



ST HELENS
BOROUGH COUNCIL

Town Hall, St. Helens, Merseyside, WA10 1HP

Telephone: 01744 673219 Mrs Joanne Griffiths MBE

Agenda

STANDARDS COMMITTEE

PUBLIC MEETINGS ARE WEBCAST (LIVE STREAMED)

Date: Tuesday, 12 January 2021 Time: 4.00 pm Venue: Virtual

Membership

Lab 8 Councillors Bond (Chair), Bowden, J Jackson, P Jackson, Maloney, Murphy, Quinn and Sweeney

LD 1 Councillor Sims

Con 1 Councillor Jones

<u>Item</u>	<u>Title</u>	<u>Page</u>
1.	<u>Apologies for Absence</u>	
2.	<u>Minutes of the Meeting held on 19 October 2020</u>	3
3.	<u>Declarations of Interest from Members</u>	
4.	<u>Review of Procedure for Dealing with Complaints Regarding Breach of the Code of Conduct for Members</u>	7
5.	<u>Local Government and Social Care Ombudsman Annual Review Letter 2019/20</u>	23
6.	<u>Local Government and Social Care Ombudsman Complaints 2020/21</u>	31
7.	<u>Update on Code of Conduct Complaints against Elected Members</u>	verbal

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STANDARDS COMMITTEE

At a meeting of this Committee held on
19 October 2020

(Present) Councillor Bond, Bowden, J Jackson, P Jackson, Jones, Maloney
MBE, Murphy, Quinn and Sims.

Since publication of the Agenda Councillor Howard had resigned as a
Councillor for St Helens Borough Council.

1 APPOINTMENT OF CHAIRMAN

- * **Resolved that Councillor Bond be appointed Chairman.**

Councillor Bond here took the Chair.

2 APOLOGIES FOR ABSENCE

No apologies for absence were received.

3 MINUTES

- * **Resolved that the Minutes of the meeting held on 13 July 2020 be approved and signed.**

4 DECLARATIONS OF INTEREST FROM MEMBERS

No Declarations of Interest from Members were made.

5 UPDATE ON LGA DRAFT MODEL CODE OF CONDUCT FOR MEMBERS

A report was submitted which provided the Committee with an update on the Local Government Association's ("LGA") draft model code of conduct for Members.

In January 2019, the Committee on Standards in Public Life ("CSPL") published its report on Local Government Ethical Standards, which made a number of recommendations to central government in relation to primary legislation and to local authorities in relation to best practice.

One of the CSPL recommendations was for the LGA to create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government. The purpose of having a code of conduct for Members was to:

- promote high standards of conduct and trust;
- provide clarity about where boundaries are crossed for Members; and
- set out what the public can expect from their representatives.

The LGA had reviewed the model code of conduct in response to the recommendations, but also in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate,

STANDARDS COMMITTEE

decision making and engagement. The LGA aimed to develop a code that benchmarked a standard for all in public office and for those engaged in public discourse and debate. It will set out the duties and expectations of persons in public office.

A further report would be brought back to Standards Committee for consideration once the LGA model code of conduct is published. The Member model code of conduct was suggested national good practice, and councils can adopt this revised code, or adopt their own local code.

Currently, each of the local authorities and joint authorities across the Liverpool City Region have different local code of conducts which can cause inconsistency when Members are appointed to those bodies.

At the Standards Committee meeting held on 5 January 2015, a verbal report was received from the Monitoring Officer on a proposal for a Model Code of Conduct for Elected Members across the Liverpool City Region. The minutes from that meeting indicated the Monitoring Officer sought Members' views on whether St Helens Borough Council should enter into discussions to create a model Code of Conduct with the Liverpool City Region authorities and Merseyside Fire and Civil Defence.

The publication of the LGA model code would enable those in principle discussions to continue with colleagues across the region with a view to a draft Code being produced for further consideration.

* **Resolved that**

- (1) **the update on the LGA draft model code of conduct for Members be noted; and**
- (2) **the Monitoring Officer be authorised to continue with in principle discussions with the Liverpool City Region local authorities and joint authorities to create a model code of conduct for consideration for the Liverpool City Region.**

6 COMMITTEE ON STANDARDS IN PUBLIC LIFE – PROGRESS ON BEST PRACTICE RECOMMENDATIONS

A report was submitted which provided the Committee with an update on progress in relation to the Committee on Standards in Public Life ("CSPL") Best Practice recommendations.

The CSPL had recently contacted all local authority Chief Executives requesting a response by 30 November 2020 on the Council's progress in relation to the best practice recommendations. Council responses would be published on the CSPL website in the new year.

In January 2019, the CSPL published its Local Government Ethical Standards report, which made a number of recommendations, including some best practice recommendations to improve ethical standards in local government. The best practice represents a benchmark for ethical practice which the CSPL expect any local authority can and should implement.

STANDARDS COMMITTEE

The CSPL undertook in that report, to follow up and review the implementation of the best practice with local authorities this year. The Council was required to update the CSPL on its progress to implement the best practice recommendations.


A position statement on the Council's progress so far was set out in Appendix 1 to the report.

* **Resolved that:**

- (1) the Council's progress made so far in relation to the Committee on Standards in Public Life Best Practice recommendations be noted; and**
- (2) a Working Group of Members and officers be convened to consider the outstanding recommendations in relation to the Council's Procedure for Dealing with Complaints regarding breach of the Code of Conduct for Members and report back to the Standards Committee with recommendations.**

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 <p>ST HELENS BOROUGH COUNCIL</p>	<h2>Standards Committee</h2> <h3>12 January 2021</h3>
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Report Title:	Review of Procedure for Dealing with Complaints regarding breach of the Code of Conduct for Members
Cabinet Portfolio	Finance & Governance
Cabinet Member	Councillor Martin Bond
Exempt Report	No
Reason for Exemption	N/A
Key Decision	No
Public Notice issued	N/A
Wards Affected	None
Report of	Jan Bakewell Director of Legal & Governance / Monitoring Officer janbakewell@sthelens.gov.uk 01744 673209
Contact Officer	Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk

01744 673209

Borough priorities Please mark X for any priority supported by this report NB Use Section 4 - Background Information to explain how each selected priority is supported	Ensure children and young people have a positive start in life	
	Promote good health, independence and care across our communities	
	Create safe and strong communities for our residents	
	Support a strong, diverse and well-connected local economy	
	Create a green, thriving and vibrant place to be proud of	
	Be a modern, efficient and effective Council	X

1. Summary

- 1.1 Some of the Committee on Standards in Public Life (“CSPL”) best practice recommendations relate to the Council’s existing agreed Procedure for Dealing with Complaints regarding breach of the Code of Conduct for Members.

2. Recommendations for Decision

The Committee is recommended to:

- i) **approve the proposed amendments to the existing Procedure for Dealing with Complaints regarding breach of the Code of Conduct for Members to address the Committee on Standards in Public Life best practice recommendations.**

3. Purpose of this Report

- 3.1 To set out the Standards Committee Working Group recommendation for proposed amendments to the existing Procedure for Dealing with Complaints to address the relevant CSPL best practice recommendations.

4. Background /Reasons for the recommendations

- 4.1 In January 2019, the CSPL published its Local Government Ethical Standards report, which included best practice recommendations to improve ethical standards in local government. The best practice represents a benchmark for ethical practice which the CSPL expect any local authority can and should implement.
- 4.2 The CSPL undertook in that report to follow up and review the implementation of the best practice with local authorities this year. The CSPL contacted all local authority Chief

Executives earlier this year requesting a response by 30 November 2020 on the Council's progress to implement the recommendations.

4.3 At its last meeting on 19 October 2020, Standards Committee considered a position statement on the Council's progress so far. The Chief Executive responded to the CSPL in November 2020 with a progress update for the Council (Appendix 1).

4.4 Standards Committee also agreed at its last meeting for a Working Group from the Committee membership to consider the implications of those recommendations that relate to the Council's existing agreed Procedure for Dealing with Complaints.

4.5 The Working Group met on 16 December 2020 to consider some proposed amendments to the existing Procedure highlighted in red (Appendix 2). The proposed amendments seek to address the following recommendations:

- Best Practice Recommendation 6 - a clear and straightforward public interest test against which allegations are filtered has been added.
- Best Practice Recommendation 8 – wording has been added to clarify the role of the Council's Independent Person who should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the Monitoring Officer is minded to dismiss as being without merit, vexatious, or trivial.
- Best Practice Recommendation 10 – estimated timescales for investigations and outcomes have been included.
- Best Practice Recommendation 11 – wording has been added to encourage formal standards complaints about the conduct of a parish councillor towards a clerk to be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.
- Best Practice Recommendation 13 – the Procedure now explicitly states what would happen in practice to address any conflicts of interest when undertaking a standards investigation i.e. asking the Monitoring Officer from a different authority to undertake the investigation.

4.6 The Working Group agreed to recommend the proposed amendments to the Committee and was satisfied that the existing Procedure was otherwise fit for purpose.

5. Community Impact Assessment

5.1 N/A

6 Consideration of Alternatives

6.1 None. All local authorities were required to respond to the CSPL with an update on progress in relation to the best practice recommendations. Council responses will be published on the CSPL website in the new year. The Council has indicated it intends to review its existing Procedure for Dealing with Complaints.

7 Conclusions

4

- 7.1 The recommendations in the report aim to improve the Council's existing Procedure for dealing with Complaints.

8. Implications

8.1 Legal Implications

- 8.1.1 The Council has delegated to the Standards Committee the statutory function to promote and maintain high standards of conduct by members and co-opted members.

8.2 Community Impact Assessment (CIA) Implications

8.2.1 Social Value

- 8.2.1.1 N/A

8.2.2 Sustainability and Environment

- 8.2.2.1 N/A

8.2.3 Health and Wellbeing

- 8.2.3.1 N/A

8.2.4 Equality and Human Rights

- 8.2.4.1 The Council's Procedure for Dealing with Complaints is aimed to ensure equality of access by all.

8.3 Customers and Residents

- 8.3.1 The Council's Procedure for Dealing with Complaints is published on the Council's website and aims to provide a clear process for all customers and residents.

8.4 Asset and Property

- 8.4.1 N/A

8.5 Staffing and Human Resource

- 8.5.1 N/A

8.6 Risks

- 8.6.1 None. The recommendations in the report aim to strengthen the Council's procedure for dealing with complaints.

8.7 Finance

- 8.7.1 N/A

8.8 Policy Framework Implications

8.8.1 N/A

9. Background papers

9.1 Review by the Committee on Standards in Public Life – Local Government Ethical Standards: January 2019:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

10. Appendices

Appendix 1 – Council’s Response with Progress Update to CSPL Best Practice Recommendations: November 2020

Appendix 2 – Proposed Amendments to the Procedure for Dealing with Complaints regarding breach of the Code of Conduct for Members

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CSPL local government ethical standards 15 best practice recommendations

1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Progress:

Implemented - This was included in the last review of the Code of Conduct for Members including definitions and examples (new Appendix 4) – approved at Council in July 2020.

2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Progress:

Implemented – A requirement for councillors to comply with formal standards investigations was included in the last review of the Code as a requirement in the list of general obligations (paragraph 1.10).

The Council's Procedure for Dealing with Complaints (Appendix 1) has always included reference to complaints containing trivial allegations or which appear malicious in the list of examples of complaints which the Monitoring Officer may decide not to progress to investigation.

3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Progress:

The Council does not currently review the Code annually or seek the views of the public etc. The LGA are expected to publish a new Model Code of Conduct for Members in 2021 for consideration, which will trigger the next review.

Recommendation: a light-touch review is undertaken each year as part of the annual general constitution review.

4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Progress:

Implemented – the Code has always been published on the website and available in Council premises.

5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Progress:

Implemented: The register is published on the Council's website using the Modern.gov software and updated when members register any gifts and hospitality over £25.00.

6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Progress:

Recommendation: a public interest test to be added to the list of examples of complaints which the Monitoring Officer may decide not to progress to investigation as set out in Appendix 1 to the published Procedure for Dealing with Complaints. This will be part of the recommendations to Standards Committee in January 2021 to revise the current Procedure.

7: Local authorities should have access to at least two Independent Persons.

Progress:

Implemented – the Council has access to three Independent Persons.

8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Progress:

Recommendation: the wording of the Procedure for Dealing with Complaints is to be reviewed to clarify the role the Independent Person at Stages 1 (Initial Consideration), 2 (Alternative Resolution) and 3 (Investigation). This will be part of the recommendations to Standards Committee in January 2021 to revise the current Procedure.

9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the

allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Progress:

Whilst the publicly available minutes of the Standards Committee set out these details, including any sanctions, the Council does not currently publish this in the form of a 'decision notice'.

Recommendation: Decisions of Standards Committees in future to be published in the form of a decision notice. This is to be added to Stage 4 of the Procedure for Dealing with Complaints.

10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Progress:

Implemented in part - The Procedure for Dealing with Complaints is published on the Council's website and sets out the process. It does not include estimated timescales for investigations and outcomes.

Recommendation: This will be part of the recommendations to Standards Committee in January 2021 to revise the current Procedure.

11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Progress:

This recommendation is too prescriptive. Whilst this would be encouraged and supported in practice, it is ultimately dependent on each parish council agreeing to do so.

Recommendation: Wording to this effect will be part of the recommendations to Standards Committee in January 2021 to revise the current Procedure.

12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Progress:

Implemented - this is part of the Monitoring Officer's role supported by the Deputy Monitoring Officer.

13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Progress:

This is not currently documented in the Procedure for Dealing with Complaints but would happen in practice.

Recommendation: This will be part of the recommendations to Standards Committee in January 2021 to revise the current Procedure.

14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Progress:

Implemented - Whilst the Council does not have any wholly owned companies, it is a member of a joint venture company, Parkside LLP. It is considered that the minutes of the company board meetings contain commercially sensitive information which should not be subject to routine publication. The Council's Annual Governance Statement now includes reference to this issue.

15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Progress:

Implemented - The Chief Executive has regular meetings with political group leaders. The Monitoring Officer also meets with group leaders/group whips on standards issues.

St Helens Borough Council

Procedure for Dealing with Complaints regarding breach of the Code of Conduct for Members

Introduction

The Code of Conduct sets out the general principles of behaviour expected from Members and requirements in relation to specific interests. Complaints about a breach of the Code are submitted to the Council's Monitoring Officer for consideration [except that if the Monitoring Officer received a complaint in relation to a failure to comply with the requirements on Disclosable Pecuniary Interests, then this would be referred to Merseyside Police].

The Code of Conduct applies to Co-opted members.

This procedure will be used in dealing with complaints received relating to elected members, co-opted members and members of Parish Councils in the Borough.

Public interest considerations are at the heart of this process. The Monitoring Officer must balance the appropriate use of resource in dealing with complaints with the extent to which it may be in the public interest to take further action, and what that further action should be.

The Monitoring Officer will take steps to avoid any conflict of interest when dealing with complaints. Should a conflict arise, the Monitoring Officer from a different local authority may be being asked to consider the complaint and undertake any investigation.

1. Stage 1 – Initial Consideration

- 1.1 Complaints will be submitted in writing and there is a form available for the purpose of submitting a complaint, although completion of the form is not a requirement to consideration of a complaint.
- 1.2 Complainants must provide sufficient information to enable the Monitoring Officer to identify the breach of the Code which is being alleged. It is also helpful if the complainant identifies how the matter could be resolved.
- 1.3 The Monitoring Officer will **acknowledge receipt of the complaint within 5 working days of receiving it and will then** consider the complaint. **It may be necessary to seek further clarification from the complainant.** In certain circumstances, the Monitoring Officer may decide not to investigate the complaint. Examples of the circumstances are set out in Appendix 1, but these examples are not definitive. The Monitoring Officer will notify the relevant Member that a complaint has been made and that it is currently being considered at the initial stage. The Monitoring Officer may seek information from the relevant Member.
- 1.4 **Where the complaint relates to a town or parish council member, the Monitoring Officer may inform the relevant clerk about the complaint and seek**

further information from the clerk, if necessary. Formal complaints about the conduct of a parish or town councillor towards a clerk should be encouraged to be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

- 1.45 If the Monitoring Officer decides not to investigate the complaint, the Monitoring Officer will endeavour to write to the complainant within 15 working days of acknowledging the complaint, explaining why that decision has been taken and affording the complainant an opportunity to request the Monitoring Officer to review the decision. Additional information may be provided by the complainant to assist the review. Following the outcome of initial consideration and any review requested, the decision of the Monitoring Officer not to investigate a complaint is final. The Monitoring Officer will notify the relevant Member of the outcome.

2. Stage 2 – Alternative Resolution

- 2.1 There may be circumstances where a complaint may appear to be a valid complaint which ought to be investigated, but the complainant indicates how they believe that the issue could be suitably resolved or the Monitoring Officer believes it can be resolved informally.
- 2.2 The Monitoring Officer will consider this and, if appropriate, will raise the issue with the Member with the aim of resolving the complaint quickly and informally without need of a full investigation. An example of such circumstances would be a request for an assurance that the Member will not repeat remarks which have been the subject of the complaint. If the Member was willing to give that assurance, the Monitoring Officer would regard the complaint as informally resolved and would not submit the complaint for investigation. The Monitoring Officer will consider each set of circumstances on its merits in determining whether a matter is appropriate for alternative resolution.
- 2.3 The Monitoring Officer will inform the Council's Independent Person that consideration is being given to alternative resolution of a complaint. The Monitoring Officer will also provide contact details of the Independent Person to the relevant Member to enable them, if they choose, to seek advice on the way forward.
- 2.4 If the Member concerned is unwilling to agree to the alternative resolution put forward by the Monitoring Officer, then the complaint will be submitted for investigation.
- 2.5 If the Member agrees to the alternative resolution and acts in accordance with it, e.g. by providing the assurance within an agreed timescale, then the Monitoring Officer will notify the complainant of the outcome and notify them that the complaint will not be progressed further. The Monitoring Officer's decision on this is not subject to review.

3. Stage 3 – Investigation

- 3.1 Where a complaint is to be investigated, the Monitoring Officer may carry out the investigation or may nominate the a Deputy Monitoring Officer or any

other senior officer with suitable experience ~~or an external investigator~~, to carry out the role of investigator.

- 3.2 The Council's Independent Person will be ~~notified that an investigation is being carried out and will be~~ provided with details of the complaint and the Member to whom it relates and ~~will be consulted as to whether to undertake a formal investigation on an allegation, and shall be given the option to review and comment on allegations which the Monitoring Officer is minded to dismiss as being without merit, vexatious, or trivial.~~
- 3.3 The complainant will be notified that the matter is to be investigated.
- 3.4 The relevant Member will be notified that the complaint is to be investigated and will be provided with contact details of the Independent Person prior to the investigation commencing.
- 3.5 In conducting the investigation, the investigator may gather information by interviewing relevant individuals and/or seeking written statements/ documentation from those who can provide relevant information.
- 3.6 The investigator shall prepare a written report detailing the steps taken in carrying out the investigation, the information obtained which is relevant to the complaint and the investigator's conclusions in respect of the complaint. If the investigator is not the Monitoring Officer, the investigator shall provide the completed report to the Monitoring Officer.
- 3.7 The Monitoring Officer shall provide the report to the Independent Person and request that the Independent Person provides their views on the complaint for consideration by Standards Committee.

4. Stage 4 – Standards Committee

- 4.1 On completion of the investigation, the Monitoring Officer shall convene a meeting of Standards Committee.
- 4.2 The Monitoring Officer will notify the relevant Member and the complainant that Standards Committee will consider the outcome of the investigation, and will provide each of them with a copy of the investigation report.
- 4.3 The Monitoring Officer will prepare a report for Standards Committee which includes the investigation report and the views of the Independent Person.
- 4.4 The Monitoring Officer will invite the following to the meeting of Standards Committee:
- (i) the complainant
 - (ii) the relevant Member
 - (iii) the Investigator (if not the MO)
 - (iv) the Independent Person
- 4.5 At the meeting of Standards Committee, the Monitoring Officer will present the report. Members of the Committee may ask questions of

the Monitoring Officer and the investigator (if not the MO). At Members' discretion, the complainant and the relevant Member may be permitted to make a statement setting out their respective position. Members may ask questions of the complainant and the relevant Member, but it is a matter for the individuals concerned whether they wish to respond to any questions asked.

- 4.6 If the Independent Person is present, Members of Standards Committee will provide the Independent Person with the opportunity to make additional comments to any written submission provided.
- 4.7 The meeting may be adjourned if members of Standards Committee require information which may be available, but has not been presented.
- 4.8 When Standards Committee members are satisfied that they have sufficient information before them, they will:
- (i) take into account the views of the Independent Person;
 - (ii) consider whether the relevant Member has breached the Code of Conduct;
 - (iii) consider whether further action is warranted;
 - (iv) consider what action to take.

Standards Committee will reach its view regarding a breach of the Code on the balance of probabilities.


- 4.9 If Standards Committee determines that the relevant Member has breached the Code, it may recommend to Council that the Member be censured. Standards Committee may make further recommendations to Council regarding the matter relative to the individual circumstances, if it believes this will promote and maintain high standards of conduct.
- 4.10 The decision of Standards Committee in relation to any complaint is final and not subject to appeal either by the complainant or by the relevant Member.

Examples of Complaints which the Monitoring Officer may decide not to progress to Investigation

- (a) Complaints submitted anonymously.
- (b) Complaints which do not identify a Member alleged to be in breach of the Code.
- (c) Complaints which appear to the Monitoring Officer not to relate to the Member's conduct whilst acting in his/her capacity as a Member.
- (d) Complaints which relate to someone who is no longer a Member, or relate to conduct before the Member was elected.
- (e) Complaints which relate to incidents which happened so long ago that there is little benefit in investigating, or the investigation would be compromised by the passage of time.
- (f) Complaints containing trivial allegations.
- (g) Complaints which appear malicious, politically motivated or tit-for-tat, including complaints made in relation to statements on political leaflets or websites. **The complaints process exists to deal with matters of conduct where it is in the public interest to do so. The Monitoring Officer must be mindful of resource considerations and not allow the process to be used as a mechanism to seek to take members to task for conduct which may technically amount to a breach of the Code but where there is little or no wider public interest in pursuing the matter.**
- (h) Complaints which do not provide sufficient information to enable effective investigation.
- (i) Complaints which allege that the Member has breached the law, in particular with regard to pecuniary interests.
- (j) Such other complaints as the Monitoring Officer believes it would be inappropriate to investigate.

NB. When exercising the delegation not to progress a matter for investigation, the Monitoring Officer shall inform the complainant and provide the complainant with an opportunity to make further representations in relation to the matter. In relation to (i) above, the Monitoring Officer will refer such complaints to Merseyside Police for investigation.

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 <p>ST HELENS BOROUGH COUNCIL</p>	<h2>Standards Committee</h2> <h3>12 January 2021</h3>
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Report Title:	Local Government and Social Care Ombudsman Annual Review Letter 2019/20
Cabinet Portfolio	Councillor Martin Bond
Cabinet Member	Finance and Governance
Exempt Report	No
Reason for Exemption	N/A
Key Decision	No
Public Notice issued	N/A
Wards Affected	All
Report of	Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk Tel: 01744 673209
Contact Officer	Joanne Griffiths Democratic Services Manager joanegriffiths@sthelens.gov.uk 01744 673219

Borough priorities Please mark X for any priority supported by this report NB Use Section 4 - Background Information to explain how each selected priority is supported	Ensure children and young people have a positive start in life	
	Promote good health, independence and care across our communities	
	Create safe and strong communities for our residents	
	Support a strong, diverse and well-connected local economy	
	Create a green, thriving and vibrant place to be proud of	
	Be a modern, efficient and effective Council	X

1. Summary

- 1.1 To report the receipt of the Annual Review Letter from the Local Government and Social Care Ombudsman.

2. Recommendations for Decision

Standards Committee is recommended to note the report.

3. Purpose of this Report

- 3.1 To report the Annual Review letter which the Local Government and Social Care Ombudsman sent to the Chief Executive on 22 July 2020 and is reported to the next ordinary meeting of the Standards Committee.

4. Background /Reasons for the recommendations

- 4.1 The Local Government and Social Care Ombudsman (LGSCO) provides an Annual Review Letter to each Council to help inform elected members of their respective Council's performance in relation to complaints. A copy of the letter is attached to the report at Appendix 1.
- 4.2 The Annual Review Letter provides information in relation to the number of complaints received by the LGSCO in the twelve-month period ending 31 March 2020, as well as the decisions reached by the LGSCO in the same period. Members will note that in the period, six complaints were upheld, which, in comparison to 2018/19, was one more.
- 4.3 The Ombudsman reported that in 100% of cases they were satisfied the authority had successfully implemented their recommendations.
- 4.4 The significant challenges facing the Council in terms of budget reductions does mean that it becomes harder to continue to meet expectations and can impact on the scope for, and level of, complaints. The Council continues to treat all complaints seriously and ensures we take on board any learning points and make necessary changes to our processes where appropriate.

- 4.5 With regard to the increased number of upheld complaints compared to previous years. The Council's programme of transformation and performance improvement will allocate focused resource to address and support any performance issues highlighted by upheld complaints. The new Policy, Change & Reform department (reporting to the Assistant Chief Executive) will include responsibility for Policy, Performance, Business Intelligence, Communications and Reputational Management, including all complaints. This will ensure the Council reviews lessons learnt from resident concerns and complaints to inform the continuous improvement of services.

5. Community Impact Assessment

- 5.1 N/A

6 Consideration of Alternatives

- 6.1 N/A

7 Conclusions

- 7.1 To note the Annual Review Letter

8.0 Implications

N/A

9. Background papers

None

10. Appendices

Appendix 1: Annual Review Letter 2019/20

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22 July 2020

By email

Mrs O'Dwyer
Chief Executive
St Helens Metropolitan Borough Council

Dear Mrs O'Dwyer

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

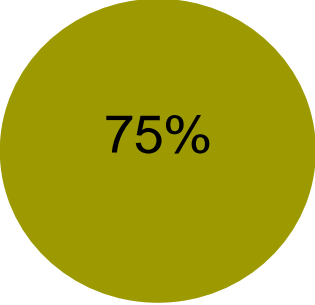
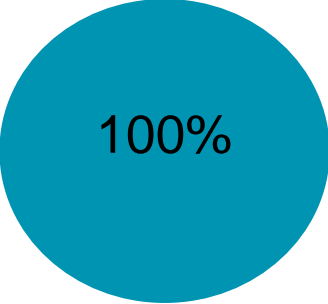
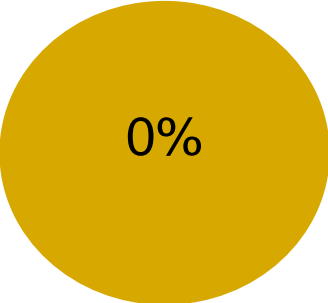
Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.


Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld		
 <p>75%</p>	<p>75% of complaints we investigated were upheld.</p> <p>This compares to an average of 67% in similar authorities.</p>	<p style="text-align: center;">6 upheld decisions</p> <p>Statistics are based on a total of 8 detailed investigations for the period between 1 April 2019 to 31 March 2020</p>
Compliance with Ombudsman recommendations		
 <p>100%</p>	<p>In 100% of cases we were satisfied the authority had successfully implemented our recommendations.</p> <p>This compares to an average of 100% in similar authorities.</p>	<p>Statistics are based on a total of 7 compliance outcomes for the period between 1 April 2019 to 31 March 2020</p>
<ul style="list-style-type: none"> Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning. 		
Satisfactory remedies provided by the authority		
 <p>0%</p>	<p>In 0% of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of 11% in similar authorities.</p>	<p style="text-align: center;">0 satisfactory remedy decisions</p> <p>Statistics are based on a total of 8 detailed investigations for the period between 1 April 2019 to 31 March 2020</p>

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 ST HELENS BOROUGH COUNCIL	<h2>Standards Committee</h2> <h3>12 January 2021</h3>
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Report Title:	Local Government and Social Care Ombudsman Complaints 2020/21
Cabinet Portfolio	Councillor Martin Bond
Cabinet Member	Finance & Governance
Exempt Report	No
Reason for Exemption	N/A
Key Decision	No
Public Notice issued	N/A
Wards Affected	All
Report of	Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk Tel: 01744 673209
Contact Officer	Joanne Griffiths Democratic Services Manager joanegriffiths@sthelens.gov.uk 01744 673219

Borough priorities Please mark X for any priority supported by this report NB Use Section 4 - Background Information to explain how each selected priority is supported	Ensure children and young people have a positive start in life	
	Promote good health, independence and care across our communities	
	Create safe and strong communities for our residents	
	Support a strong, diverse and well-connected local economy	
	Create a green, thriving and vibrant place to be proud of	
	Be a modern, efficient and effective Council	X

1. Summary

- 1.1 To report the complaints being dealt with by the Local Government and Social Care Ombudsman (LGSCO) for 2020/21.

2. Recommendations for Decision

Standards Committee is recommended to note the report.

3. Purpose of this Report

- 3.1 To report the statistics of complaints for 2020/21 being dealt with by the Local Government and Social Care Ombudsman.

4. Background /Reasons for the recommendations

- 4.1 Monthly figures are reported to members informing them of complaints being or that have been dealt with by the Local Government and Social Care Ombudsman The report from April 2020 is attached at Appendix 1 and gives a comparison to the number of complaints dealt with in 2019/20.
- 4.2 Due to the Covid-19 Pandemic, on 26 March 2020 the Ombudsman decided to temporarily suspend all casework activity where that work placed an administrative burden on councils or social care providers. They carried out a survey of councils and also spoke to key stakeholders including the Local Government Association.
- 4.3 On 22 May 2020 the Ombudsman restarted existing casework in a planned and measured way and ensured Councils that they would slow their re-engagement if it would start to distract Councils from providing front-line services.

5. Community Impact Assessment

- 5.1 N/A

6 Consideration of Alternatives

6.1 None

7 Conclusions

7.1 To note the latest 2020/21 figures.

8.0 Implications

N/A

9. Background papers

None

10. Appendices

Appendix 1: LGSCO Statistics 2020/21

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CURRENT OMBUDSMAN CASES 2020/2021

6

REPORT - UP TO 30 NOVEMBER 2020

Please find below a summary of the number of complaints determined since 1 April 2020

DECISION RESULT	2020-21	2019-20 Comparison	
Premature Complaints		4	<i>People's Services – 3 (Adults - 2, Children's – 1) Environmental Services - 1</i>
Complaints Settled Locally (Remedy Complete) <i>Environmental Services – 1</i>	1		
Closed after Initial Enquiries – No Further Action <i>Planning – 1 People's Services – 1 (Adults)</i>	2	3	<i>Highways & Transport – 1 People's Services – 1 (Adults) Environmental Services – 1</i>
Closed after Initial Enquiries- Out of Jurisdiction			
Not Upheld: No Maladministration		1	<i>(People's Services 1 – Adults)</i>
Not Upheld: No Further Action			
Report Issued: Not upheld; No Maladministration			
Upheld: Maladministration; No Injustice			
Upheld: Maladministration and Injustice <i>Education & Children's Services – 1</i>	1	2	<i>People's Services – 1 (Children's) Environmental Services - 1</i>
Upheld: No further action <i>People's Services – 1 (Adults)</i>	1	1	<i>People's Services – 1 (Adults)</i>
Report Issued: Upheld; Maladministration and Injustice			
Report Issued: Upheld; Maladministration; No Injustice			
Not Upheld: Maladministration but No Injustice			
Not Investigated/Discontinued Investigation			
Total number of Complaints Determined	5	11	
Ongoing complaints as yet undetermined, carried forward <i>People's Services – 3 (Adults – 2, Children's – 1) Corporate Services - 1</i>	4	0	

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