decrease** on the percentage upheld in 2020-21 (56%)
 - This is **better** than the average of 72% upheld against all unitary councils nationally.
80. In 100% of the complaints that the LGSCO upheld and made recommendations about (16), the council complied with all LGSCO recommendations.
- This maintains the 100% shown for the past four years.
 - This is slightly better than the 99% shown for all unitary councils.

81. In 6% of complaints the LGSCO investigated and upheld (1 of 18), the council had already provided a satisfactory remedy **before** the complaint reached the Ombudsman.
- This is a decrease on the previous year (10%).
 - This is lower than the 13% figure for all unitary councils nationally.
82. Of the 18 complaints upheld by the LGSCO, 4 were regarding delays in the issuing of Education, Health and Care Plans. These led to the council paying £6,900 in financial remedies to customers at the recommendation of the LGSCO.



Housing Ombudsman

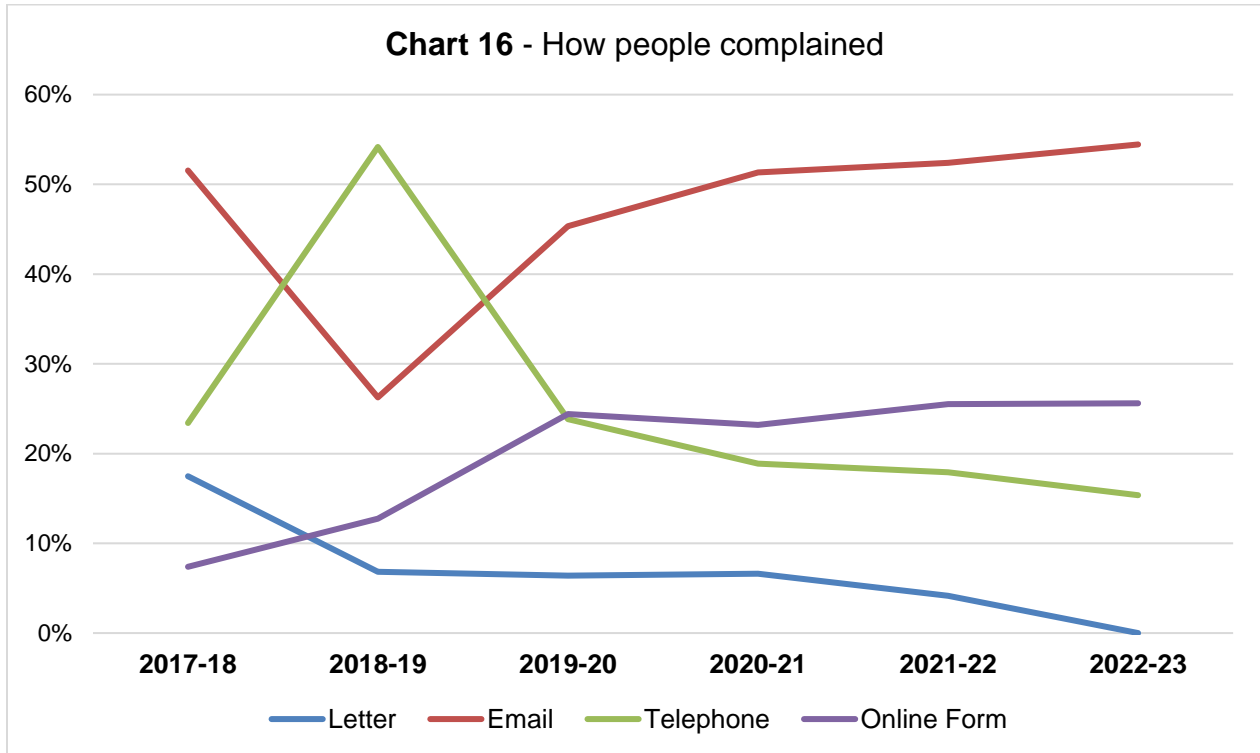
83. The Housing Ombudsman publishes annual landlord performance reports only for landlords with **five or more cases**. For 2022-23, the Housing Ombudsman only investigated **one** complaint about the council ([link](#) to published decision). In this case, it was found that there were failures in the council's response to the leaseholder's report of a broken roof tile, including failures in communication and some delays in complaint handling. The council was therefore required to pay the leaseholder £150 in recognition of the distress and inconvenience caused.
84. The Housing Ombudsman requires member landlords like the council to comply with its Complaint Handling Code ([link](#)) and to promote its Scheme ([link](#)). The council's 2023 self-assessment demonstrating how it handles complaints in accordance with the Housing Ombudsman's Code can be viewed online ([link](#)).

Pensions Ombudsman

85. In 2022-23, no complaints about the council in regard to pensions were considered by the Pensions Ombudsman.

How people complained

86. **Chart 16** shows that email continues to be the most popular method of submitting a complaint, with those received by letter continuing to decrease.



Contact

If you would like further information, please contact Wiltshire Council's Complaints team:

Email: complaints@wiltshire.gov.uk Tel: 01225 718400

Further information

- Wiltshire Council Complaints webpage ([link](#))
- Wiltshire Council's corporate Complaints Procedure ([link](#))
- Making a complaint about Adult Social Care ([link](#))
- Children's social care: getting the best from complaints ([link](#)) (guide to the statutory Children's complaint procedure)
- LGSCO Annual Review Letters for Wiltshire Council ([link](#))
- Housing Ombudsman ([link](#)), its Complaint Handling Code ([link](#)) and Scheme ([link](#))
- Pensions Ombudsman ([link](#))

19 July 2023

By email

Mr Herbert
Chief Executive
Wiltshire Council

Dear Mr Herbert

Annual Review letter 2022-23

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with that of similar organisations, rather than previous years, to better understand your organisation's performance.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we were satisfied with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 26 July 2023. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Supporting complaint and service improvement

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

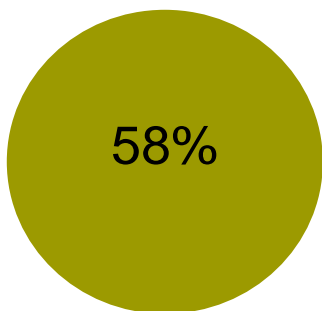
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

Yours sincerely,



Paul Najsarek
Interim Local Government and Social Care Ombudsman
Interim Chair, Commission for Local Administration in England

Complaints upheld



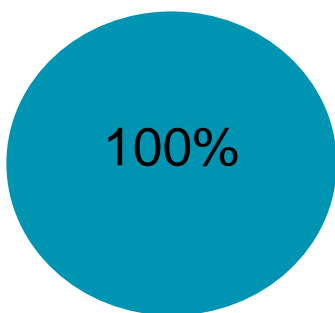
58% of complaints we investigated were upheld.

This compares to an average of **72%** in similar organisations.

18
upheld decisions

Statistics are based on a total of **31** investigations for the period between 1 April 2022 to 31 March 2023

Compliance with Ombudsman recommendations



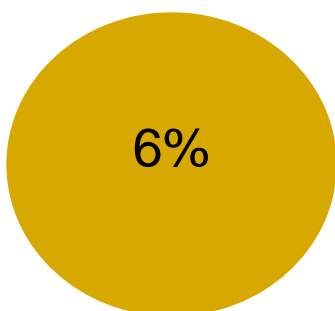
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **99%** in similar organisations.

Statistics are based on a total of **19** compliance outcomes for the period between 1 April 2022 to 31 March 2023

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the organisation



In **6%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **13%** in similar organisations.

1
satisfactory remedy decision

Statistics are based on a total of **18** upheld decisions for the period between 1 April 2022 to 31 March 2023

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Wiltshire Council

Standards Committee

3 October 2023

Code of Conduct Complaints – Status Report

Purpose

1. To provide an update on the Code of Conduct complaints received by the council since the Committee's last meeting.

Statutory background

2. All local authorities are required, by s.28 Localism Act 2011, to adopt a code of conduct for their members. All such codes are required to cover the following:
 - The principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership
 - The registration and disclosure of pecuniary and other interests.
3. Wiltshire Council, as a principal authority, is required to have in place arrangements for investigating and determining allegations that a member of the Council, or a member of a town or parish council within the council area, has failed to comply with the relevant code of conduct.

Council Code of Conduct procedures

4. Wiltshire Council's arrangements for considering complaints about alleged code of conduct breaches are set out in Protocol 11 to the Constitution, the procedure having changed with effect from 1 January 2020.
5. On receipt of such a complaint the Monitoring Officer will consider the complaint and, if appropriate, prepare a report for the Assessment Sub-Committee (ASC). The Monitoring Officer (MO) may at this point decide not to take any further action on a complaint where, on the available information, it appears to be trivial, vexatious, malicious, politically motivated or 'tit for tat', and it would not be in the public interest, including particularly the efficient use of resources, to proceed.
6. Valid code of conduct complaints are determined by the Assessment Sub-Committee, following receipt of the report from the Monitoring Officer. The Assessment Sub-Committee may conclude that no further action should be taken, it may refer the complaint for investigation, or it may recommend that an alternative resolution be explored with the parties.
7. If the Assessment Sub-Committee determines that a formal investigation should be undertaken, an Investigating Officer is appointed by the Monitoring Officer. If the recommendation of the Investigating Officer is that there has been a substantial

breach of the Code of Conduct, and that alternative resolution is not appropriate, then the Monitoring Officer, after consultation with the Independent Person, will refer the matter to a Standards Hearing Sub-Committee.

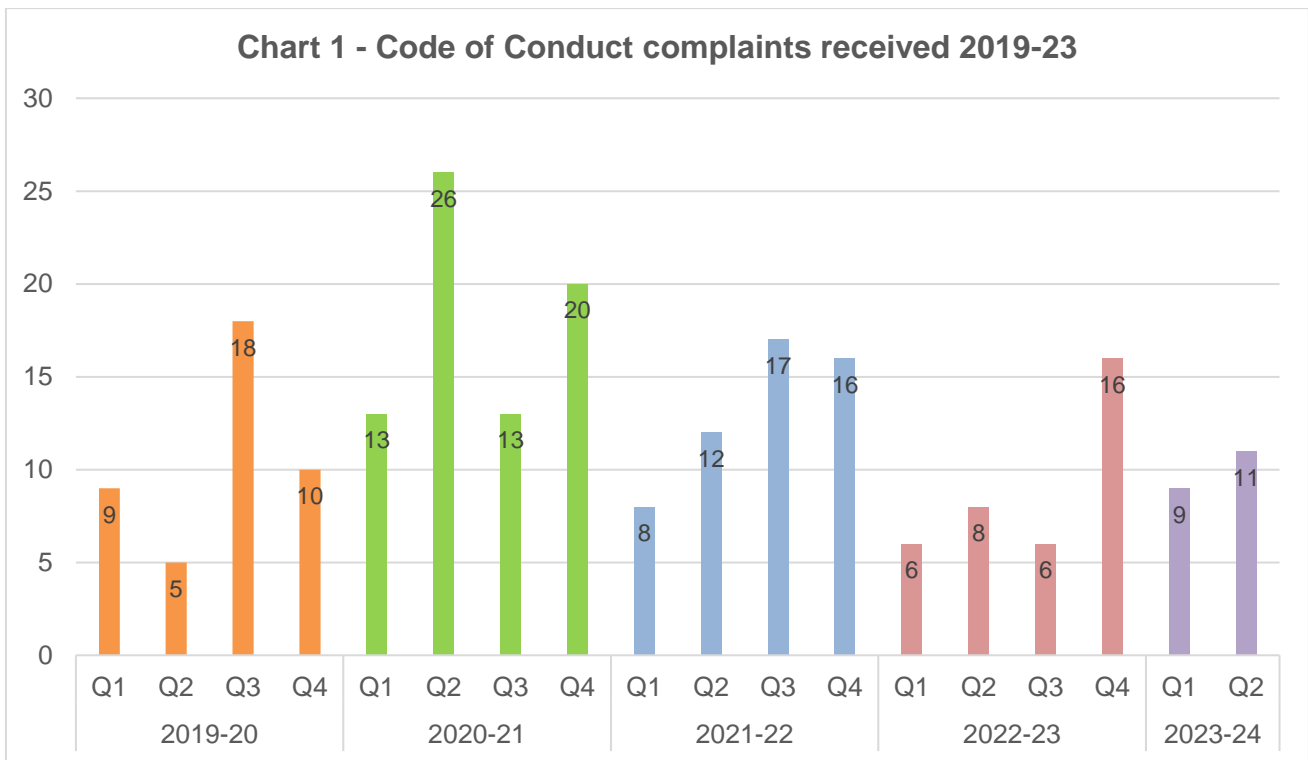
8. The Standards Hearing Sub-Committee will conduct a hearing into the complaint to determine whether there has been a breach of the Code and, if so, what sanctions, if any, should be applied to the Subject Member (the councillor who is the subject of the complaint). If the Subject Member is a member of a town or parish council, the Hearing Sub-Committee's decision regarding sanctions will be in the form of a recommendation to the relevant council.
9. There is no right of appeal of the decision of the Assessment Sub-Committee or the Hearing Sub-Committee.
10. The Standards Committee has oversight of the operation of the procedures for dealing with Code of Conduct complaints as well as a general responsibility to promote and maintain high standards of conduct by elected and co-opted members and officers.

Summary of committee meetings

11. The last Standards Committee meeting took place on 20 June 2023. Since that meeting (and at the time of publication) there have been:
 - 3 meetings of the Standards Assessment Sub-Committee;
 - 0 meetings of the Standards Hearing Sub-Committee.
12. The next meetings of the Standards Assessment Sub-Committee are scheduled for 28 September and 12 October 2023.

Summary of complaints received since 12 June 2023 (following publication of the 20 June 2023 meeting agenda)

13. Between 12 June and 22 September 2023, the Monitoring Officer received **15 complaints** under codes of conduct:
 - 3 were determined as requiring No Further Action by the Monitoring Officer;
 - 1 was dismissed as 'out of time' by the Monitoring Officer;
 - 2 were dismissed as requiring No Further Action by the Assessment Sub-Committee;
 - 9 are to be determined by Assessment Sub-Committee on 28 September 2023.
14. The Monitoring Officer can determine No Further Action under paragraph 4.6 of Protocol 11 – Arrangements for dealing with Code of Conduct Complaints. This is applied where the Monitoring Officer determines that, on the information available, the complaint appears to be trivial, vexatious, malicious, politically motivated or 'tit for tat', and it would not be in the public interest for further action to be taken, including particularly the efficient use of resources.
15. **Chart 1** shows the code of conduct complaints received since 2019:



Quarterly average: 11 Quarterly average: 18 Quarterly average: 13 Quarterly average: 9
 2019-20 total: 42 2020-21 total: 72 2021-22 total: 52 2022-23 total: 36

Types of complaint

14. The 15 code of conduct complaints received between 12 June and 22 September 2023 can be broken down as follows:

- NFA = No Further Action
- OoT = Out of Time
- IR = Informal Resolution
- RFI = Referred for Investigation
- DA = Decision awaited
- MO = Monitoring Officer
- ASC = Assessment Sub-Committee

- 9 were against **parish councillors**:
 - 7 x disrespectful / offensive behaviour towards other councillors (DA by ASC)
 - 1 x failing to declare a disclosable pecuniary interest and being disrespectful (DA by ASC)
 - 1 x bullying and harassment (NFA by MO)
- 5 were against **town councillors**
 - 1 x harassment (OoT by MO)
 - 2 x using insulting language (NFA by ASC)
 - 1 x insulting council officers (DA by ASC)
 - 1 x improper decision making (NFA by MO)

- 1 was against a **unitary councillor**
 - Not replying to emails (NFA by MO)

Complaint resolution speed

16. Under Protocol 11 – Arrangements for Dealing with Code of Conduct Complaints, the council aims to assess all such complaints within **5 working days** of receiving the subject member’s response. This is a challenging target as complaints can be complex, require legal input and include a large amount of background information that must be reviewed.

17. During the period reported, **3 complaints** were assessed by or on behalf of the Monitoring Officer and this took an average of **6.6 working days**.

18. Complaints referred to Assessment Sub-Committee cannot usually meet the 5 working day timescale for assessment due to the need for a scheduled meeting. However, the council endeavours to inform complainants and subject members that the complaint will be assessed in this way, and of the Sub-Committee meeting date, as quickly as possible. During the period reported, **11 complaints** have been assessed or allocated for assessment by the Assessment Sub-Committee, with the parties informed of the Assessment Sub-Committee meeting date after an average of **3.9 working days** from the Subject Member’s response being received.

19. All of the complaints assessed by Assessment Sub-Committee were considered at the next scheduled meeting after the Subject Member’s response was received (taking into account the required notice period regarding agenda publication), excepting where a request for deferral from one of the parties was accepted.

20. **1 complaint** was referred for investigation during this period.

21. Under Protocol 11, the council aims to complete Code of Conduct investigations within a total of 45 working days. This comprises 35 working days for the investigation report and a further 10 working days for the parties to submit their comments on it. The table below sets out the time taken for investigations since October 2022:

Complaint reference	Decision notice issued referring for investigation Target: 5 working days	Investigator assigned Target: 5 working days	Investigator’s report sent to parties Target: 35 working days	Investigator’s report sent to MO Target: 10 further working days
COC142188	5	1	40	10
COC144650	5	10*	Investigation ongoing*	-
COC144873	5	6	91	Report with parties for comment
COC145647	5	6	46	7

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* Investigation assigned to an external investigator due to complexity and internal capacity.

22. The Committee will note that completing investigations within the prescribed time limits has been challenging. This is due to their complexity, together with wider work pressures. As reported elsewhere on this meeting agenda, the Complaints team has significantly **improved** performance in completing **corporate** complaint investigations within set timescales, rising from 60% completed on time in 2021-22 to 84% in 2022-23. It is also noted that recent Code of Conduct investigations have been assigned to complaints officers without previous experience in this area to increase the technical resilience of the team and remove single points of failure. It is therefore expected that the timeliness of Code of Conduct investigations will now improve (notwithstanding highly complex investigations, which sometimes unavoidably exceed the target timescales). Future updates will continue to report on performance in this area.

Dip Sampling

15. A table of current cases was provided to the Chairman of Standards Committee on 14 June, 12 July, 8 August and 13 September 2023 for a dip sample to be undertaken to enable oversight. The next session is scheduled for 11 October 2023.

Proposal

16. The Committee are asked to note the current position on code of conduct complaints.

Perry Holmes, Director of Legal & Governance and Monitoring Officer

Report Author: Henry Powell, Democracy and Complaints Manager,
complaints@wiltshire.gov.uk

Appendices

None.

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