



STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK ON THURSDAY 28TH SEPTEMBER 2017 AT 1.30PM

PRESENT:

Mrs D. Holdroyd - Chair
D. Lewis - Vice-Chair

Mr P. Brunt

Community Councillor Mrs G. Davies

Councillor C.P. Mann

Together with:

G. Williams (Interim Head of Legal Services and Monitoring Officer), L. Donovan (Acting Head of HR and Organisational Development), L. Lane (Corporate Solicitor), A. Jones (Complaints Officer), H. Morgan (Senior Committee Services Officer)

1 APOLOGIES

Apologies for absence were received from Councillors Mrs J. Gale and Mrs D. Price, Mrs M. Evans and Mr M. Stone.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. RESIGNATION - MR T ABBAS

It was noted that as Mr Abbas no longer resides in the county borough and is not registered on the electoral roll for Caerphilly, he is not eligible to sit on the Committee and has subsequently resigned.

The Chair/Members paid tribute to the way in which he had carried out his role as an independent member of the Committee. It was agreed that a letter be sent expressing the views of the Committee and thanking him for his service.

4. MR PETER BRUNT

Members welcomed Mr Peter Brunt to his first meeting of the Standards Committee and introductions were made.

5. MINUTES - 31ST MAY 2017

RESOLVED that the minutes of the meeting held on 31st May 2017 (minute nos. 1 - 5, on page nos. 1 - 3), be approved as a correct record.

REPORT OF OFFICERS

Consideration was given to the following reports.

6. ANNUAL LETTER FROM PUBLIC SERVICES OMBUDSMAN FOR WALES 2016-2017

Consideration was given to the Annual Letter received from the Public Services Ombudsman for Wales, which provided a detailed breakdown of all complaints received and investigated by his Office during 2016/17 and the response times to requests for information.

Members were asked to note that the fact sheet attached to the Annual Letter gives a detailed breakdown of complaints data relating to Caerphilly. This includes a new set of statistics regarding Ombudsman's interventions which includes all cases upheld as well as early resolution and voluntary settlements. In relation to Caerphilly, the number of complaints received by the Ombudsman was at a similar level as in the previous year (56 in 2015/16 compared to 54 this year).

The figures show that in the last year the number of complaints referred to the Ombudsman in relation to Housing is the biggest area of complaint. The data has been analysed and of the twelve complaints made in relation to Housing, six were made prematurely (had been referred to the Ombudsman before exhausting the Council's Corporate Complaints Procedure), one complaint was referred out of time and the remaining five referrals were not taken into investigation. Practically, it is not possible to prevent premature referrals to the Ombudsman. The Council's Complaints Policy is available via the Council's web site and hard copy booklet readily available to the public.

It was noted that overall 14 premature complaints were received by the Ombudsman. This is slightly less than the Local Authority average of 15 but there is nothing further that can be done by the Council to prevent premature referrals. There were four early resolutions/interventions by the PSOW. Three of the four were social services complaints and the fourth was in relation to waste collection. Members noted the Annual Letter made reference to the fact that there was a significant drop in Children's Social Services Complaints from 9 to 3; there were no upheld complaints this year and only 7% of cases required PSOW intervention which is the second lowest of any local authority. Members were advised that a summary of the cases can be found on the PSOW website www.ombudsman-wales.org.uk. There were 7 code of conduct complaints made against Members of the County Borough during 2016/17. Six were closed after initial consideration, one found no evidence of a breach.

During the course of the debate, a query was raised in relation to specific directorate complaints rather than those referred to the Ombudsman. The Interim Head of Legal Services advised that she did not have a breakdown of these figures but that reports on corporate complaints received are presented to the Audit Committee on a regular basis to advise members whether any trends were identified during the period, the action taken and the lessons learned in respect of the complaints which have been upheld or partially upheld.

After due consideration, Members noted the content of the Annual Letter received from the Public Services Ombudsman for Wales, and were advised that it will now be presented to Council for information.

7. ANNUAL WHISTLEBLOWING REPORT - APRIL 2106 - 31ST MARCH 2017

Consideration was given to the report which provided a review of whistleblowing activity and the development of the Council's approach to whistleblowing during the period 1st April 2016 to 31st March 2017.

Members were reminded that the policy provides a method for employees to raise concerns about the running of the Council without fear of victimisation and all employees have access to the document. There is access through the HR portal, there is a communication plan in place and the Council has access to an ongoing facility provided for employees to access the confidential support helpline provided by Public Concern at Work. This enables individuals to make contact in a confidential manner, should they wish to seek independent advice.

Reference was made to the way in which whistleblowing is monitored and it was confirmed that in accordance with terms of reference, it is the Standards Committee that oversee the whistleblowing regime and, as such, reports protecting the identity of the person, will be presented as required.

The report provided an anonymous summary of 3 formal whistleblowing investigations undertaken during the course of the last year. It was noted that two of the investigations were undertaken by a Solicitor and one by a Head of Service with HR Officers supporting each investigation. One of the investigations was as a result of an anonymous complaint. The identity of the Whistle-blower was not revealed in one of the other investigations.

The Acting Head of HR and Organisational Development advised Members that each investigations was thorough and involved interviewing appropriate Officers across the Authority and reviewing a wide range of documentation. In all cases the extent of the investigation was proportionate and the allegations were all considered on the basis of the civil burden of proof i.e. 'on the balance of probabilities'. The Committee were assured that recommendations from whistleblowing investigations are monitored for implementation by the Council's Monitoring Officer.

Members viewed the allegations and outcomes as set out in the appendix to the report and noted that whilst most were not substantiated, of those substantiated or partially substantiated, and in order to improve internal practices and procedures, a number of recommendations had been made by the Investigating Officer. In noting that most were supervisory it was confirmed that the recommendations had been sent to the respective Head of Service and will be monitored by the Interim Head of Legal Services and Monitoring Officer.

It was moved and seconded that the report be noted. By a show of hands this was unanimously agreed.

8. MODEL LOCAL RESOLUTION PROTOCOL FOR COMMUNITY AND TOWN COUNCILS

The report advised of the Model Local Resolution Protocol that had been drawn up by One Voice Wales for use by any Town or Community Council when dealing with low level complaints about its member and sought to endorse the proposal that all Town and Community Councils in Caerphilly be requested to consider adopting the Model Resolution Protocol (or to use the Model version to develop their own Protocol).

It was noted from the background set out in the Model document that the Public Service Ombudsman for Wales has agreed to the principle of referring some complaints against Members back to Town or Community Councils for a local resolution. However to date there has not been a common process for Town and Community Councils to follow in dealing with such matters. To assist the sector, One Voice Wales has drawn up the model protocol which any Town or Community Council can use in dealing with such complaints.

The Model Protocol is meant as a starting point for Town and Community Councils and is intended for use where complaints are low level and have been made by an Officer (not the Clerk) or another member. Serious complaints or those made by the Clerk or a member of the public are recommended for referral to the Ombudsman. Further details as to the use of process are set out in the Model. Individual Town or Community Councils may wish to add or amend the attached model to suit their particular needs.

It was confirmed that the Protocol advises that a complaint would need to be sent to the Clerk/Proper Officer of the Council to undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman. The Protocol sets out a proposed resolution process and possible results of the process together with the timing of the process with the intention that it is completed as quickly as possible to resolve the issue.

The Interim Head of Legal Services and Monitoring Officer indicated that whilst she provides governance advice to Town and Community Councils resources are insufficient to operate the Local Resolution Protocol on behalf of these Councils. As such Town and Community Councils will be responsible for the implementation and adoption of the Protocol individually.

It was moved and seconded that the proposal that all Town and Community Councils in Caerphilly be requested to consider adopting the Model Resolution Protocol or to use the Model version to develop their own Protocol be supported and that each Clerk be invited to adopt the model or variation thereof. By a show of hands this was unanimously agreed.

The meeting closed at 2.10pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the next meeting they were signed by the Chair.