



GOVERNANCE COMMITTEE

TUESDAY, 26 JUNE 2018

2.00 PM (OR AT THE CONCLUSION OF THE CABINET, WHICHEVER IS THE LATER) COMMITTEE ROOM - COUNTY HALL, LEWES

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 24 April 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 Lewes Public Library and Museum Charitable Trust and delegations for Charitable Trusts where the County Council is Trustee (*Pages 5 - 8*)
Report by Director of Communities, Economy and Transport
- 6 Report of the Local Government and Social Care Ombudsman (*Pages 9 - 20*)
Report by Assistant Chief Executive
- 7 Appointment to Outside Body - Sussex Police and Crime Panel (*Pages 21 - 22*)
Report by Assistant Chief Executive
- 8 Appointment to Outside Bodies - Combe Valley Countryside Park Community Interest Company (*Pages 23 - 24*)
Report by Assistant Chief Executive
- 9 Local Managers' Pay 2018/19 (*Pages 25 - 30*)
Report by Chief Operating Officer
- 10 Any other items previously notified under agenda item 4

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
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18 June 2018

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GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held at Committee Room - County Hall, Lewes on 24 April 2018.

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

50 MINUTES OF THE MEETING HELD ON 19 MARCH 2018

50.1 RESOLVED – that the minutes of the previous meeting of the Committee held on 19 March be confirmed and signed as a correct record

51 APPOINTMENTS OF MEMBERS TO COMMITTEES, SUB-COMMITTEES, PANELS AND OTHER BODIES

51.1 The Committee considered a report by the Assistant Chief Executive regarding the allocation of places on committees to groups.

51.2 The Committee RESOLVED (by 3 votes to 1 with 1 abstention) – to (1) recommend the County Council to
(a) allocate to the political and independent groups the places on, and membership of, the main committees as set out in Appendix 1;
(b) allocate places on the other committees and panels as set out in Appendix 2;
(c) allocate the Chair and Vice Chair positions on committees as set out in the table below;

Committee	Chair	Vice-Chair
Regulatory	Conservative	
Audit Committee	Liberal Democrat	Conservative
People Scrutiny Committee	Conservative	Liberal Democrat
Place Scrutiny Committee	Conservative	Labour
Health Overview and Scrutiny Committee	Conservative	Conservative
Governance Committee	Conservative	
Planning Committee	Conservative	Conservative
Pension Committee	Conservative	
Standards Committee	Conservative	

(d) delegate authority to the Assistant Chief Executive to amend the Council's Constitution where necessary so as to give effect to this decision; and

(2) agree that a review of the need for the Regulatory Committee and the number of councillors appointed to the scrutiny committees be undertaken and reported to the Governance Committee in early 2019 to enable any changes to be made before the Annual Council meeting.

52 DATA PROTECTION OFFICER DESIGNATION REQUIRED BY THE GENERAL DATA PROTECTION REGULATION

52.1 The Committee considered a report by the Chief Operating Officer regarding a Data Protection Officer designation as required by the General Data Protection Regulation

52.2 It was RESOLVED to recommend the County Council to –

1) approve the Council having a single shared designated statutory Data Protection Officer with Brighton & Hove City Council and Surrey County Council;

2) delegate authority to the Chief Operating Officer, in consultation with the Chief Executive, to appoint or designate to the role of statutory Data Protection Officer; and

3) delegate authority to the Assistant Chief Executive to amend the Council's Constitution where necessary so as to give effect to this decision and to include provision in the Scheme of Delegation to Officers for the new statutory Data Protection Officer

53 APPOINTMENT TO OUTSIDE BODIES

53.1 The Committee considered a report by the Assistant Chief Executive regarding the appointment of a Council representative to the Board of Ashdown Forest Conservators.

53.2 It was RESOLVED – to appoint Councillor Stephen Shing as a Council representative on the Board of Conservators of Ashdown Forest

Report to: Governance Committee

Date of meeting: 26 June 2018

By: Director of Communities, Economy and Transport

Title: Lewes Public Library and Museum Charitable Trust and delegations for Charitable Trusts where the County Council is Trustee.

Purpose: To seek approval for the registration of Lewes Public Library and Museum Charity with the Charity Commission and future governance arrangements

RECOMMENDATIONS:

The Governance Committee is recommended to recommend the County Council to:

- (1) approve the registration of Lewes Public Library and Museum Charity with the Charity Commission;**
 - (2) approve the proposed governance and decision making arrangements for the Charity as set out in the report; and**
 - (3) approve that the delegations for decision making set out in the Constitution (including those set out in Part 3 Responsibility of Functions, which includes delegations to members and officers) apply to decisions relating to the Charitable Trusts for which the County Council is Trustee as they do to other County Council functions.**
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1 Background Information

1.1. The Charitable Trust was established by the Conveyance dated 21 June 1872. This originally related to the old library and museum at Albion Street, Lewes (the ‘Original Library’) when that property was conveyed *‘on trust to permit the same premises and all buildings to be erected thereon to be and forever hereafter appropriated and used as and for a school of children and adults in drawing, painting, modelling, designing for architecture, manufactures and decorations and for no other purpose’*. This created a permanent endowment of the Original Library which became known as the Lewes School of Science and Art. By Orders made by the Board of Education in 1934 and 1956 the scheme was modified and extended to include ‘Public library’ and ‘museum’. The County Council became the owner of the Original Library and museum by virtue of a transfer of functions under the Local Government Act 1972.

1.2. In 2008 the Council signed a Declaration of Trust (“2008 Declaration”) after detailed consultation with the Charity Commission regarding the disposal of the Original Library. By the 2008 Declaration, the Council confirmed the current name of the charity as the Lewes Public Library and Museum (the “Charity”). East Sussex County Council also declared that the current Lewes Library at Styles Field (“Lewes Library”) would be held on trust and used for the Charity in place of the Original Library.

1.3. The charitable use of the Library is ‘use as a public library and museum for the safe custody exhibition and study of objects of educational artistic or scientific interest and such other collections and objects of a similar nature as the ...council may think fit’. This constitutes the charitable objects of the Charity. The original charitable objects were contained in the 1872 Conveyance and amended by the Board of Education Orders, then confirmed in the 2008 Deed.

2 Supporting Information

2.1. An agreement has been entered into whereby from 1 July 2018, the back office staff employed by NSL Limited (the Council's parking enforcement contractor) will use non-public office space at Lewes Library, while Civil Enforcement Officers will use welfare facilities such as the staff kitchen, toilet and changing room. This arrangement will generate £22,000 per year in rent for the Charity over a lease term of seven years. As the gross income of the Charity will exceed the statutory threshold for registration (£5,000 per annum) there is a requirement to formally register the Charity with the Charity Commission.

2.2. For administrative efficiency it is proposed that whilst the decision to proceed with the new lease has been reached solely and exclusively on behalf of the Charity, for any ongoing work involving the Charity, governance arrangements be established to ensure the independence of the Charity and to ensure that there is no risk of any conflict of interest with the Council's other business.

2.3. The proposal is that:

- (a) the Council's Scheme of Delegations to Officers should apply to the Charity;
- (b) the day to day management and operation of the Charity be delegated to the Director of Communities, Economy and Transport ('Director of CET'); and
- (c) where any conflict of interest arises between the role of the Director of CET and the interests of the Charity, the decision will be taken by the Chief Executive.

2.4. The authority delegated to the Director of CET would be for the day to day management and operation of the Charity, and decisions in relation to the Charity must be taken in the best interests of the Charity, and not the County Council. Whilst the County Council as corporate trustee retains ultimate responsibility, the Director of CET's role would include (but not be limited to):

- (a) ensuring that all decisions on the property specifically and on the Charity generally are taken solely and exclusively in the best interests of the Charity;
- (b) ensuring that the Council as custodian trustee complies with its fiduciary duties and that there is no conflict of interest with other Council business or functions;
- (c) monitoring the receipt of all rental received by the Charity and ensuring that this is used solely for the charitable objects; and
- (d) taking any steps necessary to ensure that the Charity complies with all its legal and regulatory obligations including the preparation of annual accounts and (where required) an annual report/return.

2.5. To ensure transparency of decision making and administrative efficiency it is proposed that the Council's decision making arrangements set out in its Constitution applies to its role as Charitable Trustee as it does in relation to the exercise of its other functions.

2.6. There will be a requirement to prepare and file annual accounts, and it is proposed that these are reported annually to Cabinet in line with the current practice where the County Council is a Corporate Trustee.

3 Conclusion and Reasons for Recommendations

3.1. The Lewes Library Charitable Trust will receive rent and services income when the Parking Teams' contractor is based at the Library. It is proposed that the Charity is registered with the Charity Commission, that the decision making arrangements set out in the report be approved; and that the delegations for decision making set out in the Constitution (including those set out in Part 3 Responsibility of Functions, which includes delegations to members and officers) apply to the Charitable Trusts for which the County Council is Trustee as they do to other County Council functions, whilst noting that decisions taken in relation to the Charity must be taken in the interests of the Charity.

RUPERT CLUBB

Director of Communities, Economy and Transport

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LOCAL MEMBERS

Councillor Philip Daniel

BACKGROUND DOCUMENTS

Declaration of Trust

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Report to: **Governance Committee**

Date: **26 June 2018**

By: **Assistant Chief Executive**

Title of report: **Report of the Local Government and Social Care Ombudsman**

Purpose of report: **To consider the Local Government and Social Care Ombudsman's report**

RECOMMENDATION:

The Committee is recommended to consider the contents of the Local Government and Social Care Ombudsman's report in respect of complaint reference 16013883 and endorse the Council's actions in response to the complaint.

1. Background

1.1 The Local Government and Social Care Ombudsman (LGO) has power under the Local Government Act 1974 to investigate and issue Reports concerning allegations of maladministration or service failure. Details of complaints made to the LGO are reported to members at Cabinet and Council through the Council quarterly monitoring report. The Governance Committee also receives an annual complaints report which sets out the annual report received from the LGO.

1.2 The LGO has issued the report attached at Appendix A following an allegation of maladministration by the Council in the exercise of its functions. The LGO has concluded that there was maladministration on the part of the Council and that this caused injustice to the complainant. The LGO has issued a public report which includes recommendations. The report is issued under s31 of the 1974 Act. The report must be reported to Council (or an appropriate Committee) who must consider the report and confirm within three months the action it has taken or proposes to take. The terms of reference of the Governance Committee include the consideration of reports from the LGO where there has been a finding of maladministration, and to exercise the powers and duties of the County Council in respect of the making of payments or the provision of other benefits in cases of maladministration.

1.3 The full report is attached at Appendix A. By way of summary Mrs X complained the Council-run service her daughter was referred to for non-attendance at school, was unhelpful and caused her distress. She said allegations that her daughter was bullied were ignored. The LGO found that consideration of the alleged bullying was not recorded or explained to Mrs X, and as a result Mrs X was left with the impression that such allegations had been dismissed and not relevant to the process. The LGO considered that the Council handled the matter in an insensitive way that caused distress to Mrs X.

1.4 The LGO recommended the following action:

- (i) The Council has already agreed to consider improving its record-keeping of meetings where there is no-one present to represent the child or parent.
- (ii) The Council should also apologise in writing to Mrs X and her daughter for the distress caused by the insensitive way it handled the non-attendance referral when it was made aware of bullying allegations.

1.5 The Chief Executive has written to Mrs X apologising for the distress that the Council's fault caused.

2. Recommendation

2.1 The Committee is recommended to consider the contents of the Local Government and Social Care Ombudsman's report in respect of this complaint and to endorse the Council's actions in response to the report.

PHILIP BAKER
Assistant Chief Executive

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Local Members: All

Background Documents

**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint against
East Sussex County Council
(reference number: 16 013 883)**

10 May 2018

The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Mrs X	The complainant
D	The complainant's daughter

Report summary

Education Council: Attendance

Mrs X complained the Council-run service her daughter was referred to for non-attendance at school, was unhelpful and caused her distress. She said allegations that her daughter was bullied were ignored.

Finding

Fault found causing injustice and recommendations made.

Recommendations

The Council has already agreed to consider improving its record-keeping of meetings where there is no-one present to represent the child or parent.

The Council should also apologise in writing to Mrs X and her daughter for the distress caused by the insensitive way it handled the non-attendance referral when it was made aware of bullying allegations.

The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet, or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

The complaint

1. The complainant, whom we shall call Mrs X, complains the Council handled issues around her daughter's (D's) school attendance, in an inappropriate and unhelpful manner, causing her distress.

The Ombudsman's role and powers

2. We investigate complaints of injustice caused by maladministration and service failure. We have used the word fault to refer to these. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)
3. We cannot investigate complaints about what happens in schools. (*Local Government Act 1974, Schedule 5, paragraph 5(b), as amended*)
4. Under the information sharing agreement between the Local Government and Social Care Ombudsman and the Office for Standards in Education, Children's Services and Skills (Ofsted), we will share this decision with Ofsted.

How I considered this complaint

5. During our investigation, we have spoken with the complainant, considered the Council's response to our enquiries and considered relevant law and guidance. We have also considered evidence from the head teacher of D's school.

What I found

Relevant legislation, statutory guidance and Council policy

6. Councils have a duty to promote good attendance and reduce absence, including persistent absence. They must ensure every pupil has access to full-time education and act early to address patterns of absence.
7. Parents have a legal duty to ensure their children of compulsory school age are registered at school and attend school regularly.
8. The information the Council provides about the Council's Education Support Behaviour and Attendance Service (ESBAS) is on its website. It is a service which:
 - helps identify what might be causing poor attendance;
 - sets realistic targets to improve and maintain good attendance;
 - identifies rewards and incentives to promote attendance;
 - communicates frequently with parents about positive achievements and improvements.
9. The service is also responsible for taking legal action where appropriate to ensure parents fulfil their legal responsibility to ensure regular and punctual attendance of their child.
10. The service says before it starts work with a child, realistic and achievable targets are discussed and then set, in agreement with the child, parent and school, wherever possible.

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11. Schools refer pupils with poor attendance to the service.
 12. The Council has a policy for referral when children have attendance issues. The referral form does not ask schools to identify what service they wish to receive but instead it aims to outline the issues so that an individual child can be given the type of support it needs. One of the questions on the referral form is whether there have been any concerns about bullying.
 13. A review is undertaken after four weeks. If the target is met or attendance is above 95 percent the school will continue to monitor. Then, if attendance declines again and further unauthorised absences are recorded over a four-week period, the referral form should be completed, enclosing evidence of the registration certificate and letter/meetings with parents or attendance setting agreements. This is the form the school filled out for D.

Background

14. In July 2016, D was eight years old and attending a school, which we shall call School P.
15. For the period between 2 September 2015 and 14 June 2016, D had an attendance rate of 88.65 percent, with 37 authorised absences, (18 and a half days).
16. Mrs X says that in February 2016, her daughter was the victim of an attack by another student. She said this resulted in her taking three days off. Her non-attendance was brought to the attention of the school. Mrs X says her daughter was bullied at school and it was a problem she had discussed at length with the school, even offering to do voluntary work during lunch time in the library, so her daughter would have a place of refuge if needed.
17. On 20 April 2016, Mrs X had a conversation with a school officer about D's attendance. Mrs X says she informed the school about the bullying her daughter was experiencing and was surprised to then receive a letter on 21 April 2016, which noted that her daughter had been referred to ESBAS for poor attendance.
18. The letter set an attendance target for D of 100 percent between the 21 April and 9 May 2016. Confusingly, the letter stated that to avoid a referral to ESBAS, Mrs X should produce medical evidence to explain any future absences. However, at the bottom of the letter, it was noted that D had already "been referred" to ESBAS.
19. On 12 May 2016, Mrs X received a letter congratulating D on her 100 percent attendance for that month. She was warned this level of attendance needed to be maintained.
20. The records show that between 16 May and 27 June 2016, D missed both morning and afternoon school sessions on four occasions. This is noted as eight unauthorised attendances.
21. The Council say the referral to ESBAS was made on 1 July 2016 and at that point, D's absence was 88.65 percent, which fell below the Government threshold for what is classified as being a persistently absent pupil.
22. We have seen the referral form sent by the school. Under the section entitled, "Do you have any specific concerns around bullying?", "No" has been selected.
23. On 13 July 2016, Mrs X received another letter from ESBAS, asking her to attend a meeting on 22 July 2016 as D's attendance was still a cause for concern. She was warned that failure to attend the meeting without a valid reason would result

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- in a warning letter being issued and would be used against her if the Council wished to take legal action. The Council also added that it would strive to empower parents to support their child's attendance before considering such legal action.
24. At some point after receiving the letter and before the meeting, evidence confirms that Mrs X visited the school and spoke with the school head teacher.
25. The head teacher says he remembers Mrs X telling him about her "plausible concerns". He said he would speak with the educational welfare officer for attendance. He also says that he told Mrs X he would count his meeting with her as the attendance meeting that she had been called to. He said he would look into the bullying issues she mentioned and he hoped that this would address the attendance issues.
26. The head teacher says that he cannot be "100 percent" sure as he has no written record, but he recalls passing on this information to the other attendees at the meeting scheduled for 22 July 2016. His conversation with Mrs X is alluded to in the support plan, put together at the planned meeting, where it is noted that, "Parents didn't attend but had a conversation with Head teacher prior to meeting".
27. The Council has said it was not made aware of the bullying issues. The support plan put together that day said D had to have 100 percent attendance from then on. A copy was sent to Mrs X the next day. Mrs X says she was upset and surprised to receive a report, stressing her daughter had to achieve 100 percent attendance, given the difficulties she was having at the school. She felt her concerns had not been acknowledged.
28. The Council points out that:
- Mrs X could have contacted ESBAS's offices after the meeting to discuss the plan. The offices were open throughout the summer holidays and she could have arranged another meeting; and
 - the support plan sets this out.
29. In complaint correspondence, the Council has said that the initial attendance meeting did not result in a strategy being set in stone. It said it was part of an ongoing process, which Mrs X could have engaged in, if she had wished.
30. Mrs X says she did try to contact ESBAS on numerous occasions but there is only evidence of one call in the relevant period, made on 26 July 2016.
31. On 1 September 2016, Mrs X wrote to the Council. She explained in detail why her daughter had not attended on many occasions, citing the bullying her daughter had allegedly been a victim of as the main cause of her non-attendance. She asked that the case be closed and that the Council should apologise.
32. On 16 September 2016, a senior officer, Officer Y, from ESBAS replied. The officer stressed that at the point of referral to ESBAS, D's attendance was below 90 percent and a decision had been made not to authorise any future absence without medical evidence. Officer Y said he had spoken to the head teacher, who had said he had not told Mrs X that he agreed to withdraw the referral to ESBAS when they had their conversation earlier in the year. Officer Y added that the school did not want to withdraw the referral to ESBAS. He said that the school made the decision not to authorise any further absence for D and the Council supports schools when they make this decision.

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33. The letter stressed that if Mrs X had any complaints about the way the school dealt with the alleged bullying incidents, Mrs X should take that up with the school. But, for the purposes of the ESBAS exercise, the case would remain open.
 34. Mrs X was referred to us if she was not happy with the response.
 35. On 23 September 2016, D's attendance was reviewed. It was 100 percent. She was informed that she would be reviewed again on 13 October 2016.
 36. On 11 October 2016, two days before the expected review, the Council wrote to Mrs X saying that as she had achieved 100 percent again, her case would now be closed to ESBAS.
 37. D moved schools at the beginning of the next term. Mrs X says she has had no further attendance issues.

Analysis

38. The information on the ESBAS website about the type of service it provides says it helps identify what might be causing poor attendance. It suggests it provides support by frequently communicating with parents about positive achievements and improvements. Wherever possible it reaches agreements with the school, parent and child that are realistic.
39. In this case, a box was ticked on a referral form saying that bullying was not an issue. In early correspondence about this complaint, the Council said that bullying concerns were not raised by Mrs X "at any stage". However, it is incorrect to say that bullying was never raised as an issue. In more recent correspondence, the Council has accepted that bullying was raised as an issue in September 2016.
40. There is evidence from the head teacher of D's school that the Council was put on notice about the allegations of bullying at the meeting of 22 July 2016. The head teacher remembers Mrs X raising "plausible concerns" with him. Given the nature of the allegations we do not consider it likely that he would have forgotten the general gist of the conversation with Mrs X, that he is on record as having.
41. However, we cannot be certain the head teacher relayed these concerns at the attendance meeting. The officers made no note of any allegations of bullying. While we consider it surprising for the head teacher not to have relayed Mrs X's concerns, it would be equally surprising for the officers at the meeting not to have made a note of these, if told. The records indicate that the head teacher wanted the meeting to go ahead which raises further questions about whether he informed the meeting of the allegations or not. Given the conflicting evidence, the lack of records and because we were not present at that meeting we are not able to conclude what was or was not said. Consequently, we are not making a finding of fault in relation to what happened at that meeting. In addition, we have no jurisdiction to find fault with the actions of the head teacher. We are not able to consider matters that relate to the internal management of schools.
42. The Council says its priority was to ensure the formal support process was commenced. This is understandable. It must address poor attendance robustly. The Council points out that the plan was effective. D's attendance did go up to 100 percent. This is correct. However, D started at a new school not long after ESBAS closed its case so it is difficult to know how long her attendance, at a school where her mother alleges she was bullied, would have continued to be at 100 percent. Further we are not concerned with the ends achieved, but with

whether the Council took into account all relevant considerations when achieving them.

43. The Council points out that, “while bullying may explain non-attendance, it does not provide permission for non-attendance”. This is correct. But the Council has also said that new evidence of the causes of non-attendance is considered as part of the process. Properly considered, the allegations of bullying, may not have had an impact on the Council’s decision. It is not my role to criticise the decisions the Council makes to encourage attendance. But we consider that the lack of evidence that it considered Mrs X’s allegations about bullying, as part of its process, is fault.
44. Even if the Council does not accept the head teacher informed the Council of the bullying allegations at the attendance meeting in July 2016, it has accepted it was informed of Mrs X’s concerns around bullying in September 2016, when she wrote to the Council.
45. The letter sent to Mrs X in response to the emotive explanation she had provided about her daughter’s non-attendance, referred her back to the school reminding her that if she did not provide medical evidence to support future non-attendance she could face legal action. The letter also says that having looked at Mrs X’s daughter’s attendance for the past year, it could not consider closing the case.
46. The Council says its letter shows due consideration was given to the allegations made by Mrs X because it references Officer Y’s conversation with the head teacher, saying he had not agreed with Mrs X to withdraw the referral to ESBAS. But this statement says nothing about any consideration the Council gave to Mrs X’s allegations. It might be that within this conversation with the head teacher, the Council considered the allegations and considered the 100 percent attendance rule should still apply. But if so, none of this was recorded or explained in the Council’s response to Mrs X. Mrs X was left feeling, understandably, that serious allegations about bullying had been dismissed and were not acknowledged as relevant to the process. This is fault.
47. The Council says that it accepts Officer Y’s complaint response should have reiterated Mrs X’s, “ability to feed the information she had provided about bullying into the ESBAS process”. But Officer Y was a senior officer in ESBAS. Therefore, ESBAS was already aware of her complaint issues and should have been considering them as part of its process. It is illogical to suggest otherwise.
48. The fact the referral form asked whether bullying was an issue or not indicates the Council does consider bullying to be an important issue and within its remit to consider. But the Council left Mrs X with the impression that no-one was listening to her. She was upset that rather than consideration being given to the alleged bullying her daughter was victim to, she had been threatened with legal action for D’s non-attendance. She said she felt bullied by the system that was supposed to help and support her daughter. She was caused an injustice.

Council action plan

49. The Council has responded to us. We welcome it has said it has already put into place measures to prevent future problems. It says it will:
 - amend its support plan to include ‘tick boxes’ for different possible reasons for non-attendance so that bullying issues are more likely to be raised;

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- make it clear on any support plan that has to be written in the last week of term that the intervention time period begins at the start of the next term. A letter will also be sent to parents who did not attend to make the position clear;
 - address the quality of information recorded on referral forms from schools so that all relevant information is included.
50. Non-attendance is a difficult issue to handle. The Council has been criticised for a high level of absence and it says its strategies to deal with this have been regarded as appropriate and well targeted by Ofsted. It is dealing with a challenging problem. Sometimes parents do not want to engage and the Council must take action when it has concerns. However, Mrs X did engage and this was not properly acknowledged. In these circumstances, this is fault and it caused her an injustice.

Recommended action

51. The Council has already agreed to consider improving its record-keeping of meetings where there is no-one present to represent the child or parent.
52. However, the Council has, so far, refused to apologise for the distress caused. It is for this reason we are issuing a public report. We maintain our findings and are satisfied the recommendation to remedy the injustice caused is measured and proportionate.
53. The Council should apologise in writing to Mrs X and her daughter for the distress caused by the insensitive way it handled the non-attendance referral when it was made aware of bullying allegations.
54. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

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Committee:	Governance Committee
Date:	26 June 2018
Title:	Outside Body Appointments: Police and Crime Panel
By:	Assistant Chief Executive
Purpose of report:	To consider the nomination of a second councillor to the Sussex Police and Crime Panel

RECOMMENDATIONS: The Committee is recommended to agree on the appointment of a Liberal Democrat councillor as a second representative on the Police and Crime Panel for a one year period

1. Supporting Information

1.1 Each of the 15 borough, county, district and unitary across Sussex appoint one representative to the Police and Crime Panel. At the County Council meeting held on 23 May 2017, Councillor Bentley was appointed at the County Council's representative on the Panel.

1.2 In addition to a representative from each authority in Sussex, the Constitution of the Police and Crime Panel allows for an additional local authority member to be appointed from each of the county councils to address any imbalance in political proportionality. Brighton & Hove City Council also has a second place on the Panel to address geographical imbalance and this place should also be used to address any political proportionality imbalance. These will be considered at the Panel's annual meeting and any such appointments will be for a one year period.

1.3 In order to achieve political proportionality it is proposed that for 2018/19 Brighton & Hove City Council should appoint a second Conservative representative and East or West Sussex County Council appoint a Liberal Democrat as a second representative. West Sussex County Council has agreed that for 2018/19 this place should be allocated to East Sussex. The County Council had a second place on the Panel in 2017/18 and Councillor Lambert was appointed for a one year period. Councillor Tutt has indicated that he will propose that Councillor Lambert be nominated as a second representative on the Panel for 2018/19. The Committee is asked to consider its nomination for the one additional place to the Police and Crime Panel for 2018/19.

2. Conclusion

2.1 The Committee is asked to nominate a Liberal Democrat councillor as the Council's second representative on the Police and Crime Panel for a one year period.

PHILIP BAKER
Assistant Chief Executive

Contact Officer Andy Cottell, 01273 481955
Local Member: All
Background Documents
None

Report to: **Governance Committee**

Date: **26 June 2018**

By: **Assistant Chief Executive**

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

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

RECOMMENDATIONS: The Governance Committee is recommended to appoint a Councillor as a Council representative on the Combe Valley Countryside Park Community Interest Company for the period to June 2021

1. Supporting Information

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

1.2 In November 2017, Councillors Maynard and Pragnell were appointed as the Council's representatives on the Combe Valley Countryside Park Community Interest Company. Councillor Maynard has indicated that he wishes to stand down as a Council representative on this body and the Committee therefore needs to consider who to appoint as a replacement.

1.3 The objects of the Company are to carry on activities which benefit the community within and immediately surrounding the Combe Valley Countryside Park.

1.4 Councillor Beaver has expressed an interest in serving on the Community Interest Company.

2. Recommendations

2.1 The Committee is asked to agree to the appointment of a Councillor as the Council's representative on the Combe Valley Countryside Park Community Interest Company for the period until June 2021.

PHILIP BAKER
Assistant Chief Executive

Contact Officer: Andy Cottell

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E-mail: andy.cottell@eastsussex.gov.uk

Background Documents

None

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Report to:	Governance Committee
Date of meeting:	26 June 2018
By:	Chief Operating Officer
Title:	LMG Managers Pay Offer 2018/19
Purpose:	To determine the pay offer for the LMG Pay negotiations with UNISON for 2018/19.

RECOMMENDATIONS

The Governance Committee is recommended to determine the pay offer for LMG Managers to be negotiated with Unison for 2018/19 as being equivalent to the National pay offer of 2%.

1 Background

1.1 At its meeting on 23 January 2018, the Governance Committee received a report with regards to the 2018/19 pay offer for LMG Managers to be negotiated with Unison. The Committee agreed the recommendation in the report to defer consideration of the pay offer until the level of the NJC national pay award was known.

1.2 The national (NJC) pay award is relevant to these local negotiations as the decision made regarding the local pay offer needs to take into account the impact on the wider workforce and organisation as a whole. In addition, there is an overlap between LMG1 and the top of the Single Status pay range (SS13) which applies to specialist professional posts, such as Senior Practitioners in Adult Social Care and Children's Services. It is therefore important to ensure that these two grades remain comparable and that the relativities do not widen too far.

1.3 Set against this background, the local pay award for LMG Managers has therefore historically mirrored the national award. Any consideration of a pay increase must, however, take into account the savings targets and significant financial challenges facing the Council, as well as any Government pay policy for the public sector.

2 Supporting information

2.1 Agreement has now been reached between the National Employers and the NJC Trade Union Side on rates of pay applicable from 1 April 2018 and 1 April 2019. Following consultations with their membership, UNISON and GMB both voted to accept the offer whilst Unite voted to reject. However, in line with the Constitution of the NJC, Unite has accepted the collective majority decision that the pay award should now be implemented.

2.2 In broad terms, the award provides for a two year deal, covering the period 1 April 2018 to 31 March 2020. It gives a headline increase of 2% each year, with more at the bottom end of the pay spine to take account of National Living Wage increases.

2.3 The annual Consumer Prices Index (CPI) inflation measures changes in the price level of consumer goods and services purchased by households. The CPI 12 month rate (the amount prices change over a year) between March 2017 and March 2018 was 2.5 % (Office for National Statistics), down from 2.7% in February 2018. CPI is the inflation measure used in the Government's target for inflation and for purposes such as uprating pensions, wages and benefits.

2.4 On 21 March 2017, the CPI was replaced by a new measure: the Consumer Prices Index, including owner occupier's housing costs (CPIH). This extends the CPI to include a measure of the costs associated with owning, maintaining and living in one's own home (owner occupiers' housing costs OOH), along with council tax. This is the most comprehensive measure of inflation. The CPIH 12 month rate between March 2017 and March 2018 was 2.3%, down from 2.5% in February 2018 (Office for National Statistics).

2.5 For the three months ending December 2017, the median pay settlement for the whole economy was 2%, with the middle half of pay awards (the interquartile range) worth between 2% and 3%. Over the 12 months to the end of December 2017, the median pay award in the private sector was 2%, compared with 1.1% in the public sector (XpertHR, January 2018). For the third consecutive month (January to March 2018) the median pay award across the whole economy remains at 2.5% (Incomes Data Research April 2018).

2.6 The wastage figure for voluntary leavers among LMG Managers (e.g. resignations) for the half year period October 2017 to March 2018 is 0.84%. For comparison purposes, for the period October 2016 to March 2017, it was 2.29%.

2.7 Whilst the rate of inflation across the UK fell to 2.7% in February 2018, the National Institute of Economic and Social Research (NIESR) states "*CPI inflation is set to remain stubbornly above the target rate of 2 per cent until at least mid-2019 on our forecast. Household disposable income will be squeezed as a result.*" (NIESR, December 2017).

2.8 LMG Managers received a pay award of 1% for the financial year 1 April 2017 to 31 March 2018 to mirror the national NJC award. Prior to this, they received an overall pay award of 2.20% for the two-year period 1 April 2015 to 31 March 2016, again, in line with the national NJC pay award.

Financial Implications

2.9 The LMG pay bill is approximately £27.9m per annum including on-costs. If the national NJC pay offer were mirrored, this would provide for an offer of 2% in 2018/19, which would cost approximately £0.6m including on-costs. An award of 2% each year, over 2 years, would therefore cost approximately £1.2m including on-costs.

2.10 Revenue budgets for 2018/19 have been prepared with provision for a pay award of 1%, in line with the Government's pay policy for the public sector. However, the provision made for the National Living Wage (NLW) included and is sufficient to fund this additional 1%.

2.11 Appendix 1 provides high level benchmarking data in relation to the key LMG grades. As can be seen from this, the LMG grades are broadly in line with our neighbours. The majority have confirmed that their pay awards will mirror the national position.

2.12 In addition, as part of a broader piece of work being undertaken in relation to the market positioning of the Council, Korn Ferry Hay have advised that our LMG grade mid-points fall under the public and not for profit national market data for similar sized roles.

2.13 Attached at Appendix 2 is a copy of the current LMG salary scales along with the impact of a 2% uplift.

3 Conclusion and reasons for recommendations

3.1 In light of the connectivity between the LMG grades and local Single Status grades, along with the benchmarking information as set out in paragraphs 2.11 and 2.12 above, the Governance Committee is recommended to determine the pay offer for LMG Managers to be negotiated with Unison for 2018/19 as being equivalent to the National pay offer of 2%.

KEVIN FOSTER
Chief Operating Officer

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Melanie Funnell, HR Manager

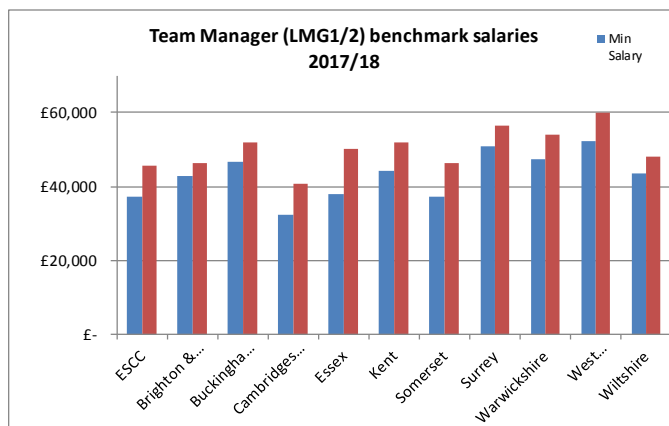
Tel No 01273 481867

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Appendix 1

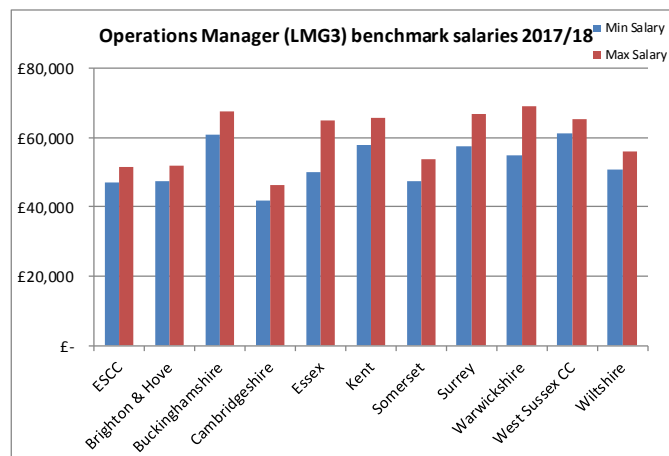
Team Manager (LMG 1/2)

	<i>Min Salary</i>	<i>Max Salary</i>
ESCC	£ 37,149	£ 45,700
Brighton & Hove	£ 42,806	£ 46,326
Buckinghamshire	£ 46,697	£ 51,833
Cambridgeshire	£ 32,500	£ 40,800
Essex	£ 38,000	£ 50,000
Kent	£ 44,209	£ 51,778
Somerset	£ 37,107	£ 46,347
Surrey	£ 50,903	£ 56,261
Warwickshire	£ 47,512	£ 53,845
West Sussex CC	£ 52,346	£ 60,069
Wiltshire	£ 43,567	£ 48,030



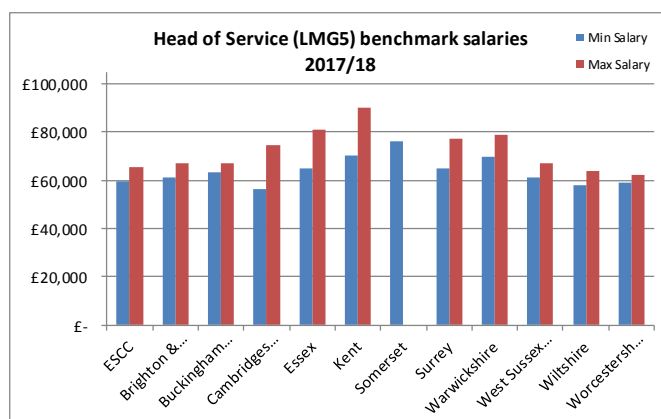
Operations Manager (LMG 3)

	<i>Min Salary</i>	<i>Max Salary</i>
ESCC	£ 47,072	£ 51,440
Brighton & Hove	£ 47,483	£ 52,064
Buckinghamshire	£ 60,812	£ 67,501
Cambridgeshire	£ 41,900	£ 46,150
Essex	£ 50,000	£ 65,000
Kent	£ 58,021	£ 65,683
Somerset	£ 47,499	£ 53,742
Surrey	£ 57,494	£ 66,644
Warwickshire	£ 55,005	£ 69,117
West Sussex CC	£ 61,234	£ 65,447
Wiltshire	£ 50,748	£ 55,947



Head of Service (LMG 5)

	<i>Min Salary</i>	<i>Max Salary</i>
ESCC	£ 59,651	£ 65,185
Brighton & Hove	£ 61,222	£ 67,286
Buckinghamshire	£ 63,558	£ 67,054
Cambridgeshire	£ 56,600	£ 74,500
Essex	£ 65,000	£ 81,000
Kent	£ 70,000	£ 90,000
Somerset	£	£ 75,897
Surrey	£ 65,025	£ 77,297
Warwickshire	£ 69,772	£ 79,076
West Sussex CC	£ 61,234	£ 66,853
Wiltshire	£ 57,961	£ 63,898
Worcestershire	£ 58,779	£ 62,376



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Appendix 2

LMG Salary Scales



Scale Grade		Proposed 2%		1/4/2017		Proposed 2%	
01/04/2017 point							
LMG 1	5	£37,149	£37,892	SS13	34	£37,510	£38,260
	6	£38,264	£39,029		35	£38,896	£39,674
	7	£39,410	£40,198		36	£40,335	£41,142
	8	£40,596	£41,408				
LMG 2	9	£41,815	£42,651				
	10	£43,072	£43,934				
	11	£44,367	£45,255				
	12	£45,700	£46,614				
LMG 3	13	£47,072	£48,014				
	14	£48,486	£49,456				
	15	£49,947	£50,945				
	16	£51,440	£52,469				
LMG 4	17	£52,991	£54,050				
	18	£54,580	£55,672				
	19	£56,217	£57,341				
	20	£57,907	£59,065				
LMG 5	21	£59,651	£60,844				
	22	£61,431	£62,660				
	23	£63,287	£64,552				
	24	£65,185	£66,489				
LMG 6	25	£67,147	£68,490				
	26	£69,159	£70,542				
	27	£71,234	£72,659				
	28	£73,367	£74,835				
LMG 7	29	£75,572	£77,084				
	30	£77,843	£79,400				
	31	£80,187	£81,791				
	32	£82,588	£84,239				
LMG 8	33	£85,065	£86,767				
	34	£87,623	£89,375				
	35	£90,255	£92,060				
	36	£92,968	£94,828				

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