

PUBLIC

MINUTES of a meeting of the **GOVERNANCE, ETHICS AND STANDARDS COMMITTEE** held on 22 October 2020 at County Hall, Matlock

PRESENT

Councillor C Short (in the Chair)

Councillors N Atkin, K Buttery, J Coyle, K Gillott, L Grooby, W Major & C Moesby.

Apologies for absence were received from L Newby MBE (Independent Persons)

07/20 **MINUTES RESOLVED** that the minutes of the meeting of the Governance, Ethics and Standards Committee held on 02 July 2020 be confirmed as a correct record and signed by the Chairman.

08/20 **REPORT OF THE EXECUTIVE DIRECTOR ADULT SOCIAL CARE AND HEALTH ON THE REPORT OF THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN** At the previous meeting of the Governance, Ethics and Standards Committee on 9th January 2020, the Committee considered the report of the Local Government Ombudsman which made a finding of fault against the Council following Mrs C's death whilst in the care of Derbyshire County Council. It had been resolved that Adult Care and Social Health would bring back a further report to the Committee regarding progress in respect of actions taken and lessons learned.

In addition to updating the Governance, Ethics and Standards Committee, Adult Care and Social Health had been required to provide a report to the Scrutiny- People Committee. The first report to the Scrutiny Committee had been provided in February 2020 and a further report was provided in September 2020. This report detailed the progress made against the six workstreams which had been identified as being critical and the Scrutiny Committee noted the report.

Since the last report to the Governance, Ethics and Standards Committee in January 2020, the Local Government Ombudsman had written to the Council and confirmed that they had been satisfied with the Council's response and welcomed the action taken following the report. The complaint was now closed.

RESOLVED to note the action which had been taken by the Council following its report to the Governance, Ethics and Standards Committee on 9th January 2020 and the response of the Local Government Ombudsman.

09/20 REPORT OF THE EXECUTIVE DIRECTOR COMMISSIONING, COMMUNITIES AND POLICY ON THE SCRUTINY REVIEW The

Scrutiny Review commenced in 2019 at the request of Cabinet and Chairs of Scrutiny and a workshop had been held for the Chairs and Vice Chairs of the four Improvement and Scrutiny Committees. A lack of officer capacity prevented the review from being progressed further at that time, and, to resolve this, a Programme Director was appointed in March 2020 to progress a range of projects, including the scrutiny review.

It had been determined that the Centre for Public Scrutiny (CfPS) were to be commissioned to undertake the review, bringing independence, a substantial experience of scrutiny from across the country and a ready-made scrutiny review methodology. As part of the review process the CfPS undertook two member surveys: one designed for completion by members of Cabinet and members of Improvement and Scrutiny Committees and the other designed for all remaining members. CfPS also carried out a series of one to one meetings and discussion groups with a number of key Members.

A Scrutiny Review Steering Group had been established to lead the review. The Steering Group comprised of the Improvement and Scrutiny Chairs and the Cabinet Member for Corporate Services. It was supported by the Executive Director, Commissioning, Communities and Policy and the Programme Director.

Cabinet considered the Scrutiny Review findings and proposed actions at their meeting on the 8th October 2020 and approved the Scrutiny Review Report, including recommendations and the draft action plan, for consideration at a scrutiny member workshop and by the four Improvement and Scrutiny Committees and Governance, Ethics and Standards Committee. Cabinet noted that this review commenced a programme of continuous review and development of scrutiny at Derbyshire County Council.

The Scrutiny workshop took place on the 12th October 2020. Four Member Break Out Groups, supported by CMT and Democratic and Scrutiny Services Officers considered the Scrutiny Review findings, Action Plan and the following three questions:

- What are the key findings of the review that you believe are the top priorities?
- What are the opportunities and risks to effective implementation of the action plan?
- What does success look like in 12 months' time?

A report would be presented to the Improvement and Scrutiny Committees on the 3rd and 4th November. The final report, action plan and the consultation feedback would be considered by Cabinet on 19th November for approval and recommendation to Council on 2nd December 2020.

Fifteen recommendations had been identified by the Centre for Public Scrutiny (CfPS), as set out in their report: Derbyshire County Council Scrutiny Improvement Review, July 2020, and a further three actions were identified by senior officers and the Scrutiny Steering Group. The Scrutiny Steering Group had prepared a draft Action Plan in response to the recommendations.

RESOLVED to (1) consider the Scrutiny Review Report, including recommendations, draft action plan; (2) commit to working in closer partnership with the Improvement and Scrutiny Committees; and (3) note that this review commenced a programme of continuous review and development of scrutiny at Derbyshire County Council.

10/20 COMPLAINTS RECEIVED AGAINST COUNCILLORS PURSUANT TO THE CODE OF CONDUCT FOR ELECTED MEMBERS FOR THE PERIOD JUNE 2019 TO 30TH JUNE 2020

The Council's Procedure for considering complaints that Councillors had breached the Code of Conduct provided that the Monitoring Officer, in consultation as appropriate with one of the Independent persons from the Standards Committee, decided how complaints should be dealt with. Decisions were made as to whether or not complaints should be investigated and whether or not they should be referred on to the Standards Committee for consideration.

In order to support the Monitoring Officer with the management of complaints, the Committee was kept informed of complaints received against Councillors on an annual basis.

During the period from 21st June 2019 to 30th June 2019, the following complaints were received and determined:

	Complaint received from	Substance of the Complaint	Outcome
1.	Member of the Public	Had been spoken to in an unacceptable manner and contrary to the principles of the Code of Conduct for Elected members	Not upheld
3.	District Councillor	Remarks/posts made on Facebook not in accordance with Code of Conduct	Not upheld as the posts were not made from a County Council perspective, but from a party political one.

4.	Member of the Public	Failure to respond to correspondence and complaints regarding conduct on social media.	The complaints were considered to be ineligible under the code following consultation with the Independent Member.
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One complaint submitted during this time period remained under consideration and details would be provided in the next annual report.

RESOLVED to note the contents of the report and to note that further reports would be presented on an annual basis.

11/20 ANNUAL REVIEW LETTERS OF THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN FOR THE YEARS ENDING MARCH 2018, MARCH 2019 AND MARCH 2020

The terms of reference for the Governance, Ethics and Standards Committee included “to receive regular reports on Local Government Ombudsman referrals”. Therefore, the Committee was invited to receive the Annual Review Letters from the LGSCO, giving details of the total number of complaints for Derbyshire County Council for the years ending 31st March 2018, 2019 and 2020. Unfortunately, letters for 2018 and 2019 had not previously been considered by the Committee. It had been proposed that the Annual Review Letter would be presented to the Committee on an annual basis in future years.

The Council received the Annual Review Letter from the LGSCO for 2017 -2018 from the LGSCO in July 2018. The letter stated that the Ombudsman received 93 complaints in the year ending 31st March 2018 relating to Derbyshire County Council. This compared to 84 complaints in the year ending 31st March 2017 (an increase of 11.7%).

Looking specifically at the decisions made by the LGSCO for the period ending 31 March 2018, there were 16 detailed investigations carried out, of which 8 were not upheld and 8 were upheld. This gave an upheld rate of 50%. In 2016/17 the LGSCO upheld 12 cases following investigation compared to 8 cases in 2017/18. This represented a decrease in cases where there were findings against the Council of 33.3 %. In respect of the 8 complaints upheld by the LGSCO in 2017/18 the LGSCO found fault and suggested a remedy in respect of each case and the remedies were acceptable to the Council. As a result of this there were no reports issued against the Council.

The Council received the Annual Review Letter for 2018-19 from the LGSCO in July 2019. The letter stated that the Ombudsman received 118 complaints and enquiries about the Council last year, an increase from 93 in 2017/18.

Of those 118 complaints, the Ombudsman upheld 12. Of those 12 upheld complaints, 9 required the Council to provide a remedy. The Ombudsman

found that 3 had already been offered a remedy which the Ombudsman considered suitable before the complaint was submitted to the Ombudsman.

The Council received its annual review letter for 2019-2020 from the LGSCO in July 2020. The letter explained that the Ombudsman had changed the way that the statistics were shared and evaluated. The focus was on the outcomes of complaints and what could be learned from them.

During the year ending 31st March 2020, the LGO upheld 19 decisions, which equated to 79% of all complaints received. This compared to 66% of complaints being upheld in other similar authorities as compared by the Ombudsman. Compliance with recommendations for Derbyshire County Council was found to be 100%. In 21% of the upheld cases, the Ombudsman found that the Council had provided a satisfactory remedy before the complaint reached the Ombudsman.

The Ombudsman did issue two public reports about Derbyshire County Council. The first highlighted failures in special educational needs and alternative education provision. The Ombudsman had noted that they welcomed the Council's acceptance of the findings that there had been fault leading to a child missing out on education for most of his secondary school years, and its agreement to a substantial payment to reflect the impact of this.

The second report identified multiple failings at The Grange Care Home between November 2015 and March 2016. The Grange Care Home was and continued to be owned and operated by the Council. The report highlighted failings in the care, care planning and falls management of a resident, and subsequent failings in the a safeguarding investigation undertaken by the Council following the death of the resident. However, the Ombudsman were pleased to note that the Council accepted the findings and engaged positively with the recommendations made. In addition to taking action to recognise the impact events had on the complainant, the Ombudsman noted that the Council also agreed to review its procedures to improve audit trails of care assessments and improve the quality of its adult safeguarding investigations.

The Ombudsman had also found that this year, the Council had too long to respond to enquiries during some of the investigations. The Ombudsman noted that nearly half of responses were late and there were five instances where a response was not received for over 30 days. The Ombudsman requested the Council reflect on this and take steps to improve liaison with the Ombudsman's office.

The Council's Channel Shift team had undertaken a review of complaints. It had been found that the current approach did not support a consistent council-wide approach to learning and improving from feedback. It also noted that practice varied across directorates and did not support the corporate reporting of complaints and feedback. The options for moving towards a new corporate

approach were being considered. The interface with the LGSCO had yet to be determined, but the Ombudsman's concerns would be considered as part of that review.

RESOLVED to note the annual review letter of the Local Government and Social Care Ombudsman for the years ending 31st March 2018, 2019 and 2020.

12/20 **UPDATE FROM THE MEMBER DEVELOPMENT WORKING GROUP** The terms of reference of the Committee, set out that the Committee should receive regular reports from the Member Development Working Group on its work and activities around member development and training.

The main focus of the Working Group's activities during 2020 had been:

The Member Development Strategy

Effective Member development was integral to achieving the Council's ambition and priorities. The strategy aimed to provide clear direction and purpose in respect of learning and development. The Strategy, therefore, set out a planned approach to how the Council would 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.

The Strategy had been developed through the Member Development Working Group and in consultation with Members from across all groups. Each political group had identified a Group Member Development Champion and the Chairman of the Member Development Working Group would undertake the role of Member Development Champion for the whole Council. The Cabinet Member for Corporate Services had responsibility for Member Development and was a member of the Working Group and acted as the Member Development Champion within Cabinet. Member Development was now a standing item on the agenda of political group meetings.

The Strategy was formally adopted by Full Council at its meeting held on 16 September 2020 and work was under way to implement the necessary actions in order to gain Member Development Charter accreditation.

Derbyshire Learning Online (DLO)

Options for the 'architecture' of an Elected Members only area had been considered by MDWG and a preferred model had been agreed. The Members area would create a 'one stop shop' for Member Development courses and resources including the Skills Matrix. Work was now underway to develop content and enable DLO to 'go live' as soon as possible now the Strategy had been adopted. Further developments would be on-going to develop and update content. Training on accessing and using the Member area would be developed and offered to all Members.

Member Development Skills Matrix

The agreed Skills Matrix would be made available to Elected Members via the Members area of DLO. It identified the 'core' skills and knowledge, including specific development that was mandatory, as relevant to the different Member roles. It would provide the template for Member Development Plans, support the Training Needs Discussion process and inform the 2021 post-election induction design. Additional development opportunities, not defined within the skills matrix, would be made available as and when appropriate.

Training Needs Discussion

As part of the implementation of the Strategy, Members would be offered an annual TND. TNDs would be facilitated by trained officers from within Democratic Services and Learning & Development. Facilitator training would be developed, officers/facilitators identified and trained so they could offer and undertake TNDs with Members. The Skills Matrix would be a key tool against which the current and aspirational training needs of Members would be identified. It would be particularly important in the period following the 2021 County Council elections when it would be essential that the training needs of all Members were captured.

Pre and post-Election Induction

A key element of the Strategy was the development of an effective pre and post-election induction for Members.

In terms of pre-election induction, the Working Group was currently working on enhancing the existing information provided to potential candidates on the Council's website. Plans were also in hand to include a number of case studies of current county councillors. A video was also being produced to explain what the work of a county councillor entailed.

The Working Group was also overseeing the development of a postelection induction programme. Taking on board the feedback from the Member Development Day held in February 2020, the intention was to develop a programme which was flexible and best met the differing needs of Members.

Elected Member Well-being Pulse Survey

The Council had recently undertaken a Pulse Survey of Members which followed a similar exercise for officers. The purpose was to capture the experiences of Members as they fulfilled their Council duties in Covid lockdown conditions. The results were being considered by MDWG, and this would identify areas where the Council could offer greater support to elected Members in discharging their role going forward.

RESOLVED to note the report.