

STANDARDS AND GOVERNANCE COMMITTEE

Thursday, 8th September,
2011 at 3.00 pm

PLEASE NOTE TIME OF MEETING
Committee Room 2 - Civic Centre

This meeting is open to the public

Members of the Committee

Councillor Derek Burke
Councillor Gerry Drake
Councillor Terence Matthews (Mayor)
Councillor John Noon
Councillor Edward Osmond
Councillor Brian Parnell
Councillor Maureen Turner

Independent Members

Mr Brian Hooper
Mr David Blake
Mrs Elizabeth Hale
Mr Geoff Wilkinson

Contacts

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PUBLIC INFORMATION

Role of the Standards and Governance Committee

The Committee has responsibility for:

- the promotion and maintenance of high standards of conduct by Councillors and Council representatives,
- the maintenance, monitoring and revision when necessary of the Member's Code of Conduct,
- the operation of and variations to the City Council's Constitution,
- the maintenance of a process to reprimand Councillors for breaches of conduct outside the local code, and in any other areas subject to the direction of the National Standards Board.

The Committee is chaired by an Independent Member. It includes at least one Councillor from each of the political groups represented on the Council, and at least one independent person, with voting rights, who is not a Councillor or an Officer of the Council.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Southampton City Council's Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2011/12

2011	2012
27 th June	16 th April
8 th September*	
28 th September	
13 th December	

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Standards and Governance Committee are contained in Article 9 and Part 3 (Schedule 2) of the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3 (including 1 Independent Member).

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Disclosure of Interests

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - (a) any employment or business carried on by such person;
 - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are now available via the Council's Website

1 APPOINTMENT OF INDEPENDENT CHAIR

To appoint an Independent Chair to the Committee

2 APOLOGIES

To receive any apologies.

3 DECLARATIONS OF INTEREST

In accordance with the Local Government Act, 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to declare any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are required, where applicable, to complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer prior to the commencement of this meeting.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the Standards and Governance Committee meeting on 27th June 2011, and to deal with any matters arising, attached.

6 ANNUAL REPORT ON LOCAL GOVERNMENT OMBUDSMAN COMPLAINTS 2010-11

Report of the Director of Corporate Services summarising the performance and issues arising out of the Annual Letter for 2010-11 from the Commission for Local Administration in England (Ombudsman), attached.

7 CORPORATE COMPLAINTS

Report of the Head of Corporate Policy and Performance summarising performance and issues arising out of the Council's performance under the Corporate Complaint's Procedure for 2010/11, attached.

8 ANNUAL REPORT ON CHILDREN'S SERVICES AND LEARNING/ HEALTH AND ADULT SOCIAL CARE COMPLAINTS 2010-11

Report of the Customer Care and Quality Manger detailing an overview and analysis of the comments, concerns, compliments, and enquiries for Adult Social Care and Children's Services and Learning, attached.

9 MEMBERS' ALLOWANCE SCHEME

Report of the Acting Head of Legal and Democratic Services concerning the Independent Remuneration Panel recommendations following its review of the Members' Allowance Scheme, attached.

10 LOCALISM BILL - UPDATE

Report of the Acting Head of Legal and Democratic Services regarding the Localism Bill in relation to the new Standards regime and revised Members' Code of Conduct, attached.

WEDNESDAY, 31 AUGUST 2011

HEAD OF LEGAL AND DEMOCRATIC SERVICES

Agenda Item 5

STANDARDS AND GOVERNANCE COMMITTEE MINUTES OF THE MEETING HELD ON 27 JUNE 2011

Present:

Members of the Council

Councillors Drake, Matthews (Mayor), Noon, Osmond, Parnell and Turner

Independent Members

Mr B Hooper (Chair), Mr D Blake and Mr G Wilkinson

Apologies

Councillor Derek Burke

1. **MINUTES OF PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the Minutes of the meeting held on 18th April 2011 be approved and signed as a correct record subject to the following amendment:-

Item 18 – Changes to the Constitution

Resolution (ii) replace Mayor with Sheriff to read “that the key responsibilities of Sheriff with regard to Court Leet be amended to include “beating the bounds”.

MATTERS ARISING

The Panel discussed the role of the Mayor in relation to civic events and openings and the recent perceived failings to observe the requirements of the Civic and Ceremonial Protocol in relation to a number of high profile events in the City.

RESOLVED that, with immediate effect, the Head of Legal and Democratic Services write to remind all Directors, Heads of Service and the Council’s Communications department of their obligations in relation to the role of the Mayor under the civic and ceremonial protocols as set out in the Constitution and to emphasis the importance of the status and civic duties of the Mayor as the first citizen of Southampton.

2. **FREEDOM OF INFORMATION, DATA PROTECTION AND REGULATION OF INVESTIGATORY POWERS ACTS: ANNUAL REVIEW 2010-11**

The Committee received and noted the report of the Head of Legal and Democratic Services detailing statistical information for the financial year 2010-11, regarding the implementation of the Freedom of Information Act 2000, requests received under the Data Protection Act 1998 and the Council’s activity under the Regulation of Investigatory Powers Act 2000 (RIPA).

(Copy of the report circulated with the agenda and appended to the signed minutes).

The Committee noted in particular that there had been a continued increase in the number of requests received under the Freedom of Information Act and Data Protection

Act, together with the increased complexity of requests and quantity of information requested. This resulted in an increasing demand on officer time and resources.

3. **CHAIR'S ANNUAL REPORT ON AUDIT COMMITTEE 2010/11**

The Committee considered the Annual Report of the Chair of the Audit Committee 2010/11. This was the second report from the Audit Committee's Chair forming part of the overall Corporate Governance process. The presentation of an Annual Report to the Standards and Governance Committee is in line with good practice and also consistent with recommendations made by the Chartered Institute of Public Finance and Accountancy. (Copy of the report circulated with the agenda and appended to the signed minutes).

4. **ANNUAL GOVERNANCE STATEMENT 2010-11**

The Committee considered the report of the Director of Corporate Services seeking approval of the draft Annual Governance Statement 2010/11, in accordance with the Accounts and Audit Regulations prior to the document being forwarded to the Chief Executive and Leader of the Council for signing. The report gave a representation of the corporate governance arrangements in place during the year and highlighted those areas where gaps or improvements were required. (Copy of Minutes circulated with agenda and appended to the signed Minutes).

RESOLVED that the draft Annual Governance Statement 2010/11 be approved.

Agenda Item 6

DECISION-MAKER	STANDARDS AND GOVERNANCE COMMITTEE		
SUBJECT	ANNUAL REPORT ON LOCAL GOVERNMENT OMBUDSMAN COMPLAINTS 2010-11		
REPORT OF:	DIRECTOR OF CORPORATE SERVICES		
DATE OF DECISION	8 SEPTEMBER 2011		
AUTHOR	Name:	Sarita Riley	Tel: 023 8083 3218
	E-mail:	sarita.riley@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

This report summarises performance and issues arising out of the Annual Letter for 2010-11 (year ending 31st March 2011) from the Commission for Local Administration in England (Ombudsman). Separate reports will also be provided to Standards & Governance Committee in relation to the Council's performance under its Corporate Complaint's Procedure and the Statutory Children's and Adult's social care complaints procedures (both of which also now report compliments and service comments where appropriate) as both of these ultimately impact upon and form links with the Council's relationship with the Ombudsman.

RECOMMENDATION:

- (i) That the report be noted.

REASONS FOR REPORT RECOMMENDATIONS

1. To update Members on issues and performance arising out of complaints made by the public to the Ombudsman during 2010-11. Identifying these issues assists the Council in understanding where services delivered by the Council in the past year have fallen below public expectation in order to improve service delivery to its citizens.

CONSULTATION

2. This report is presented to Standards & Governance Committee for consultation purposes. The Annual letter has been shared with both the Chief Executive, the Director of Corporate Services (in his capacity as Monitoring Officer for the Council) and the Head of Legal & Democratic Services. The Monitoring Officer and the Corporate Legal Team administer all Local Government Ombudsman complaints within the Authority on behalf of the Chief Executive, who is the person ultimately responsible for these matters to the Ombudsman. The author of this report acts as a single point of contact for the Ombudsman in relation to areas of concern (including all complaint investigations), advice and training.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. N/A

DETAIL

4. Attached to this report is the Local Government Ombudsman's Annual Letter for the year ending 31st March 2011 (Appendix 1).
5. In 2008/09 the Ombudsman introduced significant changes in the way the Ombudsman investigates complaints against Council's. The first year's statistics under these arrangements were reported to Standards & Governance Committee on 24th September 2009. Changes included the coming into force of key elements of the Local Government & Public Involvement in Health Act 2007, which changed a number of areas of jurisdiction for the Ombudsman as well as changed the way they are able to receive and deal with complaints.
6. Further changes to the way in which complaints were recorded and changes to the decision descriptions have been made in 2011 which have, again, made it difficult to accurately judge performance in some areas. This is essentially because some complaints that would have previously been allocated to one category now fall within another and decisions that previously might have simply been recorded as 'No Maladministration' may now be recorded against a number of other 'decision' types. In particular the Ombudsman is making greater use of the 'Ombudsman's discretion' category to recognise complaints where minor faults have occurred but do not merit settlement as no injustice has been suffered by the complainant. While this makes a direct comparison with the detail of last year's annual letter somewhat distorted, the author has, however, taken some time to look at the detail in relation to complaints held in the Council's own recording system this year and it has, therefore, been possible to provide some strong assurance about specific trends despite the change in reporting methods. It is the author's view, therefore, that a consistent level against which to benchmark performance is being achieved.
7. Initial assessment suggests the Council's remains a strong performer in this area, with no major or underlying trends causing concern when looking at similar trends with statistical neighbours.
8. The introduction in 2009 of the 'LGO Advice Team', has proven to be working well in filtering out minor and repetitive complaints that do not merit investigation or can be dealt with locally by the councils concerned once they know about them. The advice team also provides general advice and assistance to members of the public before their case is allocated for investigation and this has helped individuals to focus on what they want to achieve from a complaint rather than the 'process' of making a complaint in and of itself.
9. In 2010 the Ombudsman's jurisdiction to cover complaints about schools in trial areas was introduced in 14 pilot areas across the country (not Southampton). The anticipation was that all schools would be covered by 2011, however, the Education Bill currently before Parliament and due to receive Royal Assent later this year will rescind this jurisdiction. Schools complaints will once again be dealt with by schools alone, with the power to complain to the Secretary of State as a 'last resort' measure if a breach of a statutory duty or unreasonable exercise of a function can be demonstrated.
10. Complaints about individuals who self-fund private social care needs also now fall within the jurisdiction of the Ombudsman but this area is still developing. Only 75 complaints of this nature have been received nationally. Complaint statistics for Southampton show only one complaint dealt with by the Ombudsman in this area.

11. Key points are to be noted from the Ombudsman's letter and statistics include:
- a. The Ombudsman received a total of 68 complaints this year against Southampton City Council, a somewhat higher number than in 2010 (53) and 2009 (59). There are, historically, annual fluctuations from year to year, and the Council is usually fairly consistent in the number of complaints received overall. The main fluctuation this year seems to be as a result of an increase in the number of premature complaints received, though this is somewhat offset by a corresponding decrease in the number of matters forwarded for full investigation (see further below). The overall number of complaints does remain low and consistent with statistical neighbour's trends (See Appendix 3).
 - 16 complaints related to Housing matters (15 last year)
 - 14 complaints related to Children's Services (9 last year),
 - 12 complaints related to benefits and tax (9) last year,
 - 8 complaints received concerned Planning / Building Control (6 last year),
 - The remainder of complaints cover a range of services.
 - b. This remains broadly consistent with previous years. Children's Services, Housing and Planning & Building control tend to be the highest area in which complaints are received nationally and regionally. As front line services that significantly affect a large number of individuals this is not unusual and, taken in the context of the slight increase in complaint numbers this year the corresponding increase within each service area is not considered a cause for undue concern.
 - c. Historic trends show that complaint levels tend to increase when there are significant local or national pressures on the economy. Higher unemployment, lower disposable income, recession and the effects of the economic downturn generally have an impact on Council services, with a greater number of individuals seeking assistance from their local Councils or requiring services from Council's who are under increasing pressure to prioritise resources to core function areas and the most needy. This overall impact needs to be considered when looking at this year's complaint trends. Southampton still receives a relatively low number of complaints compared to the majority of its statistical neighbours (though slightly more than its nearest neighbour, Portsmouth).

- d. The most significant change from last year is the significant rise once more in premature complaints. The Council historically had a high number of premature complaints and worked hard to reduce the number received by improving access to the complaints policy on its website and advertising the complaints procedures widely in customer facing areas. As a result, the number of premature complaints dropped from 20 in 2009 to just 8 in 2010. The increase this year to 32 (of the 41 premature and advice only complaints identified in Appendix 3) is therefore cause for some concern and this constitutes a higher than average percentage rate while compared to statistical neighbours. Having examined the detail of the complaints referred back to the Council last year, it would appear that some may be as a direct result of the Ombudsman changing the way that they themselves deal with complaints.

While it has always been the case that the Ombudsman would expect a council to have investigated a matter before they would take on a case, they were not strict in requiring individuals to complete ALL stages of a council's complaints policy before accepting jurisdiction. It would appear that since early 2010, the Ombudsman has introduced a policy of rigorously enforcing the requirement for complaints to be considered through ALL stages of a council's complaints procedure before themselves conducting an investigation. An examination of the complaint details shows that perhaps 50% of the complaints would have previously been part dealt with by a Council upon referral and generally accepted by the Ombudsman for investigation. However, the fact remains that this increase bears monitoring, particularly in relation to information provided to complainants by staff at early stages of complaints processes, to determine whether or not further guidance and training is required for front line staff in both advertising the complaints procedure and dealing with complaints effectively and thereby improving customer confidence in the Council's ability to police its own actions and perhaps negate the need for premature reference to the Ombudsman.

- e. A further nine cases were dealt with by way of 'advice' from the LGO advice team, slightly up on the seven cases reported last year when the service was first introduced but broadly consistent with the overall increase this year. The introduction of the advice team continues to contribute to the number of complaints that would otherwise have been deemed 'outside jurisdiction' or for which alternative remedies are available being withdrawn or not proceeded with, which has enabled the Ombudsman and Council to focus on issues of greater concern.
- f. Twenty-three complaints were referred to the Ombudsman's investigation teams (compared to 33 last year) and have either be determined or carried over to this year due to the complexity of the issues involved. Thirty complaints were determined during 2010/11. Five were discontinued at the Ombudsman's discretion (resulting in no finding). Thirteen complaints were found to be without fault (no maladministration or injustice) compared to eight last year. Two further complaints were deemed to be outside the Ombudsman's jurisdiction.

- g. Ten complaints that were settled locally (compared to seven last year). The Monitoring Officer settles complaints locally for a variety of reasons, not all of which are associated with the Council's "liability" in respect of a complaint – on occasions, clearly, the Council will get things wrong, and it is right when that happens to settle the complaint locally without having to put the complainant through further distress and anguish and, indeed, the Council to further cost. On occasion, it is appropriate to settle a complaint because of the complexity of the matter, the costs of a comprehensive investigation and/or the fact that sometimes the full facts will be unclear, and an appropriate and suitable (and cost effective) way forward has to be found. Local settlements cost the Council a total of £4,906 in 2007/08, £1,425 in 2008/9, £4,525 in 2009/10 (£3,500 of which related to a single complaint) and £3,650 in 2010/11.
- h. Of the £3,650 paid out in settlements during 2010/11, £3,050 of that sum related to two individual Children's Services complaints. £1400 was paid to a student and their parents as a result of failing to secure a school placement for them when transferring their statement of Special Educational Needs from the Isle of Wight. The sums incurred comprised compensation for the delay and lost opportunities experienced by the student as well as travelling expenses incurred in returning to the students previous school on the Isle of Wight to sit exams the student would otherwise have not been able to take. The second of the two children's services cases involved payment of £1650 (split £1500 to the child and £150 to the parent for pursuing the complaint), which again related to the delay incurred in approving an appropriate school placement for a child with special educational needs following an extended period of home tutoring and disputes with previous schools and the Local Authority.
- i. Of the remaining 8 Local Settlements agreed, two payments of £250 each were approved in recognition of delays in handling the complaint (a housing matter) and reimbursement of fees incorrectly charged for respite care and failure to adequately record discussions and decisions about fee arrangements / communicate fees to service recipients (adult social care) and a further payment of £100 was agreed for delays in dealing with a planning matter and the early stages of the subsequent complaint. The remaining 5 Local Settlements were resolved by way of offering apologies for minor procedural errors or delays in delivering services and / or staff training and minor changes to Council procedures to ensure mistakes did not recur in the future.
- j. It should be noted that the Council once again improved its average response time for dealing with Ombudsman investigations this year from 21.4 to 20.2. This is well within the target period of 28 days set by the Ombudsman and within the top quartile of response times nationally.

- k. The Corporate Legal Team continues to provide ad-hoc advice and training on dealing with complaints and responding to Ombudsman enquiries where required (mainly through internal resources). Formal training on responding to Ombudsman complaints and investigating complaints generally was last held in 2007/8. Given the increase in premature complaints experienced this year the Monitoring Officer will recommend a review of the need to deliver training in partnership with the Ombudsman in 2011/12 once the current changes to the management structure of the Council has settled down and resources permitting. Heads of Service play an important role in resolving complaints at Stage 2 of the Council's complaints procedure and undertaking training prior to the management restructure being completed would be premature. Additional consideration will be given to providing written guidance / training materials to assist staff dealing with complaints at Stage 1 of the complaints procedure.
12. In previous years, Standards & Governance Committee requested a breakdown of how this performance measured against the Council's statistical neighbours. While the Ombudsman does not publish direct comparison's (as the nature of authorities and the services they deliver varies considerably within a geographic area), it has been possible to look at the statistics for the individual unitary authorities within our statistical neighbours (Audit Commission Comparator Authorities list) and provide a summary of performance against them. These authorities comprise Bristol, Brighton & Hove, Plymouth and Portsmouth.
13. The table at Appendix 2 sets out a breakdown of **decisions made** by the Ombudsman during 2010/11 and communicated to local authorities.
14. The total number of new **complaints received** (rather than determined) by each Authority in 2009/10 broken down by subject area is in the table at Appendix 3.
15. It should be noted that in the majority of the comparator authorities, the top two areas in which complaints were received (excluding 'Other' which covers a number of misc complaint areas) were Children's Services and Housing. This demonstrates that, as stated in paragraph 10a, Southampton's performance in these areas remains broadly comparable with other Authorities and complaints tend to arise in these areas consistently regardless of the type of authority or geographical area.
16. Of the five authorities, none received a maladministration report during the previous year. Most authorities improved on their response time or attained similar response time to last year. Southampton remains the fastest responder.

17. Notable cases reported against the other authorities include:

- An instance where a complainant who had been placed in leased accommodation received a Notice to Quit and, upon contacting the Council, was given incorrect information about the status of the Notice, was spoken to inappropriately by the Council advisor and suffered unnecessary delays in dealing with her complaints about the matter,
- Incorrectly allocating accommodation to persons lower down the housing list than an elderly complainant,
- Tenants being made wrongly liable for repairs and subsequent demolition for an unauthorised structure put in place by previous tenants. In addition the Council should have had procedures in place to remove the unauthorised structure or require its making good before a tenant leaves a property.
- Improper refusal to consider a matter under the Children's complaints procedure / use of the wrong complaints procedure for statutory children's services complaints
- Incorrectly admitting a child to a school when the complainant's child should have been placed higher on the waiting list. Failure to recognise sibling link requirements (i.e. in this case the sibling would have left the school by the time the child was due to start so should not have had a higher position on waiting list).
- Failure to properly consider an exception to policy in relation to single issue parking permits (complainant was able to demonstrate clear medical need to use two different cars adapted for his disability).
- Failure to consistently provide an assisted waste collection or recycling service to a disabled applicant.
- Failure to provide appropriate services following re-assessment of social care needs,
- Loss of personal belongings of a complainant whilst in social care residential setting.
- Serving a Notice of Seeking Possession for ASb without prior warning or proper investigation,
- Failing to recognise ASB as racially motivated and therefore to provide appropriate victim support mechanisms,
- Failure to provide full time education to a pupil with special needs for nearly 2 years,
- Failure to properly consider impact on traders position when changing policy to require food sellers at certain location to operate from kiosks instead of mobile units.

18. Full details of all of these cases (and the annual letters relating to these authorities) can be reviewed on the Ombudsman's website at www.lgo.org.uk along with a digest of cases, fact sheets on service specific areas, special interest reports and a summary of statistics by area and authority type should the Committee require any further information in this regard.
19. In conclusion, in relation to the Local Government Ombudsman's Annual Letter, the number of complaints overall continues to remain low and that is pleasing. Southampton performs well in comparison to its Audit Commission comparator group in the south and had the lowest number of complaints determined last year, the second lowest number of new complaints received and the fastest response time in relation to those authorities. The sums paid by the Council in resolving complaints is broadly comparable with last years mainly because of the two relatively high payouts in relation to Children's Services matters. Of the remaining Local Settlements, there has been a significant decrease in the number of cases in which compensation for minor breaches has been payable demonstrating that appropriate resolution to complaints is now being offered in the main at earlier stages of the complaints procedures. Continued investigation and monitoring will be undertaken to assess and understand the increasing trend of premature complaints with appropriate action to be taken to address any issues identified as contributing to the increase.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

20. N/A

Revenue

21. There are no additional revenue implications arising from this report. The small level of compensation paid was met from within existing divisional budgets.

Property

22. N/A

Other

23. N/A

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

24. The Ombudsman's jurisdiction is laid out in the Local Government Act 1974 as amended. Local authority complaints mechanisms are operated under Section 111 Local Government Act 1972 and complaints in relation to Children's and Adult Services in accordance with corresponding primary legislation and regulations.

Other Legal Implications:

25. N/A

POLICY FRAMEWORK IMPLICATIONS

26. The matters set out in this report are consistent with the Council's Constitution and Policy Framework.

SUPPORTING DOCUMENTATION

Appendices

1	LGO Annual Letter 2010-11 and statistics
2	Breakdown of decisions made by the Ombudsman during 2010/11 and communicated to local authorities
3	Total number of new complaints received (rather than determined) by each Authority in 2009/10 broken down by subject area

Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the
Access to Information
Procedure Rules / Schedule
12A allowing document to be
Exempt/Confidential (if
applicable)

1.	None	
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Background documents available for inspection at: None

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24 June 2011

By email

Mr A Neill
Chief Executive
Southampton City Council

Dear Mr Neill

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB

T: 024 7682 0000
F: 024 7682 0001
W: www.lgo.org.uk

Advice Team: 0300 061 0614

Jane Martin
Local Government Ombudsman
Neville Jones
Deputy Ombudsman

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Martin', with a horizontal line underneath it.

Dr Jane Martin
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	1	9	0	6	1	2	10	0	3	32
Advice given	2	1	0	2	1	1	1	0	1	9
Forwarded in investigative team (resubmitted)	1	1	0	0	0	0	2	0	0	4
Forwarded to investigative team (new)	1	1	3	6	2	1	3	2	4	23
Total	5	12	3	14	4	4	16	2	8	68

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	10	0	0	13	5	2	30

No adult social care decisions were made in the period

Provisional comparative response times 01/04/2010 to 31/03/20 11

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	20	20.2
2009 / 2010	19	21.4
2008 / 2009	17	21.1

Types of authority	<= 28 days %	29 -35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	1	22.0

APPENDIX 2

BREAKDOWN OF DECISIONS MADE BY THE OMBUDSMAN DURING 2010/11 AND COMMUNICATED TO LA'S

Authority	Total Complaints (Excluding Prematures)	Mal	LS	NM	OD	OJ	Total Compensation	Days to respond (target 28 days)
Brighton & Hove	61 (67)	0 (1)	18 (17)	20 (32)	15 (10)	8 (7)	>£4,000 (Not Reported)	28.7 (32.3)
Bristol	106 (96)	0 (0)	29 (19)	42 (42)	13 (17)	22 (18)	£19,164 (£17,680)	27.2 (25.1)
Plymouth	52 (48)	0 (0)	11 (11)	19 (25)	11 (5)	11 (7)	Not Reported (£1,375)	25.2 (25.1)
Portsmouth	32 (28)	0 (0)	5 (6)	13 (15)	8 (4)	3 (3)	Not Reported (£150)	24.1 (25.1)
Southampton	30 (28)	0 (0)	10 (7)	13 (8)	5 (7)	2 (6)	£3,650 (£4,525)	20.2 (21.4)

Mal = Maladministration (with or without Reports)

LS = Local Settlements

NM = No Maladministration / No fault

OD = Ombudsman's Discretion to discontinue

OJ = Outside Jurisdiction

(Figures in Brackets) = Last Years figures

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TOTAL NUMBER OF NEW COMPLAINTS RECEIVED (RATHER THAN DETERMINED) BY EACH AUTHORITY IN 2009/10 BROKEN DOWN BY SUBJECT AREA

Authority	Adult Care	Benes & Tax	Corporate & Other	Education & Children's Services	Environment & Public Protection	Highways & Transport	Housing	Planning & Development Control	Premature or Advice	Total
Brighton & Hove	7	5	4	24	7	7	18	3	68 (48%)	143
Bristol	4	10	8	14	19	4	20	14	94 (50%)	187
Plymouth	4	3	4	6	6	8	7	5	54 (56%)	97
Portsmouth	1	3	3	10	3	0	3	6	27 (48%)	56
Southampton	2	2	5	6	2	1	5	4	41 (60%)	68

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Agenda Item 7

DECISION-MAKER	STANDARDS AND GOVERNANCE COMMITTEE		
SUBJECT	CORPORATE COMPLAINTS 2010-11		
DATE OF DECISION	8 SEPTEMBER 2011		
REPORT OF:	HEAD OF CORPORATE POLICY AND PERFORMANCE		
AUTHOR	Name:	Tracey Arrowsmith	Tel: 023 8083 3050
	E-mail:	tracey.arrowsmith@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

This report summarises performance and issues arising out of the Council's Corporate Complaint's Procedure from the 1st April 2010 until 31st March 2011. Summary reports are also considered by the Management Board of Directors as part of its quarterly performance monitoring process.

RECOMMENDATION:

- (i) That the report be noted.

REASONS FOR REPORT RECOMMENDATIONS

1. To update members of this Committee on performance and any issues arising out of complaints made by the public via the Corporate Complaint's Procedure during 2010/11. Identifying these issues assists the Council in understanding where things have "gone wrong" in the past year in order to improve service delivery.

CONSULTATION

2. This report is presented to Standards & Governance Committee for consultation purposes.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. N/A

DETAIL

4. The effective and responsive management of complaints is a vital part of the council's overall approach to customer care. In addition the customer feedback that valid complaints provide can be used to improve service delivery, facilitate council wide learning and demonstrate continuous improvement.
5. The Council operates a three part complaints system:
 - Stage 1 complaints are responded to by the relevant service manager
 - Stage 2 complaints are investigated and responded to by with the appropriate Head of Service
 - Stage 3 complaints are investigated by the Corporate Complaints Officer or by a Senior Officer independent from the service area that is being complained about..

6. A separate process is followed within the Children's Services and Learning Directorate and the Health and Adult Social Directorate, largely as a result of the statutory complaints procedure which applies in these areas. This is reported separately on this Committees agenda.
7. At the end of a Stage 3 investigation, the customer is advised that if they are still not satisfied with the outcome, they may address their complaint to the Local Government Ombudsman. This in effect represents the fourth and final stage from the customer's perspective.

Statistical Information for 2010/11

8. During 2010/11 there were 1,016 complaints recorded through the Corporate Complaints procedure. This represents an 8.6% decrease on the 1,112 complaints received in 2009/10.
9. A breakdown of the complaints received by division is set out in Appendix A to this report.
10. The distribution of complaints is not spread evenly across all divisions. Complaints are concentrated towards a number of customer facing services. In 2010/11 five divisions accounted for over half of the complaints received. The first table below lists the 5 Divisions with the highest proportion of complaints for 2010/11, and compares this with figures for 2008/09 and 2009/10. The second table lists alphabetically those Divisions that have been included in the 5 with the highest proportion of complaints from 2008/09 to 2010/11

Rank of 5 Divisions with the highest proportion of complaints for 2010/11					
2010/11		2009/10		2008/09	
Local Taxation	18.1%	Local Taxation	19.3%	Leisure & Culture	22.3%
Waste & Fleet Transport	11.3%	Decent Homes	13.2%	Housing Management	13.1%
Decent Homes	11.0%	Waste & Fleet Transport	9.4%	Decent Homes	10.7%
Housing Management	9.7%	Leisure & Culture	8.8%	Local Taxation	9.4%
Highways & Parking	8.4%	Customer Services	8.3%	Waste & Fleet Transport	9.0%

Divisions with the highest proportion of complaints 2008/09 to 2010/11			
	2010/11	2009/10	2008/09
Customer Services	-	8.3%	-
Decent Homes	11.0%	13.2%	10.7%
Highways & Parking	8.4%	-	-
Housing Management	9.7%	-	13.1%
Leisure & Culture	-	8.8%	22.3%
Local Taxation	18.1%	19.3%	9.4%
Waste & Fleet Transport	11.3%	9.4%	9.0%

11. Leisure and Culture improved in 2009/10 and are not included in the current analysis for 2010/11 because most leisure centres transferred to Active Nations, who now record their complaints separately. Discussions will be held with Leisure & Culture Division with a view to obtaining complaints information from Active Nations for inclusion in next year's report.
12. Complaints are recorded into one of a number of categories. The table below indicates the percentage of complaints within each category and compares this with figures for 2008/09 and 2009/10

Category	2010/11	2009/10	2008/09
Discrimination	1%	1%	1%
Misinformation	5%	4%	3%
Charges	10%	4%	8%
Speed	3%	5%	5%
Behaviour	15%	19%	12%
Performance	40%	31%	30%
Other	14%	36%	41%
Avoidable Contact	5%	NA	NA
Disagree with Decision	7%	NA	NA

13. Two new categories were introduced from April 2010; 'disagree with decision' and 'avoidable contact'. This, along with CCO training has resulted in a decrease in the number of complaints recorded against 'other'.

14. The table below provides a breakdown of this Council's performance in relation to complaints compared to the Council's statistical neighbours. The Corporate Complaints procedure is not a statutory requirement. However failure to have a Corporate Complaints procedure in place would lead to an adverse report from the Local Government Ombudsman (LGO). The systems and processes that individual councils have in place are based on LGO guidance and are tailored to individual council structures and services. Comparison between authorities is therefore difficult. However, comparator information was requested from four authorities within Southampton's Audit Commission statistical neighbours. The responses confirmed that there are *some* similarities in the recording of complaints in these authorities. The following table sets out the overall figures for the number of complaints received.

Authority	Corporate Complaints received 2009/10	Corporate Complaints received 2010/11	Adult population 2010/11	Complaints per head of adult population 2010/11
Southampton	1,112	1,016	201,400	0.0050
Portsmouth	864	807	172,800	0.0047
Brighton & Hove	1,649	1,804	217,200	0.0083
Plymouth	2,152	1,168	214,900	0.0054
Bristol	3,607	2,917	368,300	0.0079

Complaints Closed & Resolved During 2010/11

15. The Corporate Complaints Procedure requires that complaints at stage 1 of the process are responded to within 10 working days and complaints at stage 2 and 3, within 20 working days.

The following table shows the number of complaints responded to at each stage of the procedure. Those complaints that cannot be responded to within the target period are frequently those that are more complex, and can involve investigating actions across more than one service area or division. Where this situation occurs the complainant will be contacted and a revised completion date agreed.

Overall the number of complaints dealt with in 2010/11 saw a small decrease, down 85 on the previous year with a slight improvement on those responded to within the timescales included in the complaints policy. However within these figures it should be noted that despite a reduction in the number of complaints escalated to Stage2 those responded to within 10 days fell from 95% to 80%. The number of complaints escalated to Stage 3 reduced by 6 and there was a significant improvement in the percentage of these that were responded to within 10 working days up from 56% in 2009/10 to 87% in 2010/11

Stage	Working days to close 2010/11		Working days to close 2009/10	
	≤ 10 days	> 10 days	≤ 10 days	> 10 days
1	764 (90%)	83 (10%)	811 (89%)	104 (11%)
	≤ 20 days	>20 days	≤ 20 days	>10 days
2	71 (80%)	18 (20%)	95 (95%)	5 (5%)
3	34 (87%)	5 (13%)	25 (56%)	20 (44%)
Total	869 (89%)	106 (11%)	931(88%)	129 (12%)

N.B. This table shows the number of complaints *completed* in 2010/11 as opposed to the number of complaints *received*.

Accessing the complaints process

16. Customers can make a complaint in a variety of ways. The most efficient way from a Council perspective is for customers to use the online complaints form that can be accessed through the Council's website. The following table shows the number of complaints made by customers using the online complaint form over the last three years.

Year	Received online	Percentage of total received	Total received (all mediums)
2008/2009	486	45%	1072
2009/2010	396	36%	1112
2010/2011	218	21%	1016

It appears that the percentage of complaints received via this method has steadily decreased. The reasons for this are currently unclear. The Lagan IT system, introduced in 2009, records how each complaint is received, but it has not previously been possible to produce a report containing this information. Lagan is now linked with CorVu (the Council's performance management system) and work is currently underway to extract from Lagan how customers submit their complaint and to include this information within a CorVu report. This report will enable further analysis to help determine how to promote access to the complaints process.

17. Work will also be undertaken during 2011/12 to assess whether access to the complaints system would be enhanced by the use of social networking e.g. Twitter, Facebook etc. to enable customers to submit complaints. The outcome of this assessment and any subsequent action will be included in next year's Annual Report to this Committee.

Learning from Complaints

18. In addition to using the complaints processes to redress customer dissatisfaction, the feedback generated through complaints is an important tool for improving performance and service delivery. The new monthly and quarterly reports created by CorVu now include a summary of service improvements and lessons learnt. Work is underway in 2011/12 to ensure that problems

encountered and learning experiences are shared across the entire council. This will provide an opportunity for initiatives developed to enhance customer satisfaction in one part of the organisation to be assessed for suitability in other directorates.

19. Appendix B includes a number of the initiatives for improvements arising from the consideration of complaints during 2010/11.

Developing the Corporate Complaints Process

20. Questionnaires on satisfaction feedback are sent to customers following the closure of a Stage 1 complaint. The questionnaires are intended to measure the quality and access to the complaints system. In 2010/11 of the 639 questionnaires sent out, 22% (142) were returned. 52% of complainants who feedback described the procedure for making complaints as easy and 22% as difficult. Due to the relatively low return rate, more effective ways of collecting customer feedback will be explored during 2011/12.
21. During 2010/11 a half day training programme was rolled out to Complaints Contact Officers across the authority. The training sessions covered general complaint handling, complaint classification and the importance of recording lessons learnt, as well as looking at effective use of the Lagan system.
22. All non-statutory complaints regarding Children Services & Learning and, Health & Adult Social Care are now recorded on Lagan. This has ensured that all complaints which should be dealt with through the Corporate Complaints procedure are recorded and reported in a consistent way.
23. Lagan is now linked with the corporate performance management tool CorVu. From April 2011 all reporting will be done through CorVu. This gives more control and greater flexibility in terms of reporting from Lagan.
24. Due to the restructuring of the council in 2011/12, significant changes will need to be made to Lagan to reflect the new structures. It is also intended to use this opportunity to make improvements to the Lagan system to make it more user friendly, as well as reducing time and cost of any future restructures.

Freedom of Information and Data Subject Access Complaints

25. Complaints made about responses to requests for information made under the Freedom of Information (FOI) Act or Data Protection Act (DP) are processed outside the corporate complaints procedure. They do not follow the 3 stage process of other complaints, but are reviewed by the Corporate Complaints Officer in a similar way as a complaint at Stage 3. Customers are advised of the outcome of the review and advised that if they still feel unhappy with the response provided by the council they may escalate their complaint to the Information Commissioner's Office.

The following table provides a summary of the reviews undertaken:

Freedom of Information and Data Subject Access complaints responded to 2010/11		
Division	Type of complaint	Outcome
Health & Adult Social Care	Freedom of Information	Information provided to customer was not what requested. Explained unable to provide information requested due cost/time.
	Data Subject Access	Further information disclosed.
	Data Subject Access	Incorrect exemption applied. Explained to customer that information is not held.
Legal Services	Freedom of Information	Decision upheld, but access to related information offered.
	Freedom of Information	Decision upheld.
Housing Management	Data Subject Access Request	Further disclosure made.
Neighbourhood Services	Freedom of information	Reasons for refusal changed and further clarification given.
Planning a& Sustainability	Freedom of Information Request	Further disclosure made.

Conclusion

26. The council has continued to promote complaints as a means of addressing customer dissatisfaction and trying to put things right wherever possible. The Corporate Complaints Officer has continued to work with Capita to develop the Lagan system to record and report complaints and with the Complaints Contact Officers in Directorates to ensure a comprehensive and consistent approach to complaints handling.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

27. N/A

Revenue

28. N/A

Property

29. N/A

Other

30. N/A

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

31. Local authority complaints mechanisms are operated under Section 11 Local Government Act 1972

Other Legal Implications:

32. N/A

POLICY FRAMEWORK IMPLICATIONS

33. The matters set out in this report are consistent with the Council's Constitution and Policy Framework.

SUPPORTING DOCUMENTATION

Appendices

1	complaints received by directorate 2010/11
2	learning from complaints
3	results of complaints questionnaire 2010/11

Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the
Access to Information
Procedure Rules / Schedule
12A allowing document to be
Exempt/Confidential (if
applicable)

1.	None	
----	------	--

Background documents available for inspection at:

KEY DECISION No

WARDS/COMMUNITIES AFFECTED

None

Total Complaints received 2010/2011				
	Stage 1	Stage 2	Stage 3	Total
Chief Executive's				
Communications	1	0	0	1
Economic Development	1	0	0	1
Legal & Democratic Services	8	5	4	17
Total for Chief Execs	10	5	4	19
Children Services				
Commissioning	5	0	0	5
Safeguarding	1	0	0	1
Standards	29	0	0	29
Total for Children Services	35	0	0	35
Environment				
Environmental Health	12	5	2	19
Highways & Parking	72	10	4	86
Planning	30	9	6	45
Transport	7	1	0	8
Waste & Fleet	109	5	1	115
Total for Environment	230	30	13	273
Health & Adult Social Care				
Business Support	3	0	0	3
Learning Disability	6	0	0	6
Locality Support	63	3	1	67
Mental Health	1	0	0	1
Total for Health & Adult Social Care	73	3	1	77
Neighbourhoods				
Decent Homes	102	7	3	112
Housing Management	81	11	7	99
Housing Solutions	19	4	1	24
Leisure & Culture	34	4	3	41
Neighbourhood Services	28	1	1	30
Total for Neighbourhoods	264	27	15	306
Resources				

Total Complaints received 2010/2011				
	Stage 1	Stage 2	Stage 3	Total
Cash Office	1	1	0	2
Customer Services	49	2	1	52
Exchequer Services	4	0	0	4
Housing Benefit	45	7	2	54
HR	1	0	0	1
IT	2	0	0	2
Local Taxation	155	24	5	184
Property & Procurement	6	0	1	7
Total for Resources	263	34	9	306
Grand Total	875	99	42	1016

Learning from Complaints

Customer Services

- 4 complaints received resulted in additional customer service and call handling training for staff
- A complaint about the processing times of Blue Badge applications lead to a review of the procedure and an improvement in processing times

Property and Procurement

- A complaint about the time it took to process a Garden Licence Application led to a review and strengthening of the procedure for processing these applications

Parking Services

- A customer complained that their vehicle was locked in a car park. This resulted in extra signage being added to the car park relating to closing times.
- A complaint about a vehicle that was removed led to website information on removal of dangerous vehicles being updated

Benefit Services

- A complaint that the wording of a letter caused distress, lead to a change in the wording of standard letters.
- A customer complained that a HB payment was received late due to the Easter Bank Holidays. This lead to procedures being amended to ensure payments go out a day earlier on bank holiday weeks

Housing Solutions

- A customer complained about the placing of kitchen units following housing improvement work. Procedures amended to ensure that clarification is included in the schedule of works.

Council Tax

- A customer complained that their new address had been disclosed to a former partner. Processes were reviewed and changed to ensure no such data protection breaches occur in the future.



Results of complaints questionnaire 2009/10

Q1 Before making a complaint were you aware of the Council's complaints process?

Yes

27%	38
-----	----

No

68%	96
-----	----

Q2 How did you find out about the Council's Complaints Process?

A friend or relative

4%	5
----	---

Council staff (e.g. switchboard, Gateway, local housing office or another council officer)

39%	55
-----	----

Council publications such as the Council's A-Z guide booklet, How to make a Complaint leaflet, City View

4%	6
----	---

The Council's website – Southampton Online

23%	33
-----	----

Another organisation e.g. Citizens Advice Bureau or a Community Group

1%	2
----	---

A Councillor or Member of Parliament

4%	6
----	---

Other please state

19%	27
-----	----

Q3 Which of the following do you feel best describes the procedure for making a complaint?

Very easy

23%	32
-----	----

Fairly easy

30%	43
-----	----

Neither easy nor difficult

19%	27
-----	----

Fairly difficult

11%	15
-----	----

Very difficult

12%	17
-----	----

Q4 At what stage was your complaint resolved?

Stage 1

31%	44
-----	----

Stage 2

8%	11
----	----

Stage 3

9%	13
----	----

Local Government Ombudsman

1%	1
----	---

Don't Know

30%	43
-----	----

Q5 To what extent do you agree or disagree with the following statements regarding the outcome of your complaint

	Agree Strongly	Agree Slightly	Neither Agree or Disagree	Disagree slightly	Disagree strongly	Not applicable
I agree with the conclusion reached by the person who investigated my complaint	21% 30	14% 20	11% 15	5% 7	23% 33	13% 18
I am satisfied that the conclusion reached by the investigator of my complaint was fair	21% 30	13% 19	11% 16	6% 9	23% 33	12% 17
The investigation addressed all the concerns raised in my original complaint	21% 30	10% 14	11% 16	5% 10	30% 43	5% 10
There was a clear explanation of what would be done/will happen next from the council service	23% 33	14% 20	13% 18	10% 14	18% 26	8% 12
The apology I received was adequate	20% 29	18% 26	8% 12	3% 4	18% 25	15% 22
I was advised how to take my complaint further if I had wanted to	21% 30	17% 24	13% 19	11% 16	31% 44	6% 9

Q6 Overall, how satisfied were you with the result (outcome) of the investigation of your complaint?

Very satisfied	21%	30
Fairly satisfied	17%	24
Neither satisfied nor dissatisfied	13%	19
Fairly dissatisfied	11%	16
Very dissatisfied	31%	44

Q7 If you were not completely satisfied with the result (outcome) of the investigation of your complaint, please say why

Q8 To what extent do you agree or disagree with the following statements regarding the handling of your complaint

	Agree Strongly	Agree Slightly	Neither Agree or Disagree	Disagree slightly	Disagree strongly	Not applicable
My complaint was dealt with within a reasonable time	29% 41	21% 30	4% 5	11% 15	25% 35	4% 5
The attitude of the person/people dealing with my complaint was appropriate	32% 46	23% 33	11% 15	8% 12	14% 20	4% 5
I was kept informed of the progress of the investigation	21% 30	15% 22	6% 9	8% 11	31% 44	11% 15

Q9 Overall, how satisfied were you with the manner in which we handled your complaint?

Very satisfied	21%	31
----------------	-----	----

Fairly satisfied	20%	29
Neither satisfied nor dissatisfied	11%	15
Fairly dissatisfied	16%	23
Very dissatisfied	26%	37

Q10 If you were not completely satisfied with the manner in which we handled the investigation of your complaint, please say why

Q11 If you wish to make any other comment that could be used to improve the complaints service, please make it here.

Are you

Male	40%	57
Female	40%	57

Which of these age groups do you fall into?

Under 18	0%	0
18 to 24	1%	2
25 to 34	13%	18
35 to 44	15%	21
45 to 54	15%	21
55 to 64	25%	35
65 to 74	16%	23
75+	8%	11

Do you have any long term illness, health problem or disability which limits your daily activities or the work you can do?

Yes, limits severely	64%	91
Yes, limits but not severely	13%	19
No	23%	32

To which of these groups do you consider you belong?

a) White

British	75%	107
Irish	4%	5
Any other White background	3%	4

b) Mixed

White and Black Caribbean	1%	1
White and Black African	0%	0

White and Asian	0%	0
Any other Mixed background	0%	0
c) Asian or Asian British		
Indian	1%	2
Pakistani	1%	1
Bangladeshi	1%	1
Any other Asian background	1%	1
d) Black or Black British		
Caribbean	2%	3
African	0%	0
Any other African background	0%	0
e) Chinese		
Chinese	0%	0
f) Other ethnic group		
	0%	0

N.B. Percentages do not total 100% as not all respondents answered all questions

Agenda Item 8

DECISION-MAKER	STANDARDS AND GOVERNANCE COMMITTEE		
SUBJECT	ANNUAL REPORT ON CHILDREN'S SERVICES AND LEARNING/ HEALTH AND ADULT SOCIAL CARE COMPLAINTS 2010-11		
REPORT OF:	CUSTOMER CARE AND QUALITY MANAGER		
DATE OF DECISION	8 SEPTEMBER 2011		
AUTHOR	Name:	Christine Williams	Tel: 023 8083 3258
	E-mail:	Christine.williams@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

This report provides an overview and analysis of the comments, concerns, compliments, and enquiries from Councillors and MPs, informal complaints (representations) and formal complaints.

It also provides an overview of performance in relation to timely responses to requests for access to personal social care files (Data Protection Act requests) from former clients and other named individuals, and Freedom of Information Requests across Children's Services and Learning and Health and Adult Social Care Directorates.

The NHS and Community Care Act 1990, the Children Act 2004 and Department of Health Guidance and Regulations require social care services within local authorities to set up and maintain a complaints procedure. Southampton City Council operates a single complaints and comments system – covering all statutory complaints about Adult Social Care Services and Children's Services and Learning. At present this statutory complaints and comments system is separate from the corporate complaints process. The guidance requires the production of an annual report, see Appendix 1.

RECOMMENDATION:

- (i) That the report be noted.

REASONS FOR REPORT RECOMMENDATIONS

1. To provide Council Members with an overview of the issues arising out of complaints made by the public to Children's Services and Learning and the Health and Adult Social Care Directorate during 2010-11, and provide information on actions taken following on from complaints to demonstrate how we learn as an organisation and improve future performance.

CONSULTATION

2. This report is presented annually to the Standards and Governance Committee for consultation purposes.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. N/A

DETAIL

Rationale and background

4. The new OfSTED inspection framework stipulates that account must be taken of the extent to which service providers have sought and acted upon the views of children, young people and carers. Children's Services and Learning Directorate encourage users to make comment, complaint and compliments about the service in accordance with this. The OfSTED framework describes:
 - An outstanding service, as one in which: *'there is a well-established complaints and representations service, which is valued by children and young people. The outcome of complaints and concerns raised about services are systematically used to inform service development.'*
 - An inadequate service, as one in which: *'too few children and young people are aware of how to complain or make representations. Children and young people are not informed about their access to advocacy services to support them in making complaints and representations or express a lack of confidence in the complaints system.'*
5. The NHS and Community Care Act 1990 and Department of Health Guidance and Regulations require Social Services to set up and maintain a complaints procedure and to operate that procedure according to specified timescales and methods of investigation and review. The Adult Health and Social Care Directorate encourages service users to comment on the service.
6. The Customer Care and Complaints Manager for Health and Adult Social Care and Children's Services and Learning uses information from the National complaints Managers Group and the Local Ombudsman to inform best practice. Ordinarily this report to the Standards and Governance Committee would be accompanied by an Annual Report covering complaints to both Health and Adult Social Care and Children's Services and Learning. Changes in the structure of both departments during the year have led to some problems and delays in full analysis of these complaints, which has delayed the presentation of the Annual Report to the respective Directorate Management Teams. A copy of the annual report can be submitted if needed to the Standards and Governance Committee at a later meeting.

Contacts - during the period 1 April 2010 – 31 March 2011
7.
 - Children's Services and Learning: 395 contacts were received of which 176 were formal complaints.
 - Health & Adult Social Care Directorate: 354 contacts were received by the Directorate, of which 194 were formal complaints. This is a slight decrease on last year.

Compliments_- during the period 1 April 2010 – 31 March 2011

8.
 - Children's Services and Learning Directorate: 76 compliments were recorded in total for 45 were for Social Care, 10 for Safeguarding Inclusion services and 21 for School Standards
 - Health & Adult Social Care: 78 compliments were received for and these were mainly regarding the hard work and caring attitude of staff

This is an increase on the previous year and is in part due to greater staff awareness of the need to send all compliments to the Customer Care & Complaints Team for recording.

Complaints - during the period 1 April 2010 – 31 March 2011:

9. Children's Services & Learning: A total of 176 complaints were received, complaining about 283 issues. :

Health & Adult Social Care: A total of 194 formal complaints were received complaining about 440 issues.

The difference between the numbers of complaints and the number of issues is explained by the fact that some complaints relate to a complainant being unhappy about several issues. A more detailed evaluation of these will be undertaken in the Annual Complaints Report.

10. The number of complaints received for children's services decreased slightly. However the categories used for recording this information changed in 2010-11 and it is therefore not possible to give an accurate comparison with earlier years on these factors. In Health and Adult Social Care the number of complaints recorded decreased by 12.6%.
11. Officers and managers in both Directorates continue to work with the complaints team to further explore any patterns in the number of complaints relating to changes in service performance. More recently some work has started to evaluate how we might improve collaboration corporately and with other complaints services to improve our understanding and effectiveness.
12. Complaints in the Health and Adult Service have decreased. However, the Finance Department have dealt with some complaints directly and these have not been recorded by the Customer Care and Complaints Team. These are specifically related to problems experienced in the billing computer systems.

13. **Formal complaints**

Of the 176 complaints in Children's Services and Learning:

Outcome	Statutory Complaint
Complaint withdrawn	0
Not Upheld	89
Ongoing	1
Partially Upheld	29
Stopped	1
Upheld	47
Total	167

9 complaints do not have an outcome recorded.

Note: The Local Government Ombudsman was due to take responsibility for complaints about schools in 2011. However, this has not taken place and it is still unclear who will ultimately take responsibility for this function.

Of the 194 complaints in Health and Adult Social Care:

Outcome	Statutory Complaint
Complaint withdrawn	4
Not Upheld	30
Not upheld following appeal	36
Ongoing	11
Partially Upheld	34
Stopped	4
Upheld	74
TOTAL	194

14. There has been an overall increase in response rates to complaints in Children's Services and Learning. One reason for this is the recent changes in service management which have resulted in complaints being dealt with more promptly and by the correct team.

- 15 The response rate within Health and Adult Social Care also shows an improvement. This is as a result of the changes in the Adult statutory complaints procedure which means complaints are now categorised as low, medium and high risk and the timescales for responses are different. In the low category 73.9% of complaints were responded to within timescale (10 days), Medium 94.1% within timescale (20 days) and High 25% (30 days).
- 16 **Complaints not resolved at Stage 1**
Of the 176 complaints received for Children’s Services and Learning, 4 progressed to Stage 2 and 1 progressed to Stage 3. The Local Government Ombudsman investigated 6 complaints for School Standards and Inclusion. These were regarding unsuccessful admissions and a Special Education Needs Statement. A further two premature complaints were received from the Local Government Ombudsman which had not previously gone through the Children’s Services and Learning Complaints process. Of the 194 complaints for Health & Adult Social Care, 3 complaints were received via the Local Government Ombudsman, 1 of which was classed as premature and was dealt with through the Adult statutory complaints procedure.
- 17 **Learning from complaints.** The feedback from divisions on learning points was patchy and was identified as an area for further development this year. Performance in this area has now improved.
- 18 An action/improvement plan has been developed to systematically capture outcomes and learning from complaints (appendix A). These were adopted by Children’s and Adults services and they are proving to be invaluable in demonstrating areas for improvement, lessons learned and actions to be taken. This information is monitored and it is followed up to ensure that agreed actions have been completed
- 19 The Standards and Governance Committee requested a breakdown of how performance in number and response to complaints measured against the Council’s statistical neighbours, It has only been possible to obtain information from three other authorities. The Ombudsman does not publish direct comparisons as the nature of Authorities and the services they deliver varies considerably... This comparison compares performance across our statistical neighbours (Audit Commission Comparator Authorities list - Bristol, Brighton & Hove, Plymouth and Portsmouth.

Name of Authority	No of Formal complaints
Hull	65 Childrens
Bristol	98 Adults
Portsmouth	75 Childrens
	75 Adults
Southampton	111 Adults
	137 Childrens

20 Whilst there is not yet sufficient data to carry out a comprehensive analysis of Southampton's performance against others for 2010-11, the data does indicate two conclusions:

- a) The total number of complaints received in Southampton are higher than those for Hull, Bristol and Portsmouth. It is not clear whether this relates to service performance issues, or the accessibility of the complaints process. The consistency of the high level of complaints, with the relatively high proportion successfully resolved at Stage 1 might suggest that there are higher levels of awareness in Southampton about how to complain.
- b) Despite higher levels of complaints, Southampton performs well in responding to complaints promptly.

21 **Areas for development:** There is an ongoing need, in the coming year to use our established processes to demonstrate the impact of complaints and representations in improving the way services are provided. Equally, we are committed to ensuring that adults, vulnerable adults, children, young people, as well as their parents and carers, are aware of the complaints process and have confidence in it. Heads of service have agreed the following actions in order to improve our responsiveness to complaints:

- Regular meetings between the Head of Service and Complaints Manager and Divisional Management Teams to review timeliness and quality of responses.
- Learning from complaints will continue to be incorporated into working practices

We have begun to ensure that children and young people and those who work with them are more aware of the complaints process through a greater use of advocacy. This has also been highlighted through the Young People in Care Council and we are also working with the Adult and Children's divisional management teams. A recent Adoption inspection by OfSTED commended the high quality of complaints handling/process in Children's Services & Learning as being a strength of the service in the City.

22 **Access to records:** There were significant increases in requests by current and former service users in relation to access to care records across both Children's Services and Learning and Health and Adult Social Care. This again is indicative of more service users being aware of the right of access to information about their care.

- Children's Services & Learning: there was a 70.8% increase in requests received for access to records, from 65 to 111
- Health & Adult Social Care: there was a 53% increase in requests received for access to records from 13 to 20

23 **Freedom of Information requests:** There were significant increases in freedom of information requests across both Children's Services and Learning and Health and Adult Social Care. This is indicative of more service users being aware of the right of access to information about council services.

- Children's Services & Learning_ - this figure was the same as in 2009/10
- Adult Social Care - there was an increase of 16% in FOI requests from 56 to 65

FINANCIAL/RESOURCE IMPLICATIONS

Capital

24 N/A

Revenue

25 N/A

Property

26 N/A

Other

27 N/A

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

28 Local authority complaints mechanisms are operated under Section 11 Local Government Act 1972 and complaints in relation to Children's and Adult Services in accordance with corresponding primary legislation, regulations and evidence.

Other Legal Implications:

29 N/A

POLICY FRAMEWORK IMPLICATIONS

30 The matters set out in this report are consistent with the Council's Constitution and Policy Framework.

SUPPORTING DOCUMENTATION

Appendices

A	Action Improvement Plan
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Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the
Access to Information
Procedure Rules / Schedule
12A allowing document to be
Exempt/Confidential (if
applicable)

1.	None	
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Background documents available for inspection at: N/A

**STAGE 1 IMPROVEMENT PLAN
 FOLLOWING RESPONSE**

Appendix A

Name of Complainant: <P1Title> <P1Forename> <P1Surname>
Date complaint made: <P1Receipt Date>

Name of Service User: <P2Forename> <P2Surname>
 (if different from complainant)

ISSUE IDENTIFIED	ACTION NEEDED	BY WHOM	BY WHEN	FURTHER ACTION NEEDED	SIGNED OFF BY (Manager)
				YES / NO	
				YES / NO	
				YES / NO	

Appendix 1

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Agenda Item 9

DECISION-MAKER:	STANDARDS AND GOVERNANCE COMMITTEE COUNCIL
SUBJECT:	MEMBERS' ALLOWANCE SCHEME
DATE OF DECISION:	8 th September 2011 14 th September 2011
REPORT OF:	Acting Head of Legal and Democratic Services
STATEMENT OF CONFIDENTIALITY	
N/A	

BRIEF SUMMARY

Under the Local Government (Members Allowances) (England) Regulations 2003, local authorities are required to have Independent Remuneration Panels for the purpose of reviewing their schemes of Members' Allowances. Southampton City Council is required to review its scheme by September 2011 at the latest and have regard to the recommendations of the Independent Remuneration Panel.

RECOMMENDATIONS:

STANDARDS AND GOVERNANCE COMMITTEE

- (i) To consider and comment on the recommendations of the Independent Remuneration Panel as set out on in the Panel's report (attached as appendix 1).

COUNCIL

- (i) To consider the recommendations of the Independent Remuneration Panel as set out in the Panel's report (attached as Appendix 1)
- (ii) To make any amendment to the Council's Constitution accordingly
- (iii) To thank the members of the Independent Remuneration Panel for their work in reviewing the Members' Allowance Scheme.

REASONS FOR REPORT RECOMMENDATIONS

1. Under the Local Authorities (Members Allowances) (England) Regulations 2003, Southampton City Council is required to have an Independent Remuneration Panel review the Members' Allowance Scheme within 4 years of the date that the scheme was approved.
2. Council approved the Members' Allowance Scheme on 19th September 2007 and has subsequently made amendments to the scheme as necessary. The Basic and Special Responsibility Allowances have not been reviewed since the scheme was approved in 2007.
3. Council has a duty to have regard to the recommendations of the Independent Remuneration Panel when making or amending the scheme of allowances.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. Council is required to approve a Members' Allowance Scheme at this meeting in order to comply with The Local Authorities (Members' Allowances) (England) Regulations 2003. The options are:-
- (i) to approve the report of the Independent Remuneration Panel
 - (ii) to amend the recommendations of the Independent Remuneration Panel
 - (iii) to reject the recommendations of the Independent Remuneration Panel and consider alternative proposals.

DETAIL (Including consultation carried out)

5. The attached report of the Independent Remuneration Panel details the reasons and rationale for the recommendations made by the Panel.
6. The Council is required by law to consult with the Independent Remuneration Panel, established for the purpose of considering the Members' Allowances, prior to making any decision to amend, revoke or replace the existing scheme of allowances. The recommendations of the Independent Remuneration Panel are set out in Appendix 1.

RESOURCE IMPLICATIONS

Capital/Revenue

7. If all the recommendations contained in this report are implemented, this can be achieved within existing budgets contained within the Leaders Portfolio. The recommendations are based on a commencement date of 1st October 2011 and the full-year effect of the changes from 2012/13 will be a saving of up to £80k. However this figure will vary if the recommendations are only accepted and implemented in part.

Property/Other

8. N/A

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

9. Local Authorities (Members' Allowances) (England) 2003.

Other Legal Implications:

10. N/A

POLICY FRAMEWORK IMPLICATIONS

11. None

AUTHOR:	Name:	Richard Ivory	Tel:	023 802794
	E-mail:	richard.ivory@southampton.gov.uk		

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	None
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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Report of the Independent Remuneration Panel
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Documents In Members' Rooms

1.	None
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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**REVIEW OF SOUTHAMPTON CITY
COUNCIL'S SCHEME FOR
MEMBERS' ALLOWANCES**

**Report of the Independent
Remuneration Panel**

August 2011

CONTENTS

A. Summary of Recommendations

B. Introduction

- Members of the Panel
- Work of the Panel

C. Considerations of the Panel

- Basic Allowance
- Special Responsibility Allowances
 - Special Responsibility Allowance for Deputy Leader
 - Special Responsibility Allowance for Chair of Audit
- Special Responsibility Allowance for Independent Chair of Standards and Governance
- Co-optees' and Carers Allowance
- Telephone Line Rental
- Travel
- Pensions

D. Conclusions

Appendix 1 - Recommendations of the Panel on Basic and Special Responsibility Allowances

A. SUMMARY OF RECOMMENDATIONS

The recommendations of the Independent Remuneration Panel are that:-

1. There is no change to the linkage of the Basic Allowance to the National Minimum Wage.
2. The Basic Allowance be calculated on the basis of a 25 hour week and that it be reinstated to the current level of the National Minimum Wage and that it remains set at the level of the National Minimum Wage.
3. The rate of the Basic Allowance be adjusted on 1st October 2011 and in subsequent years to bring it into line with changes to the level of the National Minimum Wage.
4. Special Responsibility Allowances be adjusted to the levels and positions detailed in Appendix 1, commencing 1st October 2011.
5. Child Care allowances be claimable up to £4 per hour per child and subject to a receipt from a registered child minder.
6. Dependent Carers' Allowance of £10 per hour be claimable for the period of any meeting attended plus up to one hour's travelling time.
7. The Co-optees' Allowance be discontinued as of 1st October 2011.
8. The current payments for telephone line rental and broadband payment to Members should cease as of 1st October 2011 and be replaced with a single simplified Communications Package Allowance of £15 per month.
9. The HM Revenue and Customs advisory mileage rates be used as the basis for calculating mileage rate claims for private car use.
10. The Local Government Pension Scheme be closed to all Members of Southampton City Council eligible under the Local Government Pension Scheme & Discretionary Compensation (Local Authority Members In England) Regulations 2003 (i) for new members immediately and (ii) for existing Members from the start of the new Municipal Year, May 2012.
11. All other elements of the scheme remain unchanged.

B. INTRODUCTION

This is the report of the Independent Remuneration Panel appointed by Southampton City Council to make recommendations to the Council on the level of allowances that should be paid to Members.

MEMBERSHIP OF THE PANEL

The Panel is comprised of the following members:

Panel Members

Jo Ash
Denise Barlow (Chair)
Helen Jackson
Nathan Stafford-King

Another member of the Panel had to give apologies for the period of this review but will remain as a Panel member should a further review of allowances be requested by the Council.

WORK OF THE PANEL

The remit for the Panel was to consider and review the Members' Allowance Scheme. The Panel in particular reviewed the Allowance scheme in relation to the following:-

- Basic Allowance
- Special Responsibility Allowances
- Allowances for Co-opted members of Council committees and panels.
- Criteria for travel and subsistence claims that needed to be reviewed.
- Changes to the Telephone Line Rental payable
- Rates for Carers/Child Care Allowances
- Entitlement to membership of the Local Government Pension Scheme under the Local Government Pension Scheme & Discretionary Compensation (Local Authority Members In England) Regulations 2003
- Matters related to the Member Allowance Scheme that may be raised during the review process.

The Panel requested information from officers to assist in the review. Members were invited to give their views to the Panel on allowance rates, differentials in the Special Responsibility Allowances and any other matters they wished to raise. The Panel also met with a number of Members, to give an opportunity for their views to be taken into account and to enable the Members to ask questions about particular aspects of the review.

The Panel also met with the Independent Chair of the Council's Standards and Governance Committee.

The Panel met on four occasions between May and July. In coming to its conclusions, the Panel took into account the following information:

- Current Allowance Scheme
- Comparison Data of allowances with similar unitary authorities nationally.
- Comparison of allowances paid by authorities in the South East region.
- Responsibilities of Leader and Cabinet Members as detailed in the Council Constitution.
- Feedback from Members.
- Comparison analysis of telephone and broadband packages available.
- Councillor Census data produced by the LGA/IDeA
- Comparison analysis data on the National Minimum Wage, Average Weekly Earnings – Public Sector increases and RPI indicators.
- Commercial rates charged for childminding and carer responsibilities
- The Members' Development Strategy 2010-2013
- The A-Z of Services and Support for Members
- Information on Pension Contributions made by the Authority.

C. CONSIDERATIONS OF THE PANEL

a) Basic Allowances

1. The Panel noted that the Members' Allowance Scheme was last reviewed by the Independent Remuneration Panel in 2007, with the report published on 28th August 2007. The report was considered by Full Council on 19th September 2007 and many of the Panel's recommendations were amended.
2. The Panel noted that in the past, Council had decided to use the National Minimum Wage (NMW) as the basis for the Basic Allowance, based on a 37 hour week, with the Special Responsibility Allowances (SRA) being proportional to the Basic Allowances. Whilst Council has decided to use the NMW as the basis for the Basic Allowance enabling allowances to be compared to the minimum hourly rate, the Panel felt that this tended to give the impression that the allowance was akin to a salary, whereas the allowance was also intended to cover incidental expenses such as telephone calls and visits to constituents within their wards.
3. The Panel noted, however, that there seemed to be satisfaction with the use of the formula of the NMW and with the proportionality of the SRA's to the Basic Allowance.

4. In addition, it was further noted that in February 2010, as part of the annual budget-setting meeting, Council decided to freeze the Basic and SRA's, therefore de-linking Members' allowances from the NMW. The **Panel's recommendation** is that this link should be reinstated and maintained from the 1st October 2011.
5. In February 2011, the Panel was also advised that all councillors through their political groups agreed to take a voluntary 5.5% reduction in their Basic and Special Responsibility allowances in keeping with the maximum 5.5% reduction in pay for staff. The Panel accepted that the decision to voluntarily reduce their allowance was a decision for Members but felt that Members should be paid the basic allowance based on the reinstated National Minimum Wage rate and then it would be up to Members to decide how the allowance was used.
6. Although the Panel considered other formulae, such as the RPI, it considered that the use of the National Minimum Wage to set the Basic Allowances was the most appropriate formula and the **Panel's recommendation** is that there should be no change and that the calculation of the Basic Allowance should continue to be linked to the National Minimum Wage.
7. However, whilst the Panel appreciated that the current link to the National Minimum Wage was based on a 37 hour week, this did not reflect the number of hours that Members indicated that they were spending in undertaking Council duties. In recognition that the feedback obtained by the Panel indicated on average that Members spend no more than 25 hours a week undertaking Council duties, the **Panel's recommendation** is that the calculation of the basic allowance should be reduced from 37 hours to 25 hours per week.

b) Special Responsibility Allowances

1. The Panel noted that in the past, Council had decided to base the Special Responsibility Allowance (SRA) using as a multiplier the Basic Allowance. The **Panel's recommendation** is that this approach should be continued as the basis for calculating the amount of allowance to be paid.
2. However, in considering the amount to be calculated in this way, the Panel considered that the rates should be adjusted. This was to reflect the increase in the level of responsibility that the Leader and the Cabinet Members were now undertaking, especially in light of the fact that the number of Cabinet Members had reduced but the responsibilities had not decreased and had been redistributed amongst those remaining Cabinet Members. The Panel also recognised the expanding roll of the opposition Leaders in scrutinising and holding the Executive to account.

3. In addition, the Panel considered the possible payment of an SRA for the Independent Chair of Standards and Governance Committee. When first set up, the Chair was the Mayor and therefore there was no SRA entitlement. However, in the last few years, due to statutory changes, the Chair is now one of the four co-opted members of the Committee. Standards and Governance Committee meets quarterly although it can meet more frequently. The **Panel's recommendation** is that the Chair should be entitled to receive an SRA of £250 for the additional time, responsibility and meetings this role entails.
4. The Panel also considered the other current Special Responsibilities and made appropriate adjustments by comparing them with the roles and responsibilities that Members undertook. The Panel considered the responsibilities of the individual Chairs, and in particular noted the additional work required of the Chairs of Employment and Appeals and Planning and Rights of Way Panel. The **Panel's recommendation** is that a higher allowance be paid to these Chairs. This is based on the contentious nature of the issues that the Panel Chair has to deal with, the knowledge and amount of time required to deal with the detail of employment and planning matters. In addition, the number of members of the public attending planning meetings and the level of chairing skills required, and the fact that the deliberations and decisions for this meeting are taken in public as opposed to decisions taken in private session for most meetings of other regulatory panels.
5. The Panel also noted that there was one SRA that the Independent Remuneration Panel included in their last report that was unwittingly excluded from the Council amendment, and that was the Chair of the Audit Committee. The **Panel's recommendation** is that Chair of Audit Committee should be paid an allowance in view of the additional responsibility of the Chair for ensuring the adequacy of risk management for the Authority and maintaining proper accounting records.
6. In addition, the Panel were advised that in accordance with the Local Government and Public Involvement in Health Act 2007, the Leader had appointed a Deputy Leader. The Panel considered whether a Special Responsibility Allowance should be paid to this position and the **Panel's recommendation** is that an amount should be paid in recognition of the Deputising role that the position would undertake in the absence of the Leader.
7. The recommendations of the Panel in relation to the Basic and Special Responsibility Allowances are shown in Appendix 1.

c) Co-optees' Allowances

1. The Panel considered the Co-optees' Allowance, which co-opted members of Standards and Governance Committee and Children's Services and Learning Scrutiny Panel are currently entitled to receive. The Panel concluded that the current rates were set at a high rate in comparison with other allowances and the Panel's view was that co-optees undertook their duties in a voluntary capacity. The Panel considered that many people undertook roles in a voluntary capacity without receiving remuneration and that these roles should be treated no differently.
2. The **Panel's recommendation** is that the Co-optees' allowance should be discontinued.

d) Carers' Allowances

1. The Panel were informed that although the Independent Remuneration Panel had recommended that the Childcare and Carers' allowance continue to be set at the rate of the National Minimum Wage, Council decided that these allowances should be set at staff rates.
2. The Panel also noted that there was a significant difference in the way that the Council could support staff with childcare responsibilities (e.g. childcare vouchers funded from employees' gross salary) and that there was no staff scheme for a carers' allowance. Therefore, based on existing but out-of-date rates, the maximum amount that could be paid for childcare could not exceed £15 per day.
3. The Panel concluded, that based on child minding fees obtained from the South East Child Carers Association, the current rates for childcare and carers' allowances were too low. However, the allowance set would only cover the cost of child care responsibilities over and above the normal child care responsibilities that individuals would have in place.
4. The **Panel's recommendation** is that child care be paid up to £4 per hour per child and subject to a receipt from a registered child minder.
5. With regard to a Carers' allowance, the Panel considered that the rates set should be consistent with those set by commercial organisations and the commercial hourly rate charged by them for Carers.

6. The **Panel's recommendation** is that the rate for carers should be set at the mid point market rate for personal carers and the allowance payable be £10 per hour for the duration of any meeting attended plus up to one hour's travelling time.

e) Telephone Line Rental

1. The last Independent Remuneration Panel recommended that the rate for the broadband allowance be increased from £15 to £17 per month, whilst reduced charges for telephone line rental meant that the £12 line rental allowance could be ceased. However, a new mobile allowance of £10 per month was introduced to reflect changing trends in communication. Council, however, decided that the telephone rates should be the same as those for staff.
2. Due to decreasing rates for broadband, the number and range of packages that can now be purchased and the relatively cost effective packages available on the market that can be purchased, the **Panel's recommendation** is that there should be one simplified communications package available for Members and that this should be a fixed rate of £15 per month. The Panel concluded that this should cover the costs of all the rates for any expenses incurred such as line rental or broadband or for the installation of a public line telephone in their homes if a second line is required for family or other reasons.

f) Travel

1. The Panel noted that in March 2011, the Chancellor of the Exchequer announced that the HMRC Approved Mileage Allowance Payment would be increased to 45p per mile and the Southampton Car Allowance for staff will be increased to reflect this. The change comes into effect on 11th July with that of other staff terms and conditions. The Members' Allowance Scheme will be amended at the same time as the staff allowances change.
2. The **Panel's recommendation** is that as the HM Revenue and Customs advisory mileage rates are set below the taxable threshold and accepted generally as the acceptable rate by business and other organisations, this rate should be used for calculating mileage claims for Members.

g) Pensions

1. Under the current scheme, all Members are entitled to join Hampshire County Council's Councillors' Pension Scheme, subject to their entitlement under the regulations. The amounts in respect of which pensions are payable include both Basic and Special Responsibility Allowances, but no other allowances. Approximately 25-30 Southampton Councillors are members of the pension scheme.
2. Having regard to their role as Councillors, the Panel considered whether there should be any changes to Members' entitlement to join the scheme. The Panel considered that the role of the Councillor was not commensurate with having employment but was undertaken in a voluntary capacity as a public duty and there were no contractual obligations to undertaking the role. The **Panel's recommendation** is that the current eligibility for Members to join the scheme should cease and that the scheme should be closed to all new Members immediately and for existing Members as from the 1st May 2012.

D. CONCLUSIONS

The recommendations of the Independent Remuneration Panel are given on page 3 of this report. The Panel would like to thank all of the Members who contributed their views and information.

Independent Remuneration Panel
August 2011

Appendix 1

Recommendations of the Panel on the Basic and Special Responsibility Allowances.

Members Allowance Scheme

Allowance Scheme	*Current Allowance (£) 2009 rate payable	Current Allowance (£) payable October 2011	Recommended Allowance (£) from 1st October 2011	Recommended Allowance Calculation
Basic Allowance	11,159.20	11,697.92	7,904.00	Minimum Wage
Leader of the Council	22,318.40	23,395.84	27,664.00	3.5 x Basic Allowance
Cabinet Member	11,159.20	11,697.92	15,808.00	2 x Basic Allowance
Chair of Employment	5,579.60	5,848.96	5,928.00	0.75 x Basic Allowance
Chair of Planning	5,579.60	5,848.96	7,904.00	1 x Basic Allowance
Chair of Licensing	5,579.60	5,848.96	3,952.00	0.5 x Basic Allowance
Chair of OSMC	5,579.60	5,848.96	7,904.00	1 x Basic Allowance
Chair of Health Scrutiny Panel	2,789.80	2,924.48	5,928.00	0.75 x Basic Allowance
Opposition Group Leaders	8,369.40	8,773.44	15,808.00	2 x Basic Allowance
Chair of Audit			1,976.00	0.25 x Basic Allowance
Deputy Leader			17,784	2.25 x Basic Allowance
Independent Chair of Standards and Governance			250	
Dependent Carer			10	per hour of meeting, plus 1 hour travelling
Child Care			4 per hour, per child	per hour of meeting, per child
Communications			15	Per month
Travel			45p	HM Revenue and Customs Rate
Notes:				
National Minimum Wage as from 1 st October 2011 is £6.08				
Basic Allowance = National Minimum Wage x 25 hours per week x 52 weeks a year				
* ignores voluntary 5% reduction				

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DECISION-MAKER:	STANDARDS AND GOVERNANCE COMMITTEE		
SUBJECT:	LOCALISM BILL - UPDATE		
DATE OF DECISION:	8 SEPTEMBER 2011		
REPORT OF:	ACTING HEAD OF LEGAL AND DEMOCRATIC SERVICES		
AUTHOR:	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail:	richard.ivory@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None

SUMMARY

To update Members with regard to the passage of the Localism Bill through Parliament, especially in relation to the new Standards regime and revised Members' Code of Conduct.

RECOMMENDATIONS:

- (i) That the Acting Head of Legal and Democratic Services discuss with the Group Leaders the options in relation to the replacement of the current Members' Code of Conduct and systems to investigate any complaints made that the Code has been breached and bring a further report to this committee in due course.

REASONS FOR REPORT RECOMMENDATIONS

1. The current statutory regime under the Local Government Act 2000 with regard to the Members' Code of Conduct, the Standards for England quango and all related investigatory activity and sanctions that can be imposed in respect of breaches of the Code of Conduct will be repealed once the current Localism Bill becomes legislation, towards the turn of this year or early next.
2. Whilst there is no statutory obligation to replace the current scheme and regime with any alternative, the recommendation by officers is that an alternative Code of Conduct needs to be adopted and a revised version of the current investigation process in relation to alleged breaches also needs to be in place to ensure public confidence is maintained that Members will have regard to and abide by high standards of ethics and probity.

CONSULTATION

3. To date there has been no consultation on the issues in this report

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. None at this stage.

DETAIL

5. The Localism Bill is a complex and detailed piece of draft legislation that covers a wide range of local authority activity. It has 207 clauses and 24 schedules with 142 powers delegated to the Secretary of State to make subordinate regulations. It is currently before the House of Lords at the Committee stage and is likely to attain Royal Assent in November 2011 with a

probable implementation time of around April 2012, although there is much conjecture as to whether in fact this date will be the implementation date. The areas covered in the Bill are extremely wide, ranging from the general power of competence of local authorities to act, mayoral arrangements, planning, housing and a wide ranging raft of measures regarding standards and Members' conduct. For the purpose of this report it is intended to concentrate only on the area of standards in relation to Members, other reports will follow via Cabinet and Planning Panel with regard to other aspects of the Act in due course.

6. In relation to this matter and in summary, the Government's proposals are:
 - To abolish the Standards for England quango;
 - To remove the first tier tribunals (Local Government Standards for England) jurisdiction over Member conduct;
 - To remove the National Code of Conduct for Councillors and the requirement to have a standards committee;
 - To allow councils to choose whether or not they wish to have a local code or standards committee;
 - To create criminal offences relating to a failure to register or declare interests and misfeasance in public office.
7. It appears to be the Government's intention to drive a coach and horses through the current standards regime, although authorities will continue to have a duty to promote and maintain high standards of conduct. One of the primary proposals will be that the Standards for England will be abolished in its entirety and will not be replaced with any alternative body. In addition, the general principles and the model code of conduct will be repealed and the statutory standards committees under the Local Government Act 2000 will be abolished as will the role of independent members in any investigatory or disciplinary process. In addition, there will be a new statutory Register of Interests, the details of which are yet to be seen, but it appears that it will be a criminal offence to fail to register, declare or withdraw in relation to interests, although it remains to be seen if the current definition of "personal" and "prejudicial" interests will remain; much of this will be left to secondary legislation and regulations.
8. It is also understood that no-one will be able to raise a new complaint against a Member in relation to an alleged breach of the Code after the Appointed Day for the Act coming into force, which is believed to be around April 2012. Thereafter, in relation to complaints made prior to this date, the authority will have two months and no more, to resolve outstanding complaints; this in itself is a very tight time limit as most complaints, due to logistics and complexity, take longer than this period. Any power of suspension will cease on the Appointed Day and there will be no appeals.
9. In relation to the statutory Register of Interests, as above this is yet to be defined and will be subject to regulations but it is understood there will be criminal offences, up to a maximum of £5,000 fine and/or disqualification as a member for five years, for breaches of the regulations with the possibility of prosecution only by the Director of Public Prosecutions (DPP) and no-one

else, within 12 months of discovery of evidence and no later than three years after the committing of the offence.

10. As has been previously indicated, there remains a duty on authorities to promote high standards of ethics and probity but the question to be asked is how can authorities do this if there is no over-arching statutory responsibility to do so or anything in legislation to say what that standard will be? It appears that it will be left to each authority to adopt as it sees fit non-statutory codes, local protocols and guidance. It is believed that the public will still expect there to be something in place which evidences and clearly states the Council's intention to abide by certain standards. At the current time, various professional bodies are working with the Government to attempt to put in place or recommend some model Codes of Conduct although at the current time no draft has been published.
11. It will be important that if a voluntary Code is adopted by the Council that it must have a simplistic, transparent and sensible process for dealing with complaints with the ability to enable initial assessment and investigation, followed by a hearing. If it is decided in due course that the Council wishes to adopt a Code, then details will be worked up and brought before this committee and Full Council in due course in relation to a process which hopefully will be more simplistic than the current one. The other question to be asked is what sanctions will be available to the Council if there are no statutory sanctions within the legislation? Whilst there will be a criminal offence in relation to misfeasance in public office, with any prosecution undertaken by the DPP, this will only really take effect in relation to any substantial breach of the law. In relation to the type of breaches that have come before this and other local authorities, they have related to alleged non declaration of interests or, in some authorities, bullying of officers. Certainly any sanctions that the Council would seek to impose will be weaker in law than the current statutory ones in as much as no authority will be able to disqualify a member or similar punitive actions. Again, in due course, a debate will need to be had as to what sanctions the Council reasonable requires to be put in place.

FINANCIAL/RESOURCE IMPLICATIONS

Capital / Revenue

12. At the current time it is difficult to envisage that any changes to the current regime will have any significant resource implications, save that if it is ultimately decided that the Council should have no Code of Conduct or investigation regime in place, then the Monitoring Officer and other legal staff will not have to devote any time to such areas.

Property / Other

13. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

14. Localism Bill

Other Legal Implications:

15. None.

POLICY FRAMEWORK IMPLICATIONS

16. None.

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	None
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Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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Background documents available for inspection at: n/a

KEY DECISION? No **WARDS/COMMUNITIES AFFECTED:** None