



GOVERNANCE COMMITTEE

THURSDAY, 28 SEPTEMBER 2023

10.30 AM (OR AT THE CONCLUSION OF CABINET WHICHEVER IS THE LATER) COUNCIL
CHAMBER, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Keith Glazier (Chair)
Councillors Nick Bennett, Bob Bowdler, Chris Collier and David Tutt

A G E N D A

1. Minutes of the meeting held on 18 July 2023 (*Pages 3 - 6*)
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. Allocation of places for Committees (*Pages 7 - 12*)
Report by the Assistant Chief Executive.
6. Allocation of places for outside bodies (*Pages 13 - 16*)
Report by the Assistant Chief Executive.
7. Motions to Full Council (*Pages 17 - 20*)
Report by the Assistant Chief Executive.
8. Guidance for the public speaking at Council (*Pages 21 - 22*)
Report by the Assistant Chief Executive.
9. IRP Report on remuneration (*Pages 23 - 24*)
Report by the Assistant Chief Executive.
10. Pension Board Membership (*Pages 25 - 26*)
Report by the Chief Finance Officer.
11. Relocation Scheme (*Pages 27 - 28*)
Report by the Chief Operating Officer.
12. Customer Experience Report 2022/23 (*Pages 29 - 60*)
Report by the Director of Communities, Economy and Transport.

13. Any other items previously notified under agenda item 4

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
LEWES BN7 1UE

20 September 2023

Contact Georgina Seligmann, Governance and Democracy Manager
01273 481955
Email: georgina.seligmann@eastsussex.gov.uk

GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held at Council Chamber, County Hall, Lewes on 18 July 2023.

PRESENT Councillors Keith Glazier (Chair), Nick Bennett, Bob Bowdler, Chris Collier and David Tutt

ALSO PRESENT Councillors Gerard Fox, Roy Galley, Stephen Murphy, Paul Redstone, Stephen Shing, Trevor Webb

9. MINUTES OF THE MEETING HELD ON 27 JUNE 2023

9.1 RESOLVED – that the minutes of the previous meeting of the Committee held on 27 June 2023 be confirmed and signed as a correct record.

10. REPORTS

10.1 Copies of the reports referred to below are included in the minute book.

11. ANNUAL GOVERNANCE STATEMENT 2022/23

11.1 The Committee considered a report by the Assistant Chief Executive on the review of the Corporate Governance Framework for 2022/23.

11.2 The Committee RESOLVED to:

- 1) approve the action plan for 2023/24 as set out in Annex E of Appendix 1;
- 2) note that actions identified to enhance governance arrangements are reflected in Business Plans and that implementation will be monitored throughout the year;
- 3) confirm that Members are satisfied with the level of assurance provided to them through this report and the Council's governance framework and processes;
- 4) consider any comments from the Audit Committee;
- 5) confirm that there were no significant governance issues that should be included in the Council's Annual Governance Statement;
- 6) approve the draft Annual Governance Statement for signature by the Leader and the Chief Executive and publication within the Statement of Accounts; and
- 7) approve the Local Code of Corporate Governance for 2023/24.

12. AMENDMENT TO CONSTITUTION - SCHEME OF DELEGATION TO OFFICERS

12.1 The Committee considered a report by the Director of Communities, Economy and Transport regarding proposed amendments to the Scheme of Delegation to officers.

12.2 The Committee RESOLVED to recommend the County Council to approve the Constitution being updated as set out in paragraphs 2.2 and 2.7 of the report and that the Constitution be amended accordingly.

13. PENSION BOARD MEMBERSHIP

13.1 The Committee considered a report by the Chief Finance Officer on appointments to the Pension Board.

13.2 The Governance Committee RESOLVED to appoint to the East Sussex Pension Board:

- 1) Zoe O'Sullivan as a Member Representative;
- 2) Councillor Bharti Gajjar as an Employer Representative for Brighton and Hove City Council; and
- 3) Councillor Andrew Wilson as an Employer Representative for the East Sussex District and Borough Councils.

14. CO-OPTED INDEPENDENT MEMBERS ON THE AUDIT COMMITTEE

14.1 The Committee received a report from the Chief Finance Officer regarding the appointment of two independent members to the Audit Committee, in line with the CIPFA Position Statement on Audit Committees 2022.

14.2 The Committee RESOLVED to recommend the County Council to:

- 1) Agree to amend the size and composition of the Audit Committee to include two independent members to the Audit Committee, in line with the CIPFA Position Statement on Audit Committees 2022.
- 2) Delegate authority to the Governance Committee to appoint the independent co-opted Members to the Audit Committee.
- 3) Amend the Constitution accordingly.

15. BIKE SCHEME REPAYMENT PERIOD

15.1 The Committee received a report from the Chief Financial Officer regarding the Bike Scheme repayment period.

15.2 The Committee RESOLVED to agree that the maximum repayment period for the bike salary sacrifice scheme be increased from 12 months up to a maximum of 24 months.

16. APPOINTMENT TO THE REGULATORY COMMITTEE

16.1 The Committee considered a report by the Assistant Chief Executive regarding proposed appointments to the Regulatory Committee.

16.2 The Committee RESOLVED to recommend the County Council to appoint Councillor Johanna Howell to the Regulatory Committee.

17. APPOINTMENT TO OUTSIDE BODIES PCP

17.1 The Committee considered a report by the Assistant Chief Executive regarding the appointment of a second Council representative to the Sussex Police and Crime Panel.

17.2 The Committee RESOLVED to delegate authority to the Chair of the Committee to appoint an additional representative of the Council in accordance with the political balance provisions as applied to the PCP, should such a request be received.

18. APPOINTMENTS TO OUTSIDE BODIES

18.1 The Committee considered a report by the Assistant Chief Executive regarding the appointment of a councillor to the Gatwick Airport Consultative Committee, the Dungeness A & B Power Stations – Local Community Liaison Council and South East Employers Committee.

18.2 The Committee RESOLVED to:

- 1) Appoint Councillor Paul Redstone as the Council representative on the Dungeness A & B Power Stations – Local Community Liaison Council for the period to June 2025.
- 2) Appoint Councillor Bowdler as the Council representative on the Gatwick Airport Consultative Committee.
- 3) Appoint to the Gatwick Airport Consultative Committee (substitute) and South East Employers Committee after the County Council bi-elections have concluded.

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Report to: **Governance Committee**

Date: **28 September 2023**

By: **Assistant Chief Executive**

Title of report: **Appointments of Members to Committees, Sub-Committees and Panels**

Purpose of report: **To consider the allocation of places on committees, sub-committees and panels as a result of the by-elections in July and August 2023.**

RECOMMENDATIONS:

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

- 1. Increase the Membership of the Governance Committee to 6 members.**
 - 2. Allocate to political and independent groups the places on, and membership of:**
 - (a) The main committees in appendix 1 of this report;**
 - (b) Other committees and panels listed in Appendix 2 of this report.**
-

1. Supporting Information

1.1 Following the by-elections of 27 July and 3 August 2023 a request was received to review the allocations to political and independent groups the places on and membership of committees, sub-committees and panels.

1.2 In appointing members to committees, sub-committees, most panels and some outside bodies, the Council must comply with section 15 of the Local Government Act 1989 and subsequent Regulations. These provide that places on committees must be allocated to political groups in proportion to the number of seats on the Council held by each group, unless there is agreement, without dissent, that the provisions of the Act should not be applied.

1.3 The allocation of places to party groups must, so far as is reasonably practicable, give effect to the following principles:

- (a) not all the seats on the body can be allocated to the same political group;
- (b) where more than half the members of the Council belong to one political group, that group shall have a majority on all committees, sub-committees, etc;
- (c) subject to (a) and (b) above, the total number of seats on the ordinary committees (including sub-committees) allocated to a political group reflects that group's proportion of the members of the Council;
- (d) subject to (a), (b) and (c) above, the number of seats on each body allocated to a political group reflects the proportion of the seats on the Council held by the group.

1.4 The rules require seats to be allocated on a proportional basis “so far as practicable” and inevitably there must be some rounding up and rounding down. It is open to the Council to review the size and number of committees and sub-committees at any time.

1.5 The principle in paragraph 1.2 (c) above applies to appointments to ordinary committees (including sub-committees). Accordingly, before considering the allocation of places to political groups the Committee will need to consider whether it wishes to recommend any changes in committees, including their size.

1.6 Following the Committee’s meeting, the party group leaders and independent members will be asked to let the Assistant Chief Executive have nominations to fill the allocated places on committees, sub-committees and panels covered in this report provisionally allocated to their group. The nominations received will be circulated to members of the County Council on the day of the 10 October council meeting, for approval by the Council.

2. Allocation of seats

2.1 The tables in Appendix 1 have been compiled following consultation with the Group Leaders and show the revised allocation of seats for 2023/24 following the by-elections in July and August 2023. The proposals in relation to the ordinary committees and sub-committees, their total membership and the number of seats on each to which the groups will be entitled follows the principles set out in paragraph 1.2 above.

2.2 The proposed size of the Governance Committee has been increased to 6 to take into account the importance of having one member from each of the four largest political groups. Membership of this Committee normally includes the Group Leaders and better reflects the make-up of the Council.

2.3 The Committee is asked to consider the allocations in Appendix 1 and to make a recommendation to the County Council as to the number of places on each committee to be allocated to each group or independent members.

3. Other Committees and Panels

3.1 There is no obligation in relation to other committees and panels to aggregate the total number of places and to adjust allocations so that the total number of places allocated to each group reflects its proportion of the members of the Council. It is proposed that places should be allocated on a proportionate basis which has been the custom for certain panels over many years.

3.2 Following consultation with Group Leaders these allocations and appointments remain unchanged and are set out in appendix 2.

3.3 The Committee is asked to recommend to County Council the number of places on the Committees and Panels listed in Appendix 2.

4. Conclusion

4.1 The Committee is asked to recommend the County Council to agree the allocation of places on committees to each group as set out in Appendix 1 and 2 and to agree to the changes in membership.

PHILIP BAKER
Assistant Chief Executive

Contact Officer: Georgina Seligmann
Tel: 01273 482355
E-mail: georgina.seligmann@eastsussex.gov.uk

Local Member: All

Background Documents: None

Appendix 1

| Group | Number of Councillors | % | Number of Seats |
|----------------------|-----------------------|------------|-----------------|
| Conservative | 25 | 50 | 40 |
| Liberal Democrat | 12 | 24 | 19 |
| Labour | 5 | 10 | 8 |
| Green | 5 | 10 | 8 |
| Independent Democrat | 2 | 4 | 3 |
| Independent | 1 | 2 | 1 |
| Total | 50 | 100 | 79 |

| Committee | Conservative | Liberal Democrat | Labour | Green | Independent Democrat | Independent |
|---------------------------|--------------|------------------|----------|----------|----------------------|-------------|
| Regulatory Committee (18) | 9 | 4 | 2 | 2 | 1 | 0 |
| Planning (7) | 4 | 2 | 1 | 0 | 0 | 0 |
| Governance Committee (6) | 3 | 1 | 1 | 1 | 0 | 0 |
| Standards Committee (7) | 4 | 1 | 1 | 1 | 0 | 0 |
| Pension Committee (5) | 3 | 1 | 0 | 1 | 0 | 0 |
| Audit (7) | 4 | 2 | 0 | 1 | 0 | 0 |
| Place (11) | 5 | 3 | 1 | 1 | 1 | 0 |
| People (11) | 4 | 3 | 1 | 1 | 1 | 1 |
| HOSC (7) | 4 | 2 | 1 | 0 | 0 | 0 |
| Totals (79) | 40 | 19 | 8 | 8 | 3 | 1 |

Appendix 2

This allocation relates to the following Committees and Panels:

(a) County Joint Consultative Committee (5 members of the County Council).

Conservative: Cllr Glazier

Conservative: Cllr Bennett

Conservative: Cllr Standley

Lib Dem: Cllr Tutt

Labour: Cllr Webb

(b) County Consultative Committee Governors (5 Members of the County Council, one of whom should be the Lead Cabinet Member Education and Inclusion, Special Educational Needs and Disability who chairs the Committee).

Conservative: Cllr Standley

Conservative: Cllr Galley

Conservative: Cllr Belsey

Lib Dem: Cllr Shuttleworth

Labour: Cllr Scott

(c) Joint Advisory Committee (Schools) (5 Members of the County Council of whom one should be the Lead Cabinet Member for Education and Inclusion, Special Educational Needs and Disability, and another should be a member of the Cabinet).

Conservative: Cllr Standley

Conservative: Cllr Bennett

Conservative: Cllr Bowdler

Lib Dem: Cllr Shuttleworth

Labour: Cllr Collier

(d) Corporate Parenting Panel (7 Members of the County Council).

Conservative: Cllr Bowdler

Conservative: Cllr di Cara

Conservative: Cllr Marlow-Eastwood

Conservative: Cllr Milligan

Lib Dem: Cllr Field

Lib Dem: Cllr Swansborough

Green: Cllr Denis

(e) Standing Advisory Council for Religious Education (5 members of the County Council).

Conservative: Cllr Galley

Conservative: Cllr Belsey

Conservative: Cllr Azad

Lib Dem: Cllr Murphy

Labour: Cllr Webb

(f) Transport and Student Support Panel (3 Members of the County Council). The County Council has a custom of agreeing to waive the political balance provisions in relation to this Panel.

Conservative: Cllr Redstone

Lib Dem: Cllr Field

Green: Cllr Denis

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Meeting: **Governance Committee**
Date: **28 September 2023**
Title: **Appointments to Outside Bodies**
By: **Assistant Chief Executive**
Purpose of Report: **To enable the Committee to consider the appointments of members to outside bodies on which the County Council is represented following the by-elections in July and August 2023.**

RECOMMENDATION

(1) The Governance Committee is recommended to recommend to County Council:

- (a) the allocation to political and independent groups of places on the East Sussex Fire Authority and the appointment of twelve councillors to the Authority;**
- (b) the allocation to political and independent groups of places on the Conservators of Ashdown Forest and the appointment of representatives to the Conservators of Ashdown Forest.**

(2) The Governance Committee is recommended to agree on the appointment of Cllr Julia Hilton as a second representative on the Police and Crime Panel for a one year period.

1. Background Information

1.1 Following the by-elections of 27 July and 3 August 2023 a request was received to review the allocation of places to political and independent groups the places.

1.2 The County Council is invited to appoint members (in some cases non-county councillors are eligible) to serve on a wide range of outside bodies. Appointments are normally made for the lifetime of the County Council. In the case of appointments being made now the term will be to the date of the annual council meeting in the next County Council full election year unless otherwise indicated, although in most cases it is open to the County Council to change its representation at any time by resolution.

1.3 In appointing members to some outside bodies, places on committees must be allocated to political groups in proportion to the number of seats on the Council held by each group, unless there is agreement, without dissent, that the provisions of the Act should not be applied.

1.4 The political balance provisions apply to the East Sussex Fire Authority and the Conservators of Ashdown Forest. The table in Appendix 1 has been compiled following consultation with the Group Leaders and shows the revised allocation of seats for 2023/24 following the by-elections in July and August 2023. The Independent Group are entitled to an additional place on the East Sussex Fire Authority and the Green Group are entitled to a place on the Conservators of Ashdown Forest.

1.5 In addition to a representative from each authority in Sussex, the Constitution of the Police and Crime Panel allows for additional local authority members to be appointed to address any imbalance in political proportionality. Any such appointments will be for a one-year period. Due to the need to appoint to the additional place ahead of the PCP meeting on 22 September the Governance Committee delegated authority to its Chair to appoint to the place. In order to achieve political proportionality, it was proposed by West Sussex County Council, who support the Panel, that for 2023/24 East Sussex County Council appoint a Green as a second representative. The Chair of the Governance Committee appointed Cllr Hilton. as the Council's second representative on the Police and Crime Panel. The Committee is recommended to confirm this appointment.

1.6 Following the Committee's meeting, the party group leaders and independent members will be asked to let the Assistant Chief Executive have nominations to fill the allocated places on outside bodies covered in this report provisionally allocated to their group. The nominations received will be circulated to members of the County Council on the day of the 10 October council meeting, for approval by the Council.

PHILIP BAKER

Assistant Chief Executive

Contact officer:

Georgina Seligmann

Telephone: 01273 4823555

E-mail: georgina.seligmann@eastsussex.gov.uk

| Organisation | Appointments made in 2021 or as updated | Appointment requirements |
|--------------------------------|--|--|
| East Sussex Fire Authority | Cllr Azad Cllr C Dowling Cllr Galley Cllr Geary Cllr Lambert Cllr Maples Cllr Marlow-Eastwood Cllr Osborne Cllr Redstone Cllr Scott Cllr Tutt Vacancy | <p>Responsibility for the Fire Service in East Sussex rests with East Sussex Fire Authority. The Authority has 12 members of the County Council and 6 members of Brighton & Hove City Council. The political balance provisions apply to appointments to the Authority and the entitlement of each group will be as set out below:</p> <p>Conservative – 6 Liberal Democrat – 3 Labour – 1 Green - 1 Independent Democrat - 1 Independent – 0</p> |
| Conservators of Ashdown Forest | Cllr Howell Mr A Reid Mrs R St Pierre Mr R Stogdon Mrs S Tidy Mrs E Rimington-Drury Mr J Squire Ms F Thomas | <p>The County Council appoints eight of the 15 Conservators. The Council representatives do not have to be Councillors. Of the remaining seven, two are appointed by Wealden District Council and five are elected by the commoners. In addition, the Chairman of the County Council serves on the Conservators to represent the County Council as Lord of the Manor. It is the duty of the Conservators to regulate and manage the Forest as an amenity and place of resort subject to the existing rights of common, to protect the Forest from encroachments and to conserve it as a quiet and natural area of outstanding beauty. The political balance provisions apply to the County Council's appointments to the Conservators of Ashdown Forest.</p> <p>Subject to the agreement of the County Council the entitlement of appointments to each group is: Conservative 4; Liberal Democrat 2; Labour 1, Green 1</p> |

| | | |
|------------------------|--|--|
| Police and Crime Panel | | <p>the Constitution of the Police and Crime Panel allows for additional local authority members to be appointed to address any imbalance in political proportionality. Any such appointments will be for a one year period. In order to achieve political proportionality it is proposed by West Sussex County Council, which provides democratic services support to the Panel, that for 2023/24 East Sussex County Councils each appoint a Green as a second representative.</p> <p>Green 1</p> <p>Cllr Julia Hilton</p> |
|------------------------|--|--|

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| Report to: | Governance Committee |
| Date of meeting: | 28 September 2023 |
| By: | Assistant Chief Executive |
| Title: | Review of the County Council's procedure for considering Notices of Motion |
| Purpose: | To consider whether to revise the procedure for considering Notices of Motion. |

RECOMMENDATION:

The Governance Committee is recommended to Recommend the County Council agree the revised process for considering motions at Full Council (as set out in paragraph 3 of the report) and that the Constitution be amended accordingly.

1. Background

1.1 The Councils procedure for considering notices of motion is set out in paragraphs 36 to 39 of the Council Procedure Rules within the Constitution. In summary, the procedure is that the Chairman can either refer the motion to the next Council or, where the Chairman considers it appropriate, to a Committee or Lead Member. Where in the past the Chairman has referred a motion straight to Council, concerns have been raised by Members that there is insufficient background information for them to be able to make an informed decision. As a result, the usual practice that has been adopted is for the motion to be referred to the relevant Lead Member whereby an officer report is produced, and the Lead Member makes a recommendation to Full Council.

1.2 The Council is required to keep its governance arrangements under review. Accordingly, a review of the way in which the Council considers motions has been undertaken to ensure that the process is efficient, effective and fit for purpose. The aim of the review is to ensure that the Council has a process which balances the need for motions to be debated in a timely manner, for all members who wish to speak on the matter to have the opportunity to do so and that sufficient information is provided to members to allow them to consider the issue.

1.3 The outcome of the review will be reported to the Governance Committee on 28 September 2023, following which a recommendation will be made to Full Council for approval in October 2023.

2. Supporting Information

2.1 Group leaders were asked for their view on how they feel the existing arrangements are working. The feedback was mixed, and a range of views expressed.

- Some members were supportive of the current arrangements and stated, in particular, that members found it useful for a motion to be heard at a Lead Member and that a report is then produced which was a process members found useful.
- There was a desire for motions submitted before a Full Council meeting (by the deadline stated) to be heard at that Full Council meeting, and not delayed until the following meeting. It was considered that the deadline for notices of motion is usually 10 – 12 days before the Full Council meeting; it was felt that this should provide ample time for officers to prepare their responses for the Lead Member responsible. Usually the motion and the officers report are sent to a Lead Member meeting. It was considered that this is unnecessary as it

doesn't usually change the result, or what goes to Full Council in any way, so is just a time waster.

- The process whereby the report of the LM becomes the substantive motion and then any amendments at Council are treated as amendments to this is considered confusing. It is considered that it would be far better to just propose amendments during the debate, and then Members vote on amendments and the original motion as proposed.
- That evidence that is cited in the motion submission is addressed specifically in the response to the motion, and that any challenges to this evidence is clearly laid out in response to the evidence points.
- The view was expressed that the person and seconder who submits the notice of motion should have the opportunity to introduce the motion, to speak at least once in the debate and to sum up and respond to those who have challenged the motion, addressing all suggestions of amendments. This means they would speak three times during the debate.

3. Proposed changes to the process

3.1 The Council's current process allows flexibility for how motions should be considered. The process of referring all motions to the Lead Member can result in delay, although it is also important to acknowledge that some motions relate to complex issues with a range of views and so the production of an officer report can take some time. The current practice can generate some confusion at Council where the Lead Member recommendation becomes the substantive motion on which amendments are then proposed.

3.2 It is proposed that the current approach of the Chairman of the Council determining the most appropriate route for the motion to take is retained. However, it is proposed that the practice be adopted whereby a motion that is referred straight to Full Council accompanied by an officer briefing to ensure that full context and background information is available for consideration by members (and members of the public) prior to the consideration of the matter. Where a motion is referred straight to Council, any amendments proposed during the debate would be treated as amendments to the original motion.

3.3 In relation members rights to speak, at present, when a motion is referred straight to Full Council, the member who submitted the motion is given a right of reply at the end of the debate, before either the Chair of the relevant Committee or the relevant Lead Member. Similarly, where a motion is referred to a Committee or Lead Member and then reported on to Full Council, the member who submitted the Notice of Motion is given a right of reply immediately before the Chair of the Committee or the relevant Lead Member (as applicable). In the event of any amendments to the motion, the Proposer of Motion would also have the right to speak on any amendments proposed.

4. Conclusion and Reasons for Recommendations

4.1 The Council keeps its governance processes under continual review and the purpose of this review is to ensure that the Council's procedure for considering notices of motion is fit for purpose and meets the expectations of members of the Council.

4.2 Concerns have been raised by some members regarding the process that is followed including in relation to its complexity and delay, the last three motions have taken an average of 5 months from being submitted to being considered at Council. The existing process allows flexibility for motions to be referred directly for consideration by Full Council or, where appropriate, for motions to be referred to the relevant Committee, Lead Member or to Cabinet. It is felt that by adopting the practice whereby motions that are referred to Council are accompanied by an officer briefing, will reduce the need to refer motions to a committee or Lead Member prior to Council, thereby expediting their consideration and reducing possible confusion around the process at Council meetings.

PHILIP BAKER
Assistant Chief Executive

Contact officers:
Bekki Freeman, Solicitor 07584 262522
Local Member: All

BACKGROUND DOCUMENTS: None.

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| Report to: | Governance Committee |
| Date of meeting: | 28 September 2023 |
| By: | Assistant Chief Executive |
| Title: | Amendment to Constitution – Public questions |
| Purpose: | Governance Committee is to consider whether to recommend to Council amending the Constitution in relation to the right for members of the public wishing to ask a question at full council. |

RECOMMENDATION:

The Governance Committee is recommended to recommend the County Council to agree to the proposed amendment to the Constitution set out in paragraph 1.4 of the report.

1 Background Information

1.1 Standing Order 42 of the Constitution sets out the arrangements for questions from members of the public. Paragraph 42.2 states that a question must be a genuine enquiry and not a statement. At each ordinary meeting a period of up to 30 minutes shall be set aside for questions from residents or by individuals who work in East Sussex.

1.2 Officers have been asked to consider whether the Constitution could be amended to bring greater clarity to an area of potential confusion relating to the asking of questions by members of the public at Full Council. Whilst the Constitution permits a questioner to ask a supplementary question experience has shown that members of the public often wish to provide some background and context and to their further question. This can give rise to some confusion as to whether or not this forms part of the question and is therefore permitted. It is a matter for the Council to determine arrangements for questions at Council meetings. There is variable practice across local authorities and the level of take-up by the public of the facility to ask questions also varies considerably across authorities.

1.3 The Committee is asked to consider whether members of the public wishing to ask a supplementary question at full council should be permitted to include a short statement as a prelude to their question. A time limit of up to three minutes has been suggested for both any introductory statement and the supplementary question. It is not proposed that any of the arrangements for written questions or the total allocated time set aside for questions should be amended.

1.4 The Committee is asked to consider a minor amendment to the Standing Orders, as follows:

a) A new Standing order 42.6 be inserted as follows:

42.6 Questioners may include a short statement (which may include a point of clarification, brief contextualising background or summary rationale) as a preface to the question or any supplementary question. The questioner's statement and question combined should be limited to a maximum of three minutes.

b) and existing standing orders 42.6 and 42.7 be renumbered accordingly.

1.5 In order to improve public participation at Full Council, it is recommended that the Committee to Council agree to the changes to the Constitution as set out in paragraph 1.4 above.

PHILIP BAKER
Assistant Chief Executive

Contact Officer: Georgina Seligmann Tel: 01273 481583
georgina.seligmann@eastsussex.gov.uk

Local Member: All

Background Documents: None

Report to: **Governance Committee**

Date: **28 September 2023**

By: **Assistant Chief Executive**

Title of report: **Remuneration of the Independent Remuneration Panel**

Purpose of report: **To consider the proposed rate of remuneration of Independent Remuneration Panel (IRP) members and note the terms of office for the current panel members.**

RECOMMENDATION:

The Governance Committee is recommended to note the outcome of the review of the rate of remuneration of Independent Remuneration Panel members and to agree the continuation of the rate of remuneration (IRP) as set out in paragraph 2.3 of this report.

3. Supporting Information

1.1 The County Council has a duty under the Local Authorities (Members' Allowances) England Regulations 2003 to establish and maintain an Independent Remuneration Panel (IRP) and to consider the recommendations of the Panel in relation to the Council's Scheme of Members' Allowances.

1.2 The Panel reviews the Members' Allowance Scheme and considers representations made by councillors together with other relevant information such as the level of allowances paid at other authorities. At the conclusion of the review the Panel agree a report and make recommendations in relation to the level of allowances for consideration by the Governance Committee and the County Council. The Council is not bound to agree the recommendations of the Panel but must take the Panel's recommendations into account when agreeing the Scheme of Allowances.

1.3 Panel Members are expected to attend meetings as required, read relevant papers and reports, give careful consideration to evidence and information provided and ask relevant questions prior to agreeing its report to the Council.

1.4 The three current members of the Panel were appointed in April 2019 for a five-year period and their terms of office will come to an end in April 2024. With this in mind, the remuneration of the panel has been considered ahead of the recruitment exercise which will be undertaken in the new year.

2. Remuneration of the Panel

2.1 A benchmarking exercise has been undertaken and the rate of remuneration for IRP members rates of pay has been considered against local councils. The information collected demonstrated that there is a wide variation to rates paid to IRP members along with the basis on which Panel members are paid. Information received from local councils is set out in the table below.

| IRP – payment rates for other Local Authorities | |
|--|---|
| County Council | Rates of Pay |
| Buckinghamshire Council | IRP Members paid £200 annually. |
| Cornwall Council | Travel and subsistence costs only paid for to the IRP members. |
| Essex County Council | Pay a flat fee for ordinary members of £500 each for the year irrespective of the amount of work. |
| Kent County Council | Pay a per day of £100. Although this is pending a review. |
| Norfolk County Council | £75 for each half day in attendance, in addition to travel expenses. |
| Surrey County Council | Pay a flat fee for each review £1,500 for the Chair and £1,000 for the other panel Members. Review may take a number of days. |
| West Sussex County Council | IRP Members are only paid travel expenses – no other pay or allowances. |

2.2 The Panel members current receive an allowance of £36.41 per hour with the addition of travel and parking expenses if appropriate. Having assessed the rates of pay awarded by local partners, the existing hourly allowance is not a significant outlier. Further, the current allowance of £36.41 is the same allowance awarded to the Independent Persons appointed in relation to standards issues. There is considerable parity between the role and requirements of the Independent Person and those of the IRP members.

2.3 Having considered the comparable rates of pay at other Local Authorities and the pay rate for comparable work undertaken on behalf of the Standards Committee, it is considered appropriate that the rate of remuneration for the Panel members remains at £36.41 per hour as set out in the Members' allowance scheme.

3. Conclusion

3.1 The Committee is recommended to agree to the continuation of the proposed rate of remuneration for the Independent Remuneration Panel as set out in paragraph 2.3 of this report.

PHILIP BAKER
Assistant Chief Executive

Contact Officer: Georgina Seligmann (01273 482355)

Local Member: All

Background Documents:
None

| | |
|-------------------------|---|
| Report to: | Governance Committee |
| Date of meeting: | 28 September 2023 |
| By: | Chief Finance Officer |
| Title: | East Sussex Pension Fund – Pension Board appointments |
| Purpose: | To appoint representatives to the Pension Board, in line with the constitutional requirement |

RECOMMENDATIONS

The Governance Committee is recommended to:

- 1) Agree the appointment of Trevor Redmond to the East Sussex Pension Board (for the period 28 September 2023 to 27 September 2025)**
 - 2) Agree the appointment of Neil Simpson and Cllr Andrew Wilson as Pension Board Vice Chairs**
-

1. Background

1.1 The Local Pension Board of the East Sussex Pension Fund was set up to meet the requirements of the Public Service Pension Act 2013, requiring Funds in the Local Government Pension Scheme to have a Pension Board whose duties are to provide advice to the Administering Authority. The Pension Board is not a decision-making body. Under the East Sussex County Council Constitution, appointments to the Pension Board are reserved to the Governance Committee.

1.2 The Pension Board consists of 3 employer representatives, 3 member representatives and an independent chair. There is currently a single vacancy on the Pension Board, for a member representative. This vacancy is for a position normally filled by the Unison Trade Union.

1.3 The constitution calls for there to be 2 Vice Chairs of the Pension Board, one drawn from each of the member and employer representatives. These positions are currently vacant following the recent changes in membership of the Pension Board.

2. Appointment of the Member Representative

2.1 Unison has put forward a nominee for the vacant member representative position, Trevor Redmond. Officers and the Chair of the Pension Board met with Trevor Redmond to discuss their interest in the role and suitability for the position.

2.2 The Pension Board Chair and Officers believe Trevor would be a suitable addition to the Pension Board and offers a skillset which will assist the Board in carrying out its duties.

2.3 Pension Board members are usually appointed for a term of 4 years, with Governance Committee being able to extend this period for two years without a full re-appointment process being required.

2.4 In the past year, there has been a significant turnover of Pension Board membership, as representatives have stood down for various reasons. Officers recommend this appointment be made for a period of 2 years (being 28 September 2023 to 27 September 2025) to mitigate the risk of board membership appointment terms all expiring at a similar time.

3. Appointment of Vice Chairs

3.1 Neil Simpson, a member representative, and Cllr Andrew Wilson, an employer representative, have been nominated by the Pension Board members for the vacant Vice Chair positions. Officers have no concerns regarding these appointments being made and would recommend Governance Committee approves them.

4. Conclusion

4.1 The Governance Committee is recommended to:

1. Agree the appointment of Trevor Redmond to the Pension Board for a period of 2 years (being 28 September 2023 to 27 September 2025)
2. Agree the appointment Neil Simpson and Cllr Andrew Wilson as Vice Chairs of the Pension Board.

IAN GUTSELL
Chief Finance Officer

Contact Officer:
Email:

Sian Kunert, Head of Pensions
Sian.kunert@eastsussex.gov.uk

Report to: Governance Committee

Date of meeting: 28 September 2023

By: Chief Operating Officer

Title: Relocation scheme

Purpose: To seek the Governance Committee's agreement to expand the employee relocation scheme to allow employees to claim all reasonable expenses, rather than just those on the current HMRC-prescribed list, subject to tax and NI being applied.

RECOMMENDATIONS

The Governance Committee is recommended to:

- 1) Agree that the relocation scheme is expanded to allow reimbursement of all reasonable expenses associated with relocation up to a maximum amount of £8,000**
-

1 Background

- 1.1 ESCC operates a relocation scheme, whereby managers can offer new recruits up to £8,000 assistance with the cost of moving to a location nearer their work base. Subject to Assistant Director approval, it can be used where there is evidence of difficulty in recruiting to a vacancy, or where the preferred candidate would be unable to accept a job offer without assistance.
- 1.2 The scheme has historically operated on the basis that only certain expenses can be claimed for reimbursement, based on HMRC's list of 'qualifying expenses'. Reimbursement of these qualifying expenses is therefore exempt from income tax and National Insurance deductions.
- 1.3 Whilst the HMRC list of qualifying expenses is fairly extensive, recent feedback from recruiting managers suggests that it does not always meet the needs of employees newly recruited from overseas. Where candidates are brand new to the UK, they may reasonably need assistance with other expenses that aren't considered to be qualifying expenses by HMRC, and therefore currently aren't reimbursable under the ESCC policy.
- 1.4 For example, the current policy only allows for reimbursement of legal and professional fees if these are associated with buying a house. Similarly, purchase of furniture and household items is only reimbursable if these are to replace items in a property the new employee is selling. Where an employee is moving into rented accommodation, or relocating a long distance and therefore only arriving with a limited amount of luggage, the costs associated with this cannot currently be reimbursed under the terms of the policy.
- 1.5 The Council is operating in an extremely challenging recruitment market, competing with other local authorities and the private sector to attract and retain talented staff, particularly into key roles such as social work. It is therefore in the Council's interests to ensure that new recruits feel appropriately supported and able to work effectively following relocation, which is likely to be a major life event involving considerable expense for individuals. On that basis, it's proposed that the relocation policy is expanded to allow reimbursement of all reasonable expenses associated with relocation, rather than just HMRC qualifying expenses.
- 1.6 It's important to note that only HMRC qualifying expenses are eligible for tax relief. While employers can choose to reimburse other expenses as proposed above, these elements of the relocation allowance would be subject to NI and tax, and employees would therefore not receive the full value of the expenditure back. For example, if an employee on the basic rate

of income tax claimed £7,000 worth of qualifying expenses and £1000 worth of non-qualifying expenses, tax and NI would be applied to the £1000 non-qualifying element of their claim, meaning they would receive around £7,670 in total. However, even after allowing for tax and NI deductions, employees would still be better off than under the present policy.

- 1.7 As part of the claim process, the HR Employee Services team will apply the appropriate tax treatment to each element of the claim – due to the comparatively low number of relocations processed each year, there are no resourcing implications for the Council, and this will take place as part of business as usual. As with the existing relocation process, the employee only needs to provide receipts for each expense claimed.
- 1.8 As the range of expenses an employee might reasonably claim would also be expanded compared to now, managers would need to exercise some discretion as to what constitutes a reasonable relocation expense. However, the policy will be updated to define reasonable expenses as those that are incurred as exclusively as a direct consequence of the relocation, and that are necessarily in order to facilitate the relocation. Advice has been sought from Internal Audit who are satisfied that the proposed changes to the policy do not represent a risk, provided that any non-qualifying expenses are taxed appropriately, and there is sufficient opportunity for managers to scrutinise claims.
- 1.9 The existing policy makes it clear that the £8,000 available under the scheme is a maximum contribution towards reasonable expenses and is not intended as an undefined welcome payment or general recruitment incentive payment. The policy also contains provisions for repayment in the event the employee leaves: full repayment if they leave within one year of receiving the allowance, with the amount repayable then reducing by 1/12th for each month of service completed beyond their first year.

2 Conclusion and Recommendations

2.1 The Governance Committee is recommended to agree that the relocation scheme is expanded to allow reimbursement of all reasonable expenses associated with relocation up to a maximum amount of £8,000.

Ros Parker
Chief Operating Officer

Contact Officers:
Sarah Mainwaring
Assistant Director, HR&OD
Tel. No: 01273 482060
Sarah.mainwaring@eastsussex.gov.uk

Nicholas Earley
Lead HR Consultant, Policy
Tel No:01273 335061
Nicholas.earley@eastsussex.gov.uk

Report to: Governance Committee

Date of meeting: 28 September 2023

By: Director of Communities, Economy and Transport

Title: Customer Experience Annual Report

Purpose: To provide an update on measures being taken to further improve customer experience by the Customer Experience Board and information about the Council's performance in 2022/23 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 Experience Board in the implementation of a series of measures to improve customer experience;
 - (2) support the Customer Experience Board's project which will develop and implement a system that will provide a single, comprehensive dataset of customer contacts across all channels in order to improve service delivery and potential channel shift;
 - (3) note the number and nature of complaints made to the Council in 2022/23; and
 - (4) note the contents of the Local Government & Social Care Ombudsman's annual letter to the Chief Executive.
-

1 Introduction

1.1 In 2022/23 the Customer Experience Board continued to lead the implementation of a series of measures to improve Customer Experience across the Council. The Customer Experience Board has the following priorities:

- To ensure the content of ESCC website is the best that it can be with close links to exploring customer journeys and end to end processes;
- To develop the capture of data on our customer contact in order to inform service delivery and improvements;
- Continue to review customer feedback from customer contact channels to drive our commitment to improving customer experience and satisfaction; and
- Explore customer journeys by mapping end to end customer contact with us; an initial focus will be to understand the issues and to improve online payments for customers.

1.2 The Customer Experience Board's aim is to identify issues and deliver improvements that result in a better and more consistent customer experience across the authority, considering our corporate priorities, particularly making best use of our resources, and a One Council approach.

1.3 In 2022/23, the Customer Experience Board continued to deliver improvements to our customer journeys and communications with customers from their feedback. This report provides a summary of our customer experience development work, customer feedback, complaints, Ombudsman complaints, compliments, and formal information requests.

2 Customer Experience achievements and developments in 2022/23

2.1 The Board continues to have a particular focus on developing its understanding of customer journeys. There was recognition that there were pockets of excellence, and that it would be advantageous to use this expertise and share more widely across the Council. It was considered

that this is where we need the greatest focus and better understanding and support for teams to improve the delivery of their services.

Customer Feedback

2.2 In 2022/23 we received over 26,000 ratings from our feedback surveys and over 5,800 verbatim comments from customers, an increase from 2021/22 where approx. 22,000 feedback surveys and over 5,000 verbatim comments were received. We had already seen a significant jump from 2020/21 in which we received approximately 13,000 feedback surveys and 3,500 comments. The increase of 18% of customer feedback during 2022/23 is due to the return of the face-to-face feedback devices and the increase of surveys on forms where customers interact with us.

2.3 The overall customer satisfaction rating for 2022/23 was 78%, an increase of 2% compared to the previous year. Feedback surveys remain well used and help monitor and improve customer journeys and experience. This section highlights some key areas of development and improvement. A breakdown of statistics and key points for the contact methods of: website, emails, face to face, interactive forms, and telephone calls (Highways only) is set out in Appendix 1.

2.4 Feedback is being captured on 10 commonly used forms where customers interact with us (for example the Schools Admissions form), with a further four to start in 2023/24. The overall satisfaction rating on forms is 93% (the same as 2021/22). It is reassuring to have a consistently high level of satisfaction when customers complete these important customer journeys, and it shows that customers are happy to use self-serve forms when they find them useful, easy and clear. The surveys provide valuable insight into service improvements such as providing clearer wording and improving procedures.

2.5 Face to face survey devices were rolled out again in 2022/23 as the pandemic restrictions were lifted. Devices have been placed again in Hastings and Eastbourne libraries and County Hall reception and have been well received with satisfaction ratings of 94%.

2.6 For our surveys on the ESCC corporate website, services continue to analyse where their web content can be improved in response to feedback, such as improving information provided, clearer signposting, improved format changes and using surveys as a monitoring tool for trialling improvements. Surveys have also helped to inform requirements when changing systems used by customers, such as applying for parking permits and interactive maps. Further details are provided in Appendix 1.

2.7 Receiving feedback proves the willingness of customers to engage with us, and it provides a vital element for gauging the effectiveness of our communication with customers. It also provides a valuable reminder to teams that the majority of customers are happy with the service they receive. Staff have also recommended implementing the surveys to other colleagues, showing the perceived value of having feedback surveys.

2.8 Given the value of feedback, in 2022/23 the Board agreed a number of areas to further rollout feedback surveys. This includes increasing them in already established customer feedback channels and to explore rollout of surveys on the People's Network (customer facing computers and internet access), Microsites (websites outside the corporate website of eastsussex.gov.uk), and a trial on newsletters. The further rollout will continue our commitment to investigating and improving our customer journeys. Analysis and results will be reported in the next annual report.

Improvements to customer experience – Online payments

2.9 In 2022/23 we improved the online payment interactive webpage on the ESCC corporate website, due to poor satisfaction ratings and negative feedback the Council received on this process. Improvements have been made to ensure consistency for the online payments system customer experience including better signposting, instructions, and a new webpage design improving accessibility.

2.10 The Board ensured a consistent approach to improvements to the online payments across all business areas by setting up an Online Payments Steering Group of key stakeholders from relevant services across the Council. The steering group will continue to monitor the performance of online payments and will maintain oversight of the lifecycle of the payment forms. Once MBOS has

been implemented the Board are keen to explore what further improvements can be made to make the customer payments process as easy and intuitive as possible.

Improvements to customer experience - oversight of Council-wide customer contact

2.11 As reported in last year's report we currently lack a comprehensive view of customer contact across the Council, for all contact channels. The Board has now commissioned a project to develop and implement a system which will provide a single, comprehensive dataset of customer contacts across all channels. The Board has funded a 12-month Customer Contact Data Coordinator post until December 2023, and this has created the capacity to coordinate the efforts of the teams involved and to accelerate the development and implementation of this project. The project is extracting the data out of several systems into reportable, user-friendly dashboards (using Tableau). The aim is to provide the dashboards to team managers, senior managers, the Board and CMT. By 31 July 2024, the project aims to deliver outline, reliable monthly reports on:

1. external received calls;
2. external emails received to public facing group inboxes; and
3. data on webforms used on the ESCC website.

Results of the first year of this project will be presented in the Annual Report 2024/25.

2.12 There are several benefits of having this information. Understanding the volumes for different contact channels and trends over time could help managers to efficiently allocate resources. An understanding of the nature of enquiries could be a next stage where high volume contact channels could be investigated in greater depth for the reasons behind the contact. This potentially has significant benefits due to identifying what information to provide to customers upfront in order for them to self-serve, particularly outside of opening times, or staff being able to focus on more complex enquiries. There is also a risk of reputational damage due to the expectation of local authorities having reportable data on customer contact and the Council not being able to hold itself accountable to responding to customer enquiries effectively (if they cannot be analysed).

ESCC Customer Services Network and Customer Promise

2.13 The ESCC Customer Services Network (CSN) continued to provide a vital platform for staff from across the authority to share best practice and discuss challenges faced by their services. Further information about the CSN sessions is provided in Appendix 1.

2.14 The [Council's Customer Promise](#) sets out our values and customer service standards. It tells customers what they can expect from us and how they will be treated when they contact us. In 2022/23, refreshed posters for the Council's Customer Promise were placed around our corporate buildings for display in staff areas and public facing points of our buildings – to show our continued commitment to the public in fulfilling our Customer Promise. A reminder of the Customer Promise and of the e-learning course was posted on Yammer.

Unreasonable Customer Behaviour (UCB) Policy and Customer Service Training

2.15 In 2022/23 the revised [Unreasonable Customer Behaviour \(UCB\) Policy](#) and [supporting staff guidance](#) was approved by CMT and was rolled out to all ESCC staff and contractors. The public-facing policy was updated to provide clearer explanations to customers about unreasonable behaviours, which aligns with the Local Government and Social Care Ombudsman [guidance on managing unreasonable complainant behaviour](#), and to provide better explanations on warnings from staff if they experience unreasonable behaviour from customers, and longer-term restrictions that may be considered. The [Easy Read version](#) of the policy was also updated.

2.16 Training sessions were provided departmentally to staff by their respective Complaints Teams. The corporate (in person) Customer Services training course was updated with more in-depth explanation of the UCB Policy and guidance. The training also includes the Violence and Aggression at Work Policy in conjunction with the UCB Policy and how these policies work together for ESCC staff.

3 Complaints and compliments

3.1 The Council received 785 complaints in 2022/23 compared to 651 complaints in 2021/22, which represents an increase of 21% this year. Of the 785 complaints, 49% were fully or partly upheld (387), compared to last year at 40% (262) of all complaints. We continue to analyse the reasons for complaints which 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 the Council seeks continuous improvement to ensure we resolve individual customer's problems as effectively as possible, but also to identify where service-wide improvements can be made to create a better experience. A review of complaints by department is available in Appendix 2.

3.2 In 2022/23 we received 2,564 compliments compared to 1,706 compliments in 2021/22. Compliments, where recorded, are unsolicited feedback from individual customers. Ensuring that we provide channels for both positive and negative feedback which are easy for customers to access, helps services to reflect on what is or is not working. Details of compliments by department are available in Appendix 2.

4 Local Government & Social Care Ombudsman letter

4.1 The Local Government & Social Care Ombudsman (LGSCO) sends a letter annually to each local authority summarising the number of complaints received and decisions made during that period. It informs the Council how many complaints were investigated, either upheld or not upheld, closed after initial enquiries, or referred back to the Council for local resolution (as they were brought too early to the Ombudsman).

4.2 In 2022/23, the LGSCO made decisions on 84 complaints, which is similar to previous years (in 2021/22 there were 89). Of the 84 complaints, 26 were investigated and of these 20 (77%) were upheld. This is below the average of similar authorities (80%), which the LGSCO calculates and makes available on its website. A breakdown of LGSCO complaints by department is provided in Appendix 2, and the LGSCO letter for 2022/23 is presented as Appendix 3.

4.3 The LGSCO notes in the annual letter to ESCC that there were several occasions during the year that investigations were delayed by our Council's failure to respond on time to the LGSCO's request for information and that on five occasions the remedies recommended by the Ombudsman were implemented late. It is recognised by the Council that these delays were caused by the complexity of cases, how time intensive the enquiries are, and the competing challenges that Services are facing. The Council will continue to endeavour to fulfil the request of the LGSCO for our Council to reflect on its practices and take the necessary steps to reduce delays going forward.

5 Formal requests for information

5.1 There were 1,670 formal information requests received in 2022/23, compared to 1,607 in 2021/22. These requests relate to the Environmental Information Regulations (EIR), Freedom of Information (FOI) Act, and Data Protection Act. These include requests where information was provided in full or in part, where no information was provided or held, and requests not validated or withdrawn. Of the FOI and EIR requests which were completed (1,036) in 2022/23, the Council achieved 88% compliance rate of meeting the statutory deadline of responding within 20 working days. The Council processed 1,654 "Con29s" (a specific type of request under EIR) directly by the Highway Land Information Team, which is simpler and more direct for the public.

5.2 ESCC received 483 Data Protection requests in 2022/23 compared to 457 in 2021/22. Children's Services continues to receive the vast majority of these requests. The number of Subject Access Requests (SARs) continue to be high. Subject Access Requests can be particularly complex and demanding of staff time for validating, retrieving information from across the Council and can include the redaction of thousands of pages. The process and the complex nature of fulfilling SARs is further explained in Appendix 4.

5.3 Formal information requests have their own complaint procedure and details on complaints received is presented in Appendix 4.

6 Conclusion and Recommendations

6.1 This report provides an overview and progress update on measures taken to further improve customer experience and summarises the annual results for complaints, compliments, the LGSCO letter and formal information requests received in 2022/23.

6.2 Governance Committee is recommended to:

- (1) note the progress of the Customer Experience Board in the implementation of a series of measures to improve customer experience;
- (2) support the Customer Experience Board's project which will develop and implement a system that will provide a single, comprehensive dataset of customer contacts across all channels in order to improve service delivery and potential channel shift;
- (3) note the number and nature of complaints made to the Council in 2022/23; and
- (4) note the contents of the Local Government & Social Care Ombudsman's annual letter to the Chief Executive.

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officer: Anita Cundall

Tel. No. 01273 481870

Email: anita.cundall@eastsussex.gov.uk

BACKGROUND DOCUMENTS

None

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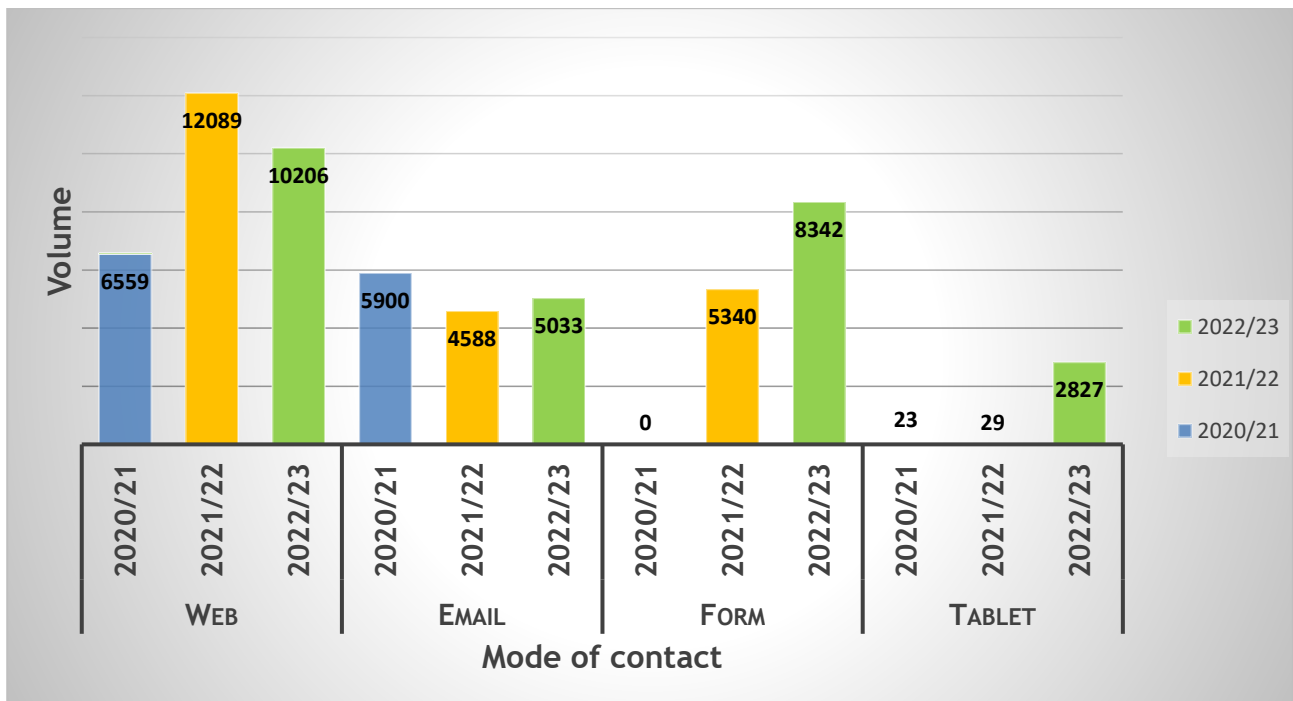
1.0 Customer Feedback in 2022/23

1.1 The collection of feedback from customers using our ESCC website and online forms, receiving email correspondence from teams and accessing services in-person has continued to assist in monitoring of customer satisfaction across the Council and to provide valuable insight which informs service improvements. The feedback from our website and forms continues to add value to the Council’s ambition for customers to self-serve as much as possible, while striving for a high level of customer service.

1.2 Headlines for customer feedback in 2022/23:

- We received over 26,000 ratings across all feedback surveys
- We received 5,871 verbatim comments from customers.
- Overall customer satisfaction rating for 2022/23 was 78%, which is an increase of 2% compared to the previous year.
- We resumed collecting feedback from customers in-person at libraries following the lifting of pandemic restrictions.
- Customer satisfaction decreased by 5% for emails and 2% for the website.
- Collection of feedback from ASC Portal forms began in July 2022 and customer satisfaction has remained high at 93%.
- Feedback surveys remain well used with most methods of contact seeing an increase.

Graph 1 - Volume of customer feedback and comments, 2020/21, 2021/22 and 2022/23

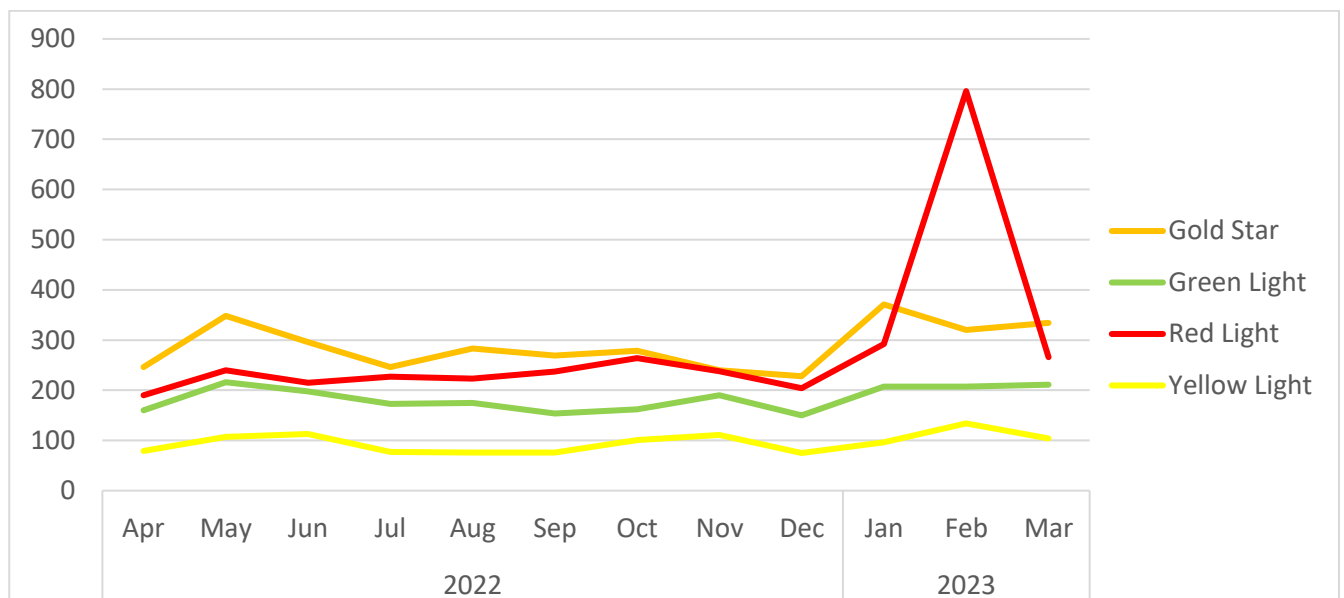


2.0 Website feedback 2022/23

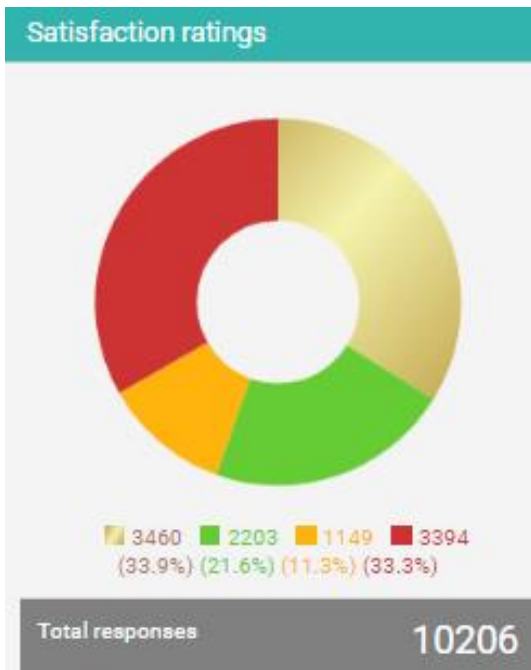
2.1 Key takeaways:

- Feedback surveys are available on 23% of our website content.
- The volume of website feedback decreased by 18% compared to the previous year. This is following an 84% increase in feedback last year; therefore, this still represents a 55% increase in feedback in comparison with 2020/21. The higher quantity of feedback on webpages in the previous year is likely due to more people self-serving via the website during pandemic restrictions.
- There was an increase in poor feedback for the website, notably due to a weekend in February where some website functionality was affected, however collection of feedback was unaffected and caused a spike in negative feedback for this month. This significantly affected several teams but notably the Transport Hub as this coincided with their peak time for bus pass renewals. In total, 1,458 responses were received for the month of February, over a third of these were received during the 3-day period 11-13 February and 87% of those were poor.
- Despite the spike in negative feedback during Q4, overall satisfaction for the year was 67%. The results indicate that residents are using self-service resources and the surveys highlight what isn't working so we can react quickly to our customers' feedback.

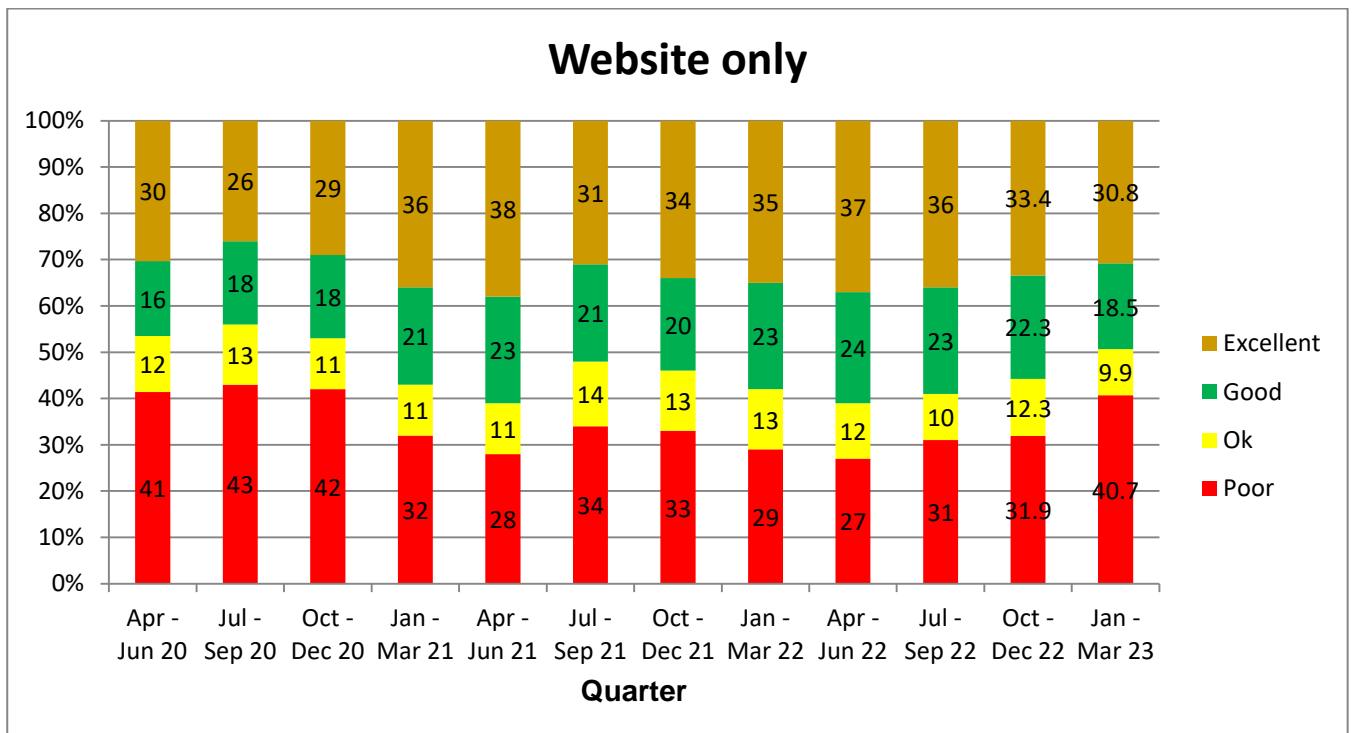
Graph 2 - spike in negative feedback for the website in February 2023.



Graph 3 - Customer satisfaction ratings: Website, 2022/23



Graph 4 - Website satisfaction ratings: three-year comparison, 2020/21, 2021/22 and 2022/23



2.2 Services continue to analyse which areas of their content could be improved in response to feedback. The following points provide information on developments to the ESCC website in 2022/23 that are relevant to improving customer experience:

- Additional links to content have been added where customers have identified they would be useful within existing content.
- Feedback is used to review web content and ensure that signposting is clear and accurate.

- Format changes have been considered where comments have suggested content is difficult to follow, e.g., using one longer page of content, rather than navigating through several smaller pages. The impact on accessibility and reading age always need to be considered when changes are being made.
- Feedback is being used as a monitoring tool for trialling improvements to see if they have increased the clarity of tasks.

2.3 Ongoing developments include:

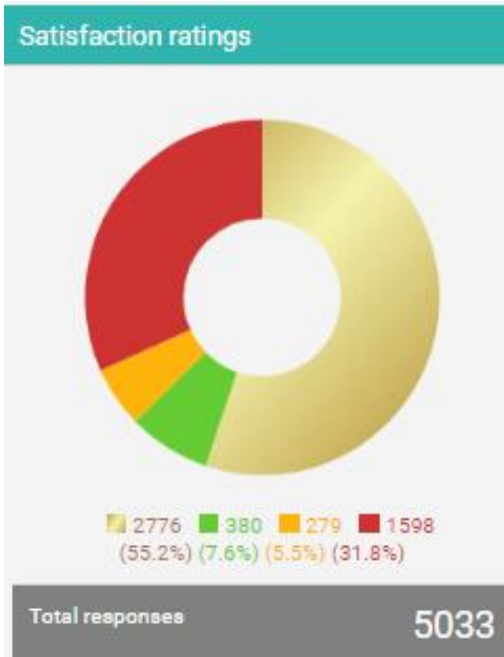
- The transfer of documents published on the ESCC website to accessible html pages has meant that the scope for collecting feedback from the website has increased due to the ability to add surveys to these pages and allow collection of feedback on guidance documents, policies and other resources which were previously PDF documents.
- It is accepted that feedback is affected by a certain level of dissatisfaction due to the services we provide based on policy, particularly enforcement decisions we take. We intend to begin collecting feedback at the start of customer journeys through surveys on web contact forms to gauge customers satisfaction at different stages of their experience, rather than only following an outcome they may disagree with.
- Digital Services began the Microsites Project and Governance Group with the aim of transferring eligible sites to the in-house web editing software, Umbraco. The Microsites Project Team have published guidance on creating microsites and microsite standards to ensure the necessary considerations for budget, governance, security, accessibility and content to ensure a positive customer experience. Microsites which aren't transferred are being reviewed to ensure privacy and accessibility criteria are met.
- Planned upgrade to NSL Apply in response to feedback and to improve accessibility when applying for permits.
- Procurement of a new mapping system by Parking Services to replace PDF maps with interactive ones, in response to feedback that maps need updating and improving.

3.0 Email feedback 2022/23

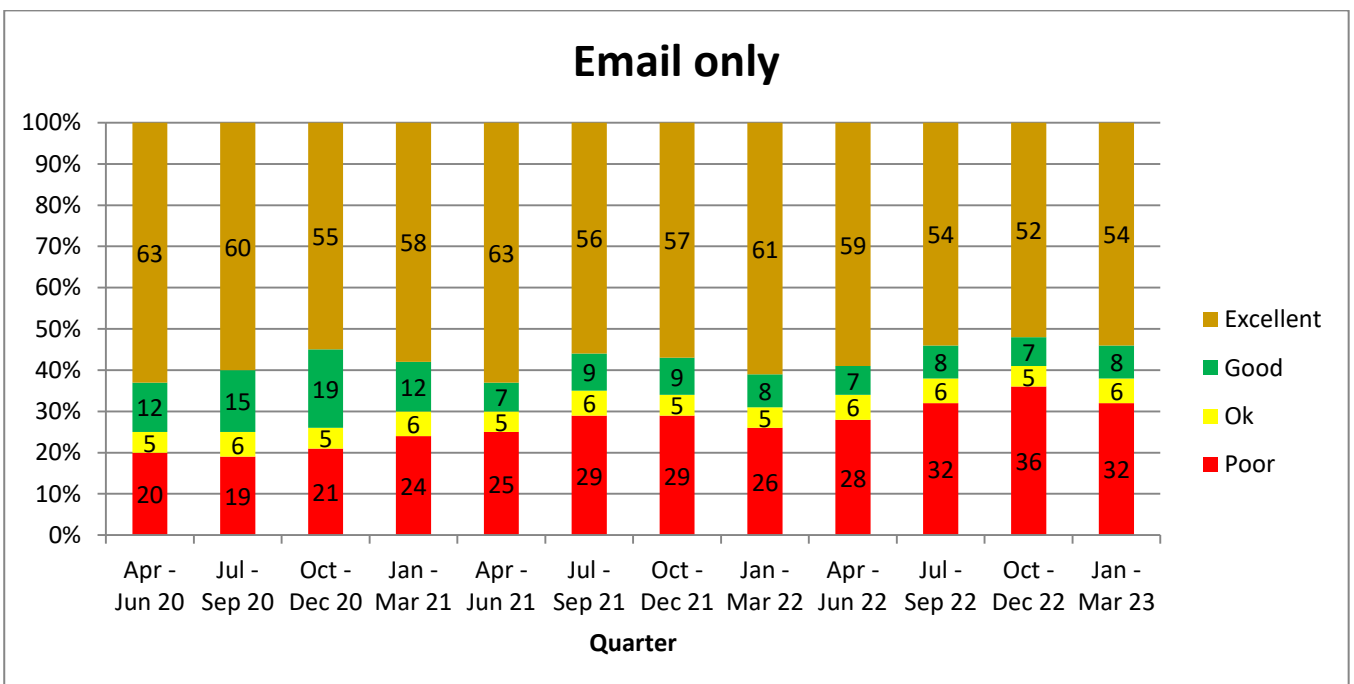
3.1 Key takeaways:

- We received over 5,000 pieces of feedback, which is a 9% increase compared to the previous year.
- 14 teams are using the email feedback surveys, the same number as last year. Five additional email surveys are set to begin collecting feedback in 2023/24.
- Overall customer satisfaction rating for emails was 68%, five percent lower than in 2021/22.
- The largest volume of negative ratings for email correspondence relate to services that engage with a large section of our residents by virtue of the services they provide, e.g., highways, parking and school admissions.

Graph 5 - Customer satisfaction ratings: Email, 2022/23



Graph 6 - Email satisfaction ratings: three-year comparison, 2020/21, 2021/22 and 2022/23



3.2 Analysis of customer feedback and staff comments shows that:

- Dissatisfaction mainly relates to where services are defending the decision of the Council to (a) uphold an initial decision or (b) to not act regarding a reported issue. However, comments regarding customer service suggest slow responses and negative tone of replies.
- In response, some teams have increased peer proofreading of their replies and ensuring plain English is used where circumstances can be technical.
- Staff have voiced frustration where feedback is provided but no details are given for them to follow up on concerns raised. The surveys do make clear that responses are anonymous, and customers can reply directly to services for any further conversation needed. Where

sufficient information is provided to investigate the response, this is undertaken by services.

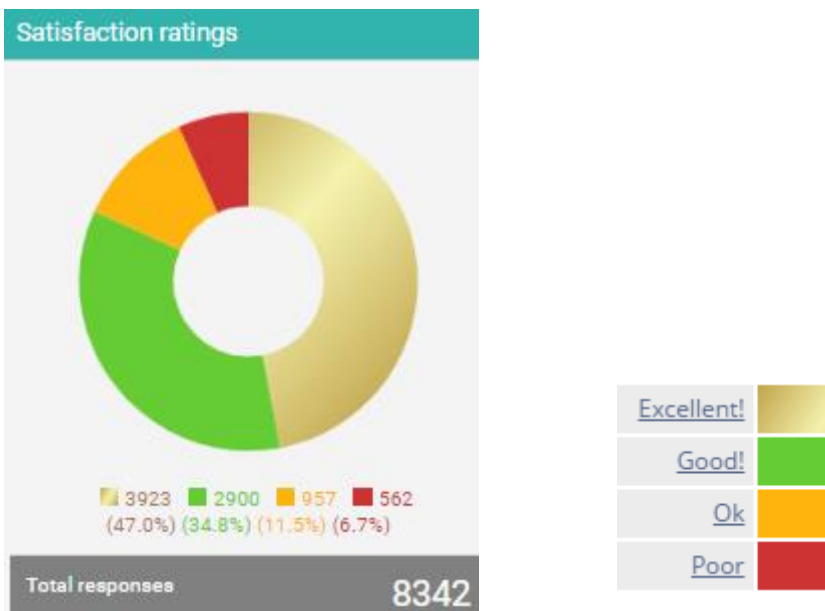
- Comments provided with 'excellent' ratings provide compliments about staff, quick service, satisfaction with replies and good communication.
- Despite the overall slight decrease in satisfaction for email feedback, individual team managers have confirmed these surveys assist in reviewing the quality of email correspondence and there is value to the teams in receiving the positive responses of customers.
- Unfortunately, some comments are received which are unpleasant in nature, offensive, or abusive and the step to block a particular IP address has been taken by the service to prevent further comments. This only blocks an individual user from using the anonymous feedback survey.

4 Form feedback 2022/23

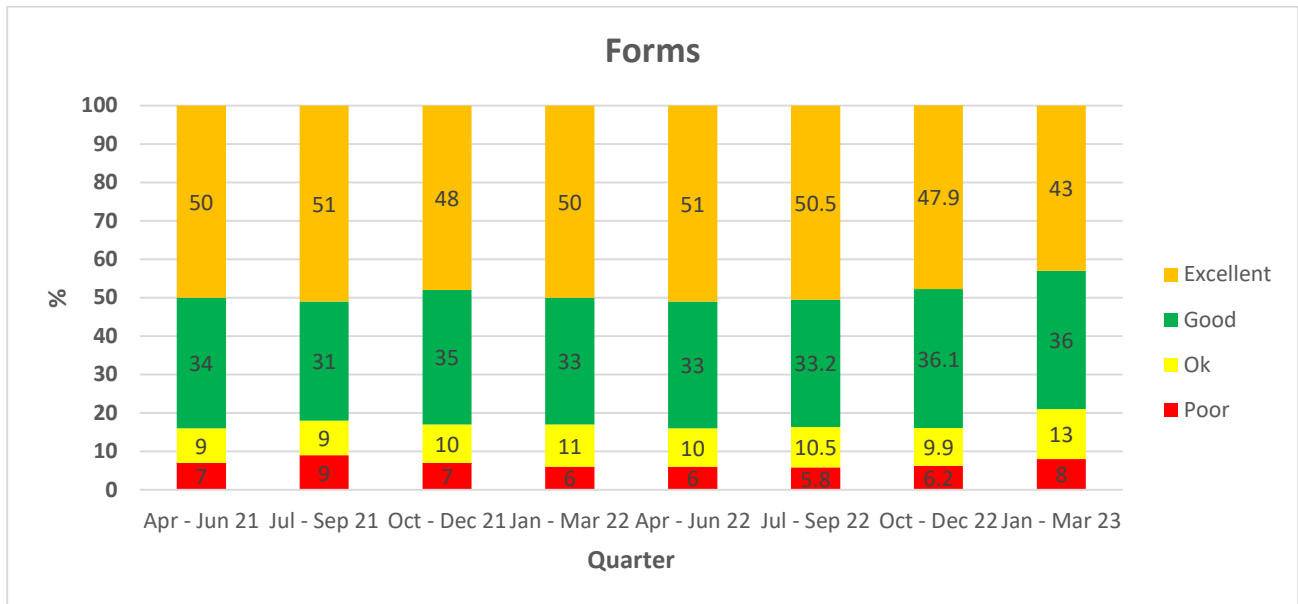
4.1. Following the success of collecting feedback through the Highways reporting and School Admissions forms in 2021/22, we began collecting feedback from seven ASC Portal forms and one CSD Portal form in 2022/23. All these surveys are well-used, and the feedback indicates that the process of using the forms is user-friendly and creates a positive customer journey with consistently high satisfaction ratings. Three additional ASC portal forms and one CSD portal form are in place to begin collecting feedback in 2023/24.

4.2. Feedback captured during the last year remains positive at an overall 93% satisfaction rating. The Shared Care Information systems (SCIS) Development Team have reported that the data from the surveys is invaluable to improving the Customer Portal. They have identified a few bugs through the feedback; one of which was a significant problem around Apple devices which has been flagged with the supplier and has been fixed in the next version of the system. They are also looking at changes to wording for some areas that have been repeatedly reported as not clear.

Graph 7 - Customer satisfaction ratings - Forms, 2022/23



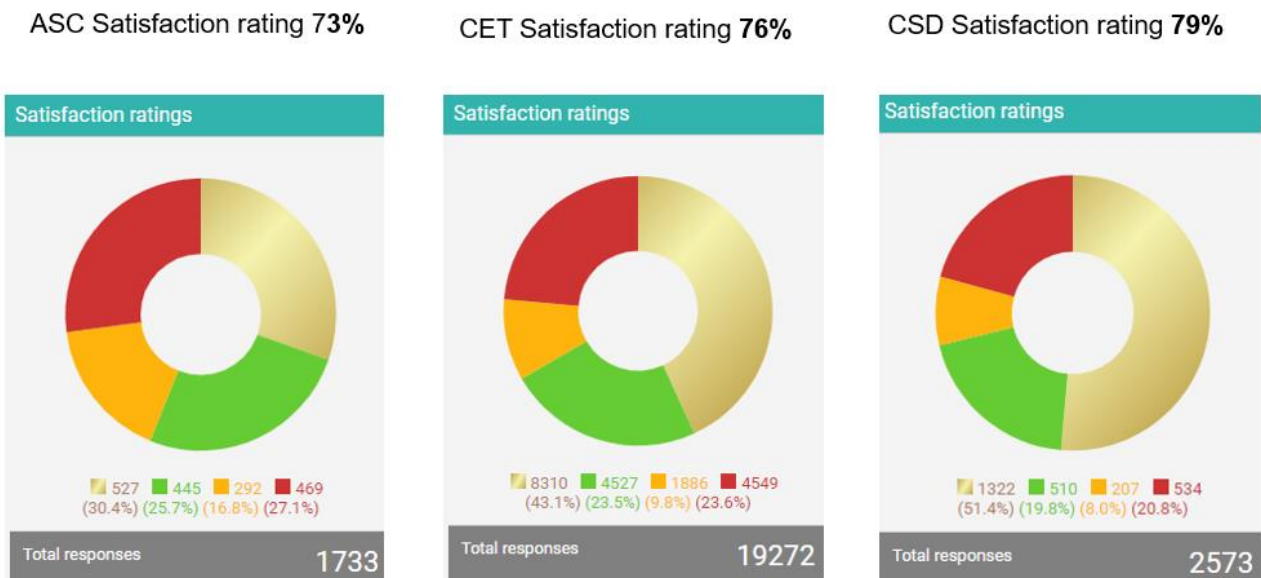
Graph 8 - Form satisfaction ratings: 2022/23



5.0 Comparison of feedback surveys received by department, 2022/23

5.1 The following graph provides satisfaction ratings and volumes by department. There is higher usage of feedback surveys in CET where there is more web content which covers the diverse range of services delivered by CET. Of the 23% of corporate website webpages which have feedback surveys, 15% is CET, ASC is 3% and CSD is 5%. CET also has 9 of the 14 surveys on emails.

Graph 9 - Customer satisfaction ratings by department (excluding face to face) - 2022/23

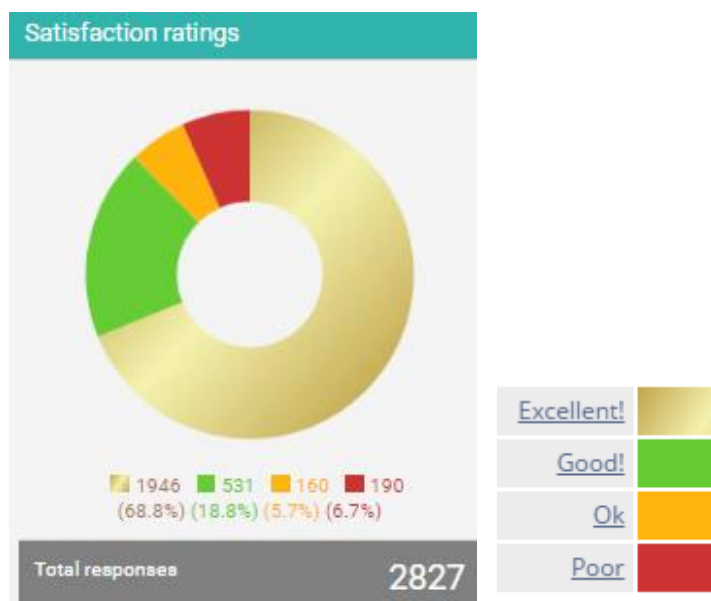


6.0 Face to face feedback 2022/23

6.1 Since the lift of pandemic restrictions in April 2022, feedback devices have been reinstalled at Eastbourne Library, Hastings Library and County Hall reception.

6.2 The devices have been well used since their reinstatement and the level of satisfaction with accessing services in-person is high at 94%. This is an increase in usage and satisfaction from pre-pandemic responses.

Graph 10 - Customer satisfaction ratings - Tablets, 2022/23



7.0 Telephone feedback

7.1 As in the previous year, during 2022/23 East Sussex Highways (ESH) remained the only service to continue collecting feedback by telephone. Numbers remain relatively low however they have still found the telephone surveys valuable in addition to other measures that make up the customer satisfaction performance indicator for the Highways contract.

7.2 There were 378 customers who provided feedback during 2022/23, slightly lower than the previous year (392), and 68% of customers were satisfied with the service they had received. This indicates that overall satisfaction was slightly lower in 2022/23. This reflects that ESH had a higher number of potholes and enquiries relating to highways than in previous years which placed additional pressure on the service when compared with previous years.

The table below highlights customers satisfaction with different elements of their experience.

Table 1 - Telephone survey statistics: East Sussex Highways, 2022/23

| Services | No. surveys answered | Overall satisfaction | Satisfaction with: | | | |
|----------|----------------------|----------------------|-----------------------|-------------------------------------|-----------------------------|---|
| | | | Time taken to respond | Helpfulness and politeness of staff | Fully understood your needs | Quality of information and advice given |
| 2020/21 | 480 | 70% | 72% | 83% | 79% | 72% |
| 2021/22 | 392 | 70% | 68% | 79% | 78% | 72% |
| 2022/23 | 378 | 68% | 66% | 77% | 76% | 70% |

7.3 At the Customer Experience Board in March 2023, it was agreed to postpone a re-trial of telephone surveys and additional SMS surveys for other services across the Council until we have the necessary statistics of the number of telephone calls (part of the Customer Contact Data Project) and a new telephony system is in place which will make it technically possible, in order to gain more valuable results from a feedback survey, which were first trialled in 2018.

8.0 Customer Service Network

8.1 The Customer Services Network sessions in 2022/23 continued to be useful for sharing lessons learned and best practice internally, for example, new accessibility tools and microsite guidance. They have also provided a forum for information to be shared by external partners and disseminated to customer-facing teams, for example, Sussex Police's Click Call Connect Campaign.

8.2 The meetings have allowed us to share feedback results from the feedback surveys and gain valuable insight from services in response to their own feedback. We have also shared the approved recommendations from the Customer Experience Board and used the network to encourage the use of Customer Thermometer (feedback software) across a broad spectrum of services, as well as gaining input on possible methods of feedback.

8.3 Significant updates shared with teams have been the revision of the Unreasonable Customer Behaviour Policy and the expansion of customer thermometer surveys across existing and new methods of contact.

9.0 Conclusions

9.1 The increased quantity of customer feedback gathered during 2022/23 (around 4,000 more responses) is due to the reinstatement of face-to-face feedback devices and the increase in number of forms available through the ASC and CSD Portals. The level of positive feedback recorded from these forms is a positive step towards increased use of self-service methods of contact.

9.2 Teams' familiarity with this method of feedback maximises the value of the feedback to aid colleagues and customers and has been recommended by staff to colleagues, which is currently supporting the success of the further rollout of Customer Thermometer across existing methods.

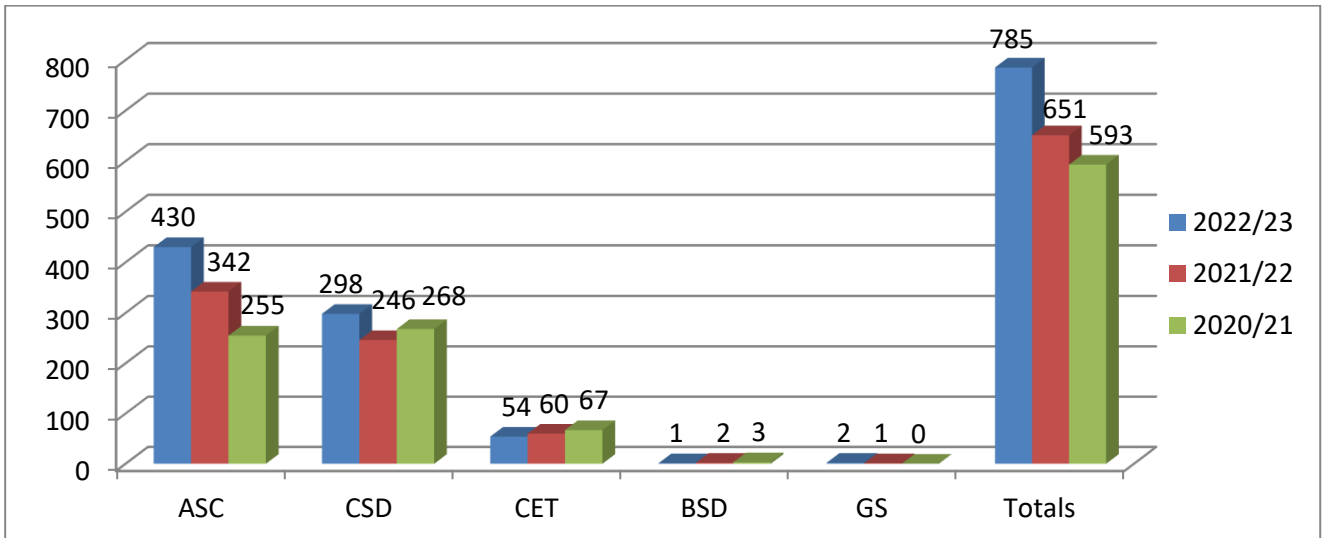
9.3 We will continue to work with teams to increase the use of Customer Thermometer via existing methods. We will also increase the number of places where customers can provide feedback through the planned further rollout of the customer feedback surveys, to meet our commitment to providing valuable information for reviewing and improving services for customers.

9.4 Service-specific feedback still proves valuable to allow individual services to review their own feedback and make local changes, while the analysis of all surveys by the Customer Services Team provides a useful Council-wide overview.

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1. Summary

1.1 ESCC received 785 complaints in total in 2022/23 compared to 651 complaints in 2021/22 which represents an increase of 21%. The following chart shows the number of complaints received in 2022/23 by department compared with 2021/22 and 2020/21. Please note comparisons of complaints and compliments between departments are not valid due to the nature of the different services provided by each department.



1.2 The following table presents the total number of Local Government & Social Care Ombudsman (LGSCO) complaints for ESCC where decisions were made, and the percentages of upheld complaints compared to similar authorities for the last three years.

| Year | Investigated | Upheld | Not upheld | Not investigated | Total | ESCC uphold rate % | Average County Council uphold rate % |
|---------|--------------|--------|------------|------------------|-------|--------------------|--------------------------------------|
| 2022/23 | 26 | 20 | 6 | 58 | 84 | 77% | 80% |
| 2021/22 | 38 | 25 | 13 | 51 | 89 | 66% | 71% |
| 2020/21 | 30 | 21 | 9 | 38 | 68 | 70% | 71% |

1.3 For upheld complaints for ESCC where there were remedies to carry out, ESCC received 100% satisfaction with compliance. The following is a breakdown of the remedies provided:

- Apology (19)
- Financial Redress (23): avoidable distress / time / trouble (14), quantifiable loss (4), loss of service (5)
- New appeal, review or reconsidered decision (3)
- Procedure or policy review / change (11)
- Training and guidance (8)
- Services / Information / advice to person affected (3)
- Services /information to others affected (2)
- Add or correct records (1)
- Reassessment (1)

2. Adult Social Care and Health

| | Change | 2022/2023 | 2021/22 | 2020/21 |
|--|--------|-----------|---------|---------|
| Number of complaints received | ↑26% | 430 | 342 | 255 |
| Number of complaints upheld/partially upheld | ↑7% | 218 | 146 | 102 |
| Number of compliments | ↑59% | 1,512 | 950 | 823 |

2.1 Summary

2.1.1 Adult Social Care (ASC) recorded a total of 430 complaints during the reporting period, an increase of 26% from last year. We have also seen an increase in the complexity of cases, which is defined by the number of services and organisations involved. Complaints have generally included a financial component, with an emphasis on the impact of delays in undertaking social care and financial assessments and then disputing the charges for services, particularly if the service has fallen below expectation. Communication with teams and across teams has also featured as an element of dissatisfaction within many of our complaints.

2.1.2 51% of the complaints we received were upheld or partially upheld, representing a 7% increase from last year, when 44% of complaints were upheld or partially upheld.

2.1.3 ASC has however continued to receive significantly more compliments (1,823) about our services than complaints (430). The ratio per compliment to complaint is 4.2 compared with 2.8 last year.

2.2 Action taken to improve the service

2.2.1 The Direct Payments process for care and support was reviewed. The review considered the information shared with people to ensure it is provided at an earlier stage in the process and is informative and accessible. It has also improved how teams worked together to achieve outcomes in a more timely and smooth way.

2.2.2 The Homes for Ukraine Scheme created a new guidance document advising sponsors what to expect and what they need to do, with a guideline around timescales. The process for claiming and receiving thank-you payments was also made simpler and clearer. A policy was also developed to deal with situations where a decision needs to be made on a host's suitability.

2.2.3 A commissioned service providing an alarm care system recruited additional staff to ensure a more responsive service.

2.2.4 Financial Services reviewed its internal processes and procedures to identify improvements to managing incoming work to reduce timescales and provide a timelier outcome to financial assessments. This is ongoing, and so far, some of the changes have resulted in a significant reduction in time to complete a financial assessment. A new letter was also implemented to improve the information provided about how financial assessments are completed.

2.3 Compliments

2.3.1 We have received 1,823 compliments. These sincere expressions of gratitude show how much services are valued by our clients, their families, and their friends. This year people have particularly praised our Joint Community Rehabilitation Service (698), Milton Grange our older peoples directly provided service (124) and Support with Confidence Scheme (116).

2.4 Local Government & Social Care Ombudsman (LGSCO)

2.4.1 The table below sets out the LGSCO findings for complaints about ASCH.

| Year | Investigations | | Closed after initial enquiries | Invalid/incomplete | Referred back | Advice given | Total |
|---------|----------------|------------|--------------------------------|--------------------|---------------|--------------|-------|
| | Upheld | Not upheld | | | | | |
| 2022/23 | 6 | 3 | 8 | 3 | 7 | 1 | 28 |
| 2021/22 | 17 | 4 | 7 | 4 | 6 | | 38 |
| 2020/21 | 10 | 6 | 6 | 2 | 4 | 1 | 29 |

2.4.2 Further analysis for ASCH of the LGSCO complaints 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

| | Change | 2022/23 | 2021/22 | 2020/21 |
|--|--------|---------|---------|---------|
| Number of complaints received | ↑ 15% | 298 | 246 | 268 |
| Number of complaints upheld/partially upheld | ↑ 12% | 153 | 97 | 84 |
| Number of compliments | ↑ 2% | 332 | 326 | 335 |

3.1 Summary

3.1.1 Children's Services received a total of 298 complaints during the reporting period, up from 246 complaints received in 2021/22. Complaints from adults on behalf of children rose from 246 to 289, an increase of 17%. The number of complaints from children and young people increased from 1 to 9. The sample size is too small to be of statistical significance, although we do know that whilst formal complaints from young people are rare, our children's residential settings receive and resolve lower-level issues outside the regulated process. In 2022/23, 51% of complaints were upheld/partially upheld, last year 39% of the complaints were upheld/partially upheld.

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. Since the last report we have implemented a new system for regularly meeting senior managers and quality assurance leads across Children's Services to share complaints information, identify key areas of learning and improvement, and follow up on previous corrective actions agreed as a result of complaints.

3.2.2 Actions taken to improve services in 2022/23 include the following:

Social care practice

- The main themes of complaints about social care teams were communication and delay. Families complained that some emails, calls and texts to social workers went unanswered. The importance of setting expectations around communication with families at the start of involvement has been shared with social care managers across Children's Services. Social workers now consistently explain to families that, while they may not be able to respond to every email or call, all information will be read and acted upon.

- Complaints about miscommunication or no communication with families resulted in changes in social care procedures, including key conversations being followed up in writing, teams ensuring that contact details were correct, and families given more notice of upcoming meetings.
- Leaflets explaining what would happen during a Family Assessment period were not being consistently shared with families, resulting in some complaints from people who did not understand the process or timescales. Senior Managers reviewed the information which is being shared with families at the start of Children’s Services involvement. Senior managers are now working to ensure that clear information is shared consistently with families.

ISEND

- The Inclusion, Special Educational Needs and Disability (ISEND) Assessment and Planning team received most complaints about communication and delays during the Education, Help and Care (EHC) Plan process. Customers complained that they did not receive timely responses and were not kept up to date with what was happening. Unfortunately, Assessment and Planning have experienced significant staffing shortages and staff changes during the past 18 months which have impacted on the service. Staff have been given training and guidance on responding to families in line with the East Sussex Customer Promise.
- Customers complained about delays in statutory processes around EHC plans, especially the time it has taken to name a school. When a child has multiple and complex needs or disabilities that could not be easily met, ESCC consults concurrently with several schools which may include maintained specialist schools, academy status schools, mainstream schools with a specialist learning centre and appropriate independent schools, in order to find the most appropriate placement. This approach enables the Council to make a considered and appropriate choice in line with the Code of Practice 2015 and from the options available.
- During a consultation process, any delay in schools responding to the Council influences the timescale. Whilst the Council is ultimately responsible for meeting statutory deadlines, it has been recognised and explained to customers that some factors are out of our control. It has also been explained to customers at the start of the complaints process that Assessment and Planning have experienced significant staffing shortages, and this has led to longer response times. This is not an excuse but an explanation of why responses may have taken longer, and an acknowledgement of how frustrating delays can be.

3.3 Compliments

3.3.1 In addition to the complaint-related contacts received, we also logged 332 compliments. This is 2% higher than the 326 compliments received in 2021/22. This increase indicates that despite the rise in complaints, there remains an appreciation of the work staff are doing with children and families.

3.4 Local Government & Social Care Ombudsman

3.4.1 The table below sets out the LGSCO findings for complaints about Children’s Services:

| Year | Investigations | | Closed after initial enquiries | Invalid/ incomplete | Referred back | Advice given | Total |
|---------|----------------|------------|--------------------------------|---------------------|---------------|--------------|-------|
| | Upheld | Not upheld | | | | | |
| 2022/23 | 11 | 2 | 15 | 1 | 10 | | 39 |
| 2021/22 | 8 | 9 | 11 | 2 | 7 | 1 | 38 |
| 2020/21 | 8 | 2 | 3 | 1 | 7 | 1 | 22 |

3.4.2 There is further analysis of these complaints in the Children’s Services Annual Complaints Report. The report has been published on the council’s website: [Children’s Services Annual Complaints Report](#). This report is required under The Children Act 1989 Representations Procedure (England) Regulations 2006.

4. Communities, Economy & Transport (CET)

| | Change | 2022/23 | 2021/22 | 2020/21 |
|--|--------|---------|---------|---------|
| Number of complaints received | ↓ 13% | 54 | 62 | 67 |
| Number of complaints upheld/partially upheld | ↓ 1% | 15 | 18 | 28 |
| Number of compliments | ↓ 5% | 409 | 430 | 510 |

4.1 Summary

4.1.1 There were 54 complaints received in CET in 2022/23 compared to 62 complaints in 2021/22 and 67 in 2020/21. The number of complaints continue to be low, which reflects how successful staff have been in effectively managing a huge number of enquiries, challenges, and informal complaints from customers.

4.1.2 Of the CET complaints received in 2022/23, approximately two thirds (66%) were in relation to customers voicing dissatisfaction with decisions and delivery of services based on Council policy, a trend which remains year on year. Of the 54 complaints received in 2022/23, 15 were fully or partly upheld which was 28%, compared to 29% of complaints received in 2021/22. The number of complaints fully or partly upheld continue to be low.

4.2 Action taken to improve the service

4.2.1 Actions taken to improve services in 2022/23 include the following:

4.2.2 For complaints received in 2022/23, the highest number of fully or partly upheld complaints were in relation to communication (6) the remaining categories were quality (5), policy (2) and staff behaviour (2). The numbers are very low compared to the numbers of complaints and number of enquiries that are handled by the services in general.

4.2.3 All six complaints related to lack of communication were partly upheld. This is a common theme for our complaints and potentially avoidable and there is a high level of scope to improve and to get things right for customers. We continually monitor communications issues to identify where we can improve the customer experience and effectiveness of service delivery. To remedy these complaints, apologies were given, and full responses provided. It is noteworthy that all were partly upheld meaning the delivery of the service (the reason for the contact in the first place) was correctly carried out.

4.2.4 There has been a decrease in complaints fully or partly upheld regarding the poor quality of work or services in 2022/23. However, of these upheld, they covered administrative errors, delay in payment, and not following up after investigations. In all cases, apologies were given, and corrective actions were carried out to remedy the errors. Due to low numbers and the cases being across different services, there were no themes to draw out of these complaints. However, improvements to service delivery were made by further staff training on business procedures and processes, and processing personal data of customers. For one service, the team introduced quality checks of responses to improve communications and information provided to customers. In another case, where a complaint raised issues around poor delivery of training, a review was carried out both internally and externally by the third-party training company. Improvements were made to

the delivery of the training and additional measures were put in place to ensure the courses provided are inclusive to all needs of the attendees.

4.2.2 Compliments

4.3.1 There were 409 compliments logged in CET in 2022/23, compared to 430 compliments in 2021/22. Compliment numbers overall continue to be high, which indicates that staff continue to deliver high quality services and show their commitment to customers. This year almost half of the compliments were about the customers' appreciation of help from Council and contracted staff and for the quality of the service being delivered by the staff. Customers showed gratitude to the staff for the quality and commitment to the services they provide.

4.4 Local Government & Social Care Ombudsman

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

| Year | Investigations | | Closed after initial enquiries | Invalid/incomplete | Referred back | Total |
|---------|----------------|------------|--------------------------------|--------------------|---------------|-------|
| | Upheld | Not upheld | | | | |
| 2022/23 | 2 | 1 | 11 | | | 14 |
| 2021/22 | 0 | 0 | 8 | 1 | 1 | 10 |
| 2020/21 | 2 | 1 | 7 | | 3 | 13 |

4.4.2 There were two upheld complaints in relation to CET services. There were no themes to draw from such a low number of upheld complaints. One complaint was regarding flooding of a customer's land and all remedies were carried out. The other upheld complaint was regarding noise reduction measures the customer was eligible for in their property and the suggested financial offer to the customer made by ESCC satisfied the Ombudsman as a remedy to resolve the complaint.

5. Business Services

| | Change | 2022/23 | 2021/22 | 2020/21 |
|--|--------|---------|---------|---------|
| Number of complaints received | - | 1 | 2 | 3 |
| Number of complaints upheld/partially upheld | - | 1 | 1 | 1 |
| Number of compliments | n/a | n/a | n/a | 26 |

5.1 Summary

5.1.1 There was one formal complaint for Business Services in 2022/23, which was partly upheld due to lack of communications with the customer. An apology was given, and the service provision provided. There were no themes to draw out from the one complaint for Business Services.

5.2 Compliments

5.2.1 No compliments from external, individual customers were reported departmentally for Business Services in 2022/23.

5.3 Local Government & Social Care Ombudsman

5.3.1 There were no LGSCO complaints investigated about Business Services in 2022/23.

6. Governance Services

| | Change | 2022/23 | 2021/22 | 2020/21 |
|--|--------|---------|---------|---------|
| Number of complaints received | - | 2 | 1 | 0 |
| Number of complaints upheld/partially upheld | - | 0 | 0 | 0 |
| Number of compliments | - | n/a | n/a | n/a |

6.1 Summary

6.1.1 There was two complaints logged for Governance Services in 2022/23 and both were not upheld. There were no themes to draw from such a low number of complaints.

6.2 Compliments

6.2.1 No compliments were recorded in 2022/23.

6.3 Local Government & Social Care Ombudsman

6.3.1 The table below sets out the LGSCO findings for complaints about Governance Services:

| Year | Investigations | | Closed after initial enquiries | Invalid/incomplete | Referred back | Total |
|---------|----------------|------------|--------------------------------|--------------------|---------------|-------|
| | Upheld | Not upheld | | | | |
| 2022/23 | 1 | | | | | 1 |
| 2021/22 | | | | | | 0 |
| 2020/21 | | | | | | 0 |

6.3.2 One complaint in relation to Governance Services was investigated by the LGSCO and was upheld. The complaint was regarding the failure to provide a recording of a coroner’s inquest as required by government service standards. All remedies were carried out including a written apology, a payment to recognise the distress caused, and a review of the inquest recording system to ensure it was fit for purpose.

7. Chief Executive’s Office

7.1 Customers often address their complaints to the Chief Executive (CE) or Leader and so they 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.

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19 July 2023

By email

Ms Shaw
Chief Executive
East Sussex County Council

Dear Ms Shaw

Annual Review letter 2022-23

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with

that of similar organisations, rather than previous years, to better understand your organisation's performance.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we were satisfied with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 26 July 2023. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Your organisation's performance

I welcome that your Council agreed to, and implemented, the recommendations we made in 22 cases during the year. However, it is disappointing that in five of those cases recommendations were not completed within agreed timescales. In all cases the delay was significant, and we often had to chase the Council for evidence of compliance.

In last year's letter, concerns were raised about your Council's late responses to our enquiries. It is disappointing then to report that there were several occasions this year where our investigations were delayed by your Council's failure to respond in a timely way to our requests for information. In fact, almost half of the Council's responses were late.

While I acknowledge the pressures councils are under, delays to investigations and the implementation of recommendations can frustrate complainants and add to the injustice already suffered. I invite the Council to review its arrangements for liaising with my office to ensure responses are on time and to consider how it might reduce delays in complying with agreed recommendations. I hope to see improved performance in the year ahead.

Supporting complaint and service improvement

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

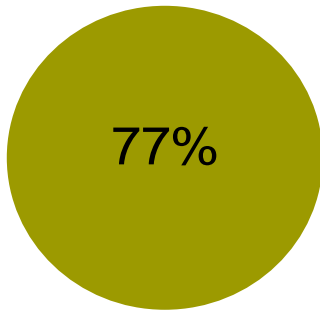
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

Yours sincerely,



Paul Najsarek
Interim Local Government and Social Care Ombudsman
Interim Chair, Commission for Local Administration in England

Complaints upheld



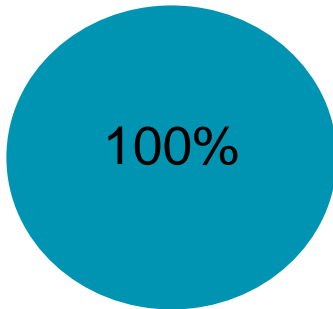
77% of complaints we investigated were upheld.

This compares to an average of **80%** in similar organisations.

20
upheld decisions

Statistics are based on a total of **26** investigations for the period between 1 April 2022 to 31 March 2023

Compliance with Ombudsman recommendations



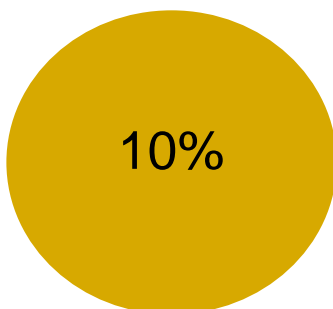
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **22** compliance outcomes for the period between 1 April 2022 to 31 March 2023

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the organisation



In **10%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **6%** in similar organisations.

2
satisfactory remedy decisions

Statistics are based on a total of **20** upheld decisions for the period between 1 April 2022 to 31 March 2023

1.0 Internal reviews of formal information requests

1.1 Complaints regarding the final responses to Freedom of Information (FOI) and Environmental Information Regulations (EIR) Requests have their own procedure as an internal review carried out by Legal Services. For Data Protection subject access requests (SARs), the Customer Services Team (CST) reviews and responds if the customer remains dissatisfied and asks for legal support if it is particularly complex. For Data Protection related matters, customers can complain to the Council's Data Protection Officer if they remain unhappy. For all the types of information requests, there is the option to complain to the Information Commissioner's Office (ICO) if the customer remains dissatisfied.

1.2 In 2022/23, we received four requests for internal reviews, which is fewer than previous years with six requests received in 2021/22, and seven received in 2020/21. Out of the four internal reviews, Legal Services found fault with two requests (as compared to fault found with four cases out of six in 2021/22). For the two in 2022/23 where fault was found, customers were provided further information held by the Council. For the remaining two in 2022/23, no fault was found with one, and one is incomplete due to the requester escalating it to the ICO and the Council has not received instruction from the ICO. CST and Legal Services continue to work closely to identify where improvements can be made irrespective of complaints or internal reviews received in order to provide informative and helpful responses to requests for information.

2.0 Complaints to the Information Commissioner's Office (ICO)

2.1 The ICO first serves an Information Notice to the Council requesting it reviews the complaint and tries to resolve it when a member of public makes a complaint. The CST received two information notices regarding information requests in 2022/23, compared to five in 2021/22 and one formal complaint from the ICO in 2020/21.

2.2 Both of the information notices received in 2022/23 were resolved and no further action by the ICO was needed. The resolutions entailed:

- The ICO agreed the Council should continue to complete the internal review already underway.
- The ICO was satisfied that the Council had complied with EIR by providing the ICO with the responses the Council had given to the requester. No further steps were required.

2.3 There are various reasons why the ICO may contact the Council. These are no longer solely about information requests we receive. ICO also contacts the Council regarding complaints it receives in relation to any data protection concern including potential data security incidents. The ICO initially takes an informal approach and raises any concerns on behalf of a customer about their personal data. ICO will ask us to investigate and take ownership in the first instance and to report back to the ICO how we remedied the situation directly with the customer. Sometimes communication takes place directly with a service or mostly in contact with our Data Protection Officer. Some of the reasons the ICO contact us do not fall under this annual report. However, where contact from the ICO is relevant to this report, it has been included.

3.0 The complexities of Subject Access Requests

3.1 People rely on the Council to record and store their information and make it available upon request. When requested, the Council provides an important and statutory service of fulfilling these Subject Access Requests (SARs). In this section we try to provide more narrative around the meaning and importance of SARs and how they are processed and handled within the Council, including a process chart at the end of the appendix to illustrate this visually.

3.2 Access to data can have a significant impact on people's lives; helping them to understand why decisions were made, for example why someone might have been taken into care as a child. They can also provide evidence to support decision making in current proceedings. Therefore, by their very nature the SARs process can be complex, for example, retrieving information spanning decades and located across many different services across the Council. Some requests can involve personal information of several family members.

3.3 Information Governance staff across the departments help and assist in fulfilling the requests the public make for their information. Staff handle each case with sensitivity as each case is unique and involves individual life stories, relationships, and circumstances unique to the person or persons requesting the information.

4.0 How Subject Access Requests are processed and fulfilled

4.1 It is difficult to quantify the time taken to complete these cases as there are several stages to the process. Fulfilling SARs depends on a large pool of staff across the departments, particularly in Adult Social Care and Children's Services departments. It entails gathering information from front line staff who need to balance important requests for information with other safeguarding priorities.

4.2 Processing is dependent on individual departments and overseen by information governance professionals. However, it can be necessary to make checks with multiple staff where the circumstances of a case are very sensitive, including Legal Services.

4.3 SARs may need to be handled differently depending on the age of information being gathered, and some may need retrieving information from long-term storage. Some SARs can be thousands of pages and carrying out redactions can therefore be a lengthy process. Although the legislation allows us to extend the deadline for a further two months if a case is complex, it can often take longer.

4.4 It is also difficult to manage any influx of SARs as increases can be unpredictable. The nature of requests and volumes of information requested mean that staff capacity does not always meet the demand.

4.5 To ensure we gather all the data relevant to a request, searches must be carried out in several locations, e.g., group inboxes, personal inboxes, (included sent, deleted items and separate folders) CMS, network folders and anywhere else teams may store content. This also includes paper records stored in offices or the Record Centre. We actively try to reduce the level of duplication when collecting data by being clear in our communications with staff about what they should search for.

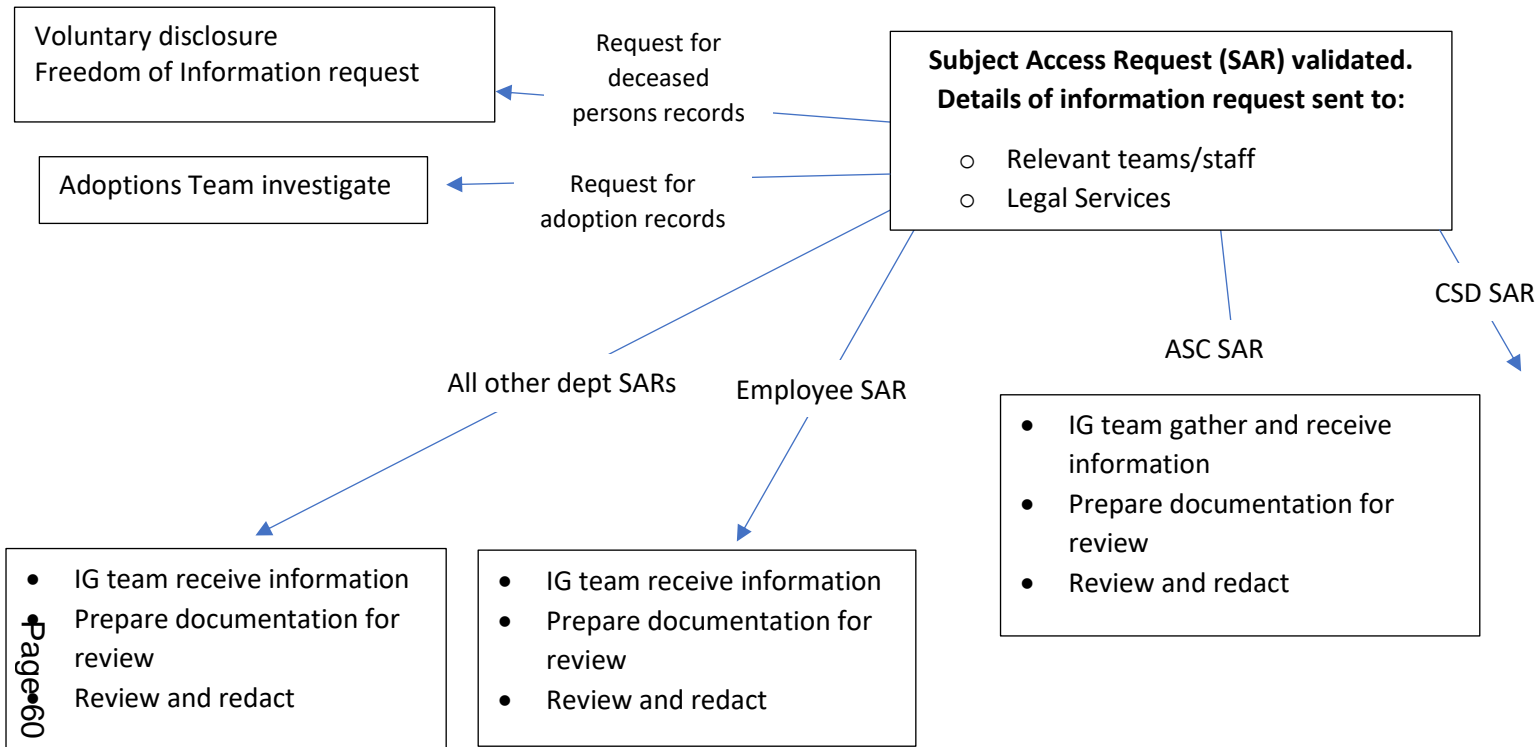
4.6 We keep customers informed about delays and discuss whether it's possible to identify specific pieces of information which are most important to receive. If information is needed by a specific date, every effort is made to achieve this. This allows us to disclose smaller sections of information over time to ensure that customers receive the most useful information as soon as possible. Where possible we will identify and communicate a deadline to the customer, however this is difficult to guarantee due to fluctuating workload priorities.

4.7 We work flexibly with customers to ensure their information is provided to them in a way which is most accessible to them. For example, we have procedures in place to work with third party representatives and supply documentation in electronic or paper format.

4.8 If multiple members of a family make a request, we explain our processes to families to identify whether they consent to information being shared with, for example, their partner or siblings. This allows us to reduce the time taken to redact documentation and avoid duplication. Without this consent, redaction can be very time consuming as we must manually review every document to identify content which may be exempt.

4.9 The process chart below illustrates the processes for the Information Governance (IG) teams and staff and other teams involved across the Council for fulfilling Subject Access Requests.

Process chart 1: SAR processes across the Council



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- Throughout cases:**
- Information received in multiple formats, e.g. Word, email, paper, pictures, PDF, TIFF. All documentation converted to PDF or scanned manually to allow redaction.
 - Every document is reviewed and redacted manually by a member of staff.
 - Redactions are double checked by second staff member in some circumstances.
 - Final versions are reviewed by managers for some teams.
 - Contextual information gathered from internal colleagues to help assess appropriate exemptions.
 - Requests may require advice or views on disclosure from Legal Services, Police, NSPCC etc
 - Request can have active complaints, tribunals, court cases and care proceedings which add complexity
 - It can involve retrieval of large volumes of information for one data subject which are difficult to separate from information relating to other data subjects
 - There can be issues around assessing entitlement to receive information, particularly where there are children who may have capacity to make their own decisions about their personal data, or where there are legal orders in place such as Court Orders, Special Guardianship Orders, Care Orders etc.

- Historic cases**
- IG team gather and receive information
 - IG team prepare documentation for review
 - IG team review and redact
- Current cases**
- Communication, Planning and Performance:**
- IG team gather and receive information
 - IG team prepare documentation for review
 - IG Team review and redact
- Early Help and Social Care (EH&SC) resource sits in the IG Team:**
- EH&SC IG team gather and receive information
 - EH&SC IGO prepare documentation for review
 - EH&SC IGO Review and redact
 - PM EH&SC sign off redacted information
- ISEND:**
- IG trained teams gather and receive information and review and redact information
 - Sign off by manager
 - Information checked by IG team

- Council staff search:**
- Group Outlook inboxes
 - Personal Outlook inboxes
 - Network folders
 - SharePoint folders
 - Case Management systems