



GOVERNANCE COMMITTEE

TUESDAY, 18 SEPTEMBER 2018

10.45 AM COMMITTEE ROOM - COUNTY HALL, LEWES

++ PLEASE NOTE – THE MEETING WILL START AT 10.45AM OR AT THE CONCLUSION OF THE CABINET MEETING, WHICHEVER IS THE LATER ++

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

A G E N D A

- 1 Minutes of the meeting held on 17 July 2018 (*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 Customer Experience Annual Report 2017/18 (*Pages 5 - 24*)
Report by Director of Communities, Economy and Transport
- 6 Reservist and Armed Forces Community Policy (*Pages 25 - 38*)
Report by Chief Operating Officer
- 7 Any other items previously notified under agenda item 4

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10 September 2018

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GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held at Committee Room - County Hall, Lewes on 17 July 2018.

PRESENT Councillors Keith Glazier (Chair), Godfrey Daniel, David Elkin, Rupert Simmons and David Tutt

ALSO PRESENT Councillor Richard Stogdon

9 MINUTES OF THE MEETING HELD ON 26 JUNE 2018

9.1 RESOLVED – that the minutes of the previous meeting of the Committee held on 26 June 2018 be confirmed and signed as a correct record.

10 REPORTS

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

11 ANNUAL REVIEW OF THE CORPORATE GOVERNANCE FRAMEWORK 2017/18

11.1 The Committee considered a report by the Assistant Chief Executive regarding the Annual Review of the Corporate Governance Statement, together with the comments from the Audit Committee reported by the Chief Executive.

11.2 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;
- confirm that there are no further significant governance issues that should be included in the Council's Annual Governance Statement; and
- approve the Annual Governance Statement for signature by the Leader and the Chief Executive and publication within the Statement of Accounts.

12 INDEPENDENT AUDITOR'S REPORT TO THOSE CHARGED WITH GOVERNANCE AND STATEMENT OF ACCOUNTS 2017/18

12.1 The Committee considered a report by the Chief Operating Officer regarding the KPMG report on the audit opinion on the 2017/18 Statement of Accounts.

12.2 The Committee RESOLVED – to (1) note the independent auditor's (KPMG) report to those charged with governance on the County Council's accounts, and the Value for Money judgement;

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

(3) approve the 2017/18 Statement of Accounts for publication.

13 LOCAL MANAGERS' PAY 2018/19

13.1 The Committee considered a report by the Chief Operating Officer regarding the pay award for LMG Managers for financial year 2018/19.

13.2 The Committee RESOLVED – to agree the pay award for LMG Managers for financial year 2018/19 as being 2.0% which is in line with the national NJC award.

14 CHIEF EXECUTIVE , CHIEF OFFICERS' AND DEPUTY CHIEF OFFICERS' PAY 2018/19

14.1 The Committee considered a report by the Head of Human Resources and Organisational Development regarding the pay award for the Chief Executive, Chief Officers and Deputies for 2018/19.

14.2 The Committee RESOLVED (by a majority of 3 to 2) – to determine the pay offer for the Chief Executive, Chief Officers and Deputies for 2018/19 as being 2.0% which is in line with the recent national awards.

[Councillors Godfrey Daniel and David Tutt voted against the above resolution.]

Report to:	Governance Committee
Date of meeting:	18 September 2018
By:	Director of Communities, Economy and Transport
Title:	Customer Experience Annual Report 2017/18
Purpose:	To provide an update on measures being taken to further improve customer experience and information about the Council's performance in 2017/18 in handling complaints, compliments and formal requests for information, including the Local Government & Social Care Ombudsman's annual letter.

RECOMMENDATIONS: *Governance Committee* is recommended to:

- (1) note the progress of the Customer Project Board in the implementation of a series of measures to improve customer experience;**
 - (2) note the number and nature of complaints made to the Council in 2017/18; and**
 - (3) note the contents of the Local Government & Social Care Ombudsman's annual letter to the Chief Executive.**
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1 Improvements in Customer Experience

1.1 In 2015 a Customer Project Board was set up with representatives from all departments to undertake a review of customer experience. The aim was to identify a strategy for better and more consistent customer experience across the authority, considering our corporate priorities, particularly making best use of our resources in the current financial climate, and a One Council approach. A substantial amount of development and analysis work has been carried out by the Customer Project Board, and this included analysis of our current key data and interpretation of, and observations on, our current position with regard to customer experience.

1.2 The analysis concluded that, although there were areas of strengths for the Council, customer experience across the organisation could be more consistent and we could be more responsive and clearer with individual customers. It also concluded that there was room for improvement in staff training on customer experience, in order that all staff understand what a good customer experience should look and feel like, and how they can deliver it in their role. It also concluded that we could improve by seeking more customer feedback and systematically learning from it.

1.3 With this strategic aim, in 2016/17 the Board set out a Customer Experience Improvement Plan, and through this, achieved some practical improvements and medium-term objectives to understand further how to improve customer experience across the Council. These were new corporate email signatures and auto-acknowledgements, creation of a Customer Promise, and a gap analysis which identified where the Council is lacking feedback from customers about the services it delivers.

1.4 The Customer Experience Improvement Plan continued this staged approach, carrying out phased pilots of gathering feedback from customers according to the different channels they use to contact us, e.g. webpages, emails, telephones and in person. This approach ensures that the project is proportionate and affordable, and enables us to focus on areas where, for example, we may have high volumes of customer contacts, or where getting the customer experience right is particularly important.

1.5 In 2017/18 the Board oversaw the following key successes in Phase One of the Customer Experience Improvement Plan:

- **Roll out of the Customer Promise to staff, August 2017 onwards.** This involved updating the Customer Experience guidance on the intranet, providing news items in departmental newsletters and CMT Brief, and an updated Customer Service e-learning module, which is part of the new starter induction and available to all staff as a refresher and as a resource for managers to direct staff towards if staff members are moving into roles with new or different interactions with customers. Small “lunchtime learn” sessions for staff were held across three Council sites, to support staff with queries and talk through changes within teams in order successfully to implement the Customer Promise.
- **Roll out of the Customer Promise to customers, October 2017.** This involved a launch on the website and a small article within Your County. Copies of the Customer Promise are displayed in reception areas of Council buildings.
- **Implementation of a feedback measurement system and Phase One pilot, August 2017 onwards.** Gaining feedback from customers was identified in the gap analysis in 2016/17 as an area needing development. A suitable feedback system was procured, and a pilot run from August 2017 to February 2018. It proved that customers were able quickly and simply to provide us with feedback about their experience in contacting the Council and for us it has been a valuable exercise in gaining a clearer picture of how customers view us and what kind of improvements they expect to see. The feedback enabled us to make immediate actionable improvements to the website, and has highlighted areas where customer experience is not where we would wish it to be, so that we can start to identify longer-term improvements in these areas. The system proved to be very cost effective during the pilot (total cost £2,600 in 2017/18). Please see Appendix One for a brief summary of the Phase One feedback pilot analysis.

1.6 Phase Two of the Customer Experience Improvement Plan is underway. This entails continuing to gather feedback from our digital channels (website and emails), and starting a new pilot of gathering customer feedback from customer contact on telephones and in person. Phase Two also includes embedding the Customer Promise with commissioned services into the Procurement process and setting up the Customer Champions Network. Appendix One provides more information about Phase Two.

2 Complaints and compliments

2.1 The County Council received 770 complaints in 2017/18, which represents a small increase of 4% from 2016/17. Of the 770 complaints, 300 were partially or fully upheld, that is 39% of all complaints. A detailed review, by department, is attached as Appendix Two. Please note that departmental comparisons of complaints and compliments are not valid, due to the varying nature of services provided by departments.

2.2 Analysing trends and reasons for complaints provides us with valuable feedback on how we can provide services that meet customers’ needs and manage their expectations. How we handle complaints is a crucial element of customer experience, and is an area where the Council is seeking continuous improvement to ensure we resolve individual customers’ problems as effectively as possible, monitor trends in complaints to intervene quickly where it can be seen that things are going wrong, and learn lessons when things have not gone right. Implementing improvements from those lessons can also reduce the number of complaints that are made. Further details are attached as Appendix Two.

2.3 The Council continues to receive more compliments than complaints. In 2017/18 we received 2,731 compliments; further details are provided by department in Appendix Two. Ensuring that we provide channels for both positive and negative feedback which are easy for customers to access and which can be analysed and acted upon by teams, is a priority for the Customer Project Board.

2.4 An important achievement that helps improve the way we manage and monitor customers’ enquiries effectively and efficiently has been the implementation of new case management system, icasework. This replaces our now obsolete Customer Relationship Management (CRM) system and a patchwork of other electronic and paper-based systems. After a comprehensive testing and implementation phase, the new system went live in July 2018. This new system is being used to manage all formal complaints and information requests across all departments, and enquiries handled by the

Chief Executive's Support Team, and Communities, Economy and Transport Directorate Support Team. As well as being a more up-to-date, fit for purpose system that streamlines all the case types it manages, it will greatly improve our efficiency in handling enquiries that involve multiple departments, as staff work from a single case, avoiding duplication of data handling across different systems. Since all of the teams now work from the same system, and view the same information about enquiries, this will help avoid delays and provide a better One Council service to customers. It will also be easier to identify and monitor trends, which as explained in the previous section, will make it possible to identify quickly where things are going wrong and lessons learnt.

3 Local Government & Social Care Ombudsman letter

3.1 The Local Government & Social Care Ombudsman (LGO) sends a letter annually to each local authority summarising the number of complaints and enquiries received, and the decisions made about the authority during the period. The LGO informs the Council of the complaints it has investigated and says how many were either upheld or not upheld.

3.2 For 2017/18 the LGO received 96 complaints about East Sussex County Council, an increase from 87 in 2016/17. The number of complaints where decisions were made during 2017/18 was 88, an increase of 11% from 79 in 2016/17. The difference in the number of complaints received compared to the number of decisions made is due to the time lag between when a complaint is made and when a decision about that complaint is reached by the LGO. Some decisions made in 2017/18 relate to complaints originally made in 2016/17. This report focuses on the complaints where decisions were made in 2017/18 and within that the ones that were investigated.

3.3 The following table presents the number of complaints where decisions were made and the percentages of upheld complaints for the Council compared to national rates for 2016/17 and 2017/18. There has been a significant improvement for the Council with a decrease in the percentage of upheld complaints that were investigated. In contrast, the LGO saw their national uphold rate increase by 3% from 2016/17 to 2017/18; however, the Council's uphold rate decreased 20% from 2016/17 to 2017/18. In 2016/17, the Council's uphold rate was 12% above the national rate, and in 2017/18 was 11% below the national rate. The context nationally for these figures is that the LGO had an increase of registered complaints and enquiries (16,863 in 2016/17, compared to 17,452 in 2017/18).

Year	Investigated	Upheld	Not upheld	Not investigated (see 3.6)	Total	ESCC Uphold rate %	National uphold rate %
2017/18	35	16	19	53	88	46%	57%
2016/17	32	21	11	47	79	66%	54%

3.4 The outcomes of the 16 upheld complaints cover four main areas of resolution (please note that 2016/17 figures are listed in parentheses):

- 3 (2) recommended an apology was given
- 5 (3) recommended financial redress, reimbursement or write off debt
- 3 (13) recommended a new appeal and review
- 5 (3) where we had carried out an action or found resolution that the LGO found satisfactory without needing to make a recommendation

3.5 It has been a successful year in reducing the number of LGO complaints which have been upheld. More significant, however, has been the reduction from 13 to 3 in the number of upheld complaints where the LGO recommended a new appeal and review. It is explained in the LGO annual letter that one of the most significant statistics is the number of upheld complaints, but it also states, "Equally importantly, [is the] figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process". Our Link Officers (who communicate and organise our responses to the LGO) have focussed on finding lessons learnt and remedies as part of the process of providing their responses to the LGO investigators. This is reflected in the reduction in upheld complaints, and also in the reduction in recommendations of a new appeal and review. Other categories for upheld complaints continued to remain low.

3.6 Of the 53 complaints not investigated, 25 were referred back for local resolution, 20 were closed after initial enquiries, and eight were considered invalid or incomplete. Appendix Two provides a breakdown by department of the complaints where decisions were made in 2017/18. The LGO letter for 2017/18 is attached as Appendix Three.

3.7 In our LGO letter for 2016/17, it was noted that our authority had had a number of instances where there had been delays in responses, even to relatively uncomplicated enquiries. From April 2017, our Link Officers recognised the need for improving our collective response times and have taken steps to improve the communications with their key contacts, who need to organise timely responses to the LGO. A clearer protocol for the steps involved in the LGO investigations and complaints was implemented. This year's letter states, *"Although there has still been some delay responses I am pleased to say the Council's performance in replying to our enquiries has improved"*, which is a positive outcome from the actions put in place by the Link Officers to improve response times.

4 Formal requests for information

4.1 There were 1,814 information requests in 2017/18 compared to 1,711 in 2016/17. These requests relate to the Environmental Information Regulations, Freedom of Information Act, and Data Protection Act. They include requests where information was provided in full or part, where no information was provided or held, and requests that were not valid or were withdrawn.

4.2 During 2017/18 the Council achieved a 93% compliance rate in meeting Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests within the 20 working day deadline, an increase from 91% in 2016/17. For 2017/18 the threshold set by the Information Commissioner's Office (ICO) was for 90% to be answered within this timescale; this increased in April 2017 from 85%. Our 93% compliance demonstrates the commitment from staff across the Council to answer our requests in a timely way.

4.3 We continue to have a high number of FOI and EIR requests, receiving 1,491 in 2017/18, a 6% increase from last year. We continue to explore efficiencies in order to meet the increase. As part of the functionality of our new case management system, the Council will be able to automate the publication of FOI and EIR responses on its website. This 'disclosure log' is in test mode and will go live in Q2 of 2018/19. This will help improve transparency and access to public information and potentially reduce the number of requests, although it should be recognised that few FOI requests are identical. Once the disclosure log is in place, a review of the publication scheme will be carried out to ensure it is up-to-date, listing all the information that is already readily available to the public.

4.4 Complexity is a particular challenge for Data Protection Subject Access Requests (SARs), which continue to increase. We received 323 requests in 2017/18, an increase of 5% from the previous year. These requests may involve hundreds of pages of information being located, scanned and redacted for each request. There is no limit applied to staff time for SARs; it is the Council's obligation to provide the information. Whilst the Council places a great deal of importance on the rights of individuals to access information we hold about them, it should be recognised that these requests involve a significant amount of staff time to complete.

4.5 As widely publicised, new data protection legislation came into force on 25 May 2018 in the form of the General Data Protection Regulation (GDPR), and a new Data Protection Act 2018. Under this new legislation, individuals have more control over how their data is used and more rights when it comes to non-compliance with the legislation. Fine limits have increased and individuals can take legal action against the Council. Although the Council prepared for receiving 'Individual Rights Requests' (IRRs) as part of more individual rights under the new legislation, such as the right to be forgotten, no IRRs have been received to date. However, there has been an unprecedented spike in the number of SARs in Q1 of 2018/19, (a 52% increase compared to Q1 in 2017/18). It would be safe to assume these are a result of the publicity of the new legislation. Any continuing trend will be reported in next year's annual report for 2018/19.

4.6 Complaints regarding the final responses to information requests have their own procedure, first as an internal review carried out by Legal Services, and then the option to complain to the ICO if the

customer remains dissatisfied. In 2017/18, we received nine requests for internal reviews, compared to 25 in 2016/17, a notable decrease of 64%. The Customer Services Team carried out an audit of internal review decisions in June 2017 in order to identify where improvements could be made to reduce dissatisfaction. As a result, communications were improved, focussing on tone, consistency, accuracy, and using more approachable language. The team also developed a more active role in interpreting data and providing clearer explanations about information being provided, or why information is not held or not being disclosed.

4.7 In 2017/18, the ICO received eight complaints about the Council, compared to six in 2016/17. All eight complaints were regarding data protection (versus FOI or EIR related), and five of these complaints were received in Q4; this increasing trend is continuing into 2018/19. Again, it's safe to assume this is the result of raised awareness of individual rights due to the new legislation. For 2017/18, of the eight ICO complaints, one is still under investigation and seven were completed. Of these seven complaints the ICO ruled that the Council had been compliant in discharging its statutory duties in five cases, and non-compliant in two cases. Of these two cases, no action was recommended by the ICO as the remedial actions had already been undertaken by the Council by the time of the ICO decisions.

5 Conclusion and Reasons for Recommendations

5.1 This report provides an overview and progress on measures being taken to further improve customer experience and summarises the annual results for complaints, compliments, the LGO letter, and formal information requests received in 2017/18.

5.2 Governance Committee is recommended to:

- (1) note the progress of the Customer Project Board in the implementation of a series of measures to improve customer experience;
- (2) note the number and nature of complaints made to the Council in 2017/18; and
- (3) note the contents of the Local Government & Social Care Ombudsman's annual letter to the Chief Executive.

RUPERT CLUBB

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LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None

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Governance Committee

18 September 2018

Appendix 1 **Summary of the feedback pilot in 2017/18 (Phase One and key activities for the customer experience project for 2018/19 (Phase Two)**

1. **Summary of the customer feedback pilot 2017/18**

1.1 Through this pilot we enabled customers to rate the quality and relevance of information and services available on and via our website, as well as telling us about the quality of responses to enquiries and requests to which we respond via email.

1.2 The purpose was to create a simple, unified way for customers to give us feedback, without needing to make a complaint or compliment, which we can quantify, analyse and use methodically to improve our services. Managers receive reports on a monthly basis containing data collected, providing valuable insight into our customers' experiences and needs.

1.3 During the Phase One pilot of the feedback, a total of 3,970 individual pieces of feedback were received. The feedback showed that 63% of customers thought the service was either 'excellent' or 'good' and the remaining 37% of customers felt that the service was 'ok' (10%) or 'poor' (27%). These findings covered customer contacts where (i) customers have received a personalised email from an officer in response to a request for a service or information (examples of these are an update from the Admissions and Transport Team regarding a pending application or a request for assistance using the online library facility) or (ii) customers have tried to access information or undertake a transaction on the Council website.

1.4 The feedback received has proven useful for both immediate actionable improvements and identifying larger scale, longer-term needs for improvements. For example, real time feedback from the system has identified immediately resolvable issues, such as broken links or out of date information. This has proven the feedback is very helpful, as when the issues have been resolved (e.g. broken links fixed, incorrect information corrected in an email auto-response) the negative feedback has stopped.

1.5 Another area of insight we have gained from the feedback gathered during Phase One, is that there is a clear gap between satisfaction ratings for email correspondence and interaction with our website: 47% of customers rated the webpages as 'excellent' or 'good' while a significantly higher 81% rated email correspondence the same. From the comments provided by customers, it is evident (and understandable) that customers feel they have received a better customer experience from a member of staff who, in many cases, will be providing a bespoke response to a request or enquiry. The challenge for us is to provide information on the website which meets customers' needs much better, both in terms of the relevance and clarity of the information provided, and the ease of the customer journey in accessing it, so that in the majority of cases this becomes the channel of choice for the customer.

1.6 We can analyse the webpages and responses which get excellent ratings to understand why they give such a good customer experience and apply this learning across other pages and to other services. In some instances, there is also a need for user testing of webpages to gain a more comprehensive understanding of how to improve the services. This work is underway, and the Customer Services Team is currently carrying out further analysis of the feedback and scoping out user testing. A full summary will be provided to CMT in April 2019.

2 **Key developments taking place in 2018/19**

2.1 **Embedding the Customer Promise with commissioned services.** As part of the Customer Promise roll out, we explored how to embed our values and standards into new contracts and commissioned services, so that customers get the same customer experience whoever is providing its services. It has been agreed with Procurement that the Customer Promise is included in the

Strategic Sourcing Plan (SSP) which provides clear guidance to managers procuring contracts above the value of £100,000. Work is underway in Procurement to finalise the documentation needed for it to be included in the SSP. Once this has been finalised, the Customer Services Team will investigate with Sourcing Solutions if it is relevant to insert the Customer Promise into new contracts between the values of £15k and £99k. We will work with Sourcing Solutions to identify where this is appropriate and applicable.

2.2 Customer Champions Network. The formation of the network was agreed in April 2018. The network is designed to act as a council-wide forum for customer facing staff to provide feedback to and engagement with colleagues in similar roles within other departments. Additionally, members of the network will be provided with customer service training materials for sharing with colleagues within their services. There are 16 members of the network from public-facing teams across Council departments, including representation from Highways (both from the contractor's Contact Centre and the Council's contract management group). The inaugural meeting was held on 18 June 2018, and presented an overview of the Customer Experience Improvement Plan and the campaign to improve the awareness of the Customer Promise. It was very well received by the members, who appreciated the opportunity to interact with colleagues working in similar roles with similar challenges (and rewards) when helping and communicating with customers. Initial success has been evident with the take up of the next meetings, suggestions for future topics, and requests for additional members of staff to attend. The group will meet quarterly. The network was based on the successful model of Orbis' Property Customer Champions network.

2.3 Customer feedback systems for our other channels. As part of Phase Two of the plan, we are installing feedback devices at five Council sites (Eastbourne Library, Hastings Library, St Mary's House, Ocean House and County Hall) and will be introducing a telephone feedback survey across a wide range of Council teams across departments. Both of these new elements to the project will indicate how customers rate the customer service they receive in view of the principles and standards set out within the Council's Customer Promise. The feedback devices will display four statements, approved by the Customer Project Board, which we will ask customers to rate from 1 to 5 (strongly disagree to strongly agree) their customer experience. The telephone survey will ask for feedback upon five statements with the same scoring system in place and again this will be to respond about customer experience they have just had. Both sets of feedback will inform us of where improvements may need to be considered in relation to the customer service we are offering as a Council. Monthly reports will be provided to the relevant managers, as with the feedback received from Customer Thermometer. Results will be presented to CMT in April 2019.

Governance Committee

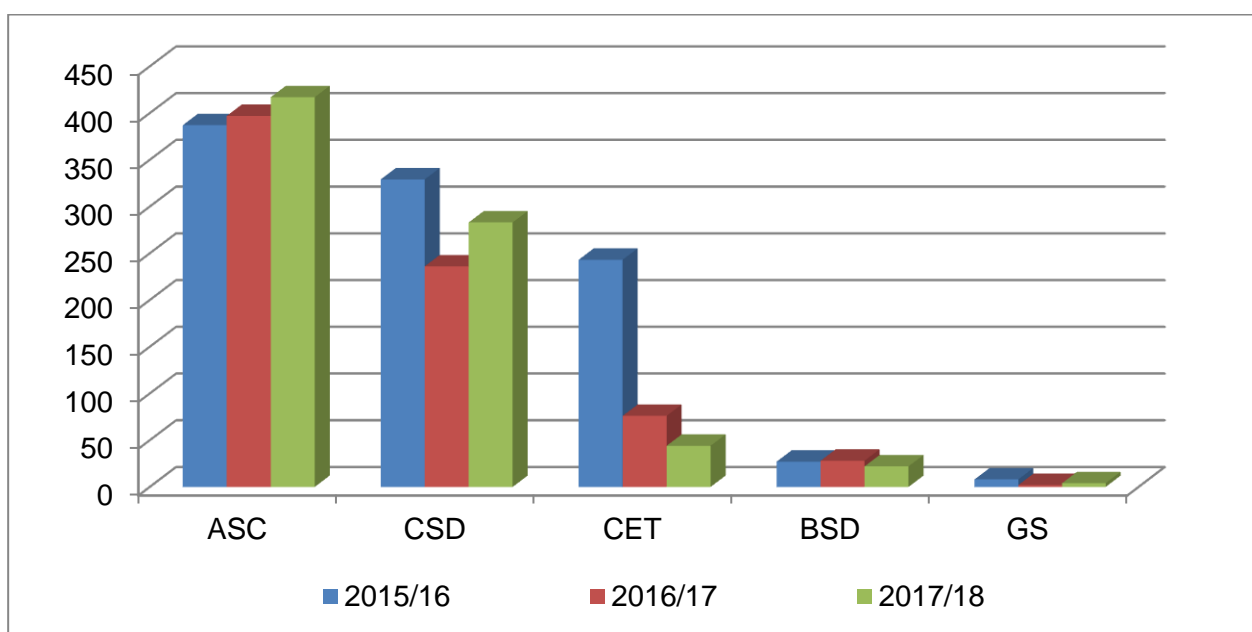
18 September 2018

Appendix 2 Complaints and compliments by department 2017/18

1. Summary

1.1 The chart below shows the number of complaints received in 2017/18 by department compared with 2016/17 and 2015/16. The Council received 770 complaints in 2017/18 compared to 739 complaints in 2016/17, which represents an increase of 4%.

1.2 Both Adult Social Care and Children's Services had increases in complaints last year, and Communities, Economy and Transport and Orbis (ESCC only) had decreases. Please note comparisons of complaints and compliments between departments are not valid due to the nature of the different services provided by each department.



2. Adult Social Care

	2017/18	2016/17	Change
Number of complaints received	417	397	↑5.0%
Number of complaints upheld/partially upheld	196	194	↑.01%
Number of compliments	1444	1363	↑5.9%

2.1 Summary

2.1.1 There was a 5% increase in the complaints received about Adult Social Care (ASC) services compared to last year. However, slightly fewer complaints were upheld or partially upheld. In 2017/18 47% of our complaints were upheld or partially upheld compared to 49% in 2016/17.

2.1.2 ASC recorded a higher number of compliments this year, and like last year, the department received almost 350% more compliments about its services than complaints.

2.2 Action taken to improve the service

2.2.1 This section provides analysis of the top three themes of complaints for ASC in 2017/18 and actions and recommendations related to these themes.

2.2.2 The highest number of complaints (106) related to assessment functions and 42 (40%) of these were upheld or partially upheld. These concerned:

- Assessments for social care support with 61 complaints received and 29 (48%) upheld or partially upheld
- Financial assessments to identify the amount someone pays towards their care with 24 complaints received and 10 (42%) upheld in full or part
- Mobility Assessments for a Blue Badge with 14 received and 3 (21%) upheld
- Occupational Therapy Assessments with 7 received and 4 (57%) upheld in full or part

2.2.3 Of these 106 complaints, 61 (58%) were about disputing the outcome or decision of the assessment. With stringent application of national eligibility criteria and financial guidance people felt their individual circumstances had not always been considered.

2.2.4 There were a further 60 complaints about the provision of service and 23 (38%) of these were upheld or partially upheld. There were often a range of issues falling across a number of services, including independent providers. Whilst the quality of services falling below expectation was still an issue, this along with delay, was far less prevalent. The level of actual delivery of care compared with the charge for care was a recurrent issue. These issues, in part, could be attributed to the capacity limitations within the independent sector home care market. The department continues to take steps to increase home care capacity and availability, both in-house and in the independent sector, to try to address a shortfall that is a national problem.

2.2.5 Often issues relating to the quality and charges for social care services were presented to the department on receipt of an invoice. In all, 51 complaints were recorded about invoicing, but often involved other concerns. There were 35 (69%) complaints upheld in full or in part. Complainants raised multiple issues about information, timeliness, quality, delay and/or poor communication about charges and the payment of charges. Limitations in recording multi-faceted complaints mean it has not been possible to provide exact quantitative data about secondary areas of concerns. There were 17 (33%) complaints recorded for Orbis Accounts Receivable Team (Business Services Department) and although more complaints involved errors in invoicing, these are not recorded for Orbis and are included within the ASC return.

2.2.6 Issues about invoicing and charges were often compounded when there was a shortfall in communication. Learning was about how we presented and delivered information and this was generally addressed at practitioner and team level.

2.2.7 Organisationally, the Department has committed to review its current service delivery model to further streamline the ASC process and ensure more proportionate assessment. There is a desire to look at more creative options for service delivery, and to move towards the 'Three Conversations Model' which is being used in other Local Authorities across the UK. It is felt strongly that a less process led approach and the opportunity to work differently with clients and carers, would be well received across all staff groups and would have an impact on our service delivery overall.

2.2.8 Other actions taken to improve services in 2017/18 were:

- To improve responsiveness, an Integrated Locality Team changed how priority cases were allocated.
- Another Integrated Locality Team identified and implemented actions to improve safeguarding partnership working. This included improving communication and how they work with providers when safeguarding issues are raised.
- A Community Learning Disability Team improved their annual review booking system. This now includes ensuring parents/relatives/carers are invited to the review, in liaison with providers.
- The Direct Payments Team improved their processes to provide more information to people about their payments to reduce arrears building up on their accounts.
- A provider of Direct Payments changed their phone system. They now have three options and one of those options takes you directly through to the local office. With these options they no longer go through to an answerphone, but have a queue system. This is better as all calls are answered and people have shorter waiting times.

- The Blue Badge Team amended their guidance to clarify that people who have moved out of the area need to make a new application, rather than a renewal, and this process takes eight to ten weeks.
- The Financial Assessment Team improved their processes and communication, introducing a review system for scanning of peoples' information, to ensure it is recorded and acted on.
- Shared Lives, The Transitions Team and Children's Services are developing a formal structure for paying carers when people under 18 years of age receive a service.

2.3 Compliments

2.3.1 ASC has continued to receive far more compliments about its services than complaints. People's comments clearly show how much they have valued support, often referred to as both life changing and affirming.

2.3.2 This year people appear to have particularly valued our Joint Community Rehabilitation Service (333), Carers Services (210) and Learning Disability Directly Provided Services (124).

2.4 Local Government & Social Care Ombudsman (LGO)

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

Year	Investigations		Closed after initial enquiries	Invalid/incomplete	Referred back	Advice given	Total
	Upheld	Not upheld					
2017/18	9	13	6	3	11	0	42
2016/17	6	3	11	1	6	1	28

2.4.2 There has been a 50% increase in the complaints received by the LGO (from 28 complaints in 2016/17 to 42 in 2017/18) and the detailed investigations show:

- 144% increase in complaints investigated, from 9 to 22 complaints
- 50% increase in the complaints upheld, from 6 to 9 complaints

2.4.3 Further analysis for Adult Social Care of the LGO complaint will be provided in the department's Annual Complaints Report. The report will be available later in the year and published on the Council's website: [Comments, compliments and complaints annual report](#). This report is provided under the Local Authority Social Services and National Health Service Complaints (England) Regulations, 2009.

3. Children's Services

	2017/18	2016/17	Change
Number of complaints received	283	236	↑ 19.9%
Number of complaints upheld/partially upheld	78	78	↔ 0.0%
Number of compliments	281	408	↓ 31.1%

3.1 Summary

3.1.1 Children's Services received a total of 283 complaints during the reporting period, an increase of 19.9% from last year. The main increase was in complaints from adults on behalf of young people which rose from 216 to 266, an increase of 23.1%. The number of complaints from children and young people dropped from 20 to 16. In 2017/18, 27% of complaints were upheld/partially upheld compared to 32% in 2016/17. Digital channels now account for 84% of complaints related contact, down from 88% last year.

3.2 Action taken to improve the service

3.2.1 Children's Services continues to use the learning from complaints and how people contact us as a tool in improving the services offered by the department and in improving our digital offer

through our website. We have continued to track key themes and complaint types to make enhancements to our call and complaint handling process. We have reduced misdirected enquiries significantly through evidence-based changes to our call handling system, meaning customer get to the right person the first time more often.

3.2.2 We are observing an emerging trend of complaints becoming measurably more complex. This trend has been noted over the last two reporting years.

3.2.3 Actions taken to improve services in 2017/18 include:

Actions taken to improve services in 2017/18 include:

- A review of all correspondence to ensure clarity in processes for parents/carers by the Early Years' Service.
- Training for Early Years' Service has been updated to remind staff of the importance of parents/carers remaining fully informed and understanding the service's involvement with their child. The training also focused on special consideration which needs to be given to parents for whom English is a second language and parents with learning difficulties.
- The development of CLASS+ to support families/carers of young people with ASD/Social communication difficulties with home based concerns. The service aims to provide support and training to enable families/carers to build their understanding of the strengths and challenges faced by children and young people with autism and to develop greater confidence in how to support them.
- More regular review of referral pathways to the Child Missing Education team to ensure that the links in the IT system remain live and all referrals are received by the team. The team has also created links with other services to allow for cross checking of information on other systems.
- Revising our internal processes to ensure a more proactive relationship to ensure that relevant teams are aware of emerging communication campaigns. We have also put in place measures with our systems to allow for easier and more efficient management of bulk correspondence without compromising customer experience.
- Co-produced with the LSCB (Local Safeguarding Children Board) new guidance for young people aged 16 and 17 who are facing homelessness. This was based on an identified gap in information provision in this crisis situation and the potential for harm and distress to a particularly vulnerable client group.

3.3 Compliments

3.3.1 The total number of compliments received throughout the year is down from 408 to 281, and the ratio of compliments per complaint is down 1.7 to 1.0. With decreasing resources it may be that the logging of compliments is not prioritised in service teams. Moving forward we will continue to share the positive messages coming through the compliments with key members of staff so that this can be learnt from in the same way as we learn from complaints.

3.4 Local Government & Social Care Ombudsman

3.4.1 The table below sets out the LGO findings for complaints about Children's Services:

Year	Investigations		Closed after initial enquiries	Invalid/incomplete	Referred back	Total
	Upheld	Not upheld				
2017/18	6	4	7	3	14	34
2016/17	15	7	6	1	11	40

3.4.2 Of the 34 complaints, only 10 complaints were investigated and of those 6 (60%) were upheld.

3.4.3 There will be further analysis of these complaints in the Children's Services Annual Complaints Report. The report will be published on the Council's website later in the year: [Children's](#)

4. Communities, Economy & Transport (CET)

	2017/18	2016/17	Change
Number of complaints received	44	76	↓42.1%
Number of complaints upheld/partially upheld	12	20	↓40.0%
Number of compliments	964	716	↑34.6%

4.1 Summary

4.1.1 There has been a significant drop in complaints received in CET in 2016/17 and 2017/18. A reduction in complaints has occurred across all CET services, but has been particularly significant in Highways. This is due to the way highways complaints are being handled since the new contractor for East Sussex Highways took over on 1 May 2016. Previously, initial complaints about highways had been logged as corporate complaints at too early a stage; this was in large part because the Highways Contact Centre was part of the Customer Services Team and it was common for initial complaints simply to be escalated to a corporate complaint as a way of resolving them, without the correct triage to ascertain that the service had sought to resolve the issue directly with the customer first.

4.1.2 Under the new highways contract complaints are initially dealt with by the contractor as the service provider, as this provides a direct opportunity for the contractor to seek to quickly resolve the issue with the customer. If the complaint remains unresolved the customer is able to raise this as a corporate complaint to the Customer Services Team. This is in line with the Corporate Complaints Policy where services always seek to resolve the concern or issue directly, and with how other contracted-out services (e.g. the Veolia contract) handle initial complaints from dissatisfied customers.

4.1.3 It has been a successful year in keeping the number of complaints down and resolving issues within service areas. The majority of complaints are regarding policy, where we have to explain difficult decisions to the public, often driven by tough choices around spending diminishing resources, and where the customer's personal involvement in those concerns are more likely to make them dissatisfied with a decision they do not agree with. These types of complaints are not upheld. Overall the number is very low in relation to the amount of interaction we have as a department with customers.

4.1.4 This reduction is the result of two key factors: (i) teams are effectively managing a large number of enquiries, challenges and informal complaints from customers within their services, and the quality of these responses means that customers better understand our policies and procedures and are not, therefore, raising formal complaints; and (ii) staff are applying the complaints procedures correctly by ensuring that the service area deals with a customer's problem or concern directly as the first point of resolution.

4.2 Action taken to improve the service

4.2.1 The proportion of complaints that were upheld or partially upheld in 2017/18 is 27%, which remains a similar proportion to the previous year at 26%. The majority of partially and fully upheld complaints were regarding communications (8 complaints, 67%), half of which were about information or explanations provided to the customer that should have been clearer; the other half were where no response was provided or delayed responses were provided. Three complaints were regarding quality of work carried out, where it was recognised that work should have been at a better standard, and one regarding staff attitude, where staff communication with a customer was unacceptable, and staff member was provided with training and performance is being monitored.

4.2.2 The following are areas where improvements were made as a result of upheld and partially upheld complaints:

- Staff recognised that we need to be more proactive and also to consider the circumstances from the customers' points of views, paying attention to what the customers need to hear and when. One team improved their logging and response procedures, and another carried out training on how to provide timely responses which are relevant to the specific issues the customers are facing, not a general response.
- Some acknowledgements and responses were being missed and some customers were not being kept informed, resulting in enquiries being escalated to corporate complaints. Awareness was raised with managers about the need to adhere to response times for enquiries and complaints. Teams were instructed to review enquiries as soon as they are allocated so that staff can adequately plan time to respond within the customer service standards. This also includes keeping customers informed if a full response cannot be provided in the normal timeframe.
- Due to a number of contacts made to the Highways Team and one complaint upheld regarding the communications about large scale roadworks being carried out, a review was carried out by senior management and lessons learnt have been identified on how to communicate with the public in future regarding large scale roadworks. In relation to the works where the complaint was received, the team also received a number of compliments regarding the quality of the work and that they had finished early.

4.3 Compliments

4.3.1 Compliments recorded for CET have increased from 716 in 2016/17 to 964 in 2017/18. Within the year, the Highways Team had improved how they capture their compliments received, for example by social media, phone calls or comments made by the public to staff working out on the network, which has increased the total number of compliments.

4.3.2 Compliments continue to be high, which indicates that teams continue to deliver high quality services and show their commitment to customers. Compliments for CET services fall into six main categories:

- Work and repairs carried out: Customers appreciated quick and effective works and repairs. They appreciated the quality of the work, commitment from staff, and how work that was carried out improves their accessibility and experience of their activities.
- Appreciation of staff helping on a specific query, issue or concern. This includes taking the time to help with and answer queries; providing thoughtful and considered responses; doing that extra bit to help; helping in difficult situations or circumstances; listening; and finding a resolution for issues or concerns.
- Staff keeping the customer informed and up-to-date with the progress of their enquiries.
- Fast responses to customers' enquiries and actions taken.
- Quality of service and staff in general
- Facilities or activities offered.

4.4 Local Government & Social Care Ombudsman

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

Year	Investigations		Closed after initial enquiries	Invalid/incomplete	Referred back	Total
	Upheld	Not upheld				
2017/18	1	2	6	1	0	10
2016/17	-	1	4	-	4	9

4.4.2 Three (30%) of the 10 complaints were investigated and one was upheld.

5. Orbis (ESCC only)

	2017/18	2016/17	Change
Number of complaints received	22	28	↓21.4%
Number of complaints upheld/partially upheld	14	22	↓36.4%
Number of compliments	42	20	↑110%

5.1 Summary

5.1.1 The number of complaints received for Orbis (ESCC only) has reduced by 21.4% and the percentage of upheld and partially upheld has decreased also by 36.4%. All complaints, but one, were related to invoicing and charges in relation to ASC care costs. ASC also recorded 17 complaints for Orbis Accounts Receivable Team as explained in section 2.2.5 above. There are often issues relating to social care and financial assessments received by ASC which have multiple issues regarding information, timeliness, quality, delay and/or poor communication about charges and the payment of charges. These were not recorded under Orbis and are included within the ASC return. Due to multiple issues, these are difficult to separate out to one department or the other. Please see section 2.2.5 and 2.2.6 for further information.

5.1.2 The 14 upheld or partially upheld complaints were all related to invoicing and charging of care costs.

5.2 Action taken to improve the service

5.2.1 For the Accounts Receivable Team, in response to the partially upheld or upheld complaints, the main area identified for improving was communications with clients. This included keeping the clients informed and providing full, clear explanations in all correspondence.

5.3 Compliments

5.3.1 There has been an increase of 110% of compliments received which has been an excellent result. These are all regarding the Accounts Receivable Team (except one for Personnel). These compliments were related to how helpful and efficient the staff were on this team and how much customers appreciated it.

5.4 Local Government & Social Care Ombudsman

5.4.1 There were no LGO complaints made about services in this department in 2017/18.

6. Governance Services

	2017/18	2016/17	Change
Number of complaints received	4	2	↑100%
Number of complaints upheld/partially upheld	0	1	-
Number of compliments	0	0	-

6.1 Summary

6.1.1 The four complaints for 2017/18 for Governance Services involved Communications, Democratic Services, and two regarding Legal Services.

6.1.2 There were no complaints partially or fully upheld for Governance Services in 2017/18.

6.2 Action taken to improve the service

6.2.1 No actions or improvements were drawn from these complaints.

6.3 Compliments

6.3.1 No compliments recorded in 2017/18.

6.4 Local Government & Social Care Ombudsman

6.4.1 There were no LGO complaints made about services in this department in 2017/18.

7. Chief Executive's Office

7.1 Complaints are often addressed to the Chief Executive (CE) or Leader, and so are received through the CE Office. However, the complaints are about issues with services provided by departments rather than the CE Office itself, so these are recorded by the relevant department and form part of their figures and analysis.

8. Local Government & Social Care Ombudsman - other complaints

8.1 One remaining LGO complaint for 2017/18 was listed where a decision was made but not investigated by the LGO. This was categorised under "other services". As this complaint was not investigated, we are uncertain where this falls as the Council is not notified about details of the complaints not investigated. It was closed after initial enquiries by the LGO.

Year	Investigations		Closed after initial enquiries	Invalid/incomplete	Referred back	Total
	Upheld	Not upheld				
2017/18			1			1

18 July 2018

By email

Becky Shaw
Chief Executive
East Sussex County Council

Dear Becky Shaw,

Annual Review letter 2018

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

Last year we referred to delays and other difficulties in responses to our enquires, in particular concerning complaints about education. We also noted we had delivered a complaint handling course to your staff. Although there has still been some delay in

responses I am pleased to say the Council's performance in replying to our enquires has improved.

Future development of annual review letters

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new [corporate strategy](#) for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will be seeking views from councils on the future format of our annual letters early next year.

Supporting local scrutiny

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at www.lgo.org.uk/scrutiny. I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

Learning from complaints to improve services

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the [reports](#) and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



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

Local Authority Report: East Sussex County Council
For the Period Ending: 31/03/2018

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
48	0	1	35	0	10	0	1	1	96

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Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
8	0	25	20	19	16	46%	88

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
11	1

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Report to:	Governance Committee
Date of meeting:	18 September 2018
By:	Chief Operating Officer
Title:	Reservist and Armed Forces Community Policy
Purpose:	To propose the adoption of the “Supporting the Armed Forces Community” policy.

RECOMMENDATION

The Governance Committee is recommended to approve the adoption of the “Supporting the Armed Forces Community” policy.

1 Background

1.1 As the Governance Committee will be aware, the Council recently applied for reaccreditation under the Defence Employer’s Recognition Scheme. A number of actions were taken in support of this, including creating a community of trained Armed Forces Champions across the organisation, and offering a guaranteed job interview to ex-forces applicants who meet the essential criteria for a given role. As a result, the organisation has now been awarded Silver accreditation under the scheme, compared to our previous Bronze status.

1.2 In addition to the actions already taken, there are various recommended actions an employer can take in order to improve its award level under the recognition scheme. One recommendation is that participating organisations develop a dedicated policy on supporting reservists and the wider Armed Forces Community

1.3 A Supporting the Armed Forces Community policy has therefore been developed, and is attached as Appendix 1. The majority of the information included in the document has no direct impact on terms of employment, and simply conveys best practice guidance to help managers support members of the Armed Forces Community such as ex-forces personnel and military spouses.

2 Reservist mobilisation

2.1 The Ministry of Defence provides a model policy for employers of reservists, which has been used as the basis of the ESCC policy. By law, reservists’ contracts of employment are suspended during periods of mobilisation, and the period is not recognised for the purposes of accruing entitlement to annual leave, sick pay or other benefits.

2.2 However, organisations do have the option to keep reservists’ contracts fully operable during the mobilisation period, allowing them to accrue entitlements while mobilised. The Ministry of Defence (MoD) provides optional wording to this effect in the model template.

2.3 If the Council chooses to keep reservists’ contracts fully operable during mobilisation, the entitlements below would be affected:

- **Sick pay service related entitlement:** The period of mobilisation would be counted as reckonable service for the purposes of determining occupational sick pay entitlements for the employee. The amount of occupational sick pay available typically increases by one month of full pay for every year of service completed.
- **Annual leave service related entitlement:** The period of mobilisation would also be counted as reckonable for determining service related leave entitlements – for example, the additional days’ leave granted to staff after five years’ service.
- **Redundancy** – The period of mobilisation would be reckonable when calculating the employee’s service length for the purposes of a redundancy payment.
- **Automatic pay increments** – While the reservist would not be paid by the council during mobilisation, their salary would continue to increase in line with any automatic incremental

progression due, regardless of absence due to a period of mobilisation. Note that this approach would be more favourable than the Council's career break scheme, under which employees do not automatically receive increments while absent from work.

2.4 Periods of mobilisation vary in length, and consequently the impact of suspending or continuing entitlements will be greater if the mobilisation lasts longer. The MoD does not define the average length of a mobilisation period, but describe it as 'typically no longer than 12 months'.

2.5 Should the County Council wish to apply for reaccreditation under the Defence Employers Recognition Scheme in future, it is likely that a decision to keep reservist contracts fully operable during mobilisation would be looked upon favourably, particularly if we wish to apply for Gold status, in line with other local public sector organisations.

2.6 Preserving contract operability is likely to be viewed as a significant benefit by reservists, and may go some way towards enhancing the council's reputation as an employer of choice. Conversely, ceasing entitlements during mobilisation may be viewed as harsh or punitive, given that the reservists are arguably undertaking a service to the community, possibly at risk to their own safety and wellbeing.

2.7 The council employs a very low number of reservists, with a recent staff survey suggesting that only 2 are currently working at ESCC. There is no reason to believe the number of reservists working in the organisation is likely to increase significantly, and there is no guarantee that a reservist will be mobilised for any significant amount of time. It is proposed that Reservists contractual benefits should not be suspended during periods of mobilisation.

3 Additional leave for Cadet Force Adult Volunteers

3.1 For information, another recommendation of the employer's recognition scheme is that employees who volunteer as instructors in the Army Cadet Force be granted up to 5 days' additional paid leave, and up to 10 days' unpaid per year, to undertake this voluntary activity.

3.2 The Council has in place a policy on the provision for paid and unpaid leave, which incorporates the national provisions for 'special paid leave'. The activities for which special paid leave may be granted include: membership of public bodies, the Magistrates Service, Military Reserve service and Trade Union duties. At present, Army Cadet Force Volunteers are not included. We are currently undertaking a review of the special paid leave provisions and this review will include consideration of the position for Army Cadet Force Volunteers.

4 Conclusion and reasons for recommendations

4.1 The Governance Committee is recommended to approve the Supporting the Armed Forces Community Policy including the proposal to keep reservists' contracts operable during mobilisation..

4.2 Adopting this policy is likely to support future applications under the Defence Employers Recognition Scheme, while having minimal impact on service delivery.

KEVIN FOSTER
Chief Operating Officer

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Supporting the Armed Forces Community

Date: July 2018

Document summary

Guidance on supporting Reservists and other employees from the Armed Forces Community.

Enquiries

HR Strategy Team, 01273 481527

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Supporting the Armed Forces Community

Key points

- The Council is committed to supporting members of the Armed Forces Community, both within its own workforce and in the wider population.
- This document provides managers and colleagues with practical guidance on supporting colleagues from the Armed Forces Community, and includes our policy on mobilisation of reservists.
- A range of additional support is also available outside of ESCC – further details can be found on the Intranet/Webshop.
- This document applies to all employees of the County Council, including those in schools.

1. The Armed Forces Covenant

- 1.1. East Sussex County Council has signed the Armed Forces Covenant. The Covenant is a promise by the nation that those who serve or have served in the armed forces, and their families, will be treated fairly.
- 1.2. The Council is also a member of the Defence Employers Recognition Scheme. This commits the organisation to a number of actions, including:
 - Demonstrating support for service personnel issues
 - Employing members of the Armed Forces Community
 - Showing flexibility towards annual training commitments and mobilisation of Reservist employees

2. Who are the Armed Forces Community?

- 2.1. The Armed Forces Community includes the groups of people listed below.
 - Armed Forces Personnel: Those currently serving in the Armed Forces (Army, Navy, Air Force or Royal Marines) on a full-time, ongoing basis.
 - Reservists: Those who may be called to serve in Armed Forces as and when required, either on a voluntary basis or following a full-time career.
 - Veterans and Ex-forces: These two terms may be used interchangeably. Anyone who has completed at least one day of service in the Armed Forces is classified as a Veteran. Veterans can be any age, and have any length of service.
 - Military spouses, partners and family members: Relatives of someone who serves or has served in the Armed Forces.
 - Adult Cadet Volunteers: Those who volunteer as instructors in the Air Training Corps, Army Cadet Force, and Sea Cadet Corps.

Each section of this document provides specific guidance on supporting the different members of the Armed Forces Community in the workplace.

Reservists

3. Support for Reservists

- 3.1. The County Council has pledged its support of the Reserve Forces and acknowledges the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to both the individual and the organisation. This policy intends to define our obligations towards all employees who are members of the Reserve Forces.
- 3.2. The Council will not disadvantage those Reservists who notify the organisation of their Reserve status, or those Reservists who are made known to the Council directly by the Ministry of Defence (MoD).
- 3.3. Subject to the considerations below, managers should normally agree to release Reservists when mobilised for Reservist duties, or for attendance at Reserve Forces Training events where these take place on their normal working days.
- 3.4. Under The Reserve Forces Act (Safeguarding of Employment) Act 1985, an employee's service is terminated on mobilisation, but providing the employee follows the correct notification procedure under the Act, he or she can return to employment upon which their continuity of service will be restored. The Council's policy is that it will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits.

4. Types of Reservist

- 4.1. There are two main types of Reservist:

- Volunteer Reservists - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.
- Regular Reservists - ex-regular servicemen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

However the Reserve Forces Act 1996 also provides for other categories, such as:

- Full Time Reserve Service -Reservists who wish to serve full time with regulars for a predetermined period in a specific posting
- Additional Duties Commitment - part-time service for a specified period in a particular post
- Sponsored Reserves - These are personnel employed by a contractor to provide a service to the MoD.
- High Readiness Reserves – These are Reserves, usually with a particular skill set, that are available at short notice (with written agreement from their employer).

5. Reserve status notification

- 5.1. Reservists are required to inform their employer that they are a member of the Reserve Forces and the specific force that they belong to. This is so that the employer can provide the appropriate level of support to the Reservist. It also assists with resource planning during periods of leave for training and/or mobilization.

- 5.2. Reservist employees are also required to grant permission for the MoD to write directly to their employer. This is known as 'Employer Notification' and ensures the employer is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.
- 5.3. The MoD will issue written confirmation to the employer informing them the employee is a Member of the Reserve Forces. The letter will provide detail of mobilisation obligations, and the rights of the employer and employee. It also explains the financial assistance available if an employee is mobilised. Where possible, it will also provide details of any annual training commitments. The MoD will also send a follow-up letter each year to confirm that the information held is still accurate.
- 5.4. It is the responsibility of the Reservist to ensure their personal details are kept up to date, for example if they change their respective Reserve Force.
- 5.5. In any circumstance, the Reservist will not be disadvantaged as a result of notifying the Council of their Reserve status.

6. Training commitments and time off

- 6.1. Reservists are typically committed to 24-40 days training per year. Training tends to take place 1 evening per week, over various weekends throughout the year and one 2 week training period also known as 'annual camp'. Training commitments vary, but in most cases include:
 - Weekly training - most Reservists train at their local centre for around two-and-a-half hours, one evening a week.
 - Weekend training - all Reservists are expected to attend a number of training weekends which take place throughout the year.
 - Annual training - a 2 week annual training course sometimes referred to as 'annual camp'. This may take place at a training establishment, as an attachment to a Regular Unit, a training exercise or a combination of any of these. Training normally takes place within the UK, although each year some Reservists train overseas.
- 6.2. The Council's policy is that Reservists may be granted up to 18 days' special paid leave per year, to attend their annual training camp. This leave may also be used to undertake additional training associated with their duties, if it is not possible to arrange this on days when they would normally not be working.
- 6.3. As per the Council's Paid and Unpaid Leave Options document, special paid leave needs to be approved by a manager at grade LMG2 or above or, for schools employees, by a Headteacher.
- 6.4. Reservist employees should give as much notice as possible of training commitments to allow appropriate planning for absences. Permission once given will not be rescinded unless there are exceptional circumstances.
- 6.5. Depending on the business needs of the service, it may also be appropriate to use flexible working to help meet a Reservist's training commitments. For more information, see the Flexible Working pages of the Intranet/Webshop.

7. Mobilisation

- 7.1. Mobilisation is the process of calling Reservists into full time service with the Regular Forces, in order to make them available for military operations. The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than 12 months.
- 7.2. The Call-out papers for mobilisation are sent by post to the employer, or sometimes delivered in person by the Reservist to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible, the MoD aims to give at least 28 days' notice of the date that a Reservist will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation.
- 7.3. A period of mobilisation comprises three distinct phases:
- Medical and pre-deployment training
 - Operational tour
 - Post-operational tour leave.
- 7.4. A call-out notice can be appealed if the Reservist absence is considered to cause serious harm to the business. The Reservists can also appeal against call out. Details of how to apply for a deferral/exemption or revocation of a call-out notice, as well as deadlines for appeal, are included in the employer's call-out pack. As a matter of Council policy, managers would normally be expected to release Reservists for mobilisation unless exceptional circumstances apply.

8. Managers' responsibilities before and during mobilisation

- 8.1. There are a number of actions managers should take to help support the mobilisation process:
- Meet with the Reservist to ensure all mobilisation paperwork is completed, including the employers consent form.
 - Notify Employee Services of the intended first day of mobilisation, so the Reservist's HR record and pay can be adjusted as appropriate.
 - Discuss any handover of work and return of equipment.
 - Exchange contact details (e.g. email addresses) to enable both parties to do keep in touch. This will help with a smooth reintegration of the Reservist back into the workplace. Next of Kin details should also be confirmed and updated.

9. Treatment of terms and conditions during mobilisation

- 9.1. The County Council will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits
- 9.2. Pay and Benefits.

The MoD will assume responsibility for the Reservist's salary for the duration of their mobilisation. They will pay a basic salary according to the Reservist's military rank. If this basic element is less than the Reservist receives from their employer, it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings. This is known as a Reservist Award.

9.3. The MoD will pay the Reservist directly. The Council will therefore place the employee on unpaid leave during mobilisation.

9.4. Contractual benefits that are suspended by the employer during mobilisation can also be claimed by the Reservist as part of their Reservist Award.

9.5. Pension

If the Reservist is a member of an employer pension scheme and the employer suspends the employer contribution, and the Reservist chooses to remain within it, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions

9.6. Annual leave

Employees will not accrue annual leave with the County Council while mobilised. Reservists instead accrue annual leave with the MoD whilst they are in full time service, and will take a period of paid post-operational leave as part of the mobilisation period.

9.7. Sick pay

During the period of mobilisation the Reservist will continue to accrue any rights to service-related sick pay. Should a Reservist become sick or injured during mobilisation they will be covered by Defence Medical Services and any financial assistance will continue to be received (including pay) until demobilised. If the sickness or injury continues and this results in early demobilisation, the Reservist will remain covered by Defence until the last day of paid military leave.

9.8. After this time the Reservist will be covered by the Council's sickness arrangements.

9.9. Dismissal and redundancy

A Reservist's employment cannot be terminated on the grounds of their military duties or their liability to be mobilised. To do so would be a criminal offence under s.17 of The Reserve Forces (Safeguarding of Employment) Act 1985. The Defence Reform Act 2014 introduced legislation in the UK to provide Reservists with immediate right of access, without a qualifying period, to an Employment Tribunal for unfair dismissal if the dismissal relates to Reserve Service

9.10. Reservists can be included in the redundancy pool if this is necessary. However, all employees should be treated consistently, and redundancy criteria should not discriminate against Reservists on the grounds of their Reserve service or call-up liability

10. Return to work and aftercare

10.1. Both the Reservist and their employer have obligations regarding the return to work process.

10.2. Reservists must write to their employer by the third Monday after their last day of military service making their request to return to work and suggesting a date which should fall within 6 weeks of their last day of full-time service. This letter formally starts the return to work process. The formal application must be made in writing for it to be valid under the Reserve Forces (Safeguarding of Employment Act) 1985 Act. Reservists should also informally contact their line manager to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call.

- 10.3. The Employer has an obligation under Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the Reservist, where possible to their former role, and if not, to a mutually acceptable role on the same terms and conditions prior to mobilisation.
- 10.4. If the Reservist is not happy with the offer of alternative employment they must write to the employer stating why there is reasonable cause for them not to accept it. If a Reservist believes that an employer's response to their application denies their rights under the Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee for assessment. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation.
- 10.5. If managers have any concerns or questions about reinstating a reservist, or anticipate any difficulty in reinstating a reservist to their previous role, they should seek advice from HROD.
- 10.6. Sometimes Reservists may need refresher training when they return to work, or be given time to familiarise themselves with processes and procedures in the workplace. Financial assistance may be available for retraining if it is required as a direct result of their mobilisation, although applications cannot be made for training courses that would have taken place anyway. Evidence of costs will be required in addition to evidence that the Reservist could not reach the required standard by any other means, such as workplace experience. The employer's mobilisation pack will explain how to claim for relevant training costs.
- 10.7. Managers should also consider the following support, to ensure a smooth return to work:
- The need to update the Reservist on any changes or developments within the team, service, or the wider organisation
 - Whether the Reservists' job role has changed since mobilisation, and any new or 'refresher' training required
 - Whether the Reservist feels they would benefit from meeting up with colleagues informally or socially before or after return to work.
 - Signposting the Reservist to the Council's Counselling and Employee Assistance programme, or referring them to the Occupational Health Service if they have a health problem that is affecting their ability to work.
 - Whether the Reservist feels they might benefit from flexible working arrangements. Please see the Flexible Working pages of the Intranet/Webshop for further information.
 - Reasonable time off to seek therapeutic treatment if required. Employees should make up any working time lost. If the treatment relates to a disability, this may be considered a reasonable adjustment, and the manager should contact HROD to discuss.
 - Signposting the Reservist to the external sources of support available for the Armed Forces Community. Please see 'External support' below, for further information.

11. Financial Assistance for employers

11.1. In the event a Reservist employee is mobilised, employers are eligible to claim back additional costs associated with replacing the called up employee, where these are above the normal cost of the employee's wages. The following costs may be claimed back from the Ministry of Defence:

- Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or costs associated with advertising the vacancy. There is no cap on these claims, but costs must be supported by the relevant paperwork.
- Overtime costs, if other employees work overtime to cover the work of the Reservist, or costs of temporary replacement, by the amount that such costs exceed earnings of the Reservist. The maximum claim available is £110 per day (£40,000 per annum). Claims can be made for every normal working day that the Reservist is away on service. An application for one-off costs and recurring costs must be made within 4 weeks of the end of full time Reservist service.
- If a returning Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the Company can make an application for financial assistance.

Veterans and ex-Forces personnel

12. Supporting veterans, and ex-Forces personnel

- 12.1. Anyone who has completed at least one day of service in the Armed Forces is classified as a Veteran. Veterans can be any age, and have any length of service, but will have now left military service, and might also be referred to as ex-Forces personnel.
- 12.2. Veterans come from a diverse range of backgrounds, and each individual will have a different experience of military life. However, there are some general considerations that managers and colleagues should be aware of if an employee discloses that they are a veteran.
- 12.3. Remember however that not all employees will necessarily choose to disclose or talk about their military service, and it is not appropriate to enquire about it or discuss it without invitation.

13. Recent service leavers

- 13.1. Military service can begin at 16 years old. For those joining the military aged under 18, their service commitment is up to six years in total. For joiners over 18, the minimum service commitment is four years.
- 13.2. This means that someone can leave the Armed Forces in their 20's, having already spent a significant amount of time in service.
- 13.3. Military service provides individuals with a range of skills that are valuable to employees, and instils personal qualities such as discipline, self-reliance, a strong work ethic, and excellent time management. When someone reaches the end of their service, they will also be offered additional training to gain specific skills useful for transitioning to the civilian workforce, and more general training on life in the civilian workforce.
- 13.4. It is also worth remembering that as an employer, the military provides a level of support to employees which is not found in the civilian workforce – for example providing accommodation, meals, and a highly structured routine. Military life also provides a strong sense of camaraderie, and a ready-made support network of fellow service personnel. When someone transitions from the military to the civilian workforce, this can represent not just a change in jobs, but a significant change in lifestyle.
- 13.5. Veterans may therefore benefit from additional support at the beginning of their employment, such as identifying a 'buddy' in the team who can be on hand to answer questions and help with further orientation.
- 13.6. Recent service leavers may also find the Council's coaching scheme particularly useful. The organisation maintains a network of trained coaches, who can help individuals to identify goals, think through work-related problems, and build better relationships with their colleagues. More information about coaching is available on the intranet.
- 13.7. In addition, the Council also has a network of Armed Forces Champions. This is a group of staff trained to support the Armed Forces Community, and it includes some colleagues with a military background, who may also be able to act as a 'buddy'. For more information, see the 'Armed Forces Champions' page on the intranet.

- 13.8. There is also a range of things that managers and colleagues should be aware of, to help a recent service leaver transition into the civilian workforce:
- Carry out a thorough induction and probationary review process. This will help ensure the employee is aware of the processes, policies, and entitlements that apply to employees, some of which might be unfamiliar to a recent service leaver.
 - Be aware of timekeeping. Service leavers are likely to be highly punctual, and will expect the same of their colleagues. Try to ensure that meetings start at the stated time, or that colleagues communicate any delays or changes to schedules in advance.
 - Don't assume local knowledge – service leavers may have recently relocated.
 - Be mindful of working hours. Military life instils a strong work ethic and expectation of 'working until the job is done'. Recent service leavers might expect to work beyond normal office hours to complete a task, rather than coming back to it the next day. They will therefore particularly benefit from being given specific time parameters to complete a task within.

14. Veterans with disabilities or health problems

- 14.1. It is a misconception to believe that disabilities, injuries and poor mental health are widespread among veterans. However just like with the civilian population, some veterans may need additional support in the workplace due to a health problem.
- 14.2. As with all new starters, veterans will undergo a health assessment as part of their pre-employment checks. This will identify any workplace adjustments that the manager needs to put in place to support them in their role. For more information, see the Workplace Adjustments page on the Intranet, or consult the Occupational Health service.
- 14.3. Should a manager become concerned about the effect that an employee's health is having on their work, they can make a referral to the Council's occupational health service, with the employee's consent. For full details, please see the Occupational Health Referrals page on the Intranet/Webshop.
- 14.4. In addition, all employees can access our staff counselling and employee assistance service, details of which are available on the Intranet/Webshop. This is a fully confidential service that can help with a variety of personal problems.
- 14.5. As well as the services above, there are a number of independent charities and support groups that are accessible by the Armed Forces Community. While these are not recommended as a substitute for the workplace support available above, they may be able to provide assistance in a veteran's personal life – for example by funding reasonable adjustments in a disabled veteran's home. Please see the list of resources for the Armed Forces Community available on the Intranet.

Military spouses, partners and family members

15. Support for military spouses partners and family members

- 15.1. Like service personnel themselves, military family members are a diverse group of people, and each individual will have a different experience of military life.
- 15.2. However, there are some common issues that managers and colleagues should be aware of.
- 15.3. Being the spouse, partner or relative of someone in the Armed Forces means living with the reality that your loved one could be called away on operations at any time. They might be away from their family for an extended period of time, and they may be injured or even killed in service.
- 15.4. Military families may also need to relocate more frequently, as required by the needs of their loved ones' service. This can mean that military families can become isolated from support networks they have called upon in the past.
- 15.5. Some military family members may also be carers for a relative who has been injured or developed health problems during their military career.
- 15.6. All of these factors can of course be a significant source of stress and disruption for members of the family involved. While individual circumstances will vary from employee to employee, there are some practical ways in which managers can provide support, if the employee has indicated that this would be welcomed
 - Where an employee is experiencing disruption due to a family member being called away, it may be useful to consider any flexible working options that could be used to help them balance their work and personal commitments. For more information, please see the Flexible Working pages of the Intranet/Webshop.
 - In the event of serious personal emergencies or family problems, compassionate leave may also be granted, provided it is approved by a manager at grade LMG2 or above. More information about compassionate leave can be found in the Paid and Unpaid leave options document.
 - The Council also provides a managers toolkit for supporting staff with caring responsibilities
 - All employees can access our staff counselling and employee assistance service, details of which are available on the Intranet/Webshop. This is a fully confidential service that can help with a variety of personal problems.
 - A range of support groups and charities exist to support military families outside of the workplace. Please see the list of resources for the Armed Forces Community on the Intranet.
- 15.7. If an employee discloses that they are experiencing problems as a result of a family member's military service, managers might want to discuss what information they would like to be shared with their colleagues and the wider team. This is particularly useful during wartime or periods of armed conflict, where insensitive or thoughtless comments can have a particular impact on military family members. Any incidences of harassment or victimisation should be dealt with quickly, either following the Council's Dignity at Work guidance, or via the Disciplinary Policy.

Adult Cadet Volunteers

16. Support for Adult Cadet Volunteers

- 16.1. As the name suggests, Adult Cadet Volunteers: are adults who volunteer as instructors in the Air Training Corps, Army Cadet Force, and Sea Cadet Corps.
- 16.2. The range of activity a volunteer undertakes may vary, but might typically include attendance at a weekly meeting, as well as occasional trips away, such as for a cadet training camp.
- 16.3. Employees are expected to undertake volunteering activities outside of working hours, or by taking annual leave. However, the Council recognises the benefits of this activity, both to the individual and society in general. Managers are therefore encouraged to consider any appropriate support that can be put in place to help volunteers undertake their duties. For example, an employee might finish work early once a week in order to attend a Cadet Force meeting.
- 16.4. For further information, please see the Flexible Working pages on the Intranet/Webshop.