

Standards Committee

Thursday 17 September 2015 at 2.00 pm

To be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH

Membership

Councillors Bryan Lodge (Chair), Penny Baker, Ben Curran, Alan Law (Deputy Chair), Mary Lea, Pat Midgley, Vickie Priestley and Colin Ross.

Co-opted Members

John Atkinson, Alan Casbolt, Edward Fleming, Councillor Michael Appleby, Councillor Nigel Owen and Councillor Karen Southwood.

Substitute Members

In accordance with the Constitution, Substitute Members may be provided for the above City Council Committee Members as and when required.

PUBLIC ACCESS TO THE MEETING

Each local authority is required to draw up and adopt a Code of Conduct for its members. The main role of the Standards Committee is to promote and maintain high standards of conduct throughout the City Council and Parish and Town Councils in its area and to help members to follow the Code of Conduct. This Committee operates outside the main Council structures and the Chair and Deputy Chair are independent from the Council.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Standards Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

If you require any further information please contact Dave Ross in Democratic Services on 0114 273 5033 or email dave.ross@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**STANDARDS COMMITTEE AGENDA
17 SEPTEMBER 2015**

Order of Business

1. **Welcome and Housekeeping Arrangements**
2. **Apologies for Absence**
3. **Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
4. **Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
5. **Minutes** (Pages 5 - 8)
To approve the minutes of the meeting of the Committee held on 24 June 2015
6. **Annual Ombudsman Report 2014/15** (Pages 9 - 32)
Report of the Interim Director of Customer Services
7. **Update on Standards Complaints** (Pages 33 - 44)
Report of the Monitoring Officer/Director of Legal and Governance
8. **Work Programme** (Pages 45 - 50)
Report of the Monitoring Officer/Director of Legal and Governance
9. **Dates of Future Meetings**
To note that meetings of the Committee will be held on the following dates at 2.00 p.m.:-
 - 10 December 2015
 - 17 March 2016
 - 16 June 2016

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Standards Committee

Meeting held 24 June 2015

PRESENT: Councillors Bryan Lodge (Chair), Ben Curran, Alan Law, Mary Lea, Pat Midgley and Vickie Priestley.

Co-opted Members

John Atkinson, Alan Casbolt, Edward Fleming and Councillor Michael Appleby.

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1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Penny Baker, Colin Ross and Karen Southwood (Parish Town Council Co-optee).

2. EXCLUSION OF PUBLIC AND PRESS

2.1 There were no items identified where resolutions may be moved to exclude the press and public.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest from Members of the Committee.

4. APPOINTMENT OF DEPUTY CHAIR

4.1 **Resolved:** On the Motion of Councillor Ben Curran, seconded by Councillor Vickie Priestley, that Councillor Alan Law is appointed Deputy Chair of the Standards Committee for the Municipal Year 2015/16.

5. MINUTES

5.1 The minutes of the meetings of the Committee held on 22 January 2015 and 20 May 2015 were approved as correct records.

6. MEMBER DEVELOPMENT UPDATE

6.1 The Director of Legal and Governance reported on the creation of a Member Development Programme. An indicative draft programme was circulated to Members of the Committee at the meeting.

6.2 Members provided comments, as follows:

- Relevant training and guidance should be provided to Members concerning the use of electronic communications.
- It was noted that safeguarding and corporate parenting were matters dealt with by the existing programme and were proposed in the draft programme.

- The venue for future activities should be considered, so as to allow an appropriate level of interaction and questioning.
- Knowledge training for Members would need to be a regular feature of any programme.

6.3 **Resolved:** that (i) the report of the Director of Legal and Governance is noted; and (ii) Members of the Committee are requested to provide any additional comments concerning Member Development to the Director of Legal and Governance.

7. STANDARDS COMMITTEE ANNUAL REPORT

7.1 The Director of Legal and Governance submitted the Standards Committee Annual Report 2014/15, for consideration by the Committee prior to the submission of the report to Council in September 2015. The Annual Report highlighted the activities of the Committee and summarised the outcome of complaints received between January 2014 and May 2015. Members' comments were sought on the contents of the Report.

7.2 **Resolved:** that the Standards Committee Annual Report 2014/15 is approved for submission to the meeting of Full Council in September 2015, subject to the deletion at paragraph 10.1 of all of the words after the words "March 2015".

8. UPDATE ON STANDARDS COMPLAINTS

8.1 The Director of Legal and Governance submitted a report providing information on complaints relating to potential breaches of the Members' Code of Conduct, which were considered under the Procedure for Dealing with Standards Complaints in 2014/15. 14 complaints were considered under the Procedure in 2014/15.

8.2 A new Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members was approved by Full Council at its meeting on 25 March 2015 and, at the time of reporting, no complaints had been received under this new procedure. Members noted that a review of the new Procedure would take place in 12 months' time.

8.3 **Resolved:** that the contents of the report now submitted are noted.

9. ESTABLISHMENT OF CONSIDERATION AND HEARING SUB-COMMITTEES

9.1 The Director of Legal and Governance submitted a report which sought approval to the establishment of Consideration and Hearing Sub-Committees, following the adoption by Full Council of the revised Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members.

9.2 **Resolved:** That this Committee (i) establishes a Consideration Sub-Committee

and a Hearing Sub-Committee in accordance with Article 9 of the Constitution, to discharge the functions in relation to considering investigation reports and hearing complaints in accordance with the Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members adopted by Full Council on 25 March 2015;

(ii) agrees that the membership of the Sub-Committees shall be three Members plus one non-voting co-opted member should be present and, where a Parish or Town Council matter is being considered, a representative of the Parish or Town Councils should also be present; and

(iii) delegates authority to the Director of Legal and Governance to make the necessary arrangements for the meetings of the Consideration and Hearing Sub-Committees to be held as and when required.

10. AUDIT OF POLITICAL ENGAGEMENT

10.1 The Director of Legal and Governance submitted a report concerning the Hansard Society Audit of Political Engagement Report 2015, which was the twelfth such audit and which gauged public opinion about politics and the political system and provided a 'health check' on democracy in Britain.

10.2 The Audit recorded public attitudes towards standards of conduct in public life taken from a survey undertaken by the Committee on Standards in Public Life (CSPL). The report presented a summary of the findings from that part of the Audit which examined standards in public life. The Committee was asked to consider ways in which the Council might improve perceptions of standards of conduct in public life.

10.3 The following observations were made by the Committee:

- People may not make a distinction between Members of Parliament and local councillors.
- Knowledge and perceptions may depend upon an individual's contact with their local authority or local councillor.
- For entries on the register of gifts and hospitality, the item registered might be more significant in terms of perception than the financial value of that item. Similarly, the Members' Register of Interests was open to the public to view and ensuring timely completion or updates of the register demonstrated an ethos of openness.
- The timeliness with which replies were made to constituents' enquiries was important, especially with the public expectation that information technology would provide information faster. Other services in the Council might learn from the practice of the Council's Housing Service, which had set up a dedicated Members' inbox for enquiries from councillors.

10.4 **Resolved:** That the report now submitted is noted.

11. WORK PROGRAMME

- 11.1 The Director of Legal and Governance submitted a report which gave details of the proposed work programme for the Standards Committee. Members were requested to consider the programme and to identify any additional items for inclusion.
- 11.2 Gillian Duckworth, the Director of Legal and Governance, informed Members that, at the conclusion of this meeting, a training session on the Members' Code of Conduct would be provided to the Committee. Members' comments would be sought on the contents of the training, prior to it being delivered to other Members of the City, Parish and Town Councils.
- 11.3 **Resolved:** That the Committee approves the Work Programme for September 2015 to June 2016.

12. DATES OF FUTURE MEETINGS

- 12.1 It was noted that meetings of the Committee would be held on 17 September and 10 December 2015 and 17 March and 16 June 2016.



Standards Committee Report

Report of: Julie Toner, Interim Director of Customer Services

Date: 17 September 2015

Subject: Annual Ombudsman Report 2014/15

Author of Report: Andrew Fellows, 0114 273 4405

Summary:

This report provides an overview of the complaints received and formally referred and determined by the three Ombudsmen (Local Government Ombudsman, Parliamentary & Health Service Ombudsman and Housing Ombudsman) during the twelve months from 1 April 2014 to 31 March 2015.

The report also identifies future developments and areas for improvement in complaint management.

The report is jointly presented by the Director of Legal and Governance and the interim Director of Customer Services, who are respectively the Council's Monitoring Officer, and the Director responsible for managing the Complaints Service

Recommendations:

The Standards Committee is asked to consider the Annual Ombudsman Report in order to provide its view on the performance of Ombudsman complaints and the issues raised.

Background Papers:

None

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by: Pauline Wood
Legal Implications
NO Cleared by: Nadine Wynter
Equality of Opportunity Implications
NO
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
None
Relevant Cabinet Portfolio Lead
Cabinet Member for Finance & Resources
Relevant Scrutiny Committee if decision called in
Not applicable
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

Annual Report Ombudsman Report

1.0 INTRODUCTION

- 1.1 Sheffield City Council's Corporate Plan includes a priority on being ***An in Touch Organisation***. This means listening to customers and being responsive, so that services are designed to meet the diverse needs of individuals. The effective handling of customer complaints across the organisation supports this priority and enables the Council to be open and transparent, respond in the right way, make the best use of resources, and make well-informed decisions.
- 1.2 Our overall approach is that we welcome complaints as an opportunity to improve our services. Indeed, our definition of a complaint is "any expression of dissatisfaction whether justified or not", which is deliberately wide to ensure that complaints are recognised and are properly addressed.
- 1.3 The Complaints Team in Customer Services is responsible for the development and implementation of policy and procedures on complaints. In addition, the Complaints Team acts as the Council's liaison point with the LGO, HO and PHSO.
- 1.4 The three Ombudsmen provide a free, independent and impartial service. They consider complaints about the administrative actions of councils and some other authorities. They cannot question what a council has done simply because someone does not agree with it. If they find something has gone wrong, such as poor service or service failure, and that a person has suffered as a result, they aim to get it put right by recommending a suitable remedy. They also use the findings from investigation work to help local authorities provide better public services through initiatives such as special reports, training and annual reviews.

2.0 SUMMARY

- 2.1 This report provides an overview of the complaints received and formally referred and determined by the three Ombudsmen during the twelve months from 1 April 2014 to 31 March 2015.
- 2.2 The report also identifies future developments and areas for improvement in complaint management

3.0 MAIN BODY OF THE REPORT

3.1 Overview

Overall, the number of complaints investigated by Sheffield City Council services was 684 in 2014/15, compared with 906 in 2013/14. This

represents a 25% fall in the number of complaints investigated, and reverses the increase seen in the previous year.

- 3.2 The fall in the number of complaint investigations was seen across all Council service areas, and most significantly in the Resources Portfolio, where the number of complaints about Customer Services fell from 148 in 2013/14 to 26 in 2014/15.
- 3.3 It is not possible to provide a single, simple explanation for the fall in the number of complaints recorded. However, the view of the Complaints Managers is that a major cause of the reduction is the change in approach by services following the introduction of the new Complaints Policy in April 2014. Evidence suggests that many services have embraced the new policy's principle of 'problem solving' – aiming to resolve problems within three days by making personal contact with customers.
- 3.4 In contrast, there has been an increase in the number of enquiries received from the three Ombudsmen. Full details of the enquiries/complaints raised by the Ombudsman can be found at Appendix A.
- 3.5 The Council's Complaints Team recorded a total of 123 separate enquiries/complaints via the Ombudsmen about Sheffield City Council during 2014/15. This was an increase of 22 from the 2013/14 figure of 101.
- 3.6 The areas that generated the largest number of enquiries/complaints were Adult Social Care (23) and Council Housing (21).
- 3.7 The LGO reported that she received 188 enquiries about Sheffield City Council during 2014/15. This figure is higher than the 123 recorded by the Council's Complaints Team because it includes, for example, people who were signposted back to the Council by the Ombudsman, but who never contacted us. By comparison, in 2013/14 the LGO received 166 enquiries about Sheffield City Council.
- 3.8 The LGO stated that the highest number of enquiries she received were about adult social care (38), and highways and transport (34).
- 3.9 It should be noted that not all Ombudsman enquiries lead to a formal investigation. Indeed, of the 123 enquiries recorded by the Council's Complaints Team in 2014/15, approximately two-thirds were not formally investigated, with 43 formally investigated. However, the number of formal investigations increased from 36 in 2013/14.
- 3.10 Of the 43 formal investigations initiated in 2014/15, 16 related to Adult Social Care, and 9 to Education Services.
- 3.11 Overall, the Ombudsman upheld 19 complaints (up slightly from 18 in

2013/14). Details of these complaints are included at Appendix B. Of the 19, the Ombudsman found that there was maladministration, but no injustice in three cases; in the other 16 cases, the Ombudsman found that there was maladministration and injustice. The Ombudsman issued no formal reports against the Council during 2014/15 (one formal report was issued in 2013/14).

3.12 In resolving complaints, we aim to work with the customer to try to achieve their preferred outcome, and when appropriate we will apologise. When the Council is at fault, we will aim to resolve the complaint by putting the customer back into the position they would have been in had the fault not occurred, or by offering another remedy if this is not possible.

3.13 We also aim to learn from complaints, so that we do not repeat the same problem: the table at Appendix B includes full details of the remedies, improvements and changes that have been made following Ombudsman investigations. Examples include:

- **Adult Social Care** - a complaint was made that the supported accommodation provided to the complainant's son was unsuitable, and that the son he was matched with a man who had a history of violence. As a result, the Council agreed to develop plans to address the supply of suitable accommodation, and review the process for matching tenants to shared accommodation
- **School Admissions** - the Ombudsman found there had been maladministration in a case where a parent complained that the school admissions appeal panel had failed to properly consider appeal for a place at School. As a result, the Council has reviewed the wording of its admissions decision templates and ensure that its written case to the appeal includes details of how it considered the application, so parents can understand why they have not got a place, and see if there was a mistake in the admissions process

3.14 The estimated cost of complaint handling in 2014/14 was £310,000. This was a reduction of £66,000 on the previous year. However, based on the indicative costs, the cost of Independent Investigations and Ombudsman formal enquiries increased by £14,000. Taking the cost of complaints resolved outside the 28 day target, escalated complaints and the cost of independent investigations and Ombudsman investigations, there was an additional estimated cost of approximately £169,605 (compared with £163,390 in 2012/13) that could have been avoided. In addition to these costs, a total of £16,380 was paid to complainants in financial remedies in 2014/15, this compares with £19,507 in 2013/14.

Future developments

3.15 Looking ahead, there are external policy developments affecting the Ombudsman that will impact on complaints management in the coming year or two.

- 3.16 Ombudsman review – in May 2015, the Government published a Draft Public Service Ombudsman Bill, which sets out basic proposals to create a single Public Service Ombudsman (PSO). The PSO will cover the responsibilities of the LGO, the PHSO, and, potentially, the HO. The Draft Bill follows a public consultation earlier in the year; as yet there is no timetable for the Bill to be introduced into Parliament.
- 3.17 As well as merging the existing Ombudsmen into a new PSO, the Government is considering enhancing the role of the new PSO. For example, it is proposed that the new organisation will have more powers to investigate complaints about services that have been outsourced/contracted out.
- 3.18 National Audit Office Report (NAO) – in June 2015, the NAO published a report, *Public service markets: Putting things right when they go wrong*, which concluded that “*at present, the complaints and redress system in the public sector cannot be regarded as good value for money*”. In many respects, the NAO report adds to the head of steam behind that is already behind the creation of a single PSO, and may provide an indication of what the final Bill will contain. The NAO recommendations are that the Government should:
- Ensure that service users can access redress easily and increase consistency in complaints handling by having a single integrated Ombudsman for England
 - Make the complaints system easier to navigate through better signposting, particularly for those who are vulnerable
 - Review the effectiveness of complaints handling arrangements for private providers where they receive public money. The NAO points out that currently, public authorities are unable to enforce complaint handling standards for private providers, and have been using tools such as commissioning to influence provider behaviour.
 - Encourage the better collection and use of complaints data across the system to improve quality. The NAO says that Ombudsmen should work with public service leaders to set out best practice. This should include consideration of reporting arrangements to encourage a positive culture towards complaints, and introducing data standards to use complaints as intelligence.
 - Ensure that council executives review their own complaints and complaint handling as a matter of course, and that complaints handling meets best practice.
- 3.19 Both the proposed creation of a PSO and the NAO report indicate a stepping up of interest in complaints at a national level. Locally, we are in a good position to respond to any changes – we have a renewed complaints policy based on simple access to early resolution; there is a central complaints team and complaints management system from which we can capture complaint data; we have an excellent record on responding to Ombudsman enquiries, and there is a senior management culture, as exemplified in the Corporate Plan, which emphasises listening

to customers and being responsive.

3.20 We have, however, identified the following areas for improvement.

- Complaints details, such as complaint outcomes, are not recorded consistently across the organisation, meaning we have partial intelligence on some issues. One result of this is that organisational learning from complaints is not as effective as it could be
- Information provided by some strategic partners is not consistent with information held on the Council's complaints management system, meaning information about key public services is only partially available
- Complaint managers produce management information on complaint handling, but its use across the organisation is inconsistent, meaning that opportunities for improvement and strategic insight are not maximised
- Current contractual arrangements could be improved to further emphasise robust complaints procedures

3.21 Over the coming year, the Complaints Team will continue to actively monitor national policy developments, and will respond to these accordingly. We will also:

- Work with Commercial Services on contracts and complaints
- Undertake work to review how learning from complaints can be improved
- Carry out communications with key stakeholders to improve awareness of complaints processes and trends
- Investigate how to improve the visibility of complaints resolved through problem solving

4.0 RECOMMENDATIONS

4.1 The Standards Committee is asked to consider the Annual Ombudsman Report in order to provide its view on the performance of Ombudsman complaints and the issues raised

OMBUDSMAN COMPLAINTS

The Local Government Ombudsman (LGO), Parliamentary & Health Service Ombudsman (PHSO) and Housing Ombudsman (HO) independently investigate complaints about Local Authorities.

The table below show the complaints investigated by the LGO, PHSO and HO about services provided by Sheffield City Council, both directly and through partners.

Table 1: number of enquiries received 2014/15

	Q1 YTD	Q2 YTD	Q3 YTD	Q4 YTD	2013/14
Formal premature referrals	4	5	12	25	13
Considered without formal enquires	14	22	32	55	52
Formal enquiries	10	26	32	43	36
Total	28	53	76	123	101

Table 2: what they were about in 2014/15

Portfolio/ Partner	Subject	Formal premature referrals	Considered without formal enquiries	Formal enquiries made	Total	2013/14
Communities	Social Care - Adults	3	4	16	23	16
	Council Housing	14	2	5	21	14
	Housing - Other	0	1	1	2	0
CYPF	Social Care - Children	2	6	5	13	10
	Education	0	3	9	12	13
Place	Allotments	0	2	0	2	0
	Building Control	0	1	0	1	0
	Environmental Services	0	1	0	1	0
	Parking Services	1	10	0	11	10
	Planning	0	3	1	4	5
	Highways	2	3	0	5	2
	Licensing	0	2	0	2	0
	Trading Standards	1	0	0	1	0
Amey	Streets Ahead	0	8	0	8	6
Veolia	Waste Management	0	1	2	3	4
Resources	Customer Services	0	2	0	2	5
	Legal	0	0	1	1	
	Transport	0	1	0	1	
Capita	Benefits	0	4	0	4	1
	Revenues	2	1	3	6	11
Total		25	55	43	123	101

There was, therefore, an overall increase in enquiries from 101 to 123, with the number of formal enquiries increasing to 43 in 2014/15, from 36 in 2013/14.

The Council's average response time to the Ombudsman's formal enquiries was **23 days**. This is well inside the 28 day response time target, and a slight increase on the 2013/14 figure.

Table 3: Response times to formal enquiries

	Q1 YTD	Q2 YTD	Q3 YTD	Q4 YTD	2013/14
Average response time (days)	23	21	24	23	22

At the end of their enquiry or investigation, the Ombudsman provides details of their decision. The table below provides details of the decisions during 2014/15, with a comparison to 2013/14

Table 4: Ombudsman decisions 2014/15

Ombudsman Decisions	2013/14	2014/15
Closed after initial enquiries - out of jurisdiction	18	24
Closed after initial enquiries - no further action	26	26
Closed - Local Resolution (Housing Ombudsman)	1	2
Not Upheld: No further action	0	5
Not Upheld: No Maladministration	24	20
Upheld - Maladministration, No Injustice	4	3
Upheld - Maladministration and Injustice	13	16
Report	1	0
Total	87	96

How we compare

The following information is based on information provided by the LGO in her Annual Review Letter.

The LGO reported that she received 188 complaints and enquiries about Sheffield City Council during 2014/15. This figure is significantly higher than the 123 reported in Table 1 because it includes, for example, include people who have been signposted back to the Council by the Ombudsman, but who never contacted us.

The table below shows what the Ombudsman enquiries were about.

Table 5 LGO enquiries received 2014/15

LGO subject category	2013-14	2014-15
Adult Social Care	26	38
Benefits and Tax	34	24
Corporate and other	9	8
Education and Children's Services	35	33
Environmental Services & Public Protection	15	18
Highways & Transport	25	34
Housing	14	22
Planning & Development	8	11
Total	166	188

Based on the LGO's data, the table below compares the number of complaints received by the LGO across the Core Cities.

Table 6: Core cities comparison 2014/15

	Number of complaints and enquiries received	Number of complaints upheld	Number of complaints per 1000 population
Newcastle	57	4	0.21
Leeds	221	24	0.28
Bristol	131	19	0.30
Manchester	156	18	0.31
Sheffield	188	19	0.34
Liverpool	169	20	0.36
Nottingham	110	6	0.36
Birmingham	578	53	0.54

The Ombudsman has stated that across local authorities, in comparison to the previous year:

- complaints about benefits and council tax fell by 11%
- complaints about local authority adult social care increased by 10% (having increased by 16% the previous year)

COST OF COMPLAINT HANDLING

Based on National Audit Office figures, indicative costs for complaint handling have been agreed:

- Complaint resolved at through problem solving = £10
- Complaint Investigations = £155
- Escalated complaints = £455
- Independent Investigations and Ombudsman formal investigation = £2,000
- Complaints resolved outside of the 28 days = additional £50

However, these figure date from 2005, and should now been used for comparative purposes, rather than actual costs.

Table 7: Estimated cost of managing complaints investigations – Council Services and Capita

Complaint stage	2012/13	2013/14	2014/15
Cost of complaints investigated (907)	£174,220	£213,590	£140,585
Cost of escalated complaints (101 complaints)	£52,780	£49,140	£45,955
Cost of Independent Investigations and Ombudsman formal investigations (6 + 43 investigations)	£60,000	£84,000	£98,000
Cost complaints resolved outside 28 days (513 complaints)	£19,900	£30,250	£25,650
Total estimated cost of complaint handling	£306,900	£376,980	£310,190

The overall estimated cost of complaint handling fell by £66,000 during 2014/15, when compared to 2013/14, as a result in the fall in the number of complaints being investigated. However, based on the indicative costs, the cost of Independent Investigations and Ombudsman formal enquiries increased.

Taking the cost of complaints resolved outside the 28 day target, escalated complaints and the cost of independent investigations and Ombudsman investigations, there was an additional estimated cost of approximately £169,605 (compared with £163,390 in 2012/13) that could have been avoided.

In addition to these costs, a total of £16,380 was paid to complainants in financial remedies in 2014/15, this compares with £19,507 in 2013/14.

A summary of the 19 complaints that were upheld by the Ombudsman during 2014/15 is provided below.

	Council Portfolio/ Partner	Complaint	Ombudsman summary	Remedy/Service Improvements
Page 202	1 Communities – Adult Social Care	The complainants say Sheffield City Council has not dealt properly with the care of their adult son. They complain in particular there has been confusion over his direct payments.	The Council funds the care of the complainants’ adult son through direct payments. It apologised for errors and confusion about the direct payments. It agreed to maintain payments at their former level pending a further assessment of the complainants’ son’s needs by the Clinical Commissioning Group. It offered £200 to reflect the uncertainty and distress caused to the complainants. In view of the Council’s actions I have decided to end my involvement in this complaint.	Council agreed to maintain payments at their former level pending a further assessment of the son’s needs by the Clinical Commissioning Group. Also offered £200 to reflect the uncertainty and distress caused to the complainants.
	Communities – Adult Social Care	Ms B complains on behalf of her son, Mr B, about his supported accommodation. In particular, Ms B complains: <ul style="list-style-type: none"> • Mr B’s first accommodation was poor quality and unsafe; • Mr B was poorly matched with the other tenants and as a result he was isolated and unhappy; • Mr B’s tenancy was insecure. Ms B complains about the matching process when Mr B moved to new accommodation. In particular, Ms B complains that:	Mr B’s supported accommodation was unsuitable. He lived in a property for almost four years where there was not enough space and he did not get on with the other tenants. Mr B was then matched with a man who had a history of violence. He left the property after just three weeks following an incident. The Council did not have a protocol for matching tenants for shared supported accommodation. The Council has agreed to pay Mr B £4,000 and his mother, Ms B, £1,000 for the distress they suffered as a result of the Council’s faults. The Council will also make policies to make sure it cannot happen again.	The Council has agreed to pay the complainant’s son £4,000 and his mother £1,000 for the distress they suffered as a result of the Council’s faults. The Council is developing plans/protocols to address issues around the supply of suitable accommodation; and the process for matching tenants to shared accommodation to ensure something similar doesn’t happen again.

	Council Portfolio/ Partner	Complaint	Ombudsman summary	Remedy/Service Improvements
		<ul style="list-style-type: none"> • The Council failed to properly consider the risk posed by the other tenant; and • Mr B had to leave the property following an incident and then lived at home for almost 6 months before the Council found alternative accommodation. <p>Ms B complains about the support Mr B received when he was admitted to hospital.</p>		
3 Page 21	Communities – Adult Social Care	<p>Mrs A complains about the care she received from Housing 21. In particular, Mrs A complains that:</p> <ul style="list-style-type: none"> • A care worker stole food and belongings from her; • When she complained, she was bullied and intimidated by the care worker and the quality of the service she received from Housing 21 deteriorated; • Housing 21 did not investigate her complaint properly. • She is dissatisfied with the Council’s response to her complaint 	The Council did not investigate Mrs A’s complaint properly. The Council has agreed to reinvestigate Mrs A’s complaint and pay her £500 to acknowledge the distress its actions caused	The Council agreed to reinvestigate the complaint and pay complainant £500 to acknowledge the distress its actions caused.
4	CYPF - Admissions	Miss B complains about the Independent Appeal Panel’s decision not to admit her daughter to C Primary School. In particular,	The Council gave the Independent Appeal Panel incorrect information, which meant its decision was flawed.	The Council has apologised for the mistake and has since offered Miss B’s daughter a place at the school. Legal Services

	Council Portfolio/ Partner	Complaint	Ombudsman summary	Remedy/Service Improvements
		Miss B complains the Panel considered her appeal on the understanding there were two teachers for sixty children in Reception when in fact there are three.	The Council has apologised for the mistake and offered Miss B's daughter a place at the school. This is a fair outcome.	confirmed that the Clerks will use the learning from this complaint to ensure that Appeal Panels sufficiently challenge the information that is being presented by Admission Authorities to refuse admission on the grounds that admission of an additional child would breach the infant class limit.
5	Communities – Adult Social Care	<p>Mr P complains he has not received adequate support to meet his mental health needs. Specifically he complains that:</p> <ul style="list-style-type: none"> • He received inadequate support from his social worker and his social worker under-represented his needs. • His confidentiality was breached when the social worker contacted the GP about a comment Mr P had attributed to the GP. • His complaint was not responded to appropriately. • There was a delay in his getting referrals and appointments with a psychiatrist and an eye clinic. 	There have been some failings. Mr P should receive an apology.	<p>The Council agreed to apologise to Mr P for the actions of the social worker in making direct contact with the GP, which was done without permission or approval from management or the person considering the complaint.</p> <p>The Council also agreed to review/ensure there are mechanisms where difficult cases can be discussed, with the possibility of reallocating where relationships have broken down, in the interests of both staff and service users.</p> <p>The Care Trust restated guidance to managers on transfer of cases from one professional to another.</p>
6	Communities – Adult	Mr A complains about the way the	The Care Trust and the Council took too	The Council/Trust agreed to offer

	Council Portfolio/ Partner	Complaint	Ombudsman summary	Remedy/Service Improvements
	Social Care	Care Trust, acting on behalf of the Council under a legal agreement, handled his applications for self-directed support (SDS) to meet his mental health needs. In particular he complains about delay in the process overall and specifically in the decision review process; failure to appoint a qualified person to consider his complaints about the SDS process; failure to explain reasons for decisions about his applications; that he was not allowed to access some funding due to the dispute over decisions about his applications; refusal to agree two elements in his support plan which had previously been treated as disability related expenses; investigating complaints which he had not made; and deeming him to be a vexatious complainant.	<p>long to consider Mr A's SDS application and address his concerns. The delay exacerbated his anxiety. The Trust and Council have apologised to Mr A, but should also offer a payment in acknowledgement of that delay.</p> <p>There was also a failure to ensure that Mr A's needs were regularly monitored by his care coordinator. The Trust and Council have apologised to Mr A for that failure already, but should also acknowledge the injustice caused by consideration of a consolatory payment.</p> <p>There was no evidence of fault in the remaining aspects of Mr A's complaint.</p>	a payment of £500 in respect of the delay in resolving his application and subsequent complaints in 2012; and a payment of £2000 in acknowledgement of the failure over a long period of time to monitor Mr A's care, and the impact that this has had on his ability to access SDS funding.
7	CYPF – Children and Families	<p>Mr A complains that:</p> <ul style="list-style-type: none"> • The Council has not remedied in full his complaint as investigated under the statutory children's social care complaints procedure • The Council failed to respond properly to Mr A's continuing concerns since September 2012 about the circumstances and welfare of C, D and E 	<p>I am broadly satisfied with the Council's Stage 2 adjudication response. The Council accepted fault where appropriate and proposed suitable remedies.</p> <p>However to fully remedy fault I recommend the Council pays the complainant £400 to compensate for feelings of distress caused by poor communication and poorly evidenced safeguarding assessments. The poor</p>	<p>The Council agreed to pay the complainant £400 to compensate him for feelings of distress caused by poor communication and poorly evidenced safeguarding assessments.</p> <p>Learning arising from the stage 2 complaint investigation and response included reminders being issued to staff about service expectations about</p>

	Council Portfolio/ Partner	Complaint	Ombudsman summary	Remedy/Service Improvements
			<p>evidence base of those Assessments created doubt for Mr A as to the validity of the conclusions reached in those Assessments about the circumstances of three children (C, D and E) and the safeguarding capability of the resident parent.</p> <p>I am satisfied the Council has responded properly to Mr A's continuing concerns about the welfare and circumstances of C, D and E. It has made proportionate enquiries to decide whether they are at risk of significant harm.</p>	obtaining written information from other agencies and not relying on information given verbally; and appropriate cross referencing between files of family members.
	CYPF – Admissions	Mr J complains that the panel failed to properly consider his appeal for a place at School 1. He specifically complains that the panel did not consider whether the admission criteria were properly applied	The appeal panel's decision was not affected by fault, so the Ombudsman cannot question the outcome of Mr J's appeal. But the Council should revise its admissions decision email, and include details of how it considered the application in the information it provides before the appeal.	The Council has reviewed its admissions decision templates and incorporated a link to the web page explaining the oversubscription criteria and numbers in more detail, so parents can understand why they have not got a place, and see if there was a mistake in the admissions process. Changes operational from March 2015.
9	CYPF – Admissions	Ms X complains her appeal for a school place was prejudiced because it was held individually and not as a group hearing. She says there were several school related factors that would apply equally to all cases.	There is inconsistency in the appeal panel decisions which is remedied by offering Ms X a fresh hearing.	The Council agreed to arrange a new appeal hearing using a new panel, but Mrs X withdrew appeal as daughter was now settled in allocated school. The inconsistencies in written decision reasons between this

	Council Portfolio/ Partner	Complaint	Ombudsman summary	Remedy/Service Improvements
				case and a successful appeal were brought to the attention of Clerk and Panel members to inform practise moving forward.
10	Resources – Council Tax	<p>The complainant, Mr O, complains:</p> <ul style="list-style-type: none"> • About the way bailiffs have dealt with enforcement of a council tax debt; • The Council credited payments to the wrong accounts; • About delays in getting a response to his complaints from the bailiffs and the Council. <p>Mr O says he should receive some compensation for the actions of the bailiffs and the Council's refusal to take the debt back from the bailiffs.</p>	<p>There has been some fault for which the Council has provided a remedy. There is not enough remaining injustice to warrant further investigation by the Ombudsman.</p>	<p>The Council agreed to withdraw the customers summons; credited payments made to the appropriate year and agreed a payment arrangement. The Council has apologised for the faults in its management of the customer's account and complaint.</p>
11	Communities – Adult Social Care	<p>Mr X complained about the way the Council responded to his request for support in planning care for his wife, Mrs X, and about the lack of a carer's assessment of him at that time.</p> <p>Mr X also complained the Council delayed in its responses to his requests for help.</p>	<p>The Council failed to carry out a carer's assessment when it should have identified a need for one. It failed to explain clearly how it had assessed needs and failed to show the individual budget met those needs. This left the complainant unclear whether the support the Council said was suitable would meet his wife's needs when.</p>	<p>The Council has agreed to apologise to the customer for failing to carry out a carer's assessment, failing to clearly explain the customer's wife's indicative budget and for the delays in providing her support plan. Within its apology the Council agreed to provide a clear explanation for the customer's wife's score against the Council's RAS system. The Council agreed</p>

	Council Portfolio/ Partner	Complaint	Ombudsman summary	Remedy/Service Improvements
				to carry out a Carers assessment and backdate any support identified and to assess if the customer's wife had lacked any support and if so backdate this. The Council agreed to pay the customer and his wife £250 each for the anxiety and distress caused by delays and pay the customer £150 for his time and trouble in bringing the complaint.
12 Page 26	Communities - Adult Social Care	Mr J complains the Council did not respond correctly to the safeguarding alerts he and other staff raised about a care worker physically assaulting vulnerable adults	<p>Faults in the way the Council considered Mr J's safeguarding referral about a vulnerable service user meant that Mr J cannot be certain the service user was properly protected from harm.</p> <p>The Council should apologise and make sure its safeguarding records are complete and comprehensive, so better information is available for future strategy meetings. The Council has also undertaken to carry out a case review.</p>	The Council agreed to apologise to the customer and ensure that all records of incidents at the home are complete and comprehensive. The Council has agreed to undertake a case review to report back to the local safeguarding best practice group.
13	CYPF – Children and Families	<p>Mr B complains about the lack of support from the Council following the death of his mother in 1995 and his father in 2002. In particular, Mr B complains that:</p> <ul style="list-style-type: none"> • The Council did not provide enough support when he was looked after by Mrs C from 2004 until she asked him to leave in 	I find the Council failed to consider Mr B's requests. In doing so, the Council acted in a way that minimised its long-term responsibility to support Mr B. The Council has agreed to make a payment to acknowledge the distress this failure caused and to provide services and support to remedy the disadvantage Mr B experienced by not having been treated as a care leaver.	The Council agreed to make a payment (£5,000) to acknowledge the distress this failure caused, and to provide services and support to remedy the disadvantage Mr B had by not having been treated as a care leaver. Council also agreed to make Mr B's sister a payment equivalent to the Residence

	Council Portfolio/ Partner	Complaint	Ombudsman summary	Remedy/Service Improvements
		<p>2007;</p> <ul style="list-style-type: none"> • The Council did not provide support when he was looked after by his sister between August 2007 and April 2009; • The Council failed to properly consider his requests to be accommodated 		<p>Order Allowance the Council could have paid to her while she cared for her brother, and an additional payment of £1,000 to acknowledge the Council's failure to assess her need for support as his carer.</p> <p>Learning arising from investigation was limited due to historical nature of complaint and exceptional circumstances. Social work practice and procedures have moved on; file recording greatly improved and more robust procedures in place around the storage of personal belongings.</p>
14	Veolia	<p>Mr X complains the Council's refuse workers have victimised and harassed his family and that the Council failed to properly investigate his complaint. In particular Mr X complains that:</p> <ul style="list-style-type: none"> • The refuse supervisor videoed workers from Mr X's house which led to a complaint by a worker against Mr X • The Police wrongly linked this complaint to Mr X's name, not the supervisor, this will show up on any employment checks • Promises to remove workers 	<p>Mr X was subjected to inappropriate behaviour by refuse workers and there was fault in the investigation and complaint handling. This caused Mr X injustice.</p>	<p>Council/Partner agreed to apologise to the customer for the inappropriate behaviour by refuse workers and ensure any further complaints received from customer over next 6 months are considered by a senior officer/ manager promptly and in writing.</p> <p>Also agreed to pay Mr X £280 total compensation in recognition of distress, delay/ poor complaint handling, time and trouble in bringing complaint and damage to garden.</p>

	Council Portfolio/ Partner	Complaint	Ombudsman summary	Remedy/Service Improvements
		<p>causing harassment from the round were not kept</p> <ul style="list-style-type: none"> • Other workers continue to harass and victimise Mr X and his family as retaliation for bringing a complaint against their colleague • The victimisation includes checking through Mr X's bins to find reasons to reject them when similar checks are not made of neighbour's bins • The Contractor failed to stick to an agreement to pay Mr X's £10 data request fee for information the Police held about him. 		<p>Council reported back on action plan that it had drawn up with Veolia on training and service improvements. These included confirmation that complaint handling training had been delivered to all Veolia Supervisors; refresher training to be provided as necessary; protocols developed and agreed to ensure appropriate escalation/ notification of staff conduct issues; guidance for investigating managers shared with Veolia; and additional checks put in place to ensure complaints recording meets standards.</p>
	Communities –Adult Social Care	<p>Mr Q complained the Council did not provide adequate support for his social care needs. In summary:</p> <ul style="list-style-type: none"> • Mr Q disagreed with the significant reduction in his personal budget. He said this went against the views of both his care worker and general practitioner. • Mr Q said he asked the Council to fund a specific retreat and he disagreed with the decision to refuse funding. • The Council, Mr Q said, was not transparent about the reductions or refusals to fund specific services. He said he was not 	<p>There is evidence of fault. The Council has agreed take steps to remedy the injustice to Mr Q. This is a suitable resolution to the complaint.</p>	<p>The Council agreed to carry out a reassessment of need and ensure any decisions made by the funding panel following the assessment are clearly recorded and explained to the customer. The Council also agreed to pay customer £250 for the time and trouble he has spent pursuing the complaint.</p>

	Council Portfolio/ Partner	Complaint	Ombudsman summary	Remedy/Service Improvements
		given clear information about the reasons for the reductions.		
16	CYPF – Home to School	Ms A complains there was fault in the way the Admissions Committee decided a school transport appeal	<p>There was fault by the Admissions Committee causing injustice to the complainant.</p> <p>The Council has accepted there was fault and agreed to a fresh appeal. This provides suitable remedy</p>	<p>Council offered/arranged fresh appeal involving committee members with no prior involvement in the case. The appellant was given an opportunity to submit further supporting information and to attend the hearing in person.</p> <p>Appeal procedures developed to incorporate option for appellants to make verbal representations and additional checklists introduced to improve audit trail around decision making. Home to School Transport policy published on Council website July 2015.</p>
17	CYPF – Children and Families	<p>The complainant, Mrs J, complains:</p> <ul style="list-style-type: none"> In 2000, she asked the Council for financial help for a loft conversion or extension to her property to provide more space to accommodate the child she looks after. But the Council told her there was no financial help available, so she and her family had to move house; The Council reduced her Family 	The Council did not provide Mrs J with clear and accurate information about its new foster carer payment scheme. So she lost the opportunity to understand at an early stage how the scheme would affect her. This created a dispute which went on for too long, causing her significant stress and frustration. The Council should recognise the unfair impact of its fault by paying Mrs J £500.	<p>Council has agreed to make Mrs J a payment of £500 to acknowledge the impact of its fault (avoidable stress and frustration) and the length of time the dispute continued before the customer was able to contact the Ombudsman.</p> <p>More robust monitoring and tracking of open complaints introduced. Also general</p>

	Council Portfolio/ Partner	Complaint	Ombudsman summary	Remedy/Service Improvements
		<p>and Friends Foster Carer payments in 2011 after changes were made to the Foster Carer standards and payments;</p> <ul style="list-style-type: none"> • Before this, she had been told by the Council that these changes would not affect her; • There is no record of her being told this because her supervising Social Worker did not take any supervision notes; • The Council did not help her to work towards the new Level 2 Family and Friends Foster Carer Standards, and, despite the outcome of its Stage Two investigation of her complaint, is still not helping her to achieve this; • All the above has left her out of pocket. 		<p>learning for service around retaining audit trail of decision making and evidence of consultation communication/ outcomes.</p> <p>Wider learning arising from the complaint investigation also led to improved practice around the sharing of supervision notes between social workers and foster carers, and associated recording.</p>
18	Capita – Revenues and Benefits	Mrs X complains about the way the Council dealt with her Council Tax account causing her distress	Mrs X complains about the way the Council dealt with her Council Tax account. The Council accepted it made errors and apologised to Mrs X. It agreed to pay her £100 in recognition of the distress caused. The Ombudsman is completing her investigation as she cannot achieve anything more for Mrs X.	The Council accepted it made errors and apologised to the customer. The Council agreed to pay the customer £100 in recognition of the distress caused.
19	Capita – Revenues and Benefits	Mr A complains Sheffield City Council has failed to properly handle his council tax account. It has	There was some limited fault by the Council, but as this has already been adequately remedied the Ombudsman	The LGO concluded that the Council's fault in its handling of the customer's council tax

	Council Portfolio/ Partner	Complaint	Ombudsman summary	Remedy/Service Improvements
		wrongly pursued him for unpaid council tax and has been writing to him at the wrong address despite his request for communication via email. He says he has been targeted unfairly and wants to receive compensation for his distress and time and trouble.	will not pursue the complaint any further.	account was adequately remedied by its withdrawal of the summons and associated costs.

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Standards Committee Report

Report of: The Monitoring Officer/Director of Legal and Governance

Date: 17 September 2015

Subject: Update on Standards Complaints

Author of Report: Dave Ross, Democratic Services

Summary:

The report provides information on the complaints considered under the Procedure for Dealing with Standards Complaints.

Recommendations:

The Committee is asked to note the contents of the report.

Background Papers:

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by:
Legal Implications
NO Cleared by:
Equality of Opportunity Implications
NO Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
Not applicable
Relevant Cabinet Portfolio Lead
Councillor Ben Curran (Finance and Resources)
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

UPDATE ON STANDARDS COMPLAINTS

1.0 Introduction

- 1.1 The report provides information on the complaints being dealt with under the revised Procedure for Dealing with Standards Complaints regarding City, Parish and Town Councillors and Co-opted Members that was adopted by Full Council at its meeting on 25 March 2015. The Procedure is attached as an appendix to the report.
- 1.2 The Localism Act 2011 requires Councils to promote high standards of Member conduct, adopt a Code of Conduct and introduce a process for investigating complaints. The Council also has three Independent Persons to assist the Monitoring Officer and Standards Committee in dealing with complaints.

2.0 Summary of Complaints

- 2.1 Since the introduction of the new Procedure, one formal complaint has been received and is to be assessed by the Monitoring Officer, in conjunction with the Independent Person.
- 2.2 The Committee's Annual Report was submitted to and noted by Full Council at its meeting on 2 September 2015. The Report outlined the 14 complaints that were dealt with in 2014/15 under the previous complaints' process.

3.0 Recommendation

- 3.1 The Committee is asked to note the contents of the report.

Gillian Duckworth
Monitoring Officer/Director of Legal and Governance

APPENDIX

PROCEDURE FOR DEALING WITH COMPLAINTS REGARDING CITY, PARISH AND TOWN COUNCILLORS AND CO-OPTED MEMBERS

1. Introduction

1.1 Under the Localism Act 2011, the Council has duty to promote and maintain high standards of conduct for its elected and co-opted members and have arrangements in place to deal with complaints.

1.2 This Procedure sets out how the Council will deal with a complaint alleging a breach of the Members' Code of Conduct by:-

- Sheffield City Councillors or co-opted members of the Council
- Bradfield Parish Councillors
- Ecclesfield Parish Councillors
- Stocksbridge Town Councillors

(In this Procedure the term 'Member' is used to describe a Councillor or Co-opted Member)

1.3 In dealing with complaints we will be fair to both the complainant and Member and progress matters in accordance with the timescales set out in the Procedure. Complaints will be handled in the strictest confidence at all times.

2. Monitoring Officer

2.1 Gillian Duckworth, Director of Legal and Governance, is the Council's Monitoring Officer. This is a statutory role, responsible for ensuring that the Council, its Members and officers carry out their functions in a lawful and ethical manner. The role includes supporting the Standards Committee and the three Independent Persons in dealing with complaints alleging a breach of the Members' Code of Conduct.

3. Independent Persons

3.1 The Council appoints Independent Persons from outside the Council to assist the Monitoring Officer and Standards Committee in considering complaints. Sheffield currently has appointed three Independent Persons - Stuart Carvell, Marvyn Moore and David Waxman.

3.2 The Independent Person must be consulted at various stages in the complaints process and also before the Standards Committee makes a finding as to whether a member has failed to comply with the Code of Conduct and decides on action to be taken in respect of a Member.

4. Making a Complaint

4.1 Complaints alleging a breach of the Members' Code of Conduct should be made in writing using the complaint form and sent to Gillian Duckworth,

Monitoring Officer, Sheffield City Council, Town Hall, Sheffield S1 2HH or email gillian.duckworth@sheffield.gov.uk. The complaint form is available from:-

- Website - www.sheffield.gov.uk/standardscommittee
- Email - committee@sheffield.gov.uk
- Phone - 0114 273 5033

4.2 If you need advice or assistance in submitting a complaint please contact Dave Ross in Democratic Services (email dave.ross@sheffield.gov.uk or phone 0114 273 5033).

4.3 Details of the complaint, including the name of the complainant, will be shared with the Member. The complainant can request on the complaint form that their identity is kept confidential. Requests for confidentiality will be considered by the Monitoring Officer, in consultation with the Independent Person.

4.4 Anonymous complaints will not be considered.

5.0 Acknowledging the Complaint/Informing the Member

5.1 The Monitoring Officer will acknowledge receipt of the complaint in writing within 5 working days and provide the complainant with a copy of this Procedure and the Code of Conduct.

5.2 The Member will be informed in writing within 5 working days that a complaint has been made about them. This will include the name of the complainant and details of the complaint. They will also receive a copy of this Procedure and the Code of Conduct. To assist the Monitoring Officer in assessing the complaint, the Member will be invited to submit within 10 working days a written statement of fact in response to the complaint.

5.3 The Monitoring Officer will also inform the Leader of the relevant political Group, Group Whip and Chair of the Standards Committee that a complaint has been received and provide a summary of the complaint.

5.4 Where a complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of that Council of the name of the Member and details of the complaint. The Clerk will also be kept informed of the progress and the outcome of the complaint.

6. Assessment by the Monitoring Officer

6.1 Before assessment of the complaint, it may be necessary for the Monitoring Officer to request further information or clarification from the complainant and/or Member.

6.2 The Monitoring Officer, in consultation with the Independent Person, will consider the complaint, any remedy sought by the complainant, any written statement of fact submitted by the Member and any other information obtained. In assessing the complaint, the Monitoring Officer will take into

account:-

- The seriousness of the allegation.
- The effectiveness of the remedies available.
- If a significant amount of time has elapsed since the events which are the subject of the complaint.
- If the allegation relates to a cultural or recurring issue relating to standards within the Council.
- If the matter should be dealt with by some other method, e.g. police investigation.
- If complaints have been made about the Member relating to similar issues in the past.
- The impact on the complainant or reputation to the Council caused by the conduct.
- If the complaint appears to be trivial or vexatious or is part of a series of complaints from the complainant.
- Whether the conduct occurred during political debate or could be regarded as a political expression of views or opinion.

6.3 Following consultation with the Independent Person, the Monitoring Officer will then consider if the allegation constitutes a potential breach of the Code of Conduct and take one of the following courses of action:-

- (1) Take no action or
- (2) Take other action through informal resolution or
- (3) Refer the matter for investigation

6.4 The complainant and the Member will be informed in writing within 5 working days of the outcome and the reasons for the decision.

6.5 Where a complaint is not referred for investigation, the Monitoring Officer will seek to deal with the matter within 8 weeks.

7. Informal Resolution by the Monitoring Officer

7.1 Where the Monitoring Officer has decided to take other action this will seek to resolve the complaint informally and without determining if an actual breach of the Code has taken place. Both the complainant and Member will have to agree to the outcome of any informal resolution.

7.2 The Monitoring Officer, in consultation with the Independent Person, may take any of the following actions:-

- Take such steps as they think appropriate to prevent a future potential breach of the Code including training, guidance and introducing or amending policies/protocols.
 - Ask the Whips to address the issue raised within their political parties or with an individual Member.
 - Mediate between the parties involved to resolve the issues.
 - Seek an apology from the Member.
 - Any other action capable of resolving the complaint.
- 7.3 The complainant and Member will be informed in writing of the outcome of any informal resolution within 5 working days. The Chair of the Standards Committee and relevant Group Leader and Group Whip will also be informed that the complaint has been resolved.
- 7.4 Where a complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of that Council that the complaint has been resolved.
- 7.5 Where it has not been possible to agree an informal resolution, the Monitoring Officer, in consultation with the Independent Person, will refer the matter for investigation and inform the complainant and Member within 5 working days.
- 8. Investigation**
- 8.1 If a complaint has been referred for investigation, the Monitoring Officer, in consultation with the Independent Person, will appoint a person to undertake the investigation and this may be either a Council Officer or an outside agent, depending on the complexity and subject of the complaint.
- 8.2 The Investigating Officer will inform the complainant and Member of the process and proposed timescale of the investigation. The investigation may involve interviewing both parties and possibly other witnesses, together with reviewing any relevant documentation or paperwork.
- 8.3 The Investigating Officer will prepare a draft report on the outcome of the investigation and provide the complainant and Member with a copy for review and comment.
- 8.4 The Investigating Officer will submit a final version of the report to the Monitoring Officer that will make a finding that either (a) there has been a failure to comply with the Code of Conduct or (b) there has not been a failure to comply with the Code of Conduct. The final report will also be sent to the complainant and Member.
- 8.5 The Monitoring Officer will submit the Investigating Officer's report to the Consideration Sub-Committee.

8.6 An investigation will be completed within 12 weeks of a referral by the Monitoring Officer. The Consideration Committee will meet within one month of the final report being submitted to the Monitoring Officer.

9. Consideration Sub-Committee

9.1 The Sub-Committee will consider the Investigating Officer's report and, after taking the views of the Independent Person into account, can:-

(a) take no action where there is no evidence of a failure to comply with the Code of Conduct or

(b) take no action where there is no evidence of a failure to comply with the Code of Conduct but make a recommendation to the authority with a view to promoting and maintaining high conduct of standards in general (e.g. proposed changes to internal procedures or training for Members) or

(c) ask the Monitoring Officer, where possible, to seek a local resolution to the complaint or

(d) refer the matter to a Standards Committee Hearing.

9.2 The complainant and Member will be informed in writing within 5 working days of the outcome and the reasons for the decision.

10. Local Resolution

10.1 Where the investigation finds evidence of failure to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, may attempt a local resolution, avoiding the necessity of a hearing, and take any of the following actions:-

- Take such steps as they think appropriate to prevent a future potential breach of the Code including training, guidance and introducing or amending policies/protocols.
- Ask the Whips to address the issue raised within their political parties or with an individual Member.
- Mediate between the parties involved to resolve the issues.
- Seek an apology from the Member
- Any other action capable of resolving the complaint

10.2 Both the complainant and Member will have to agree to the outcome of any local resolution.

10.3 The Monitoring Officer will inform the complainant and Member in writing within 5 working days of the outcome of any agreed local resolution.

10.4 If a local resolution has not been possible, the Monitoring Officer, in

consultation with the Independent Person and Chair of the Standards Committee, will refer the matter to a Standards Committee Hearing and inform the complainant and Member in writing within 5 working days.

11. Standards Committee Hearing

11.1 The Standards Committee Hearing Sub-Committee comprises 3 Councillors and 1 non-voting co-opted Independent Member.

11.2 The Sub-Committee will meet within two months of a referral by the Consideration Sub-Committee to consider the allegation and Investigating Officer's report and make clear findings as to the facts of the matter and whether a breach of the Code of Conduct has occurred.

11.3 The Hearing Sub-Committee will meet in public unless it decides that all or part of the meeting should be held in private in accordance with the Access to Information Procedure Rules in the Council's Constitution.

11.4 In advance of the Hearing there will be a pre-hearing process to allow matters at the Hearing to be dealt with more fairly and economically.

11.5 The complainant and Member will be given the opportunity to attend the Hearing and present witnesses. The Monitoring Officer, Investigating Officer and Independent Person will also attend. The procedure at the Hearing will include:-

- Making findings of fact
- Deciding if there has been a breach of the Code of Conduct
- Consider the remedies/sanctions available if there is a finding that the Member has breached of the Code of Conduct

11.6 Full details of the pre-hearing and hearing process are set out in the Procedure at Hearings. The Member and complainant will be provided with a copy of the Procedure.

11.7 A Finding of No Breach of the Code of Conduct

11.7.1 If the Sub-Committee finds that the Member did not breach the Code of Conduct no further action will be taken in respect of the complaint. However, the Sub-Committee can make a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general (e.g. proposed changes to internal procedures or training for Members).

11.8 A Finding of a Breach of the Code of Conduct

11.8.1 If the Sub-Committee finds that a breach of the Code of Conduct has occurred they may make any of the following recommendations and may specify to whom they wish them to be directed:-

- Recommending to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the

Council or Shadow Portfolio responsibilities.

- Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities.
- Instructing the Monitoring Officer to arrange training for the member.
- That policies/procedures are amended.
- That a briefing/information note be issued.
- That an apology be given.
- That the Member is censured in writing and a copy of the letter is published on the Council's website.
- Take no action where it is not considered appropriate in the circumstances to impose a sanction.

11.9 The Monitoring Officer will inform the complainant and the Member of the outcome from the Sub-Committee hearing in writing within 5 working days.

11.10 The findings and decision of the Sub-Committee will be also be available on the Council's website and copies will be supplied to the Chief Executive, Leaders of all the political Groups and the Group Whips.

11.11 Where the matter relates to a Parish or Town Councillor, the Clerk of that Council will be informed of the outcome of a Hearing.

12. Appeals

12.1 There is no right of appeal for the complainant or Member against a decision of the Monitoring Officer, Consideration Sub-Committee or Hearing Sub-Committee.

12.2 If the complainant feels that the Council has failed to deal with their complaint properly, they can make a complaint to the Local Government Ombudsman.

13. Reports

13.1 A quarterly report will be presented to meetings of the Standards Committee on the complaints received and how they were dealt with. An annual report will also be submitted to Full Council with a summary of all Standards Complaints.

14. Data Protection

14.1 Complaints will be handled in the strictest confidence at all times. We will ensure that any information received as part of the handling of the complaint is disclosed only to those who can demonstrate a valid need to know it. However, when a complaint is considered at a Standards Committee Hearing then any information will be dealt with in accordance with the Access to

Information Procedure Rules in the Council's Constitution.

14.2 Complaints records will be stored safely and securely.

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Standards Committee Report

Report of: The Monitoring Officer/Director of Legal and Governance

Date: 17 September 2015

Subject: Work Programme

Author of Report: Dave Ross, Democratic Services

Summary:

The report provides details of a proposed work programme for the Committee

Recommendations:

That the Committee:-

(a) considers the Work Programme and identifies any further items for inclusion;
and

(b) approves the work programme.

Background Papers:

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by:
Legal Implications
NO Cleared by:
Equality of Opportunity Implications
NO Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
NONE
Relevant Cabinet Portfolio Lead
Councillor Ben Curran (Finance and Resources)
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

WORK PROGRAMME

1. Purpose of Report

- 1.1 To consider an outline work programme for the Committee and to identify any further items for inclusion.

2. Work Programme

- 2.1 It is intended that there will be at least four general meetings of the Committee during the year with additional meetings of the Sub-Committees to deal with any Standards complaints as necessary.
- 2.2 The work programme is based around the attached terms of reference and will be developed during the year.
- 2.3 An outline programme is set out below and Members are asked to identify any further items for inclusion.

Date	Items	Officer
10 December 2015	Review of the Whistleblowing Policy	Gillian Duckworth
	Member Development Programme	Gillian Duckworth
	To review: <ul style="list-style-type: none"> Members' Code of Conduct Protocols relating to Councillor and Officer Behaviour Procedures relating to Gifts and Hospitality 	Gillian Duckworth/Dave Ross
	Update on Standards Complaints	Dave Ross
	Work Programme	Dave Ross
17 March 2016	Review of the Standards Complaints Procedure	Gillian Duckworth/Dave Ross
	Update on Standards Complaints	Dave Ross
	Work Programme	Dave Ross
16 June 2016	Annual Standards Report to Council	Dave Ross
	Update on Standards Complaints	Dave Ross
	Work Programme	Dave Ross
	Annual training session on the Code of Conduct etc.	Gillian Duckworth

3. **Recommendation**

3.1 That the Committee:-

- (a) considers the Work Programme and identifies any further items for inclusion;
and
- (b) approves the work programme.

Gillian Duckworth
Monitoring Officer/Director of Legal and Governance

Appendix - Standards Committee Terms of Reference

- (a) Promoting and maintaining high standards of conduct by Councillors, Co-opted Members Representatives on Committees and Sub-Committees.
- (b) Assisting Councillors, Co-opted Members and Representatives to observe the Councillors' Code of Conduct.
- (c) Advising the Council on the adoption or revision of the Councillors' Code of Conduct and Protocols relating to Councillor and Officer behaviour.
- (d) Monitoring the operation of the Councillors' Code of Conduct.
- (e) Advising, training or arranging to train Councillors, Co-opted Members and Representatives on matters relating to the Members' Code of Conduct.
- (f) Discharging the functions of, hearing complaints against Councillors concerning the Members' Code of Conduct referred to them by the Monitoring Officer.
- (g) The exercise of the above functions in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.
- (h) Advising the Council on the adoption and revision of its Whistle-blowing Policy and monitoring the operation of that Policy.
- (i) Monitoring and reviewing procedures relating to gifts, hospitality and personal interests, for Councillors and officers.
- (j) Monitoring the Council's response to complaints to the Ombudsman.
- (k) Undertaking such other functions as the Council may delegate to the Committee.

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