

# Public Document Pack



**Helen Barrington**  
Director of Legal and  
Democratic Services  
County Hall  
Matlock  
Derbyshire  
DE4 3AG

Extension 38324  
Direct Dial 01629 538324  
Ask for Alisha Parker

PUBLIC

To: Members of Governance, Ethics and Standards Committee

Wednesday, 6 July 2022

Dear Councillor,

Please attend a meeting of the **Governance, Ethics and Standards Committee** to be held at **2.00 pm** on **Thursday, 14 July 2022** in Committee Room 1, County Hall, Matlock, Derbyshire, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

**Helen Barrington**  
**Director of Legal and Democratic Services**

## **AGENDA**

### **PART I - NON-EXEMPT ITEMS**

1. Apologies for absence  
To receive apologies for absence (if any)
2. Declarations of Interest  
To receive declarations of interest (if any)
3. Minutes (Pages 1 - 4)

To confirm the non-exempt minutes of the meeting of the Governance, Ethics and Standards Committee held on 03 March 2022.

4. Revisions to the Council's Constitution (Pages 5 - 30)
5. Updates to the Constitution: Amendment to the Cabinet Procedure Rules (Pages 31 - 36)
6. Chairman's Report 2021/22 (Pages 37 - 44)
7. Committee on Standards in Public Life on Local Government Ethical Standards (Pages 45 - 56)
8. Customer Feedback: Compliments and Complaints 2021/22 (Pages 57 - 72)
9. Revisions to Health and Wellbeing Board Terms of Reference and Membership (Pages 73 - 84)
10. Update on completion of the Member Induction Programme (Pages 85 - 118)

# Public Document Pack Agenda Item 3

PUBLIC

**MINUTES** of a meeting of **GOVERNANCE, ETHICS AND STANDARDS COMMITTEE** held on Thursday, 3 March 2022 at Council Chamber, County Hall, Matlock, Derbyshire, DE4 3AG.

## **PRESENT**

Councillor S Swann (in the Chair)

Councillors R Flatley, C Cupit, D Muller, L Grooby, K Gillott and N Gourlay.

Also in attendance – Mr I Orford (Independent Person)

Apologies for absence were submitted for Councillor B Woods and W Major.

### **4/22 MINUTES**

**RESOLVED** that the minutes of the meeting of the Governance, Ethics and Standards Committee held on 18 January 2022 be confirmed as a correct record and signed by the Chairman.

### **5/22 CODE OF CONDUCT FOR ELECTED MEMBERS**

The Assistant Director and Data Protection Officer J Lakin introduced a report, which had been circulated in advance of the meeting that provided the Committee with an update of the work undertaken by the Working Group regarding the consideration of a new Code of Conduct for Elected Members and to asked the Committee to agree, and to recommend to Council the Code as a new Code of Conduct for Derbyshire County Council.

**RESOLVED** that the Committee

1) Supports the adoption of Code of Conduct for Elected Members from 1st April 2022 and agrees that this should be recommended to full Council for approval.

### **6/22 INDEPENDENT PERSONS**

The Assistant Director and Data Protection Officer J Lakin introduced a report, which had been circulated in advance of the meeting that provided the Committee with an update of the work undertaken by the Working Group regarding Independent Persons and asked the Committee to agree to recommendations to be put forward to Council regarding the number of and remuneration for Independent Persons.

**RESOLVED** that the Committee

1) Supports the proposal for the Council to pay independent persons appointed under s28 Localism Act 2011 a fixed-fee of £1200 per annum in 12 monthly instalments from 1st April 2022, but that this should be kept under regular bi-annual review by the Committee and recommends this be referred to full Council for approval;

2) Supports the proposal that the Council should have two independent persons and recommends that this be referred to full Council for approval;

3) Agrees that a recruitment process should be commenced to appoint a second independent person and authorises the Monitoring Officer to commence the recruitment process and agrees for a cross-party, politically balanced recruitment panel of Councillors Swann, Flatley and Gillott be established to interview candidates and recommend a candidate for approval, initially to the Committee and then to full Council; and

(4) Agrees that a formal letter of thanks from the Civic Chair and Chair of the Governance, Ethics and Standards Committee be sent to Mr Lloyd Newby to recognise his service as an independent person.

## **7/22 ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL**

The Director of Legal and Democratic Services H Barrington introduced a report, which had been circulated in advance of the meeting that informed the Committee of the latest report from the Council's Independent Remuneration Panel (IRP), relating to member remuneration for 2022/23 in order to make recommendations to Council.

**RESOLVED** that the Committee

1) Following consideration of the report and recommendations of the Independent Remuneration Panel, as set out in Appendix Two to the report, recommends them to Council for approval; and

2) Approves the commencement of a recruitment exercise for IRP members as detailed in the report and agrees the composition of the interview panel.

## **8/22 REMUNERATION OF THE INDEPENDENT REMUNERATION PANEL**

The Director of Legal and Democratic Services H Barrington introduced a report, which had been circulated in advance of the meeting that sought agreement from the Governance, Ethics and Standards Committee for the remuneration to be paid to members of the Independent Remuneration Panel and referral to Council to formal approval.

**RESOLVED** that the Committee  
**Page 2**

1) Agrees that the Independent Remuneration Panel members should be paid a fixed-fee of £600 per annum and the Chair should receive an additional chair's allowance of £250 per annum payable in 12 monthly instalments from 1st April 2022; and

2) Refers the proposals to full Council for formal approval.

## **9/22 CODE OF CONDUCT COMPLAINTS**

The Director of Legal and Democratic Services H Barrington introduced a report, which had been circulated in advance of the meeting that informed the Committee of complaints against Councillors received during the period of 1st October 2021 to 31st January 2022.

**RESOLVED** that the Committee

1) Notes the complaints made that Members' had breached the Code of Conduct.

## **10/22 TRADING STANDARDS – LEGISLATION UPDATE**

The Director of Legal and Democratic Services H Barrington introduced a report, which had been circulated in advance of the meeting that notified the Committee of minor amendments to the Constitution to update the list of legislation under which the Council's Trading Standards Service can take enforcement action.

**RESOLVED** that the Committee

1) Notes the decision made by the Director of Legal Services to amend the Constitution and include the updated list of legislation to enable the Trading Standards Service to undertake necessary enforcement action; and

2) Notes that this decision would also be reported to full Council.

This page is intentionally left blank



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**GOVERNANCE ETHICS AND STANDARDS COMMITTEE**

**14 July 2022**

**Report of the Director of Legal & Democratic Services and Monitoring Officer and Director of Organisation Development and Policy**

**Revisions to the Council's Constitution: Amendments to the terms of reference of the Appointments and Conditions of Service Committee and Officer Employment Procedure Rules**

**1. Purpose**

- 1.1 To consider the proposed changes to the terms of reference of the Appointments and Conditions of Service Committee and Officer Employment Procedure Rules contained in the Council's Constitution and to refer these changes to full Council for approval.

**2. Information and Analysis**

- 2.1 It is a statutory duty under Section 9P of the Local Government Act 2000 for the Council to maintain and keep its Constitution up to date. A number of amendments are now required to the Constitution, the detail of which is set out in Appendix 2 and 3 to this report.
- 2.2 The amendments are required to deal with the following matters:
- 2.3 Aligned to the new operating model approved by Council on 15 September 2021 under which a Managing Director (acting as Head of Paid Service) was subsequently appointed, Appendix 2 proposes revisions to Appendix 9 Officer Employment Rules included in the Constitution. The revisions will ensure the appointments and dismissals processes for chief officers are appropriate and clearly defined and comply with legislative requirements. The main changes proposed are:

- To provide that the appointment of Executive Directors and Directors will be made by a politically balanced panel. There is no change in respect of Director appointments, however it is proposed that a panel can agree an appointment without the need to refer the decision to full Council. Members will recall that decisions on recent appointments to Executive Director roles have been delegated to a panel on a case by case basis in order to avoid delay and ensure the role is filled as soon as is practicably possible. The panel will comprise of at least three members formed of the Cabinet Member or Members holding the relevant portfolio or portfolios, the Shadow Cabinet Member(s) and additional Member(s) from the Appointments and Conditions of Service Committee as necessary to balance the Panel. The appointment to the Head of Paid Service will remain as per the current constitution. Any appointment of an Executive Director will be reported to the next meeting of Council for information.
- To make it clear that the Council will act jointly with the Secretary of State to appoint the Director of Public Health, as required in relevant legislation.
- To enable the appointment of Executive Directors and Directors on a temporary basis to be approved by the Head of Paid Service in consultation with the Chair and Vice-Chair of the Appointments and Conditions of Service Committee for a period of no more than 12 months and whereby the annual salary does not total £100,000 or more or has been approved by Council.
- To clarify that the appointment of Deputy Chief Officers who hold an Assistant Director role will be the responsibility of the Head of Paid Service or an officer nominated by him/her.
- To make it clear that Chief Officers listed in Rule 8 may be suspended whilst an investigation takes place into alleged misconduct.
- Other than the Head of Paid Service, Chief Financial Officer and Monitoring Officer that are subject to specific statutory procedures, in order to ensure consistency with decisions regarding appointments, a Panel formed from the Appointments and Conditions of Service Committee will discharge the function of the dismissal of Executive Directors and Directors. The dismissal of Deputy Chief Officers who are Assistant Directors will be the responsibility of the Head of Paid Service or an officer nominated by him/her.



- Disciplinary action against other Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers will be the responsibility of the Head of Paid Service or an officer nominated by him/her as detailed within Appendix 9.
  - Annexes 1, 2 and 3 outline the required processes to be followed prior the appointment or dismissal of Executive Directors and Directors, as required in relevant legislation.
- 2.4 Appendix 3 outlines proposed revisions to Article 13 amending the terms of reference for the Appointments and Conditions of Service Committee (ACOS) to ensure the staffing functions outlined in legislation as being non-executive are effectively incorporated. These changes will enable the ACOS committee to have authority to support future changes to HR delegations and staffing conditions. The main changes proposed are:
- Amendment to the number of Independent Persons eligible to sit on this Committee from 3 to 2, to reflect the recent decisions of Governance, Ethics and Standards Committee and Council to reduce the number of Independent Persons to 2.
  - To incorporate an appropriate frequency for the Committee to meet.
  - Clarity of the role and function of the Committee:
    - o Inclusion of approval of recruitment and retention payments to address recruitment and retention difficulties where these arise as appropriate.
    - o Inclusion of the following:
      - To be responsible for appointing the Returning Officer for local government elections.
      - To be responsible for designating an officer as the Chief Financial Officer.
      - To be responsible for appointing proper officers other than where such appointment is reserved to full Council.
      - To be responsible for designating an officer as the Monitoring Officer and to ensure the provision of sufficient staff and other resources.
      - To be responsible for providing staff and other resources to a person nominated by the Monitoring Officer.
  - Clarity of the role and function of the Panel and alignment with the revised Officer Employment Rules giving approval to:

- Conduct the process of appointment, dismissal or taking disciplinary action in respect of the Head of Paid Service and make recommendations to full Council in relation to appointment and dismissal.
- Suspend the Head of Paid Service pending an investigation and to appoint an independent investigator to conduct an investigation in relation to allegations concerning the Head of Paid Service.
- Determine appropriate disciplinary action, short of dismissal, in respect of the Head of Paid Service.
- Dismiss or take disciplinary action in respect of Chief Officers, other than the Head of Paid Service, Monitoring Officer or Chief Financial Officer.
- Conduct the process of dismissal or taking disciplinary action in respect of the Monitoring Officer or Chief Financial Officer. To determine appropriate disciplinary action, short of dismissal, and make recommendations to full Council in relation to dismissal.

### **3. Consultation**

- 3.1 The Head of Paid Service, Executive Directors and relevant Elected Members have been engaged in the proposed revisions.

### **4. Alternative Options Considered**

- 4.1 Do nothing – this option is not appropriate as the Constitution will be out of date and not aligned with legislation if these changes are not adopted.

### **5. Implications**

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

### **6. Background Papers**

- 6.1 Not applicable.

### **7. Appendices**

- 7.1 Appendix 1 – Implications.
- 7.2 Appendix 2 – Proposed changes to Appendix 9 Officer Employment Rules.
- 7.3 Appendix 3 – Proposed changes to Article 13 Appointments and Conditions of Service Committee.

## **8. Recommendation(s)**

That Committee:

- a) agrees the proposed changes to the terms of reference of the Appointments and Conditions of Service Committee and Officer Employment Procedure Rules contained in the Council's Constitution as set out in Appendix 2 and 3 to this report and refers them to full Council for approval.

## **9. Reasons for Recommendation(s)**

- 9.1 To enable the Council's Constitution to be kept up to date and reflect the legislative, operational and policy changes set out in the report.
- 9.2 To support effective, efficient and streamlined decision making.

### **Report Author:**

Jen Skila

### **Contact details:**

jen.skila@derbyshire.gov.uk

## **Appendix 1**

### **Implications**

#### **Financial**

1.1 None.

#### **Legal**

2.1 The Council is required to prepare and keep up to date its Constitution as set out in Section 9P of the Local Government Act 2000 as amended. Approval by full Council of the recommendations in this report will enable the compliance with this duty.

2.2 Section 20 of the Local Government and Housing Act 1989 empower the Secretary of State to make regulations requiring Councils to adopt certain procedural standing orders. The Secretary of State has exercised this power to make the Local Authorities (Standing Orders) Regulations 1993 and the Local Authorities (Standing Orders) (England) Regulations 2001, which require the adoption of certain standing orders relating to Chief Officers. Specific provisions regarding the appointment of the Director of Public Health are included in these Regulations, National Health Service Act 2006 and guidance on Directors of Public Health in Local Government issued by the Department of Health & Social Care and Public Health England. The proposed Officer Employment Procedure Rules comply with these legislative requirements.

2.3 Article 22 of the Constitution makes it clear that changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Governance Ethics & Standards Committee. This report discharges that constitutional requirement.

2.4 The functions proposed to be included in the terms of reference for Appointments and Conditions of Service Committee are non-executive functions and can therefore be delegated to the committee.

#### **Human Resources**

3.1 None.

#### **Information Technology**

4.1 None.

## **Equalities Impact**

5.1 Not applicable.

## **Corporate objectives and priorities for change**

6.1 This report links to the Council priority of High Performing, Value for Money and Resident Focused Services. The changes proposed will enable efficient and up to date functioning of the Council as a corporate body.

## **Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None.

This page is intentionally left blank

## **Appendix 9 - Officer Employment Procedure Rules**

### **Recruitment and Appointment**

#### **1. Declarations**

- i. The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.
- ii. No candidate so related to a Councillor or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him/her.

#### **2. Seeking support for appointment**

- i. Subject to Rule 2 (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this Rule will be included in any recruitment information.
- ii. Subject to Rule 2 (iii), no Councillor will seek support for any person for any appointment with the Council.
- iii. Nothing in Rules 2 (i) and (ii) above will preclude a councillor from giving a reference for a candidate for submission with an application for appointment.

#### **3. Recruitment of Head of Paid Service and Chief Officers**

When the Council proposes to appoint a Chief Officer as defined in the Local Authorities (Standing Orders) Regulations 1993 and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will;

- a. draw up a statement specifying:
  - i. the duties of the officer concerned; and
  - ii. any qualifications or qualities to be sought in the person to be appointed;
- b. make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- c. make arrangements for a copy of the statement mentioned in Rule 3 (a) to be sent to any person on request.

4. (1) Where a post has been advertised as provided in Rule 3 (b) the Council shall:

- a. interview all qualified applications for the post, or
- b. select a shortlist of such qualified applicants and interview those included on the shortlist.

(2) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with Rule 3 (b).

5. Where the duties of a chief officer include the discharge of functions of two or more local authorities in pursuance of Section 101 (5) of the Local Government Act 1972 –

- i. The steps taken under Rules 3 and 4 may be taken by a joint committee of those authorities, a sub-committee of that committee or a chief officer of any of the authorities concerned;
- ii. Any chief officer may be appointed by such a joint committee, a sub-committee of that committee or a committee or subcommittee of any of those authorities.

## **6. Appointment and Dismissal**

In this Part—

“the 1989 Act” means the Local Government and Housing Act 1989;

“the 2000 Act” means the Local Government Act 2000;

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

“executive” and “Leader” have the same meaning as in the Articles of the Constitution;

“member of staff” means a person appointed to or holding a paid office or employment under the authority; and

“proper officer” means an officer appointed by the council for the purposes of the provisions in this Part.

7. Subject to the following rules the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the Council, by the Head of Paid Service or by an officer nominated by him/her. Decisions regarding action against these officers may not be made by Councillors.



8. Rule 7 shall not apply to the appointment or dismissal of, or disciplinary action against ‘Chief Officers’ namely –
- a. the officer designated as the Head of Paid Service;
  - b. a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
  - c. a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
  - d. a deputy chief officer within the meaning of section 2(8) of the 1989 Act;
  - e. a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups). Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

Officers who solely provide secretarial, clerical or support services are not regarded as a non-statutory chief officer or a deputy chief officer.

Within the Council’s management structure the Chief Officers are as follows:

Statutory definition	Position
The officer designated as the head of the authority’s paid service.	Managing Director
<p>A statutory chief officer within the meaning of section 2(6) of the Local Government and Housing Act 1989 (politically restricted posts)</p> <p>(za) the director of children’s services appointed under section 18 of the Children Act 2004 and the director of adult social services appointed under section 6(A1) of the Local Authority Social Services Act 1970</p> <p>(zb) the director of public health appointed under section 73A(1) of the National Health Service Act 2006;</p> <p>(d) the officer having responsibility, for the purposes of section 151 of the Local Government Act 1972 for the administration of the authority’s financial affairs.</p>	<p>(za) ED Children’s Services ED Adult Social Care and Health</p> <p>(zb) Director of Public Health</p> <p>(d) Director of Finance and ICT</p>
A non-statutory chief officer within the meaning of section 2(7) of the 1989 Act	

<p>(a) a person for whom the head of the authority's paid service is directly responsible;</p> <p>(b) a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the head of the authority's paid service; and</p> <p>(c) any person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority.</p>	<p>(ab)</p> <p>All direct reports to HoPS ED Place ED Corporate Services and Transformation</p>
<p>A deputy chief officer within the meaning of section 2(8) of the 1989 Act</p> <p>A person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.</p>	<p>Any officer reporting directly to: ED Children's Services ED ASCH ED CST ED Place Director of Public Health Director of Finance and ICT</p>
<p>A person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups)</p>	<p>Not applicable.</p>

## 9. Appointment of Head of Paid Service

- a. The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a politically balanced panel. The Panel must comprise of at least three members formed of the Cabinet Member or Members holding the relevant portfolio or portfolios, the Shadow Cabinet Member(s) and additional Member(s) from the Appointments and Conditions of Service Committee as necessary to balance the Panel.
- b. Where the Cabinet Member holding one of the relevant portfolios or one of the Shadow Cabinet Members is unable to attend, they may be substituted for a Member of the Appointments and Conditions of Service Committee, provided that the Panel includes at least one member of the Cabinet and remains politically balanced.
- c. Arrangements for forming the Panel will be undertaken by the Director of Organisation Development and Policy or by an officer nominated by him/her.
- d. The Full Council may only make or approve the appointment of the Head of Paid Service where the procedure set out in Annex 1 has been completed.

## **10. Appointment of Statutory Chief Officers**

- a. A politically balanced panel will appoint a Statutory Chief Officer (excluding the Director of Public Health whose appointment will be dealt with in accordance with Rule 12). The Panel must comprise of at least three members formed of the Cabinet Member or Members holding the relevant portfolio or portfolios, the Shadow Cabinet Member(s) and additional Member(s) from the Appointments and Conditions of Service Committee as necessary to balance the Panel.
- b. Where the Cabinet Member holding one of the relevant portfolios or one of the Shadow Cabinet Members is unable to attend, they may be substituted for a Member of the Appointments and Conditions of Service Committee, provided that the Panel includes at least one member of the Cabinet and remains politically balanced.
- c. Arrangements for forming the Panel will be undertaken by the Director of Organisation Development and Policy or by an officer nominated by him/her.
- d. The above shall not apply where an appointment is on a temporary basis of no more than 12 months at a grade whereby the annual salary does not total £100,000 or more or has been approved by Council. Such a temporary appointment will be approved by the Head of Paid Service in consultation with the Chair and Vice-Chair of the Appointments and Conditions of Service Committee.
- e. Any offer of employment as a Statutory Chief Officer shall only be made where the procedure set out in Annex 1 has been completed.
- f. Any appointment of a Statutory Chief Officer will be reported to the next meeting of Council for information.

## **11. Appointment of Non-Statutory Chief Officers and Deputy Chief Officers**

- a. A politically balanced panel will appoint Non-Statutory Chief Officers.
- b. A politically balanced panel will appoint the following Deputy Chief Officers:
  - Directors (excluding the Director of Public Health whose appointment will be dealt with in accordance with Rule 12).
- c. The appointment of all other Deputy Chief Officers is the responsibility of the Head of Paid Service or an officer nominated by him/her.
- d. The Panel must comprise of at least three members formed of the Cabinet Member or Members holding the relevant portfolio or portfolios, the Shadow Cabinet Member(s) and additional Member(s) from the

Appointments and Conditions of Service Committee as necessary to balance the Panel.

- e. Where the Cabinet Member holding one of the relevant portfolios or one of the Shadow Cabinet Members is unable to attend, they may be substituted for a Member of the Appointments and Conditions of Service Committee, provided that the Panel includes at least one member of the Cabinet and remains politically balanced.
- f. Arrangements for forming the Panel will be undertaken by the Director of Organisation Development and Policy or by an officer nominated by him/her.
- g. Where appointments are to be made by a politically balanced panel, as set out in paragraphs (a) and (b) above, this process shall not apply where an appointment is on a temporary basis of no more than 12 months at a grade whereby the annual salary does not total £100,000 or more or has been approved by Council. Such a temporary appointment will be approved by the Head of Paid Service in consultation with the Chair and Vice-Chair of the Appointments and Conditions of Service Committee..
- h. Any offer of employment as a Non-Statutory Chief Officer or Deputy Chief Officer shall only be made where the procedure set out in Annex 1 has been completed.
- i. Any appointment of a Non-Statutory Chief Officer as set out in (a) above will be reported to the next meeting of Council for information.

## **12. Appointment of Director of Public Health**

- a. The Council, acting jointly with the Secretary of State, appoints the Director of Public Health.
- b. A Panel comprising the following will appoint the Director of Public Health:
  - i. a Councillor (that must be a Cabinet Member) as determined by the Director of Organisation Development and Policy
  - ii. the Executive Director for Adult Social Care and Health or an officer nominated by him/her of sufficient seniority
  - iii. an externally facilitated assessor appointed following consultation with the Faculty of Public Health and the Regional director for health improvement and disparities or his/her nominated deputy
  - iv. the Regional director for health improvement and disparities or his/her nominated deputy

- v. A senior NHS representative to be determined by the Executive Director for Adult Social Care and Health
- c. An offer of employment shall only be made where the procedure set out in Annex 1 has been completed.

### **13. Appointment of Political Assistants**

- a. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

### **14. Disciplinary Action and Dismissal**

- a. Disciplinary action means any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the authority be recorded on the Officer's personal file, and includes proposals for dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.
- b. Chief Officers listed in Rule 8 may be suspended whilst an investigation takes place into alleged misconduct. Any suspension must not last longer than two months, unless an extension is recommended by a suitably qualified and independent investigator.
- c. The procedure set out in Annex 2 must be followed in relation to any disciplinary action against the Head of Paid Service, Monitoring Officer or Chief Financial Officer.

### **15. Disciplinary action against and dismissal of Head of Paid Service, Monitoring Officer and Chief Finance Officer (a relevant officer)**

- a. A Panel formed from the Appointments and Conditions of Service Committee will discharge the function of the dismissal of the officer designated as the Head of Paid Service, the Monitoring Officer, or the Chief Financial Officer.
- b. The Full Council may only approve the dismissal where the procedure set out in Annex 2 and 3 has been completed.

### **16. Disciplinary of other Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers**

- a. A Panel formed from the Appointments and Conditions of Service Committee will discharge the function of the dismissal of Statutory Chief Officers (excluding Director of Public Health).

Controlled

- b. A Panel formed from the Appointments and Conditions of Service Committee will discharge the function of the dismissal of Non-Statutory Chief Officers.
- c. A Panel formed from the Appointments and Conditions of Service Committee will discharge the function of the dismissal of the following Deputy Chief Officers:
  - Directors (excluding the Director of Public Health whose appointment will be dealt with in accordance with Rule 17).
- d. The dismissal of all other Deputy Chief Officers is the responsibility of the Head of Paid Service or an officer nominated by him/her.
- e. Notice of dismissal may only be given where the procedure set out in Annex 3 has been completed.
- f. Disciplinary action against other Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers is the responsibility of the Head of Paid Service or an officer nominated by him/her as in the tables below.

### Executive Directors

Process	What is the stage and who would deal with this?		
Disciplinary Procedure	Investigation  <b>Undertaken by the Managing Director or by an Independent Person commissioned by the Managing Director</b>	Disciplinary Hearing  <b>Managing Director or Panel of ACOS</b>	Appeals  <b>Panel of ACOS</b>
Grievance Procedure	Informal Stage  <b>Undertaken by the Managing Director or by an Independent Person commissioned by the Managing Director</b>	Formal Stage 1  <b>Managing Director or Panel of ACOS</b>	Formal Stage 2 (Appeal)  <b>Panel of ACOS</b>
Harassment and Bullying Procedure	Informal Stage 1  <b>Undertaken by the Managing Director or by an Independent Person</b>	Formal Stage 1 Investigation – if substantiated disciplinary procedure  <b>Managing Director or Panel of ACOS</b>	Formal Stage 2 (Appeal)  <b>Panel of ACOS</b>

	<b>commissioned by the Managing Director</b>		
Performance Capability Procedure	Stage 1 (Informal Meeting) <b>Managing Director</b>	Stage 2 (Formal Meeting) <b>Managing Director or Panel of ACOS</b>	Stage 3 (Capability Hearing) – Dismissal or other Action <b>Panel of ACOS</b>
Attendance Management and Ill Health Capability	Stage 1 (Informal Meeting) <b>Managing Director</b>	Stage 2 (Formal Review) <b>Managing Director or Panel of ACOS</b>	Stage 3 (Capability Hearing) – Dismissal or other Action <b>Panel of ACOS</b>

### Directors (excluding Director of Public Health)

Process	What is the stage and who would deal with this?		
Disciplinary Procedure	Investigation <b>Executive Director</b>	Disciplinary Hearing <b>Managing Director</b>	Appeals <b>Panel of ACOS</b>
Grievance Procedure	Informal Stage <b>Executive Director</b>	Formal Stage 1 <b>Managing Director</b>	Formal Stage 2 (Appeal) <b>Panel of ACOS</b>
Harassment and Bullying Procedure	Informal Stage 1 <b>Executive Director</b>	Formal Stage 1 Investigation – if substantiated disciplinary procedure <b>Managing Director</b>	Formal Stage 2 (Appeal) <b>Panel of ACOS</b>
Performance Capability Procedure	Stage 1 (Informal Meeting) <b>Executive Director</b>	Stage 2 (Formal Meeting) <b>Executive Director or Managing Director</b>	Stage 3 (Capability Hearing) – Dismissal or other Action <b>Managing Director or Panel of ACOS</b>
Attendance Management and Ill Health Capability	Stage 1 (Informal Meeting) <b>Executive Director</b>	Stage 2 (Formal Review) <b>Executive Director or Managing Director</b>	Stage 3 (Capability Hearing) – Dismissal or other Action <b>Managing Director or Panel of ACOS</b>

### 17. Action against the Director of Public Health

- a. When considering any disciplinary or dismissal action against the Director of Public Health, the Council will have regard to the provisions of the Health and Social Care legislation and any associated guidance issued by the Secretary of State.
- b. Before terminating the appointment of a Director of Public Health, the Council will consult with the Secretary of State.
- c. Notice of dismissal may only be given where the procedure set out in Annex 3 has been completed.

#### **18. Dismissal of Assistants to Political Groups**

- (a) Dismissal of an assistant to a political group shall be made in accordance with the wishes of that political group.



## **Annex 1 – Appointment of Head of Paid Service and Chief Officers**

1. This procedure applies to the appointment of the officers as listed in Rule 8(a)-(d). It has been incorporated into these Standing Orders, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.

2. (1) In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of Rule 8 must not be made by the appointor until—

(a) the appointor has notified the Director of Organisation Development and Policy (or the Assistant Director of HR where the Director is absent or unable to act) of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

(b) the Director of Organisation Development and Policy (or the Assistant Director of HR where the Director is absent or unable to act) has notified every member of the Cabinet of—

(i) the name of the person to whom the appointor wishes to make the offer;

(ii) any other particulars relevant to the appointment which the appointor has notified to the Director of Organisation Development and Policy (or the Assistant Director of HR where the Director is absent or unable to act); and

(iii) the period within which any objection to the making of the offer is to be made by the executive Leader on behalf of the Cabinet to the Director of Organisation Development and Policy (or the Assistant Director of HR where the Director is absent or unable to act); and

(c) either—

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither they nor any other member of the Cabinet has any objection to the making of the offer;

(ii) the Director of Organisation Development and Policy (or the Assistant Director of HR where the Director is absent or unable to act) has notified the appointor that no objection was received within that period from the executive leader; or

Controlled

(iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

## **Annex 2 – Disciplinary action against the Head of Paid Service, Monitoring Officer or Chief Financial Officer.**

1. This procedure applies to disciplinary action taken against the Head of Paid Service, Monitoring Officer or Chief Finance Officer. It has been incorporated into these Standing Orders, as required by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).
2. In the following paragraphs—
  - a. “the 2011 Act” means the Localism Act 2011;
  - b. “chief finance officer”, “disciplinary action”, “head of the authority's paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
  - c. “independent person” means a person appointed under section 28(7) of the 2011 Act;
  - d. “local government elector” means a person registered as a local government elector in the register of electors in the Council's area in accordance with the Representation of the People Acts;
  - e. “the Panel” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council;
  - f. “relevant meeting” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer; and
  - g. “relevant officer” means the Chief Finance Officer, Head of Paid Service or Monitoring Officer, as the case may be.
3. A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
4. The matter will be considered by a Panel formed from the Appointments and Conditions of Service Committee, which, in turn will provide advice, views and/or recommendations to the Council.
5. The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

6. In paragraph 5 “relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another Council or authorities as the Council considers appropriate.
7. Subject to paragraph 6, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 5 in accordance with the following priority order—
  - a. a relevant independent person who has been appointed by the Council and who is a local government elector;
  - b. any other relevant independent person who has been appointed by the Council;
  - c. a relevant independent person who has been appointed by another Council or authorities.
8. The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
9. The Council must appoint any Panel at least 20 working days before the relevant meeting.
10. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular—
  - a. any advice, views or recommendations of the Panel;
  - b. any representations from the relevant officer; and
  - c. the conclusions of any investigation into the proposed dismissal.
11. Remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

### **Annex 3 – Dismissal of Head of Paid Service and Chief Officers**

1. This procedure applies to the dismissal of the officers as listed in Rule 8 (a)-(d). It has been incorporated into these Standing Orders, as required by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).
2. (1) In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the Council, the Council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other officer, as the case may be.
  - (2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of Rule 8 must not be given by the dismissor until—
    - a) the dismissor has notified the Director of Organisation Development and Policy or the Assistant Director of HR where the Director is absent or unable to act) of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
    - b) the Director of Organisation Development and Policy or the Assistant Director of HR where the Director is absent or unable to act) has notified every member of the Cabinet of—
      - i. the name of the person who the dismissor wishes to dismiss;
      - ii. any other particulars relevant to the dismissal which the dismissor has notified to the Director of Organisation Development and Policy (or the Assistant Director of HR where the Director is absent or unable to act); and
      - iii. the period within which any objection to the dismissal is to be made by the executive leader on behalf of the Cabinet to the Director of Organisation Development and Policy (or the Assistant Director of HR where the Director is absent or unable to act); and
    - c) either—
      - i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither they nor any other member of the Cabinet has any objection to the dismissal;

## Controlled

- ii. the Director of Organisation Development and Policy (or the Assistant Director of HR where the Director is absent or unable to act); has notified the dismissor that no objection was received within that period from the executive leader; or
- iii. the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

## **Article 13 Appointments and Conditions of Service Committee**

The Council will establish an Appointments and Conditions of Service Committee.

### **Composition**

The Appointments and Conditions of Service Committee will comprise of 8 Elected Members.

For the purposes of disciplinary issues only: There will be 2 Independent Persons eligible to sit on this Committee.

The Chairman and Vice-Chairman will be appointed by the Council.

### **Frequency**

The committee will meet on a quarterly basis as needed. In the event an exceptional committee is required, this may also be called outside of the planned schedule.

### **Role and Function**

#### Role of the Committee:

1. To approve corporate employment policies, which form the terms and conditions of council employees; other than minor or technical changes to existing policies which are delegated to the Director of Organisation Development and Policy, which do not affect the underlying principles of the policies.
2. To take key policy decisions in relation to equal pay, single status, job evaluation and approve recruitment and retention payments to address recruitment and retention difficulties where these arise as appropriate.
3. To determine the standard terms and conditions on which all staff hold office, including procedures for their dismissal.
4. To consider proposals for changes to standard terms and conditions of employment including noting the local implementation of national pay awards to the Council's pay structure.
5. To consider corporate disputes on terms and conditions of employment, aligned to the Council's consultative framework.
6. To receive reports from the Corporate Joint Committee and the Health and Safety Committee as required in respect of the remit of the Appointments and Conditions of Service Committee.
7. Fulfil the governance role in ensuring the Leader of the Council is undertaking effective performance monitoring of the Managing Director.

## Controlled

8. To be responsible for appointing the Returning Officer for local government elections.
9. To be responsible for designating an officer as the Chief Financial Officer.
10. To be responsible for appointing proper officers other than where such appointment is reserved to full Council.
11. To be responsible for designating an officer as the Monitoring Officer and to ensure the provision of sufficient staff and other resources.
12. To be responsible for providing staff and other resources to a person nominated by the Monitoring Officer

### Role of a Panel of the Appointments and Conditions of Services Committee:

13. To be responsible for appointments, dismissals or taking disciplinary action in respect of Chief Officers as detailed in accordance with the Officer Employment Procedure Rules.
14. To conduct the process of appointment, dismissal or taking disciplinary action in respect of the Head of Paid Service and make recommendations to full Council in relation to appointment and dismissal.
15. To suspend the Head of Paid Service pending an investigation and to appoint an independent investigator to conduct an investigation in relation to allegations concerning the Head of Paid Service.
16. To determine appropriate disciplinary action, short of dismissal, in respect of the Head of Paid Service.
17. To dismiss or take disciplinary action in respect of Chief Officers, other than the Head of Paid Service, Monitoring Officer or Chief Financial Officer.
18. To conduct the process of dismissal or taking disciplinary action in respect of the Monitoring Officer or Chief Financial Officer. To determine appropriate disciplinary action, short of dismissal, and make recommendations to full Council in relation to dismissal.





**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**GOVERNANCE, ETHICS AND STANDARDS COMMITTEE**

**14 July 2022**

**Report of the Director of Legal and Democratic Services and Monitoring Officer**

**UPDATES TO THE CONSTITUTION: AMENDMENT TO THE CABINET PROCEDURE RULES**

**1. Purpose**

- 1.1 To seek agreement to amend the Cabinet Procedure Rules to include provision for questions from Minority Group Leaders and refer the matter to Council for approval and inclusion in the Constitution.

**2. Information and Analysis**

- 2.1 On 7 April 2022, Cabinet considered a report confirming that for a number of years, Minority Group Leaders have been permitted to ask questions at Cabinet meetings relating to the contents of a report included in the agenda. This has become a matter of custom and practice but specific provision is not included in the Cabinet Procedure Rules that govern the proceedings at Cabinet meetings. As a result the custom and practice could be misunderstood, changed or ceased at any time.
- 2.2 In order to provide clarity and certainty, Cabinet agreed that the following should be inserted into the Cabinet Procedure Rules and the remaining Rules renumbered accordingly:

***2.4 Questions by Minority Group Leaders***

- 2.4.1 *After giving notice in writing or by electronic email to the Director of Legal and Democratic Services by 12 noon at least 2 working days before the Cabinet Meeting (i.e. noon on a Monday before a Cabinet meeting on a Thursday), Minority Group Leaders may ask a question directly relating to the contents of a report included in the agenda for the Cabinet meeting.*
- 2.4.2 *The Director of Legal and Democratic Services may reject a question if it:*
- *exceeds 150 words in length;*
  - *does not directly relate to the contents of a report included in the agenda for the Cabinet meeting;*
  - *seeks to ask Cabinet to act in a way that is ultra vires (outside its powers), unlawful or illegal;*
  - *is defamatory, frivolous or offensive;*
  - *is substantially the same as a question which has been put at a Cabinet Meeting in the past six months; or*
  - *requires the disclosure of confidential or exempt information.*
- 2.4.3 *If the Minority Group Leader who has submitted a written question is unable to be present, a written reply will be given, or the Leader may decide that the question will not be dealt with.*
- 2.4.4 *If the Cabinet Member to whom the question is asked is not present at the meeting, the Leader may answer the question, put the question to another Cabinet Member or indicate that a written reply will be given.*
- 2.4.5 *An answer may take the form of:*
- a) *a direct oral answer;*
  - b) *where the desired information is in a publication of the Council or other published work, a reference to that publication; or*
  - c) *where the reply cannot conveniently be given orally, a written answer circulated later to the question.*
- 2.4.6 *The time allocated for Minority Group Leaders questions at each meeting will be 15 minutes. This period may be extended at the discretion of the Leader. Any questions not answered at the end of the time allocated for questions will be answered in writing.*

*2.4.7 Where a written response is to be given to a question, the response shall be sent to the questioner as soon as reasonably practicable after the Cabinet Meeting, but in any event within 10 days.*

2.3 Cabinet has referred the matter to Governance, Ethics and Standards Committee for agreement and referral to Council for formal approval to amend the Rules for inclusion in the Constitution.

### **3. Consultation**

3.1 Not applicable.

### **4. Alternative Options Considered**

4.1 Not to insert the additional provisions into the Cabinet Procedure Rules, however this will mean that the ability for the Minority Group Leaders to ask questions at Cabinet will continue to be based on custom and practice that could be misunderstood, changed or ceased at any time.

### **5. Implications**

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

### **6. Background Papers**

6.1 None identified.

### **7. Appendices**

7.1 Appendix 1 - Implications.

### **8. Recommendation(s)**

That Committee:

- a) agrees to amend the Cabinet Procedure Rules to include provision for questions from Minority Group Leaders as set out in paragraph 2.2 of the report; and
- b) refers the amendment to the Cabinet Procedure Rules to full Council for approval and inclusion in the Constitution.

### **9. Reasons for Recommendation(s)**

- 9.1 In order to provide clarity and certainty in relation to Minority Group Leaders' questions at Cabinet meetings.
- 9.2 To ensure the Constitution remains fit for purpose and up to date.

**Report Author:** Helen Barrington

**Contact details:** [helen.barrington@derbyshire.gov.uk](mailto:helen.barrington@derbyshire.gov.uk)

## **Implications**

### **Financial**

1.1 None directly arising.

### **Legal**

2.1 The Council is required to prepare and keep up to date its Constitution as set out in Section 9P of the Local Government Act 2000 as amended.

2.2 Paragraph 3 of Schedule A1 to the Local Government Act 2000 provides that “*Executive arrangements by a local authority may include provision with respect to—*  
*(a) the quorum, proceedings and location of meetings of the executive,*  
*(b) the appointment of committees of the executive, and*  
*(c) the quorum, proceedings and location of meetings of committees of the executive.”*

2.3 Changes to the Cabinet Procedure Rules and Constitution will only be approved by the full Council after consideration of the proposal by the Governance Ethics & Standards Committee.

### **Human Resources**

3.1 None directly arising.

### **Information Technology**

4.1 None directly arising.

### **Equalities Impact**

5.1 None directly arising.

### **Corporate objectives and priorities for change**

6.1 None directly arising.

### **Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None directly arising.

This page is intentionally left blank



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**GOVERNANCE, ETHICS AND STANDARDS COMMITTEE**

**14 July 2022**

**Report of the Director of Legal and Democratic Services and Monitoring Officer**

**CHAIRMAN'S REPORT 2021/22**

**1. Purpose**

- 1.1 To consider the annual report of the Chairman of the Governance, Ethics and Standards Committee prior to presentation to full Council.

**2. Information and Analysis**

- 2.1 The terms of reference for the Governance, Ethics and Standards Committee as outlined at Article 11 of the Constitution require the Chairman to provide an Annual Report to full Council.
- 2.2 The draft Annual Report for consideration by the Committee is attached at Appendix 2. The Annual Report outlines the work of the Committee over the last year and provides an indication of the work programme for the next municipal year. It is proposed that the Committee endorses the report and supports its presentation to full Council.

**3. Consultation**

- 3.1 As this is with regard to an administrative function, consultation is not required.

**4. Alternative Options Considered**

- 4.1 The Chairman could determine not to provide an annual report. However, this would not be in accordance with the Terms of Reference for the Governance, Ethics and Standards Committee which do require such a report to be prepared.

## **5. Implications**

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **6. Background Papers**

- 6.1 None identified.

## **7. Appendices**

- 7.1 Appendix 1 - Implications.
- 7.2 Appendix 2 – Report of the Chair of the Governance, Ethics and Standards Committee.

## **8. Recommendation(s)**

That Committee endorses the annual report of the Chairman of the Committee attached at Appendix 2 and supports its presentation to full Council.

## **9. Reasons for Recommendation(s)**

- 9.1 The terms of reference for the Governance, Ethics and Standards Committee as outlined at Article 11 of the Constitution require the Chairman to provide an Annual Report to full Council. It is appropriate for the Chairman's report to be considered by the Committee before being presented to the Council.

**Report Author:** Helen Barrington

**Contact details:** helen.barrington@derbyshire.gov.uk



**Implications**

**Financial**

1.1 None directly arising.

**Legal**

2.1 As set out in the report.

**Human Resources**

3.1 None directly arising.

**Information Technology**

4.1 None directly arising.

**Equalities Impact**

5.1 None directly arising.

**Corporate objectives and priorities for change**

6.1 None directly arising.

**Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None directly arising.

This page is intentionally left blank

**DERBYSHIRE COUNTY COUNCIL**  
**GOVERNANCE, ETHICS AND STANDARDS COMMITTEE**  
**ANNUAL REPORT OF THE GOVERNANCE, ETHICS & STANDARDS**  
**COMMITTEE FOR THE YEAR 2021-2022**

**Introduction from Councillor S Swann, Chairman of the Governance, Ethics and Standards Committee**

Having been appointed as Chairman of the Governance, Ethics and Standards Committee in December 2021, I would like to pay tribute to the work of my predecessor Cllr R Flatley for his hard work and commitment to the role throughout the first half of the year.

During the last year the Committee undertook important work in respect of reviewing and, where required, amending, and updating the Council's standards regime and this is detailed in the report.

The Committee also continued its ongoing work in relation to the authority's constitution, including a significant revision of the Council procedure rules and, again, the report outlines these matters.

The importance of the Committee's role in ensuring that the Council's structures and governance are fit for purpose cannot be underestimated. This, of course, continues to be the main focus of the Committee's efforts going forward.

**Councillor S Swann**  
**Chairman of the Governance, Ethics and Standards Committee**

## **1. Membership of the Governance, Ethics and Standards Committee**

### **1.1. Membership from May 2021**

Councillor R Flatley (Chairman)  
Councillor S Swann (Vice-Chairman)  
Councillor C Cupit  
Councillor Grooby  
Councillor D Muller  
Councillor W Major  
Councillor K Gillott  
Councillor B Woods

From December 2021 Councillor S Swann was appointed as Chairman and Councillor R Flatley as Vice-Chairman.

- 1.2. During the municipal year of 2021-2022 the Committee met on four occasions. All four were held in person after the legislation that permitted the Council to hold virtual meetings during the pandemic expired in May 2021.
- 1.3. Recognition is given to the Independent Persons, Lloyd Newby and Ian Orford for the commitment, contribution and support to the Committee. Particular thanks go to Mr Newby who has supported the Committee since the current standards regime came into place in 2012 and whose term of office expired in December 2021.

## **2. Review of the Standards Regime**

- 2.1. Following the review undertaken by the Committee on Standards in Public Life, the Committee agreed to convene two working groups to review the Council's standards regime. The working groups comprised cross party members together with the independent person. One of the working groups focussed on reviewing the Code of Conduct and dispensations; whilst the other considered the procedure for dealing with code of conduct complaints and the Independent Persons, including remuneration.
- 2.2. The working groups considered these matters in detail and made recommendations to the Governance, Ethics and Standards Committee resulting in the approval of:
  - a) A new procedure for dealing with allegations that a Member has breached the Code of Conduct, taking into account guidance issued by the LGA.
  - b) A new Code of Conduct for Members based on the LGA model code.
  - c) Delegations to the Monitoring Officer to grant certain dispensations.
  - d) A reduction in the number of Independent Persons from 3 to 2.
  - e) An appropriate level of remuneration for the Independent Persons, payable on a fixed fee basis in 12 monthly instalments.
  - f) A recruitment process to appoint to the vacant position of Independent Person.

### **3. Complaints received that Members have breached the Code of Conduct**

- 3.1. The Committee continues to support the Monitoring Officer in the consideration and determination of any such complaints and receives bi-annual reports from the Monitoring Officer in respect of complaints received. The Committee is also grateful for the support received from the Independent Person in determination of these complaints.

### **4. Corporate Complaints and referrals to the Local Government to Social Care Ombudsman**

- 4.1. The Committee considered the annual report on Complaints and Compliments dealt with by the Council in 2020/21 and also received the annual letter of the Local Government and Social Care Ombudsman (LGSCO) for the period ending 31 March 2021.
- 4.2. In addition, the Committee considered a report of the Monitoring Officer regarding a finding by the LGSCO of maladministration and injustice in respect of a SEND complaint. The Committee was provided with information about the actions taken by the Council in response to the complaint and more generally to prevent further escalation of complaints and was satisfied that no further revisions to Council's policies and procedures were required.

### **5. Whistleblowing**

- 5.1. The Governance, Ethics and Standards Committee is responsible for the overview of the Council's Whistleblowing Policy and, in this role, considered and provided comment on the proposed revised Whistleblowing Policy prior to its approval by Cabinet.

### **6. Constitution**

- 6.1. Work has continued on reviewing the Constitution to ensure it remains up to date and reflects any changes made to the Council's way of working. During 2021-22 the Committee agreed a number of changes and referred them to full council for formal approval, including the following:
- a) To reflect the new senior management operating model
  - b) To delegate authority to the monitoring officer to make minor amendments to the constitution
  - c) To reflect the new streamlined process for cabinet member decisions
  - d) To incorporate revised council procedure rules.

### **7. Member Development Working Group**

- 7.1. The Committee has continued to receive regular reports from the Chair of the Member Development Working Group regarding the work of the group, member development activities and member training and development priorities and plans.

## **8. Independent Remuneration Panel and Members Allowances Scheme**

- 8.1. The Committee considered the recommendations of the Independent Remuneration Panel and advised the Council in connection with the appropriate Members Allowances for 2022-23.
- 8.2. Recommendations were also made to Council in respect of the appropriate level of remuneration payable to the Panel members following review by the Committee.

### **Work Programme for the next municipal year (2022-2023)**

It is proposed that the work programme for the Committee for the next municipal year will include the following projects in addition to the business set out in the Terms of Reference:

1. Further review of the Constitution as necessary; specifically the Officer Employment Procedure Rules, Local Choice Functions and Scheme of Delegation.
2. Oversee the guidance and training on the new Members' Code of Conduct.
3. Review the Members' Code of Conduct following review by the LGA of the model code.
4. Conduct a recruitment exercise for the vacant Independent Person position.
5. Conduct a recruitment exercise to fill the vacant positions on the Independent Remuneration Panel.



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**GOVERNANCE, ETHICS AND STANDARDS COMMITTEE**

**14 July 2022**

**Report of the Director of Legal and Democratic Services and Monitoring Officer**

**REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE ON LOCAL GOVERNMENT ETHICAL STANDARDS**

**1. Purpose**

- 1.1 To provide an update to the Governance, Ethics and Standards Committee on the government's response to the Report of the Committee on Standards in Public Life on Local Government ethical standards and the actions taken by the Council to implement the best practice recommendations set out in the Report.

**2. Information and Analysis**

- 2.1 During 2019, the Committee on Standards in Public Life ("CSPL") carried out a review of the effectiveness of the current arrangements for standards in local government, particularly in light of the changes made by the Localism Act 2011. The terms of reference for the review were to:
- a) Examine the structures, processes and practices in local government in England for:
    - i. Maintaining codes of conduct for local councillors
    - ii. Investigating alleged breaches fairly and with due process
    - iii. Enforcing codes and imposing sanctions for misconduct
    - iv. Declaring interests and managing conflicts of interest

v. Whistleblowing

- b) Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
  - c) Make any recommendations for how they can be improved
  - d) Note any evidence of intimidation of councillors, and make recommendation for any measures that could be put in place to prevent and address such intimidation.
- 2.2 The CSPL issued its report in January 2019, a copy of which is available on the [internet](#). It included a number of recommendations requiring legislative change which would need to be implemented by the government and 'best practice' recommendations which the CSPL expects councils to implement. The CSPL reviewed the implementation of the best practice recommendations in 2020 and wrote to local authorities requesting an update.
- 2.3 A report was presented to the Governance, Ethics and Standards Committee on 19 January 2021 outlining the steps the Council had taken to implement the 'best practice' recommendations and providing a copy of the Council's response to the CSPL. Since then significant progress has been made and the majority of the recommendations have now been implemented. The 'best practice' recommendations, together with a summary of progress is contained in Appendix 2 for the Committee to note.
- 2.4 The current position is that the majority of the recommendations have been implemented with a significant number addressed by the Committee when reviewing the Code of Conduct, procedure for dealing with complaints and the role of the Independent Person. Recommendations 5 and 15 are in progress. The Committee agreed in January 2019 that the register of gifts and hospitality should be published on the Council's website (recommendation 5) and this has been partially implemented. Following the 2021 County elections, work was carried out to ensure that each councillor's register of interests (including gifts and hospitality) was published on the Council's website using the functionality in committee administration system (modern.gov). All registers are updated regularly as and when the Monitoring Officer is notified of changes; however a process will be put in place to ensure councillors are reminded on a quarterly basis to keep their Register of Interests, including gifts and hospitality, up to date via the Councillor Briefing emails. Further work will also take place to ensure the gifts and hospitality register is published as a separate document on a quarterly basis. In addition, regular meetings need to be established between senior officers and political group leaders or group whips to specifically discuss standards issues (recommendation 15).



2.5 The government's response to the report was published on 18 March 2022 and is available on the [internet](#). It is noted that the government has no immediate plans to amend the provisions of the Localism Act 2011 or Regulations in order to address the recommendations.

### **3. Consultation**

3.1 Consultation is not required.

### **4. Alternative Options Considered**

4.1 Not to provide an update to the Committee; however this will not ensure the committee is aware of the activity undertaken by the council to implement the CSPL recommendations.

### **5. Implications**

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

### **6. Background Papers**

6.1 Report to the Governance, Ethics and Standards Committee on 19 January 2021.

### **7. Appendices**

7.1 Appendix 1 - Implications.

7.2 Appendix 2 – Progress update on the Council's implementation of the CSPL best practice recommendations.

### **8. Recommendation(s)**

That Committee notes the government's response to the Report of the Committee on Standards in Public Life on Local Government ethical standards and the actions taken by the Council to implement the best practice recommendations set out in the Report.

### **9. Reasons for Recommendation(s)**

9.1 To ensure the Governance, Ethics and Standards Committee is informed of progress on the Council's implementation of the CSPL best practice recommendations.

**Report Author:** Helen Barrington  
**Contact details:** helen.barrington@derbyshire.gov.uk

**Implications**

**Financial**

1.1 None directly arising.

**Legal**

2.1 The Council is not under a legal obligation to implement the CSPL 'best practice' recommendations however the CSPL does expect councils to do so.

**Human Resources**

3.1 None directly arising.

**Information Technology**

4.1 None directly arising.

**Equalities Impact**

5.1 None directly arising.

**Corporate objectives and priorities for change**

6.1 None directly arising.

**Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None directly arising.

This page is intentionally left blank

**CSPL – Best Practice Recommendations Action Plan**  
**Review July 2022**

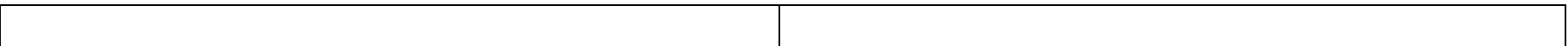
<b>Best Practice Recommendation</b>	<b>Update/progress</b>
<p><u>Recommendation 1</u>                      Local Authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.</p>	<p>The <a href="#">Code of Conduct</a> approved by Council on 23 March 2022 is based on the LGA Model Code of Conduct. The code includes a prohibition on bullying and harassment together with examples.</p>
<p><u>Recommendation 2</u>                      Councils should include provisions in their code requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p>	<p>The Code of Conduct approved by Council on 23 March 2022 is based on the LGA Model Code of Conduct. This includes an obligation to comply with a standards investigation and not intimidate anyone involved in the investigation.</p> <p>The model code does not include a prohibition on submitting malicious or trivial allegations.</p>
<p><u>Recommendation 3</u>                      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.</p>	<p>The Code of Conduct was reviewed in 2021-22 and the LGA model code adopted with minor amendments.</p> <p>The LGA has committed to undertake an annual review of the Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in</p>

	legislation. The Council can conduct a review of its Code following the annual LGA review.
<p><u>Recommendation 4</u></p> <p>An Authority's code should be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.</p>	<p>The Council's Code of Conduct is contained within the Constitution. The Constitution is available on the website and a hard copy is available upon request.</p> <p>A link to the Constitution containing the Code is provided on the '<a href="#">Complaints about councillors</a>' page of the website.</p>
<p><u>Recommendation 5</u></p> <p>Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</p>	<p>The Gifts and Hospitality Register is currently updated on an ad-hoc basis and published as part of individual councillor register of interests.</p> <p>Process will be put in place to ensure councillors are reminded on a quarterly basis to keep their Register of Interests including gifts and hospitality via the Councillor Briefing emails.</p>
<p><u>Recommendation 6</u></p> <p>Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>The amended <a href="#">Procedure for considering complaints that Members have breached the code of conduct</a> approved by Governance, Ethics and Standards Committee on 18 January 2022 contains a public interest test for the initial assessment of complaints by the Monitoring Officer.</p>
<p><u>Recommendation 7</u></p> <p>Local authorities should have access to at least two Independent Persons.</p>	<p>The Governance, Ethics and Standards Committee reviewed the number of Independent Persons during 2021-22 and agreed that there should be two.</p>

<p><u>Recommendation 8</u></p> <p>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.</p>	<p>The amended Procedure for considering complaints that Members have breached the code of conduct approved by Governance, Ethics and Standards Committee on 18 January 2022 includes a requirement for the Monitoring Officer to consult the Independent Person when making an initial assessment of the complaint.</p>
<p><u>Recommendation 9</u></p> <p>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.</p>	<p>The amended Procedure for considering complaints that Members have breached the code of conduct approved by Governance, Ethics and Standards Committee on 18 January 2022 includes provision for the decision notice to be published on the Council's website following a formal investigation, whether the decision is reached by way of local resolution or following a hearing.</p>
<p><u>Recommendation 10</u></p> <p>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.</p>	<p>The 'Complaints about councillors' page on the Council's website includes clear information on how to make a complaint (including a complaints form), a link to the code of conduct, a copy of the procedure for considering complaints that Members have breached the code of conduct and estimated timescales.</p>
<p><u>Recommendation 11</u></p> <p>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.</p>	<p>Not applicable.</p> <p>The County Council does not have remit over code of conduct complaints made in relation to parish councillors; this is the responsibility of district and borough councils.</p>

<p><u>Recommendation 12</u></p> <p>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.</p>	<p>Not applicable.</p> <p>The County Council does not have remit over code of conduct complaints made in relation to parish councillors.</p>
<p><u>Recommendation 13</u></p> <p>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.</p>	<p>The amended Procedure for considering complaints that Members have breached the code of conduct approved by Governance, Ethics and Standards Committee on 18 January 2022 sets out the options available in the case of a conflict of interest, specifically that the Deputy Monitoring Officer or Monitoring Officer from another local authority in Derbyshire may deal with the complaint.</p>
<p><u>Recommendation 14</u></p> <p>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.</p>	<p>The Council has established three joint ventures.</p> <p>Reference to the separate bodies will be included in the Annual Governance Statement 2021-22 and subsequent years.</p>
<p><u>Recommendation 15</u></p> <p>Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>Currently senior officers meet regularly with group leaders however there is no scheduled meeting specifically to discuss standards issues.</p>





This page is intentionally left blank



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**GOVERNANCE, ETHICS AND STANDARDS COMMITTEE**

**14 JULY 2022**

**Report of the Director of Organisational Development and Policy**

**Customer Feedback: Compliments and Complaints 2021/22**

**1. Purpose**

1.1 This report provides an end of year update on complaints and compliments reported to the Council during 2021/22 and trend analysis for the last six years.

**2. Information and Analysis**

2.1 Background

The Council is committed to delivering high quality public services and engages in a very substantial number of transactions with the public each year. A robust compliments and complaints policy, with effective supporting procedures, is a vital way to monitor how well the Council:

- Delivers an equitable service and remedies any injustices.
- Works constructively and sympathetically with its clients to put things right as quickly as possible; and
- Learns how it can do things better

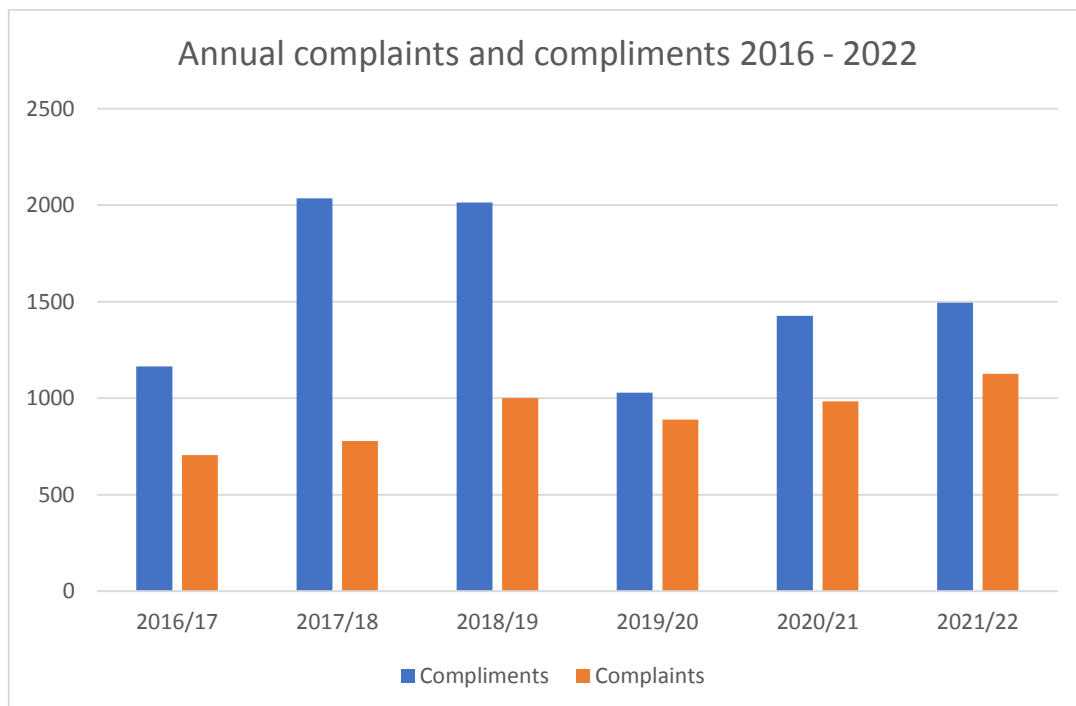
Complaints and compliments data is currently collected through a range of systems within departments. Childrens Services will shortly use the Granicus Customer Relationship Management (CRM) system. Place currently use Apex but will move to the Granicus CRM system by September 2022. Adult Social

Care and Corporate Services & Transformation use Mosaic and local systems respectively but will move to the Granicus CRM with a target final implementation date of December 2023. Summary and detailed information from this data has been collected from all departments and is presented below.

## 2.2 Council compliments and complaints

Derbyshire County Council has hundreds of thousands of direct contacts with residents every year. As examples, Call Derbyshire receives around 30,000 calls each month and the Highways team receives over 90,000 enquiries annually. The number of compliments and complaints should be viewed in the context of the bigger picture of resident interaction with consideration that they make up a very small proportion of the contacts received.

A summary of compliments and complaints recorded over the last six years is highlighted below.



### Compliments

Compliments provide important feedback to individual officers and service areas regarding quality of work, the appreciation of clients and the impact of services on people's lives.

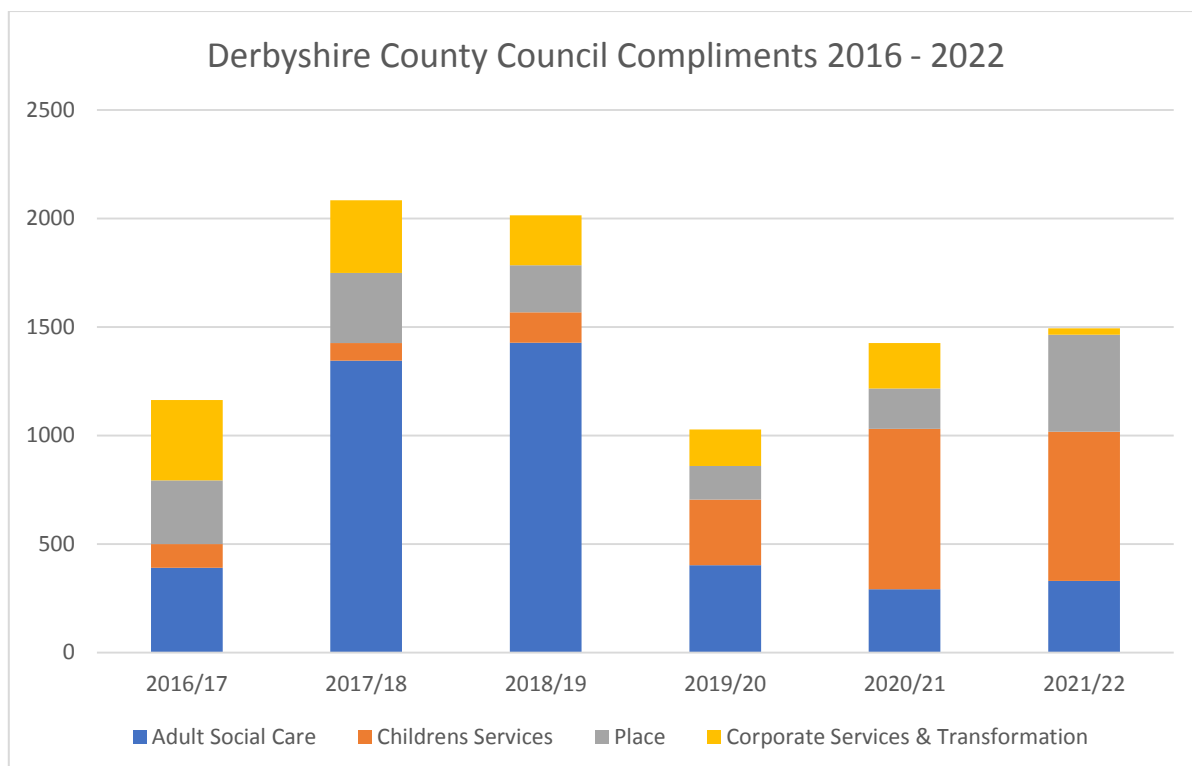
Compliments data has been collected using the following guidelines:

*“Any contact outside of the usual courtesies where a member of the public, person who uses our services or partner agency has been in touch with a specific compliment or expressed the difference our work has made to them.”*

In 2021/22 the Council recorded 1,494 compliments. This is an increase from 2020/21 where 1,426 compliments were recorded. Since 2016/17, the Council has seen an overall increase in recorded compliments received in Children’s Services. Over the same period, there has been a general decrease in the recording of compliments received by Adult Social Care and Corporate Services & Transformation. Place has seen a marked increase in compliments received in the last year: 301 of their compliments relate to libraries and trading standards which has recently transferred into the department from Corporate Services & Transformation, accounting for the respective increases and decreases.

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Adult Social Care and Health	390	1,345	1,427	402	292	330
Children’s Services	109	81	140	302	738	687
Place	294	323	218	155	187	447
Corporate Services & Transformation	371	335	229	169	209	30
Derbyshire County Council	1,164	2,036	2,014	1,028	1,426	1,494

*Table 1: Number of compliments received*



## Complaints

The Council’s complaints data is collected using the definition of a complaint as outlined in the Corporate Complaints Procedure as follows:

*“An expression of dissatisfaction or disquiet by a service user or their representative which requires a response in writing.”*

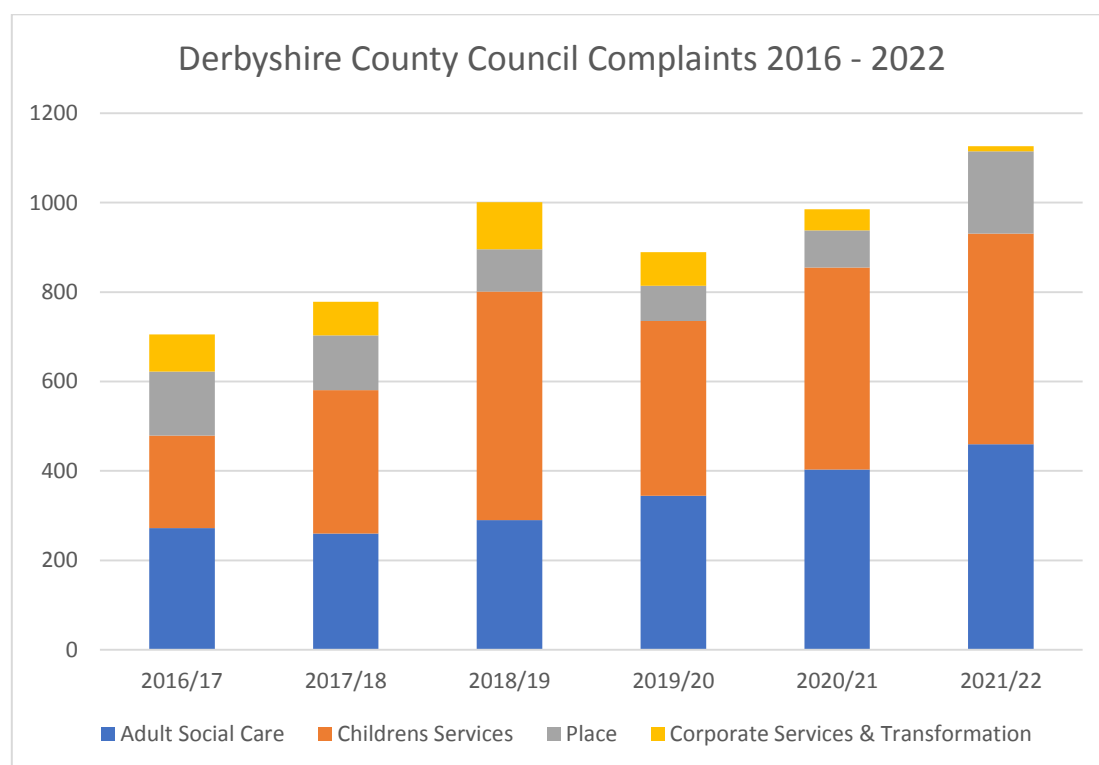
In most cases, the Council deals with and resolves any issues directly with residents and interested third parties without their need to make a complaint. The Council’s complaints procedures offer a more formal process where a resident or third party wants to follow this route immediately or is dissatisfied with the initial response.

In 2021/22, the Council received 1,126 complaints. This is an increase from 984 complaints received in 2020/2021. Between 2016/17 and 2021/22, there has been an increase in the number of complaints received by Adult Social Care and Health and Children’s Services, with a decrease in complaints in Corporate Services and Transformation between the same period. As with compliments, Place has seen a marked increase in the last year: 67 of Place’s complaints relate to libraries and trading standards which have recently transferred into the department from Corporate Services & Transformation, accounting for the decrease in the CST and some of the increase in Place.

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22

Adult Social Care and Health	272	260	290	344	403	460
Children's Services	207	321	511	391	452	471
Place	143	122	95	79	83	184
Corporate Services & Transformation	83	75	105	75	47	11
Derbyshire County Council	705	778	1001	889	984	1126

Table 2: Number of complaints received



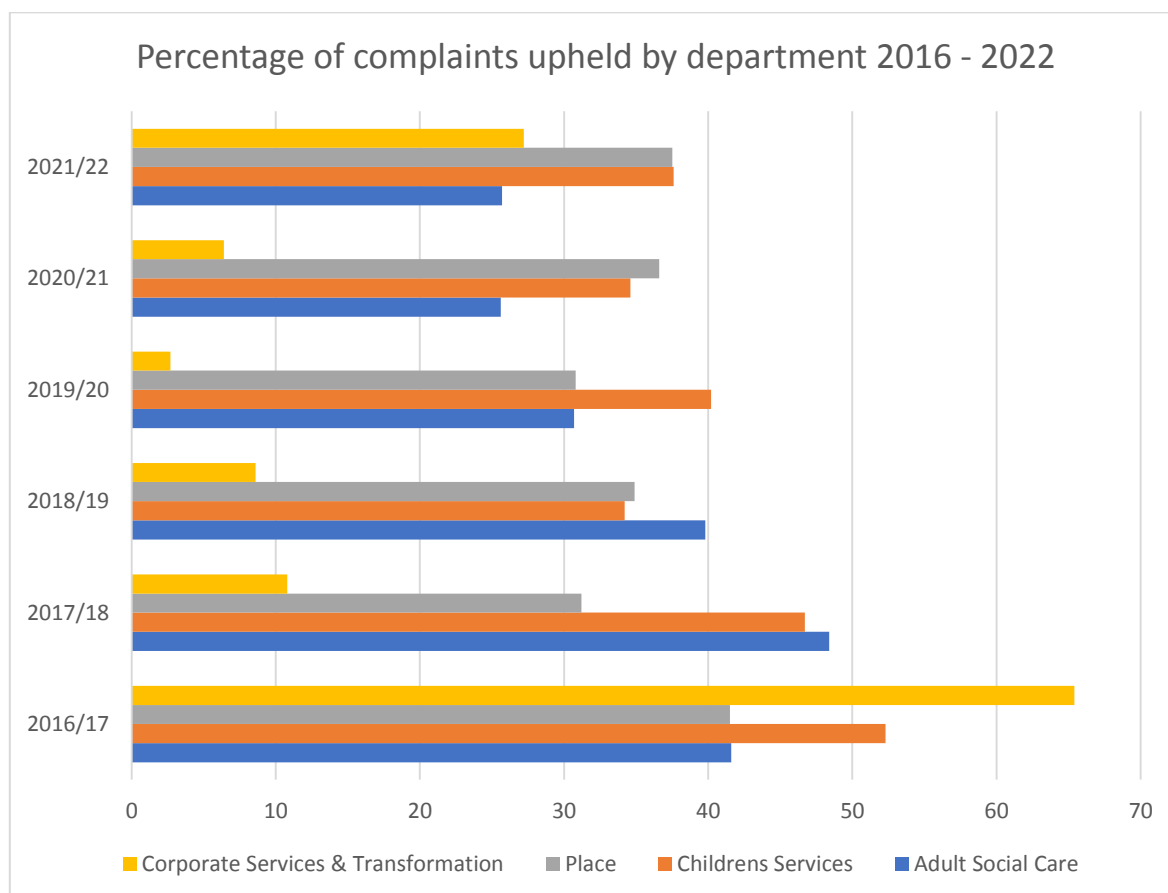
### Complaints received and decisions upheld or partially upheld

In 2021/22, 32.6% of complaints were upheld or partially upheld by the Council. This was a higher percentage of complaints upheld compared to the previous year although the general trend over six years is declining. In 2021/2022, Children's Services upheld the largest percentage of complaints. Corporate Services and Transformation appear to have upheld a much larger percentage of complaints than in previous years but this is because the number of complaints to that department has declined substantially: in reality three out of 11 complaints were upheld. The transfer of libraries and trading standards out of the department may also account for some of the percentage increase in upheld complaints.

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
--	---------	---------	---------	---------	---------	---------

Adult Social Care and Health	41.6%	48.4%	39.8%	30.7%	25.6%	25.7%
Children's Services	52.3%	46.7%	34.2%	40.2%	34.6%	37.6%
Place	41.5%	31.2%	34.9%	30.8%	36.6%	37.5%
Corporate Services & Transformation	65.4%	10.8%	8.6%	2.7%	6.4%	27.2%
Derbyshire County Council	47.9%	40.5%	33.2%	32.0%	29.9%	32.6%

Table 3: Percentage of complaints upheld by department



### Response times

The Council's policy is to respond to complaints within 28 working days. This target was met for 56.3% of complaints during 2021/22 as set out below. This is a decrease from the previous year when 60.4% of complaints were responded to within target, although there should be some caution as Corporate Services & Transformation 100% result reflects a total of 11 complaints, which has an impact on the overall percentage.

Complaints received by Corporate Services & Transformation in 2021/22 had the highest percentage of complaints responded to within the Council's target (although numbers of complaints are very low as stated above), with Adult



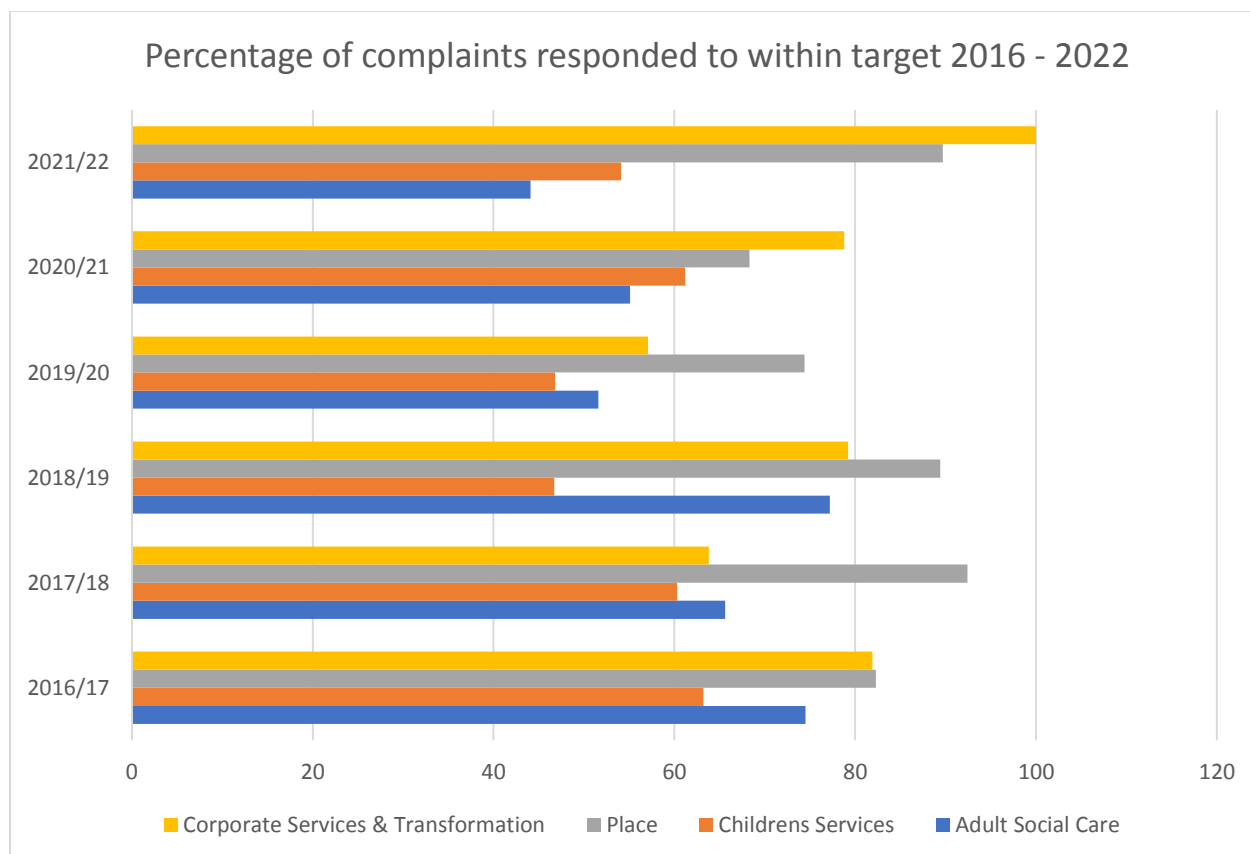
Social Care and Health having the lowest percentage of complaints responded to within target.

It should be noted that the table below includes statutory complaints within Adult Social Care and Children’s Services, which have different response time targets. If these statutory complaints were removed from the figures the response rate within 28 days would be significantly higher (for example, when statutory complaints are removed Children’s Services within 28 target response rate goes up to 86%). As the council’s headline policy is 28 days statutory complaints have been included below to provide an overall view.

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Adult Social Care and Health	74.5%	65.6%	77.2%	51.6%	55.1%	44.1%*
Children’s Services	63.2%	60.3%	46.7%	46.8%	61.2%	54.1%*
Place	82.3%	92.4%	89.4%	74.4%	68.3%	89.7%
Corporate Services & Transformation	81.9%	63.8%	79.2%	57.1%	78.8%	100%
Derbyshire County Council	73.2%	67.7%	64.1%	51.9%	60.4%	56.3%

Table 4: Percentage of complaints responded to within 28 day target by department

\* includes statutory complaints which have different target response times



In 2021/22, the average number of days to respond to a complaint across three of the council's departments, within target timescales, was 12 (Adult Social Care it was 16.5 days, Place 12 days and CST 2 days). The nature of many Children's Services complaints means their data is recorded differently:

- Stage 1 complaints (target response within 20 days) - 92% were acknowledged within timescales
- Stage 2 complaints (target response within 65 days) - 42% were responded to before the 65-day initial target date
- Stage 3 - All review panels were convened at a time agreeable to the complainant
- Non statutory complaints (target response within 28 days) - 86% of the 148 formal complaints responded to were responded to within the target.

Where the response was outside the target, the average number of days to respond to a complaint across the Council was 47 days (Place 29 days and Adult Social Care 65 days: the Children's Services annual complaints report should be referred to for specific detail about CS response times).

As statutory complaints are dealt with through specific processes and with specific timescales it is more meaningful to look at the average response times separately rather than as a single average: this approach gives a better view of the council's speed of response where the organisation is not required to act within a statutory framework.

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Outside of 28 day target	54.2	63.6	69.3	61.3	54.0	47
Inside of 28 day target	17.1	19.0	14.4	14.8	15.9	12

*Table 5 – Average days to respond to complaints*

### **Complaints by type**

To assist with understanding the reasons why complaints are made, each complaint should be allocated to a single category of complaint, based on the most significant issue raised by the complainant. This helps to identify and understand the nature of complaints and potential weaknesses in service delivery. The list of categories, with examples of issues that fall within each category, is provided in Appendix A.

There is some discrepancy between the overall number of complaints and the total number of complaints that have been categorised. In some cases this is because complaint categories are reported if and when the complaint enters the statutory process, which not all do (Children's Services) and because some do not fit into the main categories reported here. However, there is

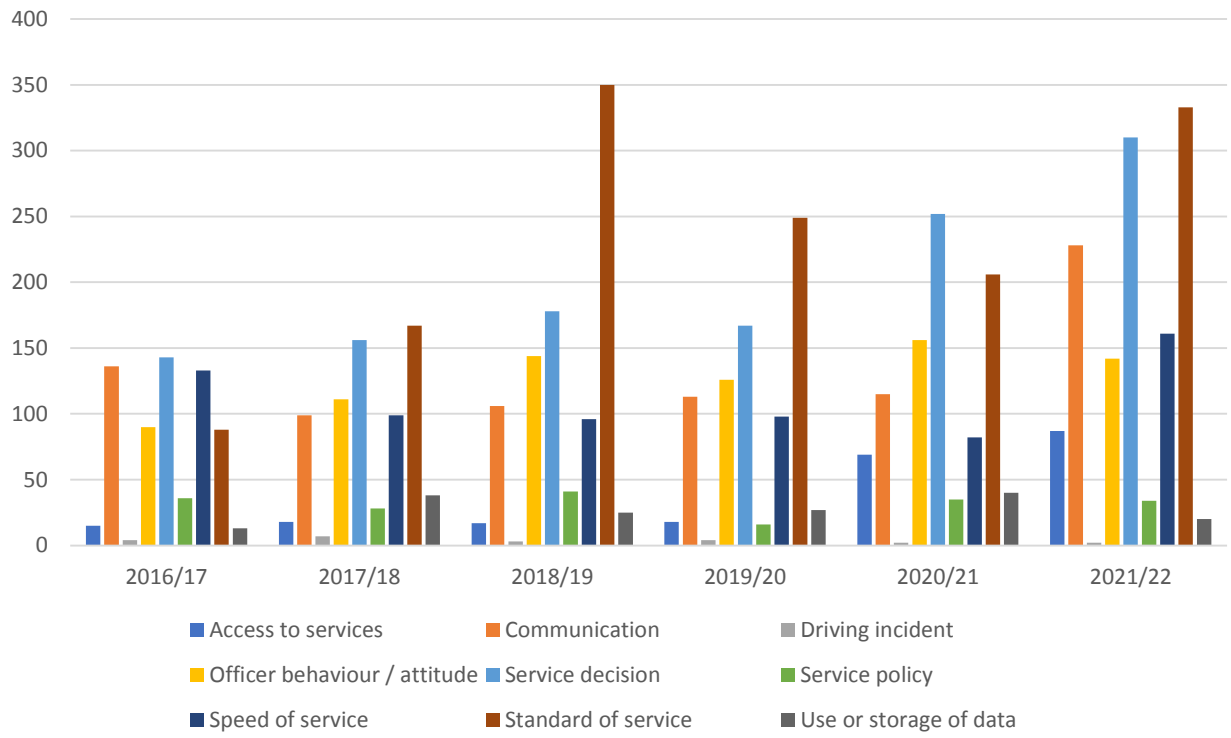
sufficient categorisation information for us to be confident in the areas of higher concern, and departments have more in-depth data to analyse and support their service improvement activity.

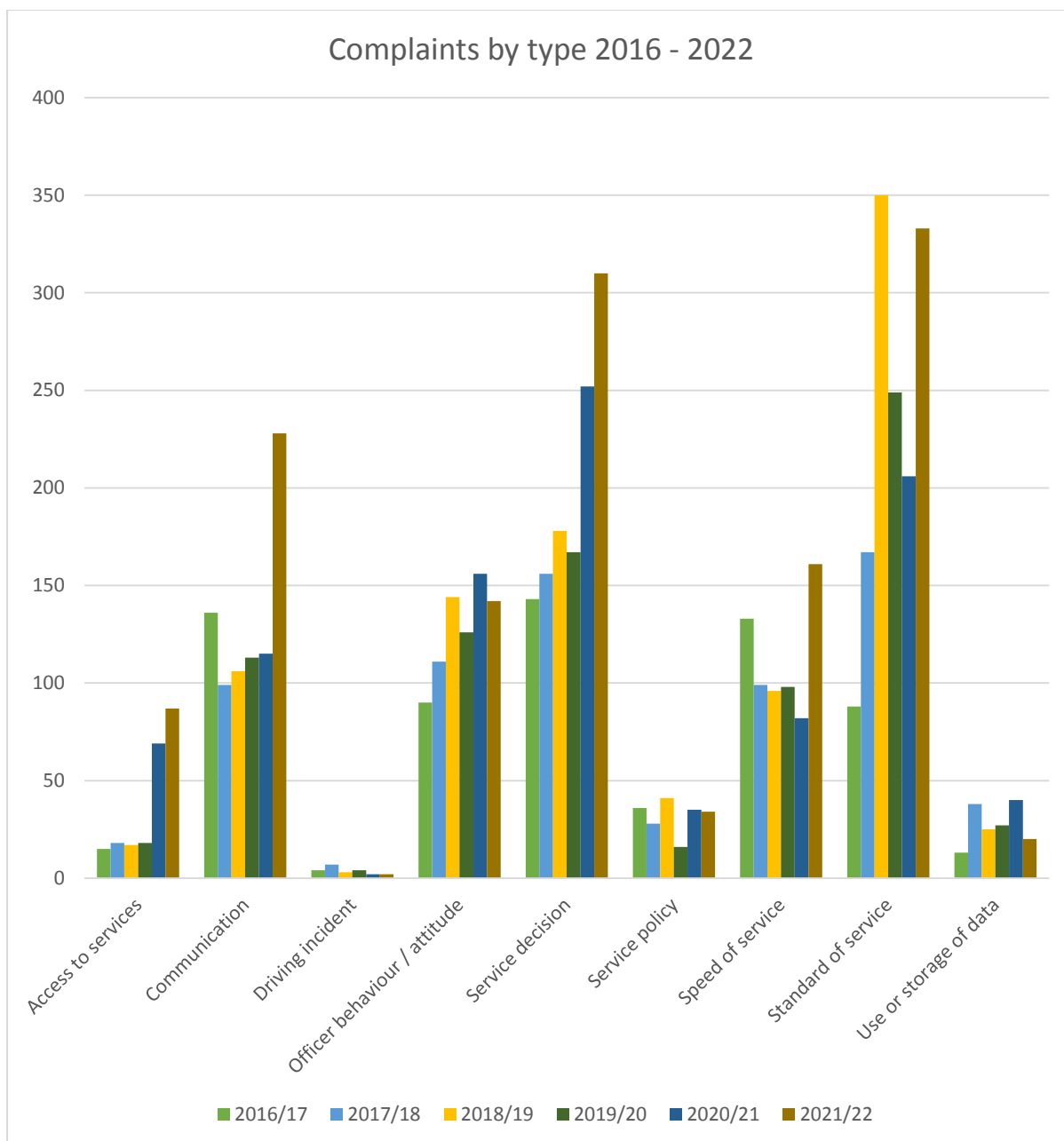
From the data provided, in 2021/22, the Council received 333 complaints in relation to the standard of service, which represents the highest number of complaints received. Access to services and communication have seen a marked increase in complaints in the last two years, as has service decision. Speed of service has seen a significant jump in the last year, largely driven by Adult Social Care figures. It is reasonable to suggest that Covid-19 implications and service pressures due to workforce availability will have contributed to service access complaints, particularly in social care.

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Access to services	15	18	17	18	69	87
Communication	136	99	106	113	115	228
Driving incident	4	7	3	4	2	2
Officer behaviour / attitude	90	111	144	126	156	142
Service decision	143	156	178	167	252	310
Service policy	36	28	41	16	35	34
Speed of service	133	99	96	98	82	161
Standard of service	88	167	350	249	206	333
Use or storage of data	13	38	25	27	40	20

*Table 6 – Breakdown of complaints received by type*

Complaints by type 2016 - 2022





## Demographics

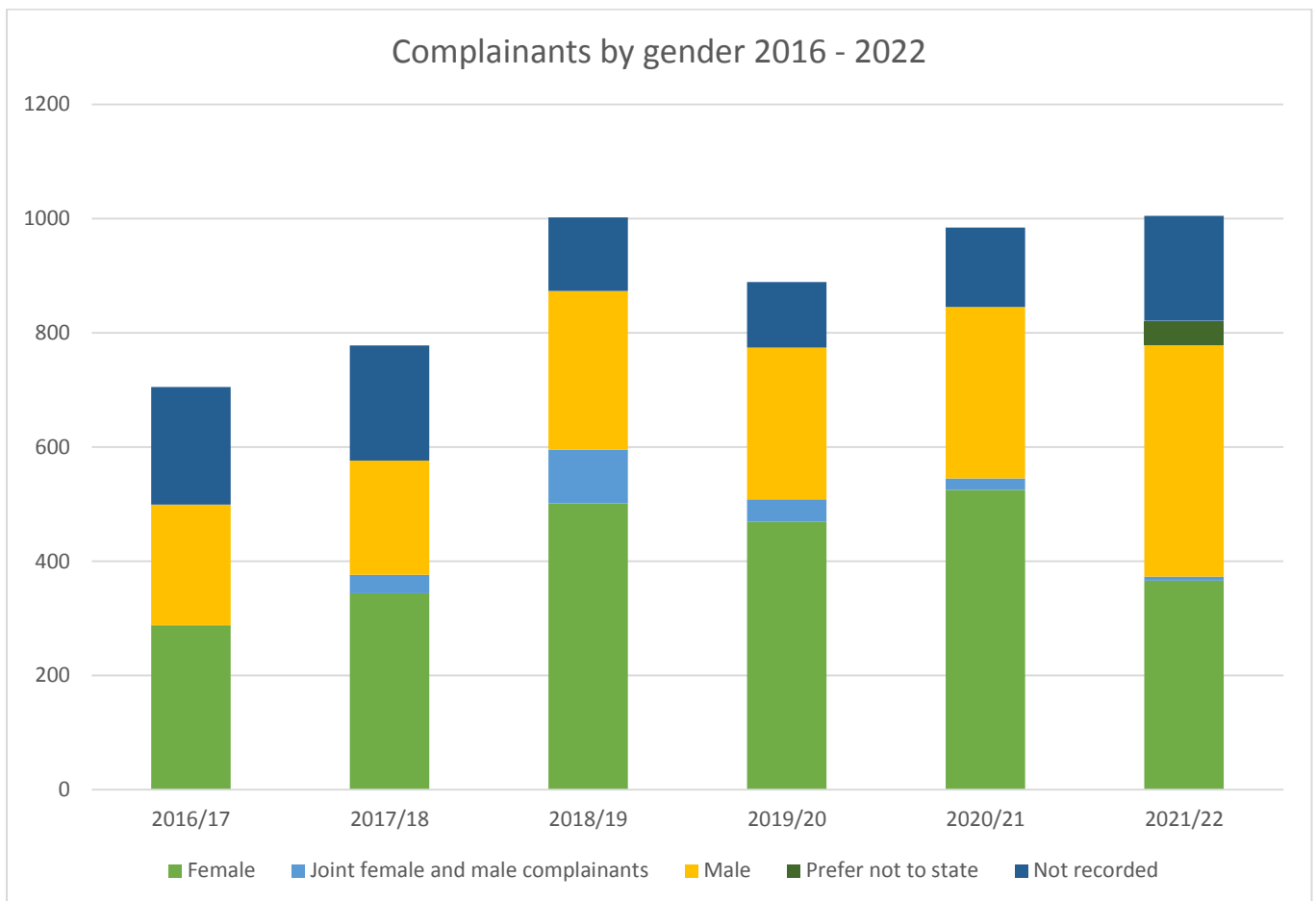
The Council also collects data on the gender of complainants and this information is set out in Table 7 for information. As can be seen in the table and graph in 2021/22, the highest percentage of complaints were male for the first time in six years. Again, this category has not been recorded for every case and this is an optional question in some reporting areas, with few complainants to Place providing the information, presumably as it is not seen as relevant.

It is suggested that the council considers and clarifies why it collects this data and what it is used for. Work is underway between Communications &

Customers and HR to define a new list of identification categories based on best practice.

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Female	287	344	501	469	525	366
Joint female and male complainants	1	32	94	39	20	7
Male	211	200	278	266	300	406
Prefer not to state	n/a	n/a	n/a	n/a	n/a	42
Not recorded	206	202	129	115	139	184

Table 7 – Gender of complainants



## 2.3 Learning from complaints

Learning about the root causes of complaints is vital for the continuous improvement of Council services and improvement of the customer experience. Specific actions are undertaken as a result of individual complaints. Where the complaint investigation has identified underlying issues then broader actions have been undertaken to prevent further incidents. In general terms these have included:

- Staff training
- Service and process reviews
- Improved team working
- Reallocation of resources
- Better and more accessible information about services
- Management of client expectations

The new Customer Experience approach will also help to spot areas of concern, improve root cause analysis and support services in improving the experience of residents when interacting with the council.

### ***Children's Services***

In Children's Services, in 2021/22 there were improvements in the timescale of acknowledgement and response times. The biggest improvement was in the area of SEND complaints, with 88% of all complaints responded to formally done so within the required timescale and despite a higher number overall, a lower percentage have escalated for a final response. It does however remain a key priority in 2022/23 to work with front line services to prevent concerns/comments becoming complaints. Given that over half of all complaints investigated are not upheld, it would suggest that relationships with those using services from the council have broken down on some level and emphasis should be in place to rebuild relationships at the earliest level stage and rebuild trust in the council.

### ***Adult Social Care & Health***

The Adult social care department has seen a significant rise in the number of complaints received over the past 2 years. Adult care is one of the departments where users of their services have been significantly affected by the national practice guidance requirements that were regularly updated to ensure both staff and service recipients were kept safe. This resulted in the temporary closure of access to some services and reduced face to face contact.

The department was also one of the first to pilot receiving telephone calls via Microsoft Teams and has remained very accessible throughout the pandemic in spite of the fact that colleagues have been working remotely from home. This may also have contributed to the increase in complaints received during

this period. Adult Care actively promotes its accessibility which is a potential additional contributory factor.

As more systems have moved on line in all areas of life, users of our services are more comfortable and familiar with online contact. This increased online contact, in conjunction with anxiety around access to services for family/friends who receive care. There has been an increase in staff absence relating to covid-19 infection which has impacted on our ability to respond within desired timescales. A review of the systems and support available across the whole complaint, enquiry and compliment services is currently being completed to address and improve this situation.

Examples of lessons learnt:

- Delays in service – There was a delay in an assessment being completed due to a worker leaving. Management process has been improved in reallocation of cases.
- Service Policy – A policy has been identified through a complaint around placements that are rated 'inadequate' with CQC. This is now currently being addressed.
- Communication – There has been a change in an automatic letter that was sent from the hospital discharge team. This was following a complaint raised around a letter about rehabilitation services when the person was palliative. There is now an indicator on a person's record to ensure this letter is not sent out.

### ***Place***

Following a Local Government Ombudsman (LGO) complaint a suggestion has been made relating to how Place deal with unreasonable and persistent type complainants. The LGO investigating officer noted that Place need to be clearer in their communication with residents when they are considering applying the Unreasonable and Persistent Policy. Place were also encouraged to ensure we address inappropriate comments or accusations sometimes made by complainants to make it clear that the council will not tolerate unreasonable behaviour.

Highways complaints are monitored through a Corrective Actions Tracker as part of the Quality Management System for Highways. The tracker is monitored through the Management Review meeting where it was highlighted that an open complaint needed to be addressed before being closed down as complete. The complaint referred to a blocked gulley on a small single track road where a large tanker vehicle was unable to access and so the road had flooded. The lesson learned is that the road has now been added to a programme of work to ensure a handheld machine is used to avoid sending out a larger vehicle that cannot access the gulley and thus delaying the work being carried out.



## 2.4 Feedback procedures and systems

In March 2020, Cabinet agreed that moving forward Customer Feedback (complaints, comments and compliments) would be managed through the Customer Relationship Management (CRM) system which is currently being implemented through the Channel Shift programme.

The system is now in place for Children's Services (who will run both their old and new systems for a short period of time to build staff confidence) and will be implemented in Place by the end of September 2022. Adult Social Care will follow, which requires integration into the Mosaic system, with Corporate Services & Transformation being implemented last given the disparate nature of complaint management in the department. The current aim is for all departments to be using the system by December 2023.

Once all services are using the CRM system fully automated customer feedback reporting will be available. Until then a mixture of manual and automated reporting will be used, and the Customer Experience team (the new name for the Channel Shift team) will analyse the data to identify trends, areas for process improvement and work with departments to improve the resident's experience of using council services and giving feedback.

## 3. Appendices

3.1 Appendix 1 – Type of complaint descriptors

## 4. Recommendation(s)

That Committee:

a) Notes the content of the report and the latest data.

### Report Author:

Julie Odams, Assistant Director of Communications & Customers  
Julie.odams@derbyshire.gov.uk

### Contact details:

## **Appendix 1**

### **Type of complaint descriptors**

**Access to service** - Difficulties in finding services, problems with access to buildings, website not working, complex or difficult forms.

**Communications** - Information difficult to find or understand, delays in communication

**Driving incident** - Discourteous or dangerous driving.

**Officer behaviour/attitude** – Inappropriate, impolite, discourteous, unhelpful or rude behaviour.

**Service decision** - Disagreement with a decision to provide, withdraw or limit a service. Disagreement with the process leading to decisions being made.

**Service policy** - Service delivered in accordance with any policy but where there is disagreement with the policy or it is felt it disadvantages or discriminates against an individual.

**Speed of service** - Service outside of published target dates, missed deadlines or outside reasonable client expectation.

**Standard of service** - Not following service standards or policies, products or workmanship not up to reasonable expectations.

**Use or storage of data** - Incorrect client information, information not readily available or lost, not complying with established policies, procedures and Regulations in relation to managing information



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**GOVERNANCE, ETHICS AND STANDARDS COMMITTEE**

**14 JULY 2022**

**Report of the Director - Public Health**

**Revisions to Health and Wellbeing Board Terms of Reference and Membership**

**1. Purpose**

- 1.1 The Governance, Ethics and Standards Committee is asked to:
- a) Note the proposed changes to the Health and Wellbeing Board Membership and Terms of Reference that outlines how the Board can work effectively and in partnership with the Integrated Care Partnership.
  - b) Notes the proposed addition of the Derbyshire Integrated Care Board to its membership, as part of the statutory requirements of the Health and Care Bill posed to take affect from 1 July 2022.
  - c) Reviews the revised draft terms of reference, attached as appendix 2, and provide comment and feedback on them so that a final version can be adopted at the Health and Wellbeing Board meeting on 6 October 2022 and approved by Full Council on 30 November 2022.

**2. Information and Analysis**

- 2.1 Health and Wellbeing Boards were established under the Health and Social Care Act 2012 and have both set functions and a core membership. The statutory requirements of the Board are outlined in the terms of reference.

- 2.2 The statutory membership of the Board includes the following:
- At least one councillor of the upper tier local authority
  - The director of adult social services for the upper tier local authority
  - The director of children's services for the upper tier local authority
  - The director of public health for the upper tier local authority
  - A representative of the Local Healthwatch organisation for the area of the local authority
  - A representatives of each relevant clinical commissioning group (see 2.3 below)
- 2.3 The Health and Care Act (2022) amends the Health and Social Care Act (2012) replacing the representative of the clinical commissioning group with a representative from the Integrated Care Board (amendments 183 and 184). There are also various other requirements relating to the presentation of Forward Plans and strategy documents which will require the Integrated Care Board to engage with the Health and Wellbeing Board formally. This relationship has been described in the revised terms of reference
- 2.4 In advance of the formal launch of the Derby and Derbyshire Integrated Care System on 1 July 2022, the Health and Wellbeing Board has engaged with board members and key stakeholders via development sessions to consider how the role and operating arrangements for the Health and Wellbeing Board. The Board has agreed to evolve further to best meet both statutory and non-statutory requirements and ensure effective health and wellbeing systems leadership at place level within Derbyshire. The outcome of the development sessions are summarised below, and this framework has been utilised to inform the update of the terms of reference:
- 2.5 That the Derbyshire Health and Wellbeing Board should lead on primary and secondary preventative actions and on issues linked to wider determinants as outlined in HWBS. The Board agreed that services linked to HWB partners should be operationalised to support delivery. The Health and Wellbeing Board also proposed that:
- Derby and Derbyshire ICP leads on preventative actions that are clearly linked to health and social care service provision.
  - The ICP supports actions linked to wider determinants.
  - The ICP mobilises services linked to partner organisations to operationalise and support delivery in health and social care space.
- 2.6 In relation to the ICB it was proposed by the Health and Wellbeing Board that:

- the ICB leads on secondary and tertiary prevention from a clinical perspective
- noted that the ICB may support some actions on wider determinants.
- Services linked to ICB members are operationalised to support delivery in clinical space.

2.7 Finally, it was considered beneficial to add in the role of local government, if the ICB represents the wider NHS, and it is proposed that:

- Local authorities lead on primary, secondary and tertiary prevention from a population perspective, with the mix of focus being decided by whether they are a unitary, upper tier or lower tier authority.
- Local authorities will take actions on the wider determinants of health, individually or via collaborative action.
- Services linked to local authorities are mobilised to support preventative action.

### **3. Consultation**

3.1 Health and Wellbeing Board members have until 1 August to provide feedback on the draft terms of reference.

3.2 The Governance, Ethics and Standards Committee is asked to review and provide feedback on the draft terms of reference before a final version is agreed by the Health and Wellbeing Board in October and approved by full council on 30 November 2022.

### **4. Alternative Options Considered**

4.1 Not amend the Health and Wellbeing Board Terms of Reference to reflect recent development discussions and legislative changes. No changes would result in a risk to the Board and Derbyshire County Council as the body responsible for the Health and Wellbeing Board as it would not be compliant with legislation. If other changes were not adopted this may result in ineffective partnership arrangements and may reduce the effectiveness of all partner organisations to support health and wellbeing outcomes for the Derbyshire population.

### **5. Implications**

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

### **6. Background Papers**

6.1 [Health and Social Care Bill \(2022\)](#)

**7. Appendices**

7.1 Appendix 1 – Implications

7.2 Appendix 2 – Draft terms of reference

**8. Recommendation(s)**

That the Governance, Ethics and Standards Committee:

- a) Note the proposed changes to the Health and Wellbeing Board Membership and Terms of Reference that outlines how the Board can work effectively and in partnership with the Integrated Care Partnership.
- b) Notes the proposed addition of the Derbyshire Integrated Care Board to its membership, as part of the statutory requirements of the Health and Care Bill posed to take effect from 1 July 2022.
- c) Reviews the revised draft terms of reference, attached as appendix 2, and provide comment and feedback on them so that a final version can be adopted at the Health and Wellbeing Board meeting on 6 October 2022 and approved by Full Council on 30 November 2022.

**9. Reasons for Recommendation(s)**

9.1 The changes to the Health and Wellbeing Board Terms of Reference and membership update the role and function of the Board so that it works effectively within the new Integrated Care System structures which came into effect on 1 July 2022 and reflects Health and Wellbeing Board development sessions which have taken place since April 2022.

**Report Author:** Annette Appleton,  
Ellen Langton

**Contact details:** [annette.appleton@derbyshire.gov.uk](mailto:annette.appleton@derbyshire.gov.uk),  
[Ellen.Langton@derbyshire.gov.uk](mailto:Ellen.Langton@derbyshire.gov.uk)

## **Implications**

### **Financial**

- 1.1 There are no financial implications associated with the changes to the terms of reference

### **Legal**

- 2.1 Health and Wellbeing Board's were established as statutory committee for upper tier local authorities within the Health and Social Care Act (2012). The 2012 Act prescribed core statutory functions and membership of the Board.
- 2.2 The Health and Social Care Act (2022) outlines a number of changes to NHS governance structures, including the requirement for Health and Wellbeing Boards to work alongside Integrated Care Boards and have representation from the Accountable Officer for the Derby and Derbyshire Integrated Care System, replacing the Chief Officer function from Clinical Commissioning Groups.
- 2.3 Member organisations and representatives should identify the process by which they are permitted to approve the term of reference to ensure that any such governance process is followed. They may for example be required to seek approval from a governance group within their organisational structure and this should be completed prior to approval of the draft terms of reference.
- 2.4 The terms of reference of the Health and Wellbeing Board are contained in Article 14 of the Derbyshire County Council constitution. Revision of the terms of reference should therefore be considered and approved by full council once the Board and member organisations have approved these.

### **Human Resources**

- 3.1 There are no human resource implications associated with the changes to the terms of reference.

## Appendix 2 Revised Terms of Reference

### Derbyshire Health and Wellbeing Board (HWB) - Terms of Reference and core strategic functions of the Derbyshire HWB

#### Background

Under the Health and Social Care Act 2012 all local authorities are required to establish a Health and Wellbeing Board for its area. The Health and Wellbeing Board is established as a committee of Derbyshire County Council.

The legislative framework for s and wider health and social care system is within the [Health and Social Care Act 2012](#).

#### Vision and objectives

Derbyshire Health and Wellbeing Board has a vision to:

Focus on prevention and the wider determinants of Health so that Board will reduce health inequalities and improve health and wellbeing across all stages of life by working in partnership with our communities.

The objectives of the Board are to enable the residents of Derbyshire to Start Well, Live Well and Stay Well, Age Well and Die Well.

#### Purpose and function

Derbyshire Health and Wellbeing Board must undertake the following statutory functions by:

- Preparing and publishing a JSNA of current and future health and social care needs and ensuring it informs the Health and Wellbeing Strategy and Integrated Care Strategy.
- Promoting integrated working in planning, commissioning and delivery of services to improve the health and wellbeing of the population of Derbyshire and reduce health inequalities and have a preventative focus.
- Preparing and publishing a Pharmaceutical Needs Assessment to assess the need for pharmaceutical services in Derbyshire.
- Preparing and publishing a Health and Wellbeing Strategy for Derbyshire.
- Receiving and responding to to the plan of the Integrated Care Board as proposed in the [Health and Social Care Bill 2021](#).
- Expressing an opinion when an application from pharmacies in Derbyshire where they wish to consolidate or merge.
- Being the accountable Board for the Better Care Fund

These statutory functions will be supported by the following actions:

- Holding organisations and partners to account for delivering against the priorities outlined in the Health and Wellbeing Strategy.



- Ensuring the Health and Wellbeing Strategy has a clear focus on activity linked to primary and secondary prevention, which the Board through the organisations represented on it can lead on.
- Championing prevention and population health as important strategic issues and influencing organisations and partnerships both within and external to ICS to reflect this in their work.
- Working as part of the wider system to address strategic challenges for population health, with a particular focus where appropriate of working collaboratively with Derby City Health and Wellbeing Board.
- Represent Derbyshire in relation to health and wellbeing issues at a regional and national level where appropriate.
- Work closely with the Derbyshire Healthwatch to ensure that appropriate engagement and involvement with patients and service users.
- Ensure that where appropriate system wide delivery plans or shared spaces to collaborate are in place to support the HWBS strategic priorities and outcomes.
- Challenge performance against the outcomes outlined in the HWBS via the HWB dashboard indicators which make links to performance frameworks for the NHS, public health and local authorities.
- Develop mechanisms to measure, monitor and report improvements in health and wellbeing outcomes for Derbyshire.
- Ensure there are effective and appropriate mechanisms to communicate, engage and co-produce health and wellbeing strategy priorities with local people and stakeholders.

### **Membership**

The Health and Wellbeing Board will involve Integrated Care System and wider partners. The Cabinet member for Health and Communities, Derbyshire County Council will Chair the Board and Vice Chair are indicated in the membership list below should the Chair be unable to attend a meeting.

Should neither the Chair nor Vice Chair be able to attend a meeting of the Health and Wellbeing Board, the Chair shall designate another statutory member of the Board as Chair for this meeting. Where this is not possible, a Chair shall be elected at the start of the meeting.

The full Health and Wellbeing Board membership will comprise:

- Cabinet Member for Health and Communities (Chair) (Statutory)
- Accountable Officer for Derby and Derbyshire Integrated Care Board (Statutory) (Vice chair)
- Governing Body Member for Derby and Derbyshire Integrated Care Board (Vice chair)
- Executive Director Adult Social Care and Health, Derbyshire County Council (Statutory)

- Executive Director Children’s Services, Derbyshire County Council (Statutory)
- Director of Public Health, Derbyshire County Council (Statutory)
- One representative from Healthwatch Derbyshire (Statutory)
- Cabinet Member for Adult Social Care
- Cabinet Member for Children’s Services and Safeguarding
- Chair of 3D to represent the voluntary sector
- One elected member holding a relevant Cabinet portfolio from each district or borough council in Derbyshire
- Police and Crime Commissioner for Derbyshire
- One senior officer representative from Derbyshire Constabulary
- One senior officer representative from Derbyshire Fire and Rescue Service

The Board can co-opt additional members as it considers appropriate in relation to Health and Wellbeing Strategy priorities.

Representatives from NHS England, Public Health England, the UK Health Security Agency, or Office of Health Improvement can attend the Board meetings as required, but in relation to a specific issues or area of interest.

Chief Executives or Senior Officers from district and borough councils may attend the meeting to support district and borough elected members who are formal members of the committee.

Specific officers may be asked to attend one or a series of HWB meetings to provide detailed insight and input to particular topics or issues, such as one of the Health and Wellbeing Board priorities.

The Board membership will be reviewed annually in line with the municipal year.

### **Responsibilities of Board members**

Members should be senior leaders and key decision makers who are able to actively contribute to, and be collectively accountable for, the development and delivery of the Health and Wellbeing Strategy and achievement of our shared ambition to improve population health and wellbeing outcomes and reduce health inequalities.

All members will:

- Endeavour to attend all meetings of the Health and Wellbeing Board as no substitutes will be permitted. If they are unable to attend any actions or issues will need to be raised via liaison with another Health and Wellbeing Board member,

- Fully engage in the Health and Wellbeing Board including active participation in discussions and decision-making relating to all relevant agenda items.
- Propose, as appropriate, agenda items, for information or discussion, to the Health and Wellbeing Board.
- Represent their respective organisations or networks they represent and must take responsibility for communicating all relevant information within their organisation or network.
- Actively progress any strategic decision or action agreed at the Health and Wellbeing through their own organisation and any relevant partners and networks.
- Ensure full support and implementation of the Health and Wellbeing Strategy through their own organisation and relevant networks.
- Ensure their organisations are fully represented and participate in relevant sub-groups and/ or Task and Finish groups as appropriate.
- In addition to the above expectations of all members, it is also the role of the Healthwatch representative to ensure the appropriate representation of the patient, public and carer population.

## **Governance**

### **Agenda Planning**

The Chair and Vice Chairs in conjunction with the Director of Public Health will set the agenda for future s. All Board members will be asked to put forward reports for consideration prior to agendas being finalised. The Board will be updated quarterly on the work of the Derby and Derbyshire Integrated Care Partnership.

### **Reporting**

Reports considered by the Health and Wellbeing Board will need to make a clear recommendation and also demonstrate how they are delivering against Health and Wellbeing Strategy priorities. Reports for information and noting will be circulated electronically to the Board between meetings to ensure that information is shared in a timely manner.

### **Strategic delivery of pieces of work at county wide level**

Work will be delivered by established system groups at a county wide level. The Health and Wellbeing Board will direct and commission specific pieces of work via Board members who will need to action, coordinate and feedback to the Board within agreed timescales.

### **Strategic Task and Finish Groups**

Task and finish groups will be established by exception to take forward key pieces of work for the Health and Wellbeing Board. Task and finish groups will include representatives from Health and Wellbeing Board member or partner organisations and wider stakeholders.

### **Place based delivery**

Derbyshire Locality Health Partnerships will act as a delivery structure, working alongside Integrated Care System Place Alliances, to coordinate delivery of agreed actions and pieces of work.

### **Relationship with other Boards**

The governance diagram at the end of this document sets out the relationship between the HWB and other groups and programmes of work in Derbyshire. If required a protocol document between the Health and Wellbeing Board and other strategic groups will be established to facilitate discussions and delivery against priorities.

### **Meetings of the Board**

#### **Frequency**

The Health and Wellbeing Board will meet on quarterly basis.

The date, time and venue of meetings will be fixed in advance by the Board and an annual schedule of meetings will be agreed.

Meetings will normally take place at County Hall, Matlock unless the Board is required to visit another venue or participate in a joint session with Derby City. The Board is a statutory committee of the council and therefore it is required to meet in person.

Additional meetings may be convened at the request of the Chair or Vice Chair.

#### **Attendance**

Attendance of Health and Wellbeing Board meetings will be monitored and fed back to the Health and Wellbeing Board annually.

#### **Development sessions**

In addition to the formal public meetings, the Board will hold regular development sessions – both as a Derby Health and Wellbeing Board and jointly with Derbyshire Health and Wellbeing Board as appropriate. Development sessions will be held in private to support specific issue focused discussion and learning, ongoing review of Board functioning and active development of the Board and its members.

## **Voting**

At this stage of its development the HWB will operate on a consensus basis. If a vote is required it will be amongst the statutory members of the Board only.

## **Declaration of Interests**

Any interests held by members or co-opted members should be declared on any item of business at meeting in accordance with the Council's Code of Conduct for Members and the Localism Act 2011.

## **Quorum**

A quorum of five will apply for meetings of the HWB, with at least three statutory members present.

## **Access to Information/Freedom of information**

The Board shall be regarded as a County Council committee for access to information purposes and meetings will normally be open to the press/public.

## **Public questions**

Public questions must be tabled 3 working days in advance and in line with the procedures for Full Council and will be considered at the Chair's discretion to ensure they are relevant to the work of the Health and Wellbeing Board. Questions must be asked exactly as submitted, and no supplementary questions are allowed.

## **Board papers**

The agenda and supporting papers shall be circulated at least five clear working days in advance meetings and published on the County Council website.

Minutes will be published on the Derbyshire County Council website.

## **Scrutiny**

Decisions of the Health and Wellbeing Board will be subject to scrutiny, but will not be subject to the "call-in powers" of the Improvement and Scrutiny Committee.

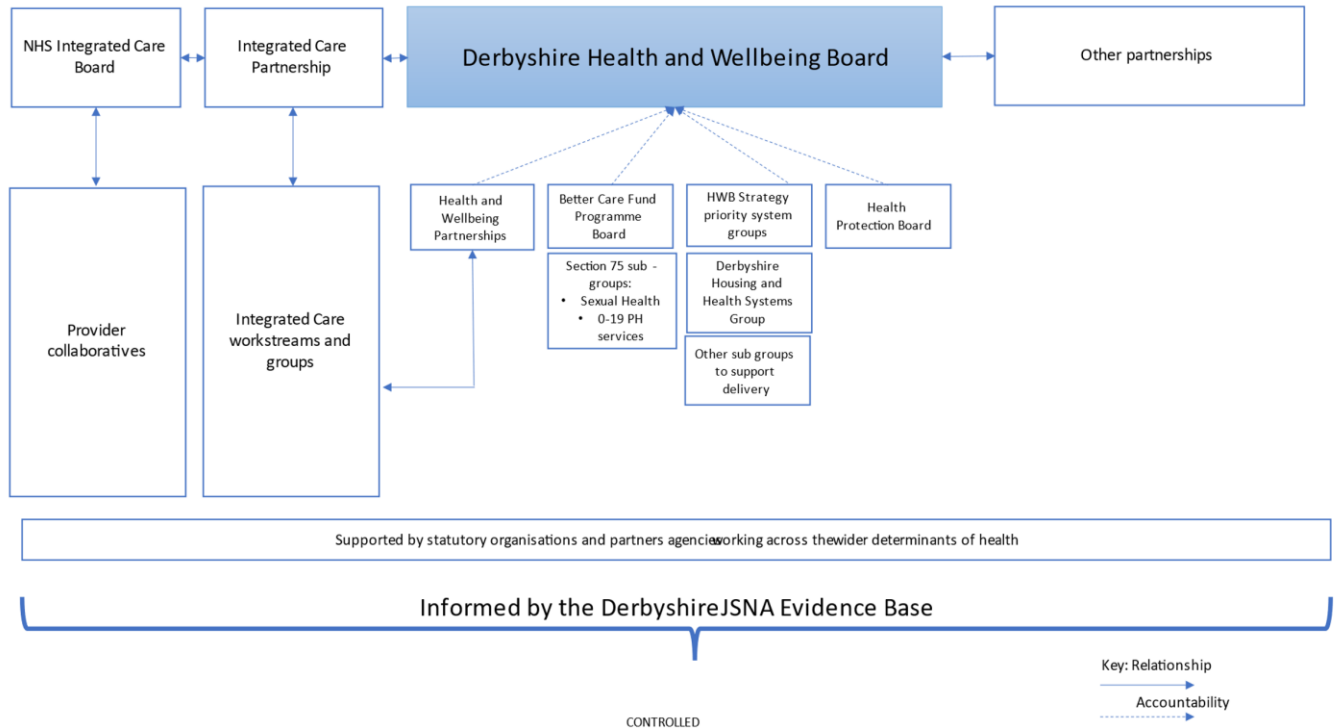
## **Secretariat**

The Secretariat role will be provided by Council Democratic Services. This role will include minute-taking and distribution, administration of all agenda items and associated papers. Democratic Services will be supported with co-ordination and operational assistance by Public Health officer staff.

## **Review**

These terms of reference will be reviewed annually or earlier if required.

# HWB Governance arrangements





**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**GOVERNANCE ETHICS AND STANDARDS COMMITTEE**

**14 July 2022**

**Report of the Chair of the Member Development Working Group  
Update on completion of the Member Induction Programme**

**1. Purpose**

- 1.1 To update the committee on the attendance of Elected Members on the Member Induction Programme following the elections in May 2021, and the work of the Member Development Working Group to date (MDWG).

**2. Information and Analysis**

**2.1 Member Development Working Group**

The Member Development Working Group is a cross-party working group, chaired by Cllr Linda Grooby. The group's remit is to review and improve communication and engagement with Members; co-ordinate their learning needs; and commission learning and development solutions. It reports its work into Governance, Ethics and Standards Committee.

**2.2 Member Development Strategy**

In September 2020, Full Council agreed the Member Development Strategy, set out in appendix 1. The strategy aims to: achieve motivated and skilled Members of the council; a consistent approach to Member's learning and development; equality of opportunity; and well-equipped Members who are confident and able to carry out their roles effectively.

The strategy details the need for induction as follows:

- 5.4 *Following the election, successful candidates will be provided with an intensive induction delivered over the first six weeks of the life of the*

*Council. It will provide a broad overview of the Council to help Members in their new role.*

*5.5 The precise details of the sessions will be determined by the Member Development Working Group prior to the election with a review of previous experience shaping the design of the new Induction programme. This will be publicised to all prospective candidates via the pre-induction process.*

*5.6 There is an expectation that all Members, including those returning, will attend certain elements of the induction as defined in the pre-election materials. Members should therefore allow time within the first six weeks of their tenure to facilitate this.*

### **2.3 Design of the Induction Programme**

In February 2020 a workshop was led by Members of the MDWG, supported by officers, for all Members to consult on a proposed skills matrix for Elected Members and seek views on what an induction programme should cover and how and when it should be delivered following the Elections in May 2021. Shortly after the workshop, the Covid Pandemic began.

Members were also surveyed in August 2020 to identify areas where the council can offer support in areas such as wellbeing, ways of working and information.

The MDWG reviewed the output of the workshop and survey and agreed the content and principles of a 6-week induction programme, essentially a programme designed by Members for Members.

The programme was designed to ensure Members were equipped by the end of the programme with necessary initial information and knowledge to equip them to fulfil their role as a County Councillor. Training was also arranged to ensure Members were equipped to sit on the various committees set out in the Councils Constitution.

Three mandatory topics of learning were agreed which all Members should undertake to ensure we fulfil our responsibilities as a Council in protecting Members and the Council, plus reviewing learnings from public interest reports. The three mandatory topics identified were:

- Information Governance – data protection
- Fire Safety – H&S
- Prevent – role in the community

The Induction programme was delivered as requested in May-June 2021 with bite-size participative sessions with optional dates to offer flexibility around Members' busy schedules, see appendix 2. Unfortunately, Covid prevented



face to face learning taking place and the marketplace event, giving Members an opportunity to meet officers from key service areas of the Council, was also postponed. However, a member's tile was set up on Derbyshire Learning Online (DLO), our learning management system, for access and recording of learning. Introducing Members to DLO was one of the first induction modules ensuring Members were confident to access the remainder of the induction programme.

## 2.4 Induction Completion

Attendance on the induction programme was initially low, so access to the training was extended by uploading modules on DLO as a recording and/or the presentation used during the session. Members were made aware that they could view the modules at any time and asked to complete them all. Completion has been monitored and by the end of June, rates are still low, with between 14 and 43 out of 64 Members having completed the modules as follows:

Module	Sept 2021	Nov 2021	Jan 2022	June 2022
Audit	13	13	14	16
Climate Change	31	34	34	34
Constitution and Standing Orders	7	8	12	14
Derbyshire Observatory and Mapping Tool	17	18	21	22
Equality and Diversity	17	17	17	19
Governance and Code of Conduct	29	30	30	33
Improvement and Scrutiny	9	24	26	26
Introduction to DLO	43	43	43	43
Introduction to Microsoft Teams	18	19	19	19
Local Government Finance and Regulations	23	23	23	24
Pensions and Investments	14	15	15	16
Personal Safety	19	19	19	22
Regulatory Planning	19	19	21	21
Reporting Defects on the Highway	21	25	34	34
Safeguarding Adults and Modern Slavery	24	24	25	25
Safeguarding Children	22	23	25	26

Completion of the mandatory modules is also low, with completion rates as follows in May 2022:

Module	Repeat	Completion Rate
Information Governance	Annually	33 (52%)
Prevent	Every two years	37 (58%)
Fire Safety	Annually	26 (41%)

## **2.5 Actions to Improve Induction Completion**

MDWG have been updated on induction completion at each meeting and have agreed actions to improve completion rates.

### **2.5.1 Email Reminders**

Initially Members were sent generic email reminders. In December, each member was then sent a list of their personal outstanding training of the 16 induction modules and 3 mandatory e-learning modules. These communications have resulted in a few more completions as can be seen in the table above.

### **2.5.2 Member Survey**

A member's survey was circulated in December 2021 to hear Members' views on the induction programme, their well-being, current ways of working and to understand what immediate requirements they have for training, information or other support. 34 Members (54%) completed the survey, the results of the induction questions are detailed in appendix 3.

Members were asked to rate the effectiveness of the induction programme out of ten and 74% of respondents rated it over 7, the average score being 7.6. When asked how it could be improved, a number asked for more face-to-face modules, which was not possible at the time during Covid, but this will be considered going forward. Shorter or focussed sessions were requested, but modules were a maximum of 2 hours, which was felt appropriate to cover large subjects and leave time for participation and questions. Some asked for help with access via DLO which has been offered numerous times on a one-to-one basis. There were a few requests to offer alternative dates/times and recordings for those who missed it, and again, this had already been communicated.

Members were asked about the barriers preventing them from attending the induction modules. The majority responded that the dates or times clashed with other appointments, however, the timetable was clearly communicated in the pre-induction process. Six respondents were returning officers who felt they did not need a refresher. In the communications to Members following the induction, it has been made clear that all returning Members need a refresher in order to keep them up to date, such as current policies and changing legislation.

Members suggested topics that they felt were missing in the induction training. One was media/social media training, which key officers who deal with the media have since completed. There were also requests for contact details and meetings with key officers. The marketplace event normally covered in our induction programmes was not possible due to Covid, however, this is being built into a development event for Members in September, see 2.7 below.

### 2.5.3 DLO Redesign

There had been feedback on DLO from Members and officers that it was hard to navigate and not intuitive, resulting in this being redesigned and MDWG Members were invited to a meeting along with officers from across DCC to provide feedback on the proposed refresh. The new design was launched on 31<sup>st</sup> January 2022.

### 2.5.4 Group Leader Support and Commitment

MDWG proposed and supported by Cllr Spencer as the Portfolio holder for MDWG, that the Chair of the MDWG would write to Leaders and Whips of each Group to seek support and commitment to get 100% of the 3-mandatory e-learning modules completed, setting out the rationale for why these modules were important to the Council and to Members.

Separate emails were sent to each group in June, which included details of completion rates of the 3 mandatory modules of each member of the group. It also included a briefing note agreed by MDWG, to equip leaders and whips to explore the reasons Members have been unable to complete the induction and some suggestions for each group to explore as follows:

<b>Rationale for mandatory training modules</b>	We need to fulfil and evidence our statutory obligations in respect of ensuring Members are aware of their responsibilities under health and safety, data protection and Prevent duty. This ensures both the Council and Members are protected.
<b>Member Development Strategy</b>	This was approved at Full Council in September 2020. The strategy aims to achieve motivated and skilled Members and the Council recognises that is essential to support, develop and engage Members to ensure they are effective in their roles. Our Member Development Working Group are champions within their respective political groups.
<b>Mandatory training modules support</b>	The Member Development Working Group have provided information on accessing the modules and reminders to every member on their individual training completion. Officers have also provided one to one support for a number of Members with accessing DLO, our learning management system. Officers are always available for DLO support and queries – Members can contact them directly via email or Teams call (Charlie Greaves <a href="mailto:charlie.greaves@derbyshire.gov.uk">charlie.greaves@derbyshire.gov.uk</a> or Lucy Jay <a href="mailto:lucy.jay@derbyshire.gov.uk">lucy.jay@derbyshire.gov.uk</a> ). DLO has recently been refreshed and navigation around it is a lot clearer, with all training now easy to find within the 'Elected Members tile'.

<p><b>Barriers to completing the training</b></p>	<ul style="list-style-type: none"> <li>• Currently experienced – all Members, regardless of whether they are newly elected or returning, need to complete these modules; see rationale above.</li> <li>• Time – how could Members fit the training into their existing schedule? Could you plan time within the next group meetings for Members to complete during the meeting?</li> <li>• Technical capability – does anyone need support with DLO or ICT generally? Charlie and Lucy (details above) can arrange to meet in person or a 121 call to share screens and provide support with logging on DLO, navigating the site and accessing the training modules. We can arrange for them to be available in person before full council meetings, along with ICT support officers.</li> <li>• Style of delivery – the pandemic prevented our preferred method of delivering the induction training face to face. However, all of the induction modules are available on DLO, so Members can watch a recorded session or read the presentation. Would it be helpful to include one in every group meeting, so that all Members get up to speed with any of the induction modules that they missed? Would Members like officers to deliver any other face to face training sessions and if so, when is the best time of day/evening?</li> <li>• Other – are there other barriers to completing the training? How can we overcome these?</li> </ul>
<p><b>Reviewing training between District and County Councils</b></p>	<p>We have reviewed whether any induction training that is duplicated could be evidenced for County Councillors. Information Governance and Fire Safety are specific to Derbyshire and do need to be completed. We will review the content of Prevent across borough and district councils.</p>

## 2.6 Code of Conduct Training

A new code of conduct was approved by Council in March 2022 which includes the following obligation:

*As a Councillor:*

*8.1 I undertake Code of Conduct training provided by my local authority.*

Training was delivered by the senior legal team in three sessions (one virtual and two hybrid) in April, May and June, based on training resources provided by the LGA. A total of 47 Members attended and a recording of the training will be uploaded to DLO for those Members who did not attend.

## 2.7 Member Development Event

In the member survey, see 2.5.2 above, Members were also asked if there was any other training they needed and for further comments and feedback on the induction programme. There were many requests to meet key officers to better understand their role and how to resolve issues. In response to this, MDWG have designed a development event in September which all Members have been invited to which includes this element.

The development event will also include updates of strategic issues and the proposed summary agenda is as follows:

- Welcome by MD and Chair of MDWG
- Results of the member's survey & action planning
- Introduction to training needs analysis
- Strategic issues – what does it mean for Members and residents
  - Thriving Communities
  - Climate Change
  - Highways
- Marketplace – opportunity to meet key officers
- Closing thoughts by Leader/Deputy Leader of the Council

### **3. Consultation**

- 3.1 The Member Development Strategy, which includes the induction programme, was proposed by the MDWG and widely consulted before being agreed at Full Council.

### **4. Alternative Options Considered**

- 4.1 The Council could choose not to develop a formal induction programme (except for training required to sit on committees) for Elected Members but this was not considered appropriate. The induction programme is intended to provide all Members with appropriate information to equip them to fulfil the role of Ward Member and any additional training to support Members in committee roles or executive roles.

### **5. Implications**

- 5.1 Members who fail to complete their mandatory induction modules will lack this knowledge, which could result in their failure to meet their statutory obligations with respect to data protection and health and safety

## **6. Background Papers**

6.1 Not applicable.

## **7. Appendices**

7.1 Appendix 1 – Member Development Strategy  
Appendix 2 – Induction Programme

## **8. Recommendation**

That Committee:

- a) Notes the induction completion rates and progress of MDWG in increasing participation
- b) Notes the completion rates of the Code of Conduct training

## **9. Reasons for Recommendation(s)**

9.1 To enable Members of the Council to be motivated, well-equipped and confident to be able to carry out their roles effectively.

### **Report Author:**

Sally Pearson

### **Contact details:**

sally.pearson@derbyshire.gov.uk

## **Implications**

### **1. Financial**

1.1 There are no financial implications associated with this report.

### **2. Legal**

2.1 There are no direct legal implications associated with this report

### **3. Human Resources**

3.1 None

### **4. Information Technology**

4.1 None.

### **5. Equalities Impact**

5.1 Not applicable.

### **6. Corporate objectives and priorities for change**

6.1 This report links to the Council priority of High Performing, Value for Money and Resident Focused Services. Motivated and skilled Members of the Council who are well-equipped will be confident and able to carry out their roles effectively.

### **7. Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None.

## **Appendix 1**

**MEMBER  
DEVELOPMENT  
STRATEGY  
2020 / 21**

**Derbyshire County Council**



## **Welcome to the Member Development Strategy**

As Corporate Services Portfolio Holder and a Member Development Champion I strongly believe that we, the County's elected Members, require the opportunity to build upon and enhance our existing knowledge and skills, keeping them fresh and abreast of the ever changing national and local government context. In this way, Members can ensure they effectively provide the Community Leadership that the residents and visitors to our County deserve.

Along with my colleagues in the Member Development Working Group, I will strive to ensure all Members have the best possible development opportunities, when and how they need them.

I am proud to introduce, and fully support, our Member Development Strategy which has been developed by the Member Development Working Group.

*Angelique Foster, Member Development Working Group Chair,  
Corporate Services Portfolio Holder & Member Development Champion,  
Derbyshire County Council*

We are jointly and personally committed to the Member Development Strategy which has been developed cross-party to offer the best support and training opportunities to all of the elected Members of Derbyshire County Council.

As Leaders of the Council's Political Groups, we will ensure Member Development is a standing item on our respective Group agendas. We will work within our Groups to ensure that Members have access to the training they need to enable them to carry out their roles effectively.

We will have well-trained, reputable Groups of Members as it is an important, personal responsibility in our role of being a Derbyshire County Councillor.

*Barry Lewis, Conservative Group Leader & Leader of the Council,  
Derbyshire County Council*

*Paul Smith, Labour Group Leader & Member Development Champion,  
Derbyshire County Council*

*Beth Atkins, Liberal Democrat Group Leader & Member Development  
Champion, Derbyshire County Council*

## **1. Introduction**

- 1.1 Derbyshire County Council's ambition is to become an enterprising and value for money Council enabling people and communities to thrive. To achieve this, and become an Enterprising Council, requires taking forward an ambitious programme of whole Council transformation and cultural change. The One Council approach will ensure that the necessary plans are in place to modernise, innovate, transform and collaborate to meet the Council's ambitions, making identified savings whilst continuing to deliver priorities and achieve better outcomes for local people.
- 1.2 To achieve the Council's ambition, the Council Plan identifies the following priorities:
  - value for money
  - a prosperous Derbyshire
  - empowered and self-sufficient communities
  - a focus on prevention and early intervention
  - high performing council services
- 1.2 Effective Member Development is integral to achieving the Council's ambition and priorities. This strategy sets out a planned approach to how the Council will support its Members and provide them with learning and development opportunities to embrace challenges and assist them in effectively fulfilling their individual, collective and community roles.
- 1.3 The Council recognises that it is essential to support, develop and encourage its Members and that continuous development is vital to ensure that Members update their knowledge and learn new skills to enable them to play an effective role in local government.
- 1.4 This strategy sets out the Council's objectives for Member learning and development and how those objectives will be achieved. It has been created to lay a foundation on which the Council can build in order to effectively support and develop its Members. This strategy also takes into account the development needs of co-opted Members who sit on Council committees e.g. the Governance, Ethics and Standards Committee.
- 1.5 This strategy has been developed through the Member Development Group and in consultation with Members from across all groups. Member Development Working Group comprises each Group Member Development Champion, the Chair of the Governance, Ethics and Standards Committee and Portfolio Holder for Corporate Services. This group advises the Portfolio Holder for Corporate Services on matters relating to Member Development and is supported as appropriate by Council Officers.

- 1.6 The Chair of the Member Development Working Group will undertake the role of Member Development Champion for the whole Council.
- 1.7 Group Leads and Member Development Working Group Members will act as Champions within their respective political groups.
- 1.8 The Council is committed to Member Development (see **APPENDIX 1**) and, following the May 2021 County Council elections, will consider whether to progress with Member Development Charter accreditation.
- 1.9 Should the Council decide to progress with Charter accreditation, the assessment process is expected to commence by December 2021. This timing will provide the opportunity to incorporate assessment evidence from:
  - the 2021 induction programme for the newly elected Council
  - one full cycle of the annual Elected Member Training Needs Discussion (TND) process (to be implemented from October 2020)
- 1.10 As appropriate, the Council will seek re-accreditation in line with the requirements of the Charter.

## **2 The Role of the Elected Member**

- 2.1 Being an effective Member can be challenging. Members have to balance the needs and interests of their residents, voters, political parties and the Council. All these groups will make legitimate demands on the Member's time in addition to their personal responsibilities to family, workplace and friends. It is therefore important that Members understand their role so they can perform responsibly and effectively for the Council and maintain the quality of their personal lives.

Member roles include:

- Representing the Division
- Decision-making by Council and Cabinet
- Policy and strategy review and development
- Improvement and Scrutiny
- Regulatory duties
- Community leadership and engagement
- Dealing with the allegations of Member misconduct through the Standards Committee.

### **Representing the division**

- 2.2 The primary role of a Member is to represent their division and the people who live and work in it. They also have a responsibility to communicate Council policy and decisions to people in the division whilst also ensuring that matters of concern to their residents and businesses are brought forward to the Council.

## **Decision-making**

2.3 Members have a critical part to play in making decisions that impact on their ward and across the whole area covered by the Council. They will be involved in decision-making through:

- Full Council
- Cabinet
- Regulatory committees such as Planning
- Outside bodies appointed by the Council
- Being Members of boards and as school governors
- Membership of partnership committees
- Appointing senior management of the authority including Executive Directors and Directors

## **Policy and Strategy**

2.4 Members influence and determine the development and review of the Council's policies and strategies. They contribute to this through their:

- Role in Improvement and Scrutiny
- Involvement in advisory groups and partnerships
- Interaction with and being Members of Cabinet
- Role as a representative on local community groups
- Membership of a political group

## **Improvement and Scrutiny**

2.5 Members have always been required to scrutinise the Council and the Improvement and Scrutiny function is a natural extension of representation. The process has recently become more clearly defined and distinct and the role of Members now includes:

- Holding Cabinet to account through call-in powers
- Monitoring and reviewing policy formulation and implementation
- Policy development
- Performance and Quality review
- Scrutiny of external bodies, agencies and partners
- Considering petitions received by the authority relating to the senior officers of the Council

## **Regulatory Duties**

2.6 Local authorities are not just service providers, they also act as regulators. This involves Members in quasi-judicial roles on committees appointed directly

by the Council, such as Planning and Licensing Committees. In these roles, Members are required to act independently. As stated in the Council's Code of Good Planning Conduct (Council Constitution, Appendix 20), Members will be required to attend the requisite number of planning sessions in order to be a Member of that Committee and maintain Membership of the Council's Planning Committee.

## **Community Leadership and Engagement**

- 2.7 Community leadership is at the heart of modern local government and Councils are taking on responsibilities for working in partnership with other organisations, including the voluntary and community sector, to improve services and the quality of life of those within the communities served.
- 2.8 Elected Members play a key role in community leadership and engagement. They are easily identifiable within, and accountable to, the local community. Therefore the Council will make available learning opportunities which support the development of the skills and knowledge required so that Members can confidently engage with the community they represent and act as local community champions on their behalf.

## **3 The Aims and Objectives of the Strategy**

- 3.1 The strategy aims to provide clear direction and purpose in respect of learning and development in order to achieve:
- Motivated and skilled Members of the Council
  - A consistent approach to Member learning and development
  - Equality of opportunity
  - Well-equipped Members who are confident and able to carry out their roles effectively
- 3.2 The Strategy is designed to provide an overall framework for a development programme that reflects best practice and achieves the following objectives:
- Developing Members' political leadership capability to enable the Council's priorities to be achieved
  - Linking Member learning and development to the Council's priorities
  - Creating shared values and behaviours across Elected Members which align to the Council's values / one Council approach
  - Building the capacity for elected Members to adapt and change in order to respond to the changing environment and take advantage of the benefits of technology

- To respond to changes in legislation and government guidelines in relation to elected Members?
- Giving priority to addressing basic skills needs and providing ICT skills development opportunities for Members
- Delivering learning and development in innovative ways to make the best use of the resources available to the Council and to meet Members' learning preferences
- Enabling Members to direct and support community initiatives and act as community champions
- An evaluation of the development undertaken in order to demonstrate its value and impact in the decision making process and to ensure value for money

## **4 Commitment to the Strategy**

4.1 The Council will demonstrate its commitment to a Member led strategy through:

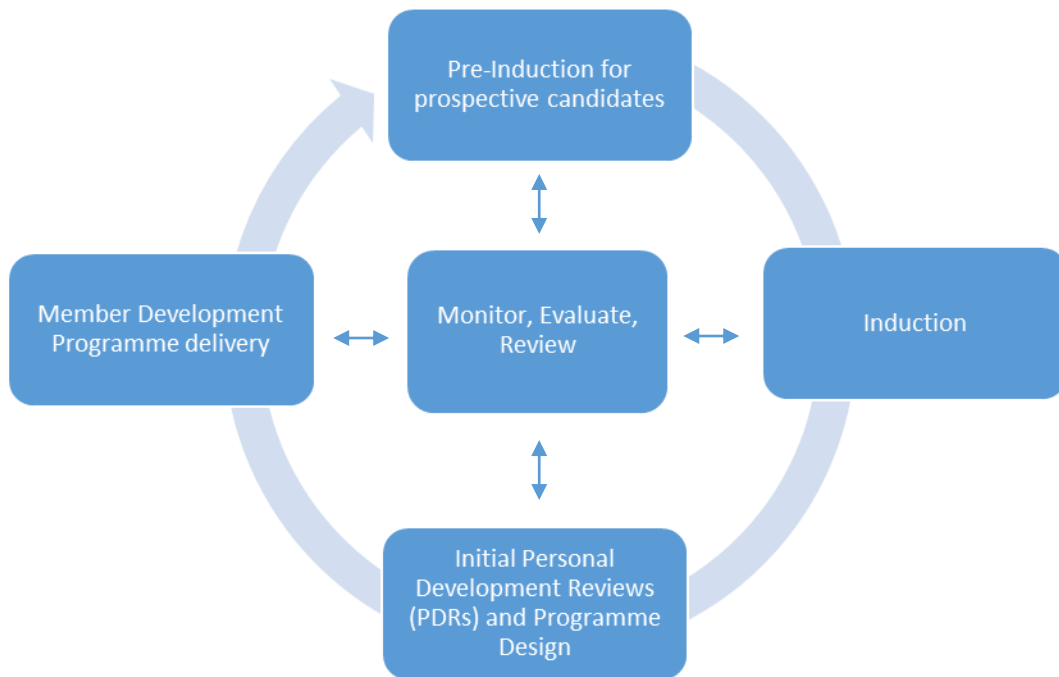
- The adoption of the Strategy by the Council's Full Council
- Applying the principles of the East Midlands Regional Member Development Charter as a route for progressive improvement. Charter accredited status, and subsequent retention, will be sought at the appropriate time.
- An ongoing commitment to the Member Development Working Group (comprising the Portfolio Holder for Corporate Services, the political group Member development champions and the Chair of the Governance, Ethics and Standards Committee). The group will continue to provide the focus for overseeing the strategy and advising on Member development issues. Specifically the group will:
  - Act as a cross-party reference group to review, develop and improve communication and engagement with Members
  - Act as a co-ordinating body linking all political groups' learning and development needs
  - Act as a cross-party reference group on Member Development
  - Define and implement the Council's core Member Development Skills Matrix
  - Commission organisational learning and development solutions for Members
  - Identify and promote a range of different learning solutions
  - Evaluate the effectiveness and value for money of all learning activities
  - Monitor the annual budget and resource allocation for Member learning and development

The Member Development Working Group, with the support of relevant officers, will:

- Promote an organisation-wide understanding and recognition that Members have individual learning and development needs; they will be assisted in identifying those needs by the Training Needs Discussion (TND) process
- Be responsible for overseeing the delivery and evaluation of an annual communications and engagement plan for Members.
- Co-ordinate all Council development for Members; ensuring seminars, briefings, academic advice and other formal learning opportunities are designed and delivered in relation to the Council's priorities
- Ensure effective and timely Member Development solutions are implemented
- Improve transparency and access to appropriate learning and development to Members
- Oversee the development of pre-election materials to be made available for prospective Members and a structured Induction Programme to be provided to every newly Elected Member
- Advocate mentoring support for new Members and those who require mentoring when changing role as this will support succession planning. As appropriate Mentors will be Elected Members or Officers.
- Implement learning and development activity that is shared with officers, partners and other authorities where appropriate
- Ensure that all Members are aware of learning and development opportunities and that all learning and development undertaken by individual Members is recorded on Derbyshire Learning Online (DLO)

## **5 Member Development programme**

- 5.1 The Member Development programme will take the Member Development Skills Matrix [as its basis and is cyclical. However the programme commences with information sharing with a pre-induction for prospective candidates. This strand stands outside the Skills Matrix but is essential in developing elected Member role understanding for prospective candidates and communicating expectations. Those candidates who are elected will then be supported by a learning and development programme that is delivered against the Member Development Skills Matrix.



5.2 The Skills Matrix has been agreed by the Member Development Working Group and designed to deliver consistent skills, knowledge and understanding across the Council’s Members once. It includes development opportunities designed to cover the following key strands for all elected Members:

- i. The Derbyshire Context
- ii. Leadership
- iii. Continuous development

5.3 Statutory training sessions are mandatory for those Members who wish to serve on the Planning Committee.

5.7 Mandatory training sessions have been agreed that all Elected Members should attend.

### **Pre-Election Arrangements**

5.8 The pre-election process is based around the Council’s need to attract a wide variety of persons to stand for election.

5.9 The Council will hold, prior to each election, sessions where prospective candidates can meet Members and senior officers to discuss the duties and responsibilities of being an elected Member. The sessions will comprise:



- An explanation of the Council's political management arrangements supplemented by the agreed role profiles for the differing Member roles within the Council.
- The electoral process.
- Discussion with experienced Members on what it is to be a Member
- Meet the Members (informal chat with a cross section of Members).

5.10 The pre-election events will be advertised through a variety of media including the Council's website, through social media and "Derbyshire Now" magazine.

5.11 Pre-election event materials will be reflected in the Candidates Pack.

5.12 An evaluation of the success of the events to encourage potential candidates to stand for election will be undertaken by Democratic Services following the elections.

### **Induction**

5.13 Following the election, successful candidates will be provided with an intensive induction delivered over the first six weeks of the life of the Council. It will provide a broad overview of the Council to help Members in their new role.

5.14 The precise details of the sessions will be determined by the Member Development Working Group prior to the election with a review of previous experience shaping the design of the new Induction programme. This will be publicised to all prospective candidates via the pre-induction process.

5.15 There is an expectation that all Members, including those returning, will attend certain elements of the induction as defined in the pre-election materials. Members should therefore allow time within the first six weeks of their tenure to facilitate this.

### **Training Needs Discussion (TND)**

5.16 A Training Needs Discussion will be offered to all elected Members within two months of their date of appointment, whether appointed via election or by-election. The TND process is cyclical and will involve annual discussions.

5.17 Group Leaders and Chief Whips will encourage all elected Members within their Group to engage with the TND process.

5.18 The TND is a confidential process and will be undertaken by an officer from either Democratic Services or Learning and Development. It will identify the individual Member's development needs and aspirations. The identified development needs will inform the annual Development Programme and a personal development programme for the Member concerned.

5.19 Subsequent annual discussions will:

- reflect on how effectively development undertaken in the previous year has been applied
- identify the individual Member's development needs and aspirations for the year ahead and
- review how effectively the Member is communicated and engaged with (see 7.5)

### **Development Programme**

5.20 The Development Programme is built around but not restricted to the Skills Matrix. An assessment of each Member's learning needs informs personal development plans which can be addressed either through the core development programme or on an individual basis as appropriate. The development programme will be supported by a range of high-quality learning materials that individual Member can access via Derbyshire Learning Online (DLO) and to be used as a virtual development reference manual.

5.21 In addition, the development programme will be focussed on meeting the needs of the statutory committees and other corporate bodies.

5.22 The programme will acknowledge the time constraints and competing demands faced by Members and will, wherever possible, meet the needs of the majority of Members.

### **Leadership Programme**

5.20 The Leadership programme is contained within the Skills Matrix and is aimed at Cabinet Members, chairs and vice-chairs and those aspiring to such positions. It reflects the Local Government Association's (LGA's) Political Skills

Framework and may include the following modules:

- Local Leadership
- Partnership Working
- Communications Skills
- Political Understanding
- Scrutiny and Challenge
- Regulating and Monitoring

Additional development workshops or seminars related to leadership include:

- Leadership

- Delegation Skills
- Chairing Skills

## **Continuing Development**

- 5.19 The Skills Matrix and associated development programme aims to provide core competencies for all Members however, as nothing remains static in local government for very long, new learning opportunities will be developed to address any changes. These can be to reflect the introduction of new services, duties and powers, new funding arrangements or legislation including amendments. Providing training and briefing materials for Members as these changes arise helps to ensure Members remain up to date and informed at all times.
- 5.20 It is essential that Member undertake new learning opportunities that reflect developments in policy or practice so that they can deepen their understanding and strengthen their effectiveness as local leaders within their respective communities.
- 5.21 Annual Personal Development Reviews will inform continuing development requirements at the personal level.
- 5.22 Whilst it is recognised that Members have many varied commitments, Members should support and engage with development opportunities in order to enhance their various roles as Members of the authority.

## **6 Delivering the Development Programme**

- 6.1 The Council recognises that Members will have their own preferred learning styles and respond differently to various learning methods employed during learning and development events. Similarly, Members will also have time constraints due to non-Council commitments.
- 6.2 A range of learning and development opportunities will be explored for use in the Council with delivery designed to reflect the different learning styles of the Members whenever practical.
- 6.3 The Council, in delivering the development programme, will make full use of external funding and opportunities including partnership working.
- 6.4 Using Derbyshire Learning Online (DLO), the Council will create and maintain a programme of development events, together with the material delivered to Members in any presentations, in order to build a comprehensive library. In order to meet the information needs of all Members, reference and publicity material will also be made available in each group room.

## **7 Communication and Engagement**

7.1 Effective communication and engagement with Members is fundamental to the successful delivery of the Member Development Strategy.

7.2 Communication and engagement with Members supports their primary role as stated in this strategy (2.2):

“The primary role of a Member is to represent their division and the people who live and work in it. They also have a responsibility to communicate Council policy and decisions to people in the ward whilst also ensuring that matters of concern to their residents and businesses are brought forward to the Council.”

7.3 Communication and engagement activity also underpins the following aim of this strategy (3.1):

- Well-equipped Members who are confident and able to carry out their roles effectively

and the following objective (3.2):

- Enabling Members to direct and support community initiatives and act as community champions.

7.4 Specifically, effective two-way communication with Members will support this strategy by enabling Members to confidently and effectively:

- Respond to residents' queries and investigate their concerns
- Communicate Council policy, decisions and campaigns to their residents
- Be aware of any issues in their ward
- Work with representatives of local organisations, interest groups, businesses and other stakeholders.

7.5 It is the role of the Member Development Working Group (4.1) with the support of relevant officers, to:

- Oversee the development and delivery of an annual communications and engagement plan and calendar
- Review any TND data (see 5.14) which could inform improved Member communication and engagement practices
- Identify gaps and any improvements required.

7.6 Communication and engagement will also be a significant element in the delivery of the pre-election arrangements to attract a wide variety of candidates to stand for election in 2021 (5.5).

## **8 Monitoring, Evaluation and Review**

- 8.1 All learning and development opportunities undertaken by elected Members will be recorded in their personal record via Derbyshire Learning Online (DLO). Records will inform the evaluation and PDR processes, including from return on investment and succession planning perspectives.
- 8.2 In order to get the best out of development opportunities, the Council will evaluate the impact of development opportunities and ensure that any new skills are put into practice.
- 8.3 The Council's approach to evaluation and review will:
- Support the Member Development Strategy
  - Provide information on the success of development undertaken
  - Promote consistent evaluation methodologies
  - Ensure that all services and departments which "touch" upon Member Development consider evaluation issues before providing support and assistance
- 8.4 In addition the Member Development Working Group will oversee the implementation of this strategy and of the development programme. It is proposed that the group will submit periodic reports on attendance and effectiveness of the learning to Cabinet / CMT and minority Group Leaders.
- 8.5 Reviewing the information collated via monitoring and evaluation will inform the refresh / redesign of all aspects of the Council's Member Development offer.

## **APPENDIX 1 -**

Derbyshire County Council affirms its commitment to the development and enhancement of the skills and professionalism of elected Members through:

- Publication of an Annual Member Development Plan developed in response to feedback from Members.
- One-to-one support for Members to identify methods and ideas to develop their capacity to provide effective community leadership and corporate governance.
- The establishment and maintenance of a Member Development Working Group (MDWG) to oversee and report on all Member Development activities.
- The MDWG representatives acting as Member Development champions within their Political Groups. They will encourage their peers to engage with, and take advantage of, the available development opportunities.
- Ensuring Member Development and learning opportunities are evaluated against the Corporate Priorities in the Corporate Plan.
- Implementing a clear evaluation process to inform the authority of the benefits and 'return on investment' achieved through Member Development. This will include Members providing written evaluations of development undertaken, which will be shared within the authority.
- On-going commitment towards continuous improvement in Member Development.
- Commitment to the framework of excellence for development and evaluation embodied in the East Midlands Member Development Charter.
- The publication and sharing of best practice in Member Development with other authorities.
- Implementation and monitoring of a continuous Development Plan which identifies learning points / future improvements to the Member Development process.
- Quarterly reports to Cabinet / Corporate Management Team (CMT) advising on achievements and future priorities.
- Chair of MDWG to provide updates on the work of MDWG to Governance, Ethics and Standards Committee.

- Minutes of Member Development Working Group to be shared via the Modern Gov system.

## Appendix 2

### Elected Members Induction Schedule 2021

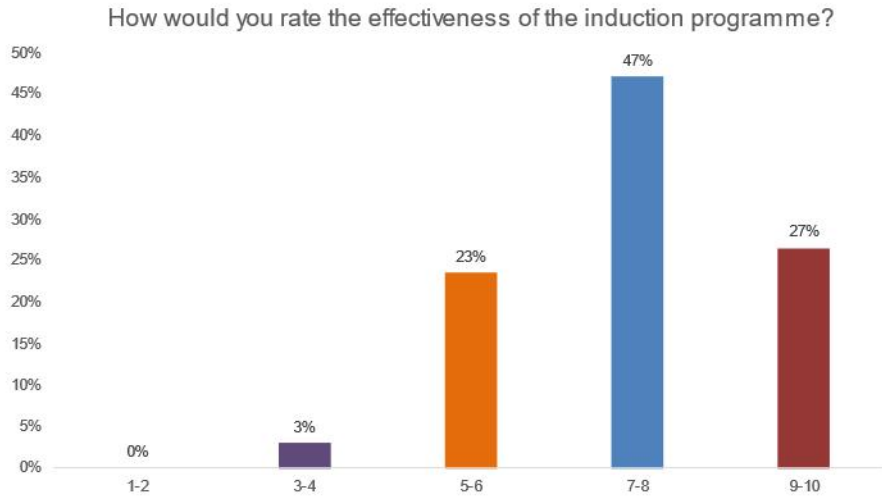
MODULE	PARTICIPANTS	DAY	DATE	TIME	BOOKING SYSTEM
<b>Welcome to Derbyshire County Council</b> <b>Signing of declaration</b> <b>Member photo</b> <b>Issue laptop &amp; phone and basic IT overview (for new Members)</b>	All Members	Monday	10 <sup>th</sup> May	09:30 – 11:00 11:30 – 13:00 14:00 – 15:30	Invitation sent via email
<b>Introduction to Microsoft Teams</b> <b>Used for online induction programme</b>	All Members	Wednesday	12 <sup>th</sup> May	11:00 – 12:00	Email with access links
		Thursday	13 <sup>th</sup> May	12:00 – 13:00	
<b>Introduction to DLO</b> <b>(Derbyshire Learning Online)</b> <b>Learning management system used to book induction modules</b>	All Members	Wednesday	12 <sup>th</sup> May	12:15 – 12:45	Email with access links
		Wednesday	12 <sup>th</sup> May	13:15 – 13:45	
		Thursday	13 <sup>th</sup> May	13:30 – 14:00	
		Thursday	13 <sup>th</sup> May	14:15 – 14:45	
		Friday	14 <sup>th</sup> May	13:00 – 13:30	
		Friday	14 <sup>th</sup> May	13:45 – 14:15	
<b>Governance &amp; Code of Conduct</b>	All Members	Friday	14 <sup>th</sup> May	10:00 – 12:00	Email with access links
		Thursday	20 <sup>th</sup> May	10:00 – 12:00	
<b>Local Government Finance &amp; Financial Regulations</b>	All Members	Tuesday	18 <sup>th</sup> May	13:00 – 15:00	Book via DLO
		Wednesday	19 <sup>th</sup> May	13:00 – 15:00	
<b>Equality &amp; Diversity</b>	All Members	Wednesday	19 <sup>th</sup> May	10:00 – 12:00	Book via DLO
		Friday	21 <sup>st</sup> May	10:00 – 12:00	
<b>Personal Safety</b>	All Members	Tuesday	18 <sup>th</sup> May	10:00 – 12:00	Book via DLO
		Thursday	20 <sup>th</sup> May	14:00 – 16:00	
<b>Pensions &amp; Investments</b>	Committee Members, chair, vice-chair and substitutes	Thursday	27 <sup>th</sup> May	10:00 – 12:00	Book via DLO
		Monday	7 <sup>th</sup> June	10:00 – 12:00	
<b>Cabinet &amp; Portfolio Holder Briefings</b>	Cabinet and cabinet support Members	tbc	w/c 27 <sup>th</sup> May	tbc	tbc



MODULE	PARTICIPANTS	DAY	DATE	TIME	BOOKING SYSTEM
<b>Shadow Cabinet &amp; Portfolio Holder Briefings</b>	Shadow cabinet Members	tbc	w/c 27 <sup>th</sup> May	tbc	tbc
<b>Regulatory Planning</b>	Mandatory for committee Members, chair, vice-chair and substitutes	Tuesday	8 <sup>th</sup> June	9:30 – 12:30	Book via DLO
		Wednesday	9 <sup>th</sup> June	9:30 – 12:30	
<b>Safeguarding Children</b>	All Members	Monday	7 <sup>th</sup> June	9:00 – 11:00	Book via DLO
	All Members	Wednesday	9 <sup>th</sup> June	14:00 – 16:00	
<b>Audit</b>	Mandatory for committee Members, chair, vice-chair and substitutes	Thursday	10 <sup>th</sup> June	10:00 – 12:00	Book via DLO
		Monday	14 <sup>th</sup> June	14:00 – 16:00	
<b>Safeguarding Adults Including Modern Slavery</b>	Mandatory for all	Tuesday	15 <sup>th</sup> June	14:00 – 16:00	Book via DLO
		Wednesday	16 <sup>th</sup> June	14:00 – 16:00	
<b>Improvement &amp; Scrutiny</b>	Mandatory for committee Members, chair, vice-chair and substitutes	Tuesday	15 <sup>th</sup> June	10:00 – 11:00	Book via DLO
		Thursday	17 <sup>th</sup> June	10:00 – 11:00	
<b>Derbyshire Observatory &amp; Mapping Tool</b>	Relevant for all	Friday	18 <sup>th</sup> June	10:00 – 12:00	Book via DLO
		Friday	18 <sup>th</sup> June	14:00 – 16:00	
<b>Climate Change</b>	All Members	Tuesday	22 <sup>nd</sup> June	10:00 – 11:30	Book via DLO
		Wednesday	23 <sup>rd</sup> June	14:00 – 15:30	
		Thursday	24 <sup>th</sup> June	15:00 – 16:30	
<b>Constitution &amp; Standing Orders – e-learning</b>	All Members	Flexible	To be completed by 25 <sup>th</sup> June	Flexible	Access via DLO
<b>Departmental Overview - video Executive Director introductions to each Department</b>	All Members				Access via DLO
<b>Information Governance – e-learning</b>	All Members				Access via DLO

## Appendix 3 – Members Survey Results (December 2021)

### Induction Programme



All of the responses rated the effectiveness of the induction programme between 4 and 10, the most popular rating is 8 at 30% and the average score from all respondents is 7.6.

## Induction Programme

What could we have done differently that would have achieved a 10/10 score?

Shorter, more focussed sessions (x3)

More face to face training courses (x4)

Reduced the list and done a manageable number in a certain time (six months?), then another set and so on

DLO issues with access sometimes vague and unclear as to instruction

More interactive/participation (x2)

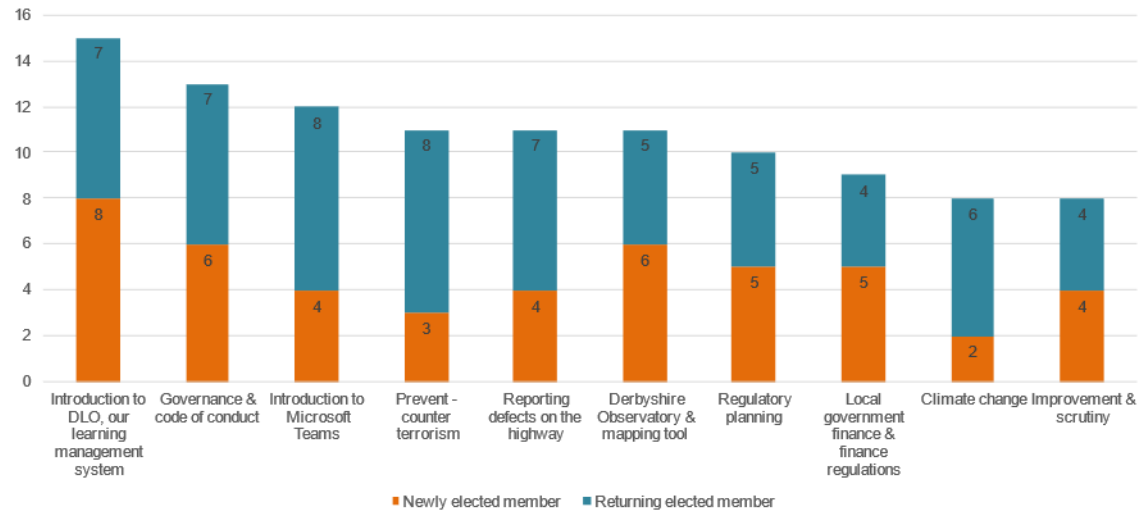
It might be good to reoffer some of the courses so we can catch up with any we missed

Not all training had backup paper copies

Alternative date/times, perhaps recordings? (x3)

## Induction Programme

Please indicate the top three induction modules that you completed? (Count of top 10)



The most popular induction modules were Introduction to DLO (15), Governance & code of conduct (13), Welcome to DCC, including basic IT overview and Introduction to Microsoft Teams (12).

## Induction Programme

Were there any topics that you felt were missing in your induction programme?

Media/Social  
Media training (x2)

Highways  
Department

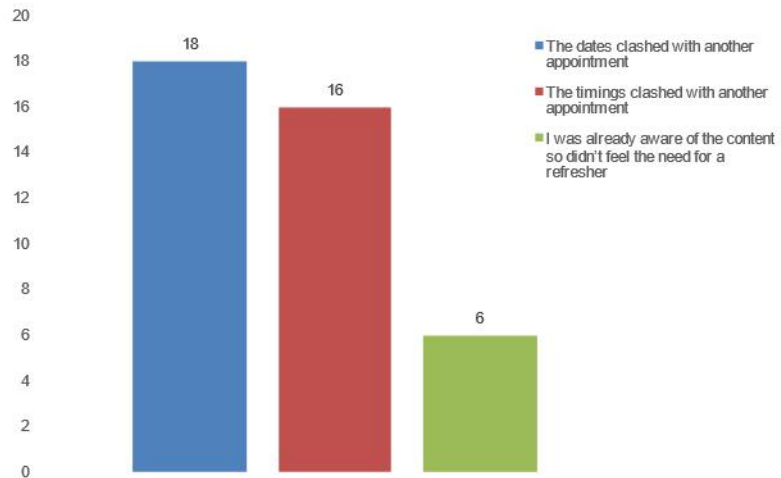
Understanding the internal DCC better. The induction covered strategic directors and senior management roles. However, not really much covered about the operational roles, who the key officers are etc. (x2)

More information on what being an elected member is responsible for and who to contact (x2)

Handling casework

## Induction Programme

What were the barriers to you attending one or more of the induction modules?



Controlled

12

## Induction Programme

Now you have been in post for 8 months in the new 4 -year term, is there any other immediate training that you need?

How to successfully identify and apply for any available grant funding that would benefit different groups in my Division

Additional Social Services training

Computer training (x2)

Tour of County Hall and meet key officers

Need to know best way to get replies from officers to longstanding issues

More understanding of my Portfolio finances and how they are allocated

Scrutiny Committee and its protocol needs reviewing for everyone

Media Training

# Induction Programme

Are there any other further comments or feedback you would like us to consider for future induction programmes?

Maybe spread the length of the Induction programme to prevent overload

Would it be possible to have an up to date list of officer telephone contacts numbers?

Continue with MS Teams as this is best suited for those with being partial hearing, using "Live Captions" helps

Short refreshers

An overview of the Members Community Leadership Fund

As a District Councillor have already attended some training. Would be an idea to obtain training already done as a District Councillor on the basis they relate to both County and District.

More training on the process involving papers for CabCO and Cabinet for new portfolio holders

A detailed Highways introduction, the process of dealing with issues and managing expectations

Didn't feel there was much mention of the constitution or items such as the importance of signing the large attendance book

I am quite tech savvy but as I have said before sometimes hard to access. Send reminders re completing training

Much preferred this induction to the previous one I attended (x2)

Controlled