



## GOVERNANCE COMMITTEE

TUESDAY, 22 SEPTEMBER 2015

12.00 NOON (OR AT THE CONCLUSION OF CABINET, WHICHEVER IS THE LATER)  
COMMITTEE ROOM, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Keith Glazier (Chair)  
Councillors Godfrey Daniel, David Elkin, Philip Howson and David Tutt

### A G E N D A

- 1 Minutes of the meeting held on 21 July 2015 (*Pages 3 - 4*)
- 2 Apologies for absence
- 3 Disclosures of interests  
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent items  
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.
- 5 Annual Complaints Report including the Local Government Ombudsman's Annual Letter and formal information requests received in 2014-15 (*Pages 5 - 22*)  
Report by Director of Communities, Economy and Transport
- 6 Amendments to Constitution - electronic summons to meetings and scheme of delegation to officers (*Pages 23 - 24*)  
Report by Assistant Chief Executive
- 7 Consultation on a Public Sector Exit Payment Cap (*Pages 25 - 30*)  
Report by Chief Operating Officer
- 8 Recognition of Additional Responsibility (Honoraria) Policy (*Pages 31 - 32*)  
Report by Chief Operating Officer
- 9 Appointment to Outside Bodies (*Pages 33 - 34*)  
Report by Assistant Chief Executive
- 10 Any other items previously notified under agenda item 4

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Assistant Chief Executive  
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14 September 2015

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## GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held at County Hall, Lewes on 21 July 2015.

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PRESENT Councillors Keith Glazier (Chair), Godfrey Daniel, David Elkin, Philip Howson and David Tutt

ALSO PRESENT Councillor Richard Stogdon

### 11 MINUTES OF THE MEETING HELD ON 10 JULY 2015

11.1 RESOLVED – that the minutes of the last meeting held on 10 July 2015 be approved as a correct record.

### 12 REPORTS

12.1 Reports referred to in the minutes below are contained in the minute book.

### 13 INDEPENDENT AUDITOR'S ANNUAL GOVERNANCE REPORT AND STATEMENT OF ACCOUNTS 2014/15

13.1 The Committee considered a report by the Chief Operating Officer which presented the Independent Auditor's Annual Governance Report and the Statement of Accounts. Final versions of the ISA 260 and the Statement were circulated to replace the drafts published with the agenda.

13.2 The Committee RESOLVED to (1) note the Independent Auditor's (KPMG) Annual Governance Report on ESCC accounts and the Value for Money conclusion report;

(2) authorise the Chief Finance Officer to sign the formal Letter of Representation to KPMG LLP;

(3) approve the Statement of Accounts for publication; and

(4) congratulate and thank officers for their efforts in completing the accounts.

### 14 ASSESSMENT OF CORPORATE GOVERNANCE FRAMEWORK 2014-15

14.1 The Committee considered a report by the Monitoring Officer which provided information on compliance with the Council's code of corporate governance and any changes to it that may be necessary to maintain it and ensure its effectiveness in practice, and sought approval of the Council's Annual Governance Statement in compliance with the requirements of the Accounts and Audit Regulations 2011.

14.2 The Committee considered the comments of the Audit, Best Value and Community Services Scrutiny Committee meeting held on 17 July 2015.

14.3 The Committee RESOLVED to:

- approve the action plan for the next year;

- note that items identified to enhance governance arrangements are reflected in Business Plans and that implementation will be monitored through the year;
- confirm that Members are satisfied with the level of assurance provided to them through this report and the Council's governance framework and processes; and
- approve the Annual Governance Statement for signature by the Leader and the Chief Executive and publication within the Statement of Accounts, subject to the following changes:
  - an amendment in Annex A so that it reflects that workforce development strategies are in place for Business Services (BSD), Communities, Economy and Transport (CET) and Adult Social Care and Health as well as for Children's Services (last bullet point in the section for Children's Services)
  - an amendment in Annex A so that the action to review and automate the process for staff to submit declarations of interest and gifts/hospitality returns is extended to include elected Members (last bullet point under Governance Services).

## 15 EAST SUSSEX PENSION BOARD - APPOINTMENT OF A MEMBER

15.1 The Committee considered a report by the Chief Operating Officer regarding membership of the East Sussex Pension Board.

15.2 The Committee RESOLVED to agree the appointment of Councillor Kevin Allen (Brighton & Hove City Council) to replace Councillor Andrew Wealls.

<b>Report to:</b>	<b>Governance Committee</b>
<b>Date of meeting:</b>	<b>22 September 2015</b>
<b>By:</b>	<b>Director of Communities, Economy and Transport</b>
<b>Title:</b>	<b>Annual complaints report including the Local Government Ombudsman's annual letter and formal information requests received in 2014/15.</b>
<b>Purpose:</b>	<b>To provide information about the Council's performance when handling complaints and requests for information.</b>

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**RECOMMENDATIONS:** The Governance Committee is recommended to:

- (1) agree the report; and**
  - (2) note that a Customer Board has been set up with representatives from all departments to work on the developments outlined in this report and to support the One Council approach to learning from and enhancing the customer experience.**
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## **1 Background Information**

1.1 Analysing trends and reasons for complaints allows East Sussex County Council to make informed decisions on how we can provide services that meet customer's needs and manage their expectations. Listening to our customers helps us to achieve the Council priorities in particular:

- *Making best use of our resources* by recognising inefficiencies and driving improvements as a result of complaints.
- *Keeping vulnerable people safe* by ensuring people are aware of their right to complain and do not fear a loss of service as a result.

1.2 Complaints can be made via email, telephone, letter or web form. Corporately we deal with complaints through a one stage process. This does not imply that the initial reply is final; we invite complainants to comment on our response if they are not satisfied with the outcome. The Adult Social Care (ASC) and Children's Services departments (CSD) have statutory requirements for certain types of complaints to follow up to three stages.

1.3 If customers are not satisfied with our response and want to take the matter further, they can discuss their concerns with the Local Government Ombudsman, who may take up the case on their behalf. We advise all customers of this option in our correspondence within the complaints process.

## **2 Complaints and compliments**

2.1 Figures and a detailed review by department, including actions within each department to improve customer satisfaction, are attached as Appendix 2.

2.2 In 2014/15 we received a total of 981 complaints, which represents a 2% decrease from the previous year. It should be noted that departmental comparisons of complaints and compliments are not valid, due to the nature of services provided by different departments. Changes in the number of complaints do not necessarily mean that standards of service have changed. Changes in the definition, accessibility of the complaints process and how pro-actively we invite feedback can also have an impact on complaint numbers. In addition, changes to services that have an effect on a high number of people, or which cause a strong reaction in a particular community, and/or have wide media coverage, can lead to a higher number of complaints.

2.3 The focus of our work needs to be on the reasons for, rather than the total numbers of, complaints. Across the organisation, a third of upheld complaints relate to delays in making

decisions or general un-responsiveness. This is followed by upheld complaints that were made about conduct/appropriateness of staff and disputes about decisions and policies. Whilst we investigate all complaints fully and seek to ensure that lessons are learned, there is more that should be done to use the valuable feedback from customers to improve services. Developments for the coming year will include further work across all departments to gain a better understanding of the reasons for the complaints we receive and how we can learn better from them. For example, in terms of next steps it is key to understand whether the complaint was avoidable (e.g. low standards of customer care such as poor communication), whether it was as a result of a change in policy or practice (local or national) or resulting from a disagreement about a decision. The collected data will be complemented by information gathered about customer journey and experience, i.e. how quick and easy do we make it for the customer to get the service they request, how well do we respond and explain if they are not happy with the response and do we always make the interaction a positive experience even if the answer is not what it wanted? This will allow us to identify meaningful actions that could enhance this process for our customers and embed them into our culture and thereby reduce the need for people to complain.

2.4 The County Council also monitors the number of compliments received and endeavours to learn from what is done well, building upon positive feedback. In 2015/15 we received 2,706 compliments; this is a 66% increase in comparison to the preceding year. This figure is broken down by department in Appendix 2.

### **3 Local Government Ombudsman Letter**

3.1 Annually, the Local Government Ombudsman (LGO) sends a letter to each local authority summarising the number of complaints they have received about that local authority over the past year, the outcomes of their investigations and information about their work to improve complaints handling. The letter is intended to help ensure that learning from complaints informs scrutiny at the local level. The LGO letter for 2014/15 is attached as Appendix 1.

3.2 Between 1 April 2014 and 31 March 2015 the LGO came to a decision on 109 complaints about East Sussex County Council<sup>1</sup>. 61 of these complaints were not investigated by the LGO, for the reasons set out in the Appendix. This includes 30 complaints which were referred back for local resolution. These are usually cases where the Council's complaints process has not been fully exhausted or where customers contacted the LGO straight away. Table 2 in Appendix 1 gives a breakdown of the decisions made.

3.3 Of the 109 complaints received by the LGO 48 were investigated. Twenty complaints (or 42% of those investigated) were upheld and 28 were not upheld. This is a very similar picture to 2013/14, when 40 out of 111 complaints to the LGO were investigated, of which 19 were upheld and 21 were not upheld. Appendix 2 provides further detail on how we have responded to the upheld complaints and the lessons learned from them.

3.4 Nationally, the LGO experienced a 10% increase in social care complaints. It upheld 46% of all investigated complaints and as a proportion of the total work, education and children's services remained the most complained about area. The overall number of local authority complaints and enquiries received remained largely static.

3.5 The LGO emphasises that a higher volume of complaints does not necessarily mean poorer standards of service; it may indicate a council's open approach to listening to feedback and using complaints as early indicator of potential issues.

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<sup>1</sup> In the tables in Appendix 2 the total 'decisions made' [109] during the year is different from the total 'complaints and enquiries received' [127] due to the inevitable time lag in the LGO receiving a complaint and making a decision on whether to investigate it.

#### **4 Formal requests for information (Environmental Information Requests, Freedom of Information enquiries, Requests under the Data Protection Act)**

4.1 Comparative figures are attached as Appendix 3.

4.2 The upward trend continues with a total of 1,637 official requests received in 2014/15. This is a 10% increase from the 1,482 enquiries received last year. With a steady rise in enquiries, our ability to monitor effectively and adhere to legal timeframes for information requests is becoming more challenging. An enhancement to the software the Council uses is being investigated, to ensure that we remain able to meet our statutory obligations. This software solution will also enable us to publish all Freedom of Information (FOI) responses to our website and deliver against one of our Communities portfolio plan targets. This will help manage demand, as more requesters can be signposted to the website.

#### **5 Conclusions and Reasons for Recommendations**

5.1 The County Council has seen a slight decrease in the overall number of complaints received (from 1031 last year to 981 this year) and a further increase in the number of formal requests for information (from 1482 to 1637). There has been an overall increase of complaints received by the LGO for East Sussex County Council in comparison to last year (from 109 to 127).

5.2 Complaints offer valuable insight into customer needs and their perception of the service received. A comprehensive complaints process relies on collaborative working and supports the One Council approach. Departments are doing more to understand the reasons behind complaints so that they know where to focus preventative efforts. However, further analysis is needed to understand trends and support future strategy. It is likely that we will see a further rise in the complaints and information requests we receive given the challenging resource context we will be working in. We will need to provide very clear information about available services in order to manage expectations effectively and have an effective process to manage the inevitable increase in complaints about financially-driven policy decisions.

5.3 There are opportunities for the County Council to gain more insight into the customers by working cross-departmentally to learn from complaints and compliments, and to provide more options for customers to provide feedback instead of having to make a complaint. Further valuable insight could also be gained by doing more work to investigate the unfounded complaints received.

5.4 There is also more that could be done to embed the existing customer service standards within the culture of the organisation, and to strengthen a culture which strives to minimise complaints, but one which also views those complaints the Council does receive as an opportunity to learn and improve. A Customer Board has been set up with representatives from all departments to take forward these issues, and to support the One Council approach to learning from and enhancing the Council's customer experience.

**RUPERT CLUBB**

Director of Communities, Economy and Transport

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#### **LOCAL MEMBERS**

All

#### **BACKGROUND DOCUMENTS**

None

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18 June 2015

*By email*

Ms Becky Shaw  
Chief Executive  
East Sussex County Council

Dear Ms Shaw

### **Annual Review Letter 2015**

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

### **Supporting local scrutiny**

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found [here](#) and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

## Encouraging effective local complaints handling

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published *'My Expectations'* a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of *'My Expectations'* are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).

## Future developments at LGO

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely



Dr Jane Martin  
Local Government Ombudsman  
Chair, Commission for Local Administration in England

## Local authority report – East Sussex

For the period ending – 31/03/2015

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

### Complaints and enquiries received

Local Authority	Adult Care Services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection	Highways and transport	Housing	Planning and development	Total
East Sussex	65	0	6	32	6	16	0	2	127

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### Decisions made

Local Authority	Detailed investigations carried out		Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
	Upheld	Not Upheld					
East Sussex	20	28	0	27	4	30	109

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## Annual Complaints Report

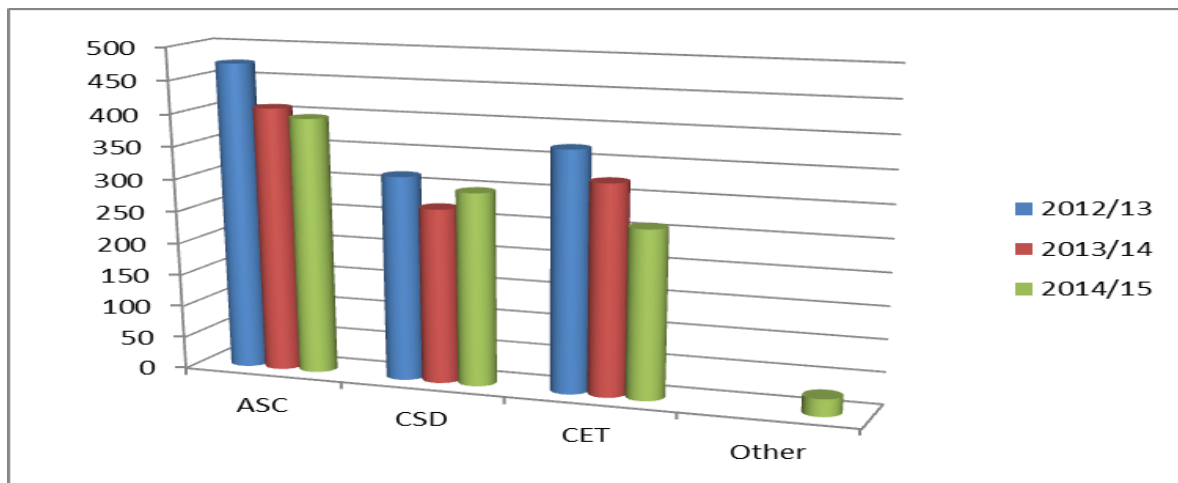
## Appendix 2 Corporate Complaints and Compliments 2014/15

## Summary of complaints by department

## 1. Summary

The chart below shows the number of complaints received this year by department compared with 2012/13 and 2013/14. As can be seen, there was an overall drop in complaint volumes over the last three years. This is also reflected in the total figures across all departments except for the Children Services department (CSD). Although CSD experienced an increase in complaints during the last financial year, complaint numbers were below 2012/13 levels.

Complaint numbers are not necessarily a reflection of service users' level of dissatisfaction as changes in complaint volumes can reflect a number of different variables. Comparisons of complaints and compliments between departments are not valid due to the nature of the different services provided by each department.



	ASC	CSD	CET	Other <sup>1</sup>
2012/13	474	316	370	
2013/14	409 <sup>2</sup>	270	324	
2014/15	396	298	260	27

<sup>1</sup> These are complaints relating to the Business Services Department (BSD), Governance Services Department and the Chief Executive's Office. Comparative data is not available due to departmental re-structure. Going forward this will be collected to be available for next years report.

<sup>2</sup> The figure taken from last years report has been revised by ASC to 437. Now complaints concerning external providers are included.

## **2. Adult Social Care**

- Number of complaints received – 396
- Number of complaints upheld – 148 (37%)
- Number of compliments – 1740

### **2.1 Summary**

Overall there has been a further 10% decrease (41 fewer complaints) in the complaints recorded about Adult Social Care (ASC) services compared to last year. This represents a 16% fall in complaints received since 2012/13. The biggest area of complaints related to assessment, where 152 complaints (41% of the total) were received. Assessment functions include some 7,000 annual eligibility assessments for social care support, and approximately 10,000 annual financial assessments to identify how much someone will pay towards their support. Other assessment functions include Occupational Therapy assessments for adaptations and equipment, and assessments for the provision of a Blue Badge.

There was a 25% increase in the number of complaints about the financial assessment process. Of the 152 complaints related to assessments, 92 were about decisions or disputing the outcomes and 35 were about delay. The higher number of complaints in previous years was the result of a change in the assessment process, with a new set of eligibility criteria that turned down a lot of applicants who were previously eligible. There was a 50% decrease in complaints about the Occupational Therapy and Blue Badge services.

### **2.2 Action taken to improve the service**

Mid way through the year the financial assessment team undertook a full review of their processes. Delays in the process were reduced significantly through a range of changes including providing clients with a preliminary statement at their assessment, allowing people 20 working days to provide additional information, and improving our information, both before and after assessments. As a result, a higher proportion of assessments are now completed at the initial visit, reducing delay and increasing satisfaction. This had a measureable impact. In the first six months of the year the team recorded 43 complaints about the financial assessment process and in the last six months this reduced to 26.

### **2.3 Compliments**

People appear to have particularly valued the Joint Community Rehabilitation Team (318 compliments), Carers Services (302 compliments) and Older Peoples directly provided services (212 compliments).

The high increase in compliments for ASC is the result of a new opportunity to leave feedback and compliments.

## 2.4 Local Government Ombudsman (LGO)

The table below sets out the findings for complaints about Adult Social Care.

Findings	Investigations		Advice given	Closed after initial enquiries	Invalid / incomplete	Referred back	Total
	Upheld	Not upheld					
ASC	15	22	0	7	1	13	58

Analysis of the data received from the LGO shows that, of the 58 complaints, 13 were referred back for local resolution. Thirty-seven were investigated, and of these 15 have been upheld.

The three main themes of complaints' decisions were as follows:

- 10 complaints (17%) disputed the outcome of a social care assessment or review in relation to the Learning Disability Service. Often the dispute included the value of the personal budget and the choice this gave. In the four complaints that were upheld we agreed to do another assessment or review.
- Seven complaints (12%) related to the outcome and timeliness of financial assessments. Five of these complaints were upheld because of delay in the process, and we paid a time and trouble payment of between £100 and £200. Of the five upheld, only two found fault with the decision making and in both cases another assessment was undertaken.
- Seven complaints (12%) disputed the outcome of the Blue Badge Assessment. None of these complaints were upheld.

### **3. Children Services**

- Number of complaints received – 298
- Number of complaints upheld – 31 (10%)
- Number of compliments – 397

#### **3.1 Summary**

Overall there has been a 10% increase in complaints investigated in comparison to last year. Compared to the figures recorded for 2012/13 the numbers have, however, decreased by 6%. Adult Stage 1 complaints have increased by 8% over the past year. In addition to the 298 complaints received, a total of 209 MP representations were made, an increase of 27% on the previous year. A further 159 'other representations' were made (referrals to other services, and complaints which fall outside the complaints procedure due to legal/tribunal proceedings or historic complaints).

As a percentage of total contacts, MP/Councillor representations have risen from 20% to 30% over the past five years. Over the same period, and despite the increase in the past year, adult Stage 1 complaints have decreased from 46% to 41% of total contacts. This demonstrates how complainants are utilising their MPs more to raise awareness of their issues.

Parents account for 71% of all Stage 1 complaints and young people account for fewer than 5% of all Stage 1 complaints.

Of the 507 enquiries made as complaints or through MP representation, 17% related to the provision of service and a further 17% were about school placements. This is followed by 9% complaining about assessments and 9% about staff behaviour.

Overall the main issues for complaints were insufficiency of service (19%), decisions made (16%) and delay (13%).

#### **3.2 Action taken to improve the service**

The Complaints Team are reviewing the way in which they can be contacted. A simpler website which leads the complainant through a clear process to gather their feedback is being developed. This will monitor information as well as explain the complaints process.

Improvements will also be made to the online offer for young people and the team will work with the Children in Care Council as part of the service redesign.

In the spirit of You Said We Did, the Complaints Team will work more closely with colleagues to ensure that all letters include a standard paragraph that details what has happened as a result of the complaint. The reason for this is that, in some cases



a complaint is not upheld, but the feedback is still valuable and we are keen to show how the feedback has made a difference.

### 3.3 Compliments

For every 100 complaints we received 133 compliments.

### 3.4 Local Government Ombudsman

The table below sets out the findings for complaints about CSD:

Findings	Investigations		Advice given	Closed after initial enquiries	Invalid / incomplete	Referred back	Total
	Upheld	Not upheld					
CSD	4	4	0	8	0	12	28

Of the 28 complaints received by the LGO, 12 were referred back for local resolution, eight were closed after initial enquiries, eight were investigated and of these four have been upheld.

It should be noted that detailed information is not made available by the LGO for cases referred back to the council, or about cases closed after initial enquiries.

The main themes of complaints to LGO were as follows:

- Admissions: five complainants disputed outcomes of independent appeal panels for either school admission or transport. One was closed after initial enquiries, three were not upheld, and one was upheld. For the upheld complaint, the LGO found maladministration (the appeal decision letter did not cover all points made), but no injustice (the decision was not affected by fault in the way it dealt with the appeal).
- SEN (Special Educational Need): three complainants disputed Council decisions relating to school placements and transport. One was closed after initial enquiries, and two were upheld. In one, the LGO found there to have been avoidable delay in assessing special educational needs (remedy £400), and in the other, the LGO found fault in the delay in making suitable travel arrangements (remedy £150).

- Social care complaints had no particular theme and in the vast majority of cases were either closed after initial enquiries, or not upheld. Only one complaint was upheld, relating to the way in which the Council dealt with a safeguarding referral about the complainant – the Council was not at fault in the way it dealt with the referral, but it failed to keep the complainant informed and delayed contacting the schools. The remedy was a letter of apology and informing schools of the outcome.

#### **4. Communities, Economy & Transport**

- Number of complaints closed – 260
- Number of complaints upheld – 85 (33%)
- Number of compliments – 569

##### **4.1 Summary**

The number of complaints received for the Communities, Economy & Transport department (CET) reduced this year by 20% in comparison to last year. Since 2012/13 the investigated number of complaints has decreased by 30%.

Around half (136 of the 260 complaints) were about highways and a further 28 complaints (11%) related specifically to the Bexhill to Hastings Link Road (BHLR). For highways, planned maintenance is the service area receiving the majority of complaints (40), including 23 complaints about roadworks and 15 about drainage. The remaining complaints were about Transport and Operational Services (17%), followed by 11% about library services and 6% about traffic & road safety concerns. There were 23 complaints about parking.

169 complaints were not upheld. This means that in 60-70% of the investigated complaints no fault has been found. Three service areas show marked differences from this overall departmental picture. In traffic & road safety and planning & environment nearly 90% of complaints were not upheld, while for the BHLR only 25% of complaints were unfounded.

Overall, 134 complaints relate to the way services have been delivered. The main reason customers are unhappy is due to poor communication and delays in the delivery of services. This is followed by complaints about our policies/decisions, which amount to 61.

##### **4.2 Action taken to improve the service**

Highways – A group has been set up looking at the reason for complaints and ways to improve communication internally and externally.

Libraries – The majority of complaints for libraries related to Seaford library. The library service was able to put in place the adjustments needed for the lift, further signage, and layout and furniture adjustments to improve the environment for the public. No further complaints have been made.

Parking Team – A review of standard responses has been undertaken. Staff have completed plain English training due to several complaints being partially upheld for poor communication.

### 4.3 Compliments

Of the 569 compliments received in CET in 2014/15, 190 were for waste disposal and recycling, 155 for highways and 150 for registration services.

### 4.4 Local Government Ombudsman

The table below sets out the findings for complaints about CET:

Findings	Investigations		Advice given	Closed after initial enquiries	Invalid / incomplete	Referred back	Total
	Upheld	Not upheld					
CET	1	0	0	11	1	5	18

One of the 18 complaints received has been investigated and five have been referred back for local resolution.

The upheld complaint was about Trading Standards. Although the LGO did not find a wrongdoing in their action, some case documentation had been lost which was upheld as a fault. As a result staff had been reminded of the process and the importance of correct document handling.

## 5. Other Departments

- Number of complaints closed – 27
- Number of complaints upheld – 11 (41%)

### 5.1 Summary

This section concerns the Business Services Department (BSD), Governance Services Department and the Chief Executive's Office. Complaint numbers cannot reliably be compared with previous years due to a change in organisational structure. Complaints related mainly to the financial function and contract management (16) followed by complaints about properties and estate management (5).

### 5.2 Local Government Ombudsman

The table below sets out the findings for complaints about other Council departments:

Findings	Investigations		Advice given	Closed after initial enquiries	Invalid / incomplete	Referred back	Total
	Upheld	Not upheld					
Other departments <sup>3</sup>	0	1	0	1	2	0	4

One of the four complaints received has been investigated and as a result was not upheld.

The complaint related to the conduct of the coroners office which falls under our responsibility.

### 5.3 Compliments.

One compliment has been received for the Chief Executives Office.

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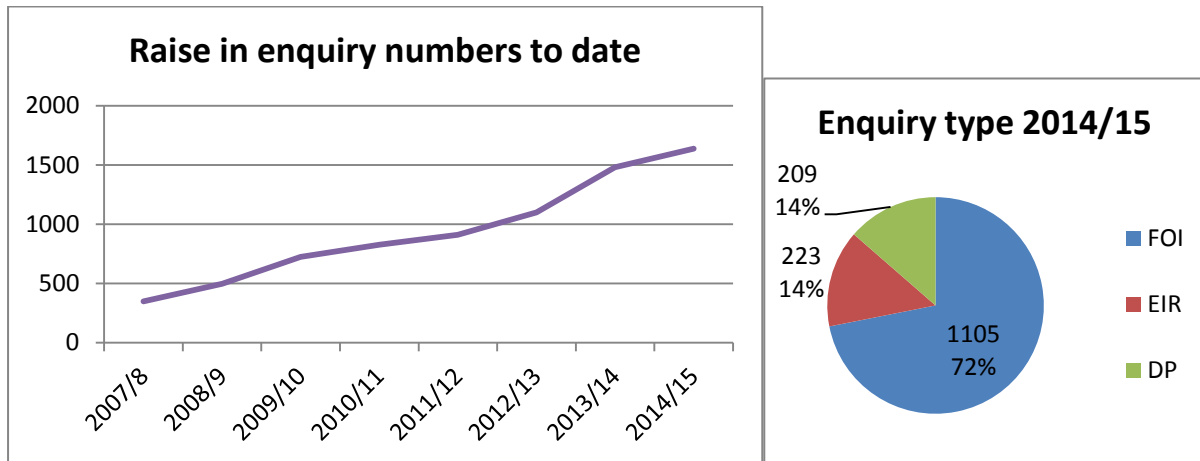
<sup>3</sup> This is titled "Corporate & Other" in the LGO's report. This will mainly entail complaints about BSD however, there is a degree of uncertainty as the Council is not notified about details and themes of the invalid complaints.

Annual Complaints Report

Appendix 3 Formal Requests for Information

During the period 2014-15, 1,637 official requests for information were made under the Freedom of Information (FOI), Environmental Information Regulation (EIR) and Data Protection Acts (DP). 100 requests were classed as not valid or have been withdrawn by the requester. Of the remaining 1,537 requests 1,105 (72%) were FOI requests, 223 (14%) fell under EIR and 209 (14%) were DP.

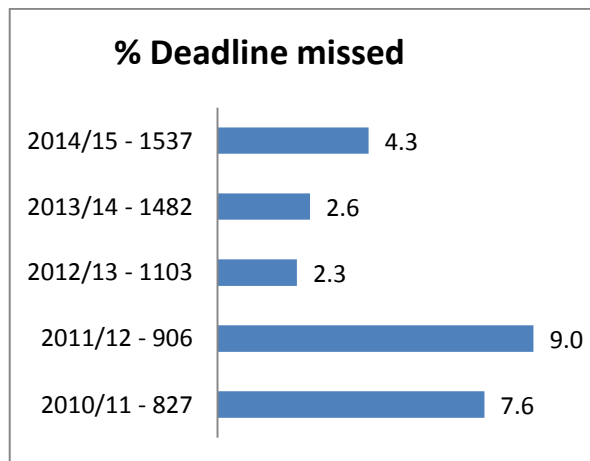
The chart below demonstrates the rate of increase in requests since 2007. This trend is expected to continue.



One of the greatest challenges is to ensure the Council's compliance to the legislative deadlines and this is monitored using the corporate CRM system.

The Information Commissioner may consider action against the Council, such as monitoring, if they receive more than three complaints within a six month period, or if the Council meets less than 85% of its deadlines.

The chart to the right shows our performance on deadlines over the last 5 years. The increase over the last year is due to the increased volumes of requests. In 2012 a new position was created to support the work of the information team. This resulted in an immediate drop in missed deadlines for 2012/13.



Not every request for information will result in a full disclosure and it must be clear about what information has been provided and/or withheld. This year the Council did not release the full set of data held on 399 requests.

Report to: **Governance Committee**

Date: **22 September 2015**

By: **Assistant Chief Executive**

Title of report: **Amendments to Constitution – Summons to Council meetings and Scheme of Delegation to officers**

Purpose of report: **To consider proposals to amend the Council’s Constitution to provide for summons to meetings to be sent electronically and in relation the Council’s scheme of delegation to officers**

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**RECOMMENDATION:** The Committee is recommend to recommend the County Council to agree to the Constitution being amended as set out in paragraphs 1.2 and 1.3 below

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## **1. Supporting Information**

1.1 Summons to meetings: The Local Government (Electronic Communications) Order 2015 has come into force expressly permitting the use of electronic communication in sending meeting summonses to councillors, where Members consent to it being transmitted by this method.

1.2 In light of the recent Order it is proposed to amend the Constitution to specifically refer to electronic summons as set out below.

### **Summons**

*5.1 The Assistant Chief Executive shall send to members a summons, either by post or electronic mail, setting out the business to be transacted together with the minutes of the preceding meeting (where appropriate).*

1.3 The scheme of delegation to officers: The County Council’s scheme of delegation delegates to officers particular powers. Those officers authorise other officers to act on their behalf. With greater partnership working this will include authorising officers who are employed by other councils. The Committee is recommended to amend the Constitution as set out below, and to make clear and confirm the existing authorisation for officers to whom powers have been delegated to authorise other officers who may be employed by other Councils to exercise those powers on their behalf. It is therefore recommended that Part 3 Table 6 Paragraph 1 (General Delegation) of the Constitution be amended to include:

*To the extent permissible by law, the functions delegated to the Chief Executive, Directors, Chief Finance Officer, Assistant Chief Executive and Director of Public Health may be carried out by other officers*

employed by *this and other Councils* or by external contractors either fully or under the general supervision and control of the officer with delegated responsibility and authorised by the Chief Executive or any Director, the Chief Finance Officer, Assistant Chief Executive or Director of Public Health according to the authorisation in the departmental internal scheme.

## **2. Recommendations**

2.1 The Committee is asked to recommend the County Council to agree to the proposed amendments to the Council's Constitution as set out in paragraphs 1.2 and 1.3 above

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Local Members: All

Background Documents: None



**Report to:** Governance Committee

**Date of meeting:** 22 September 2015

**By:** Chief Operating Officer

**Title:** Consultation on a Public Sector Exit Payment Cap

**Purpose:** To inform the Committee about the Government's consultation on its proposals to place a cap on exit payments for the public sector, and to provide a draft Member response to the consultation questions.

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## **RECOMMENDATIONS**

The Committee is recommended to:

1. note the Government's proposals to implement a Public Sector Exit Payment Cap; and
  2. give their views on the proposals and to delegate authority to the Chief Operating Officer to respond to the consultation, reflecting the Committee's view.
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## **1 Background**

1.1 On 31 July 2015, the Government issued a consultation on its proposal to place a cap of £95,000 on the amount that public sector employees would receive if they were made redundant.

1.2 Essentially, the proposals are to:

- (i) cap the total cost of all forms of exit payments available to individuals leaving employment to £95,000, including the costs incurred by the employer in relation to pension strain fund costs; and
- (ii) apply the cap to all types of arrangement for determining exit payments.

1.3 It is therefore proposed that the cap will cover:

- a cash lump sum, such as redundancy payment in cases of voluntary and compulsory exits
- other voluntary exits with compensation packages
- ex gratia payments and special severance payments
- the costs associated with early access to an unreduced pension (on the basis that early retirement on an unreduced pension represents a financial benefit in the same way that a lump sum compensation payment does)
- monetary value of any extra leave, allowances or other benefits granted as part of the exit process
- payments in lieu of notice and payments relating to the cashing up of outstanding entitlements (such as outstanding annual leave)

1.4 Where a number of different payments are made, for example, a redundancy payment along with access to pension with no actuarial reduction, they would be aggregated together so that the total value of the exit package does not exceed £95,000.

1.5 Compensation payments in respect of death or injury attributable to employment, serious ill health or ill health retirement will be excluded, as would payments *following* litigation for breach of contract or unfair dismissal.

## **2 Supporting information**

2.1 In support of its proposals, the Government has provided a range of statistical information. In particular, in 2011/12 the public sector paid out £2.7 billion in payments to staff exiting employment, in 2012/13 it paid out an additional £2 billion and in 2013/14 it paid out a further £1.8 billion.

2.1 In the public sector in 2013/14, the average cost of exiting a member of staff was £25,000. However, from the information provided by the Government, it is worth noting that local government payments were less than half of the average exit cost of the Civil Service. In comparison, the average cost of exiting a member of staff from East Sussex County Council was only approximately £11½k.

### Implications of a Cap

2.2 Whilst recognising that exit payments should be proportionate, these are nonetheless important tools in enabling the Council to achieve workforce reductions. This is particularly relevant now as we look to develop proposals to transform and reduce the services delivered in order to meet the significant financial challenges we face over the next three years and beyond.

2.4 The introduction of a cap will reduce our ability to achieve the necessary workforce reductions through voluntary means and will, therefore, lead to more contentious negotiations with the attendant increase in costs associated with that, as well as the likely negative impact on the workforce in terms of morale and motivation.

### Practical Considerations

2.5 The proposals raise a number of issues. In particular, of the range of payments proposed to be included in the cap, many are not actually exit payments, e.g. pay in lieu is a damages payment for breach of contract and holiday pay and pension entitlements are contractual entitlements that pre-exist any exit.

2.6 Likewise, the inclusion of pension strain costs would appear to be unreasonable. To date, these have never been included or regarded as an exit payment, as they are provided for in the pension scheme regulations.

## **3. Conclusion and reasons for recommendations**

3.1 The consultation closed on 27 August 2015. In light of the nature of the issues, it is not appropriate for Officers to respond, given that they are directly affected by the proposal. On that basis, any response to the consultation would more appropriately come from Members.

3.2 However, given that the consultation ran for four weeks during the summer holiday period (31 July to 27 August 2015), this is the first opportunity for the Governance Committee to consider this.

3.3 In formulating our response to the consultation, we have linked in with our public sector neighbours to understand the responses they are making. To date, we have only seen the response made by the Police Treasurers Society, which is along very similar lines to ours. More broadly we have also seen the response from ALACE (the Association of Local Authority Chief Executives and Senior Managers) which again, is along similar lines. Attached at Appendix 1 is the proposed draft response. The Committee is invited to review this, and make any amendments it deems appropriate.

### **KEVIN FOSTER**

#### **Chief Operating Officer**

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### LOCAL MEMBERS

All

**Question 1 What other forms of exit costs do you think are relevant in this context?**

We do not support the introduction of a cap. If one is introduced, it is our view that this should only be for genuine exit payments (see response to Q3) ie redundancy payments

**Question 2 Do you agree that the Government should introduce a cap on the value of public sector exit payments on the basis set out above [see page 10 of consultation document].**

Whilst recognising that exit payments need to be proportionate, it is important to recognise that these are important tools in enabling local authorities to achieve workforce reductions. This is of particular relevance currently as we, in common with most other Councils, are developing proposals to transform and reduce the services delivered in order to meet the significant financial challenges we are facing over the next 3 years and beyond. The introduction of a cap will significantly reduce our ability to achieve the necessary workforce reductions through voluntary means and will therefore lead to more contentious negotiations with the attendant increase in costs associated with that, as well as the likely negative impact on the workforce in terms of morale and motivation.

We are confident that we are proportionate in our approach and that legislation of the kind proposed would remove the County's freedom to operate without clarity as to why the Government feels that it needs this legislation for local authorities. This seems at odds with the Devolution agenda, which we welcome, which seeks to further devolve powers and funding to Local Authorities. Publication of such data is welcomed with regards to public trust and transparency; electors should be able to hold local politicians to account for these payments, unfettered by imposed national limits.

**Question 3 Do you agree that the payments listed above should be subject to a cap on exit payments under the terms set out above? If you believe certain payment types should be excluded please provide a rationale and examples.**

No – we believe the following should not be included:

- Payment for untaken annual leave – this is effectively pay for work they have carried out
- Pay in lieu of notice – a PILON payment is effectively damages and therefore not appropriate to include in a cap
- Special severance payments – given the circumstance in which these are used, inclusion would significantly reduce and in some cases remove our ability to settle any litigation. Inclusion of this would therefore likely increase costs to the tax payer as the full legal process would then ensue. Severance Payments are subject to a robust business case, including the inclusion of a full cost benefits analysis and demonstrate that entering into them is a cheaper option for the public purse than litigation.

**Question 4 Are there further payments the Government should include?**

No

**Question 5** Do you agree that a cap on exit payments should be set at £95,000? If you think an alternative level would be more appropriate, please provide evidence and analysis to support your proposal.

No, we disagree with the concept of the national cap – please see responses to Q1 and Q2.

**Question 6** Are there other ways to ensure such arrangements are consistent with the cap on lump sum payments?

Please see responses to Q1 and Q2; the elected Council Members are able and do ensure all arrangements are appropriate.

**Question 7** Do you agree with the proposed approach of limiting early retirement benefits with reference to the cost for the employer? What alternative approaches would you suggest and why?

Increasingly the public sector is operating in a commercial environment. Limiting benefits in the way proposed will inevitably limit the flexibility of public sector employers and reduce their ability to compete in the same way as private sector employers. Additionally, if local Council Members felt that this blanket approach was of value, it would be in place already. The assumption is that Members are not able to exercise judgement and balance in this at a local level.

In addition, it is our view that ‘pension strain costs’ should not be included in any type of cap as these are not exit payments. The Pension strain costs are calculated based on the performance of individual pension funds and as such, inclusion of these would be inequitable. Further, the ability for an individual to access an unreduced pension at age 55 if made redundant is a feature of the statutory LGPS .

**Question 8** Do you agree that the Government has established the correct scope for the implementation of this policy?

No – please see responses to Q1 and Q2.

**Question 9** How do you think the Government should approach the question of employees who are subject to different capping and recovery provisions under TUPE rules following a transfer to (or from) the private sector and whether there should be consistency with public sector employees in general.

We do not support the introduction of a cap. However, in the event one was introduced, where individuals are outsourced to the private sector, comparability should then be with the private sector and the freedoms operated, rather than the public sector. By the same token, it is logical that where individuals are transferred into the public sector, they should be subject to the same provisions as their public sector comparators.

**Question 10** Do you agree with the proposed approach for waivers to the cap on exit payments?

Please see responses to Q1 and Q2.

**Question 11** Are there other impacts not covered above which you would highlight in relation to the proposals in this consultation document?

Please see response to Q2.

**Question 12** Are you able to provide information and data in relation to the impacts set out above?

n/a

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**Report to:** Governance Committee

**Date of meeting:** 22 September 2015

**By:** Chief Operating Officer

**Title:** Recognition of Additional Responsibility (Honoraria) Policy

**Purpose:** To seek the Committee's agreement to amending the existing Recognition of Additional Responsibility (Honoraria) policy in relation to the frequency of payments.

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## **RECOMMENDATIONS**

The Committee is recommended to agree the proposed change to the policy on the frequency of payments as set out in paragraph 2.4 below.

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### **1 Background**

1.1 As part of the overall pay and grading arrangements operated by the Council, we have in place a Recognition of Additional Responsibility (Honoraria) policy.

1.2 This policy rewards the performance of additional duties and responsibilities over and above an employee's normal workload, which are related to the implementation of the Council's key priorities. It includes reward for exceptional contribution to a project or piece of work and for high standards of personal achievement and quality of work.

1.3 There are three levels of payment, based on an assessment of the nature and level of the additional duties/responsibilities, of: 2.5%, 5.0% and 7.5% of annual salary for the period during which the additional duties/responsibilities are undertaken.

### **2 Supporting information**

2.1 The policy has been in operation for a number of years and provides a valuable tool for recognising outstanding performance in the context of additional duties. Honoraria payments are a more cost effective solution in this regard than temporary regradings or acting up arrangements.

2.2 To ensure that appropriate controls are in place, the approval of honoraria payments lies at Chief Officer level. For the year 2014/15, 15 honoraria payments were made, out of a workforce of 4,886 (excluding Schools).

#### Proposed Policy Change

2.3 The policy currently provides for payments to be made on either completion of the work undertaken or, for work of a long term nature, at six monthly intervals, in arrears. Given the wider context of change within the Council, there is now a need for greater flexibility around the frequency with which such payments can be made.

2.4 The current requirement to limit the payment to six monthly intervals is having a detrimental impact on our ability to put in place flexible staffing arrangements, which are appropriately rewarded. It is therefore proposed that the policy is amended to provide for monthly payment, in arrears, where it is appropriate to the circumstances of the honorarium. This will not affect the overall amount that is paid, only when it is paid.

### **3. Conclusion and reasons for recommendation**

3.1 Honoraria provide a flexible and cost effective way to recognise exceptional achievement and the performance of additional duties/responsibilities.

3.2 Robust controls are in place to ensure that honoraria are used appropriately, as evidenced by the number of payments made in the previous year.

3.3 The proposed change is only in relation to how frequently the payments are made i.e. at monthly intervals rather than the current six monthly intervals. As such, there are no other impacts, for example, on costs or the number of honoraria payments likely to be made for the future.

#### **KEVIN FOSTER**

#### **Chief Operating Officer**

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#### LOCAL MEMBERS

All

#### BACKGROUND DOCUMENTS

Pay Recognition Policy Suite



Report to: **Governance Committee**

Date: **22 September 2015**

By: **Assistant Chief Executive**

Title of report: **Appointments to Outside Bodies**

Purpose of report: **To receive an update in relation to appointments to outside bodies**

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**RECOMMENDATIONS: The Governance Committee is recommended to appoint a Councillor as the Council's representative on the Local Government Association Coastal Issues Special Interest Group for the period to May 2017**

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## **1. Supporting Information**

1.1 The County Council is invited to appoint Members (and in some cases non-County Councillors are eligible) to serve on a wide range of outside bodies whose role has a relationship to a function of the County Council. The appointments are a vital part of the County Council's working in partnership with voluntary bodies, statutory agencies and the public and private sectors.

1.2 In May 2013, Councillor Elkin was appointed as the Council's representative on the Local Government Association Coastal Issues Special Interest Group. Councillor Elkin has indicated that he wishes to stand down as the Council's representative on this body and the Committee therefore needs to consider who to appoint as a replacement.

1.3 The Coastal Issues Special Interest Group considers issues such as funding of coast protection, regeneration of coastal economies, and coastal management and environmental issues.

1.4 Councillor Earl has expressed an interest in serving on the Special Interest Group.

## **2. Recommendations**

2.1 The Committee is asked to agree to the appointment of a Councillor as the Council's representative on the Local Government Coastal Issues Special Interest Group for the period until May 2017.

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### Background Documents

None

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