

Open

Ethics and Standards Committee

Agenda

6pm
Thursday, 8 September 2022
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Ethics and Standards Committee

Members of Committee:

Chairman: Councillor C Edginton-White

Vice-Chairman: Councillor B S Dawes

Councillor M Hart

Councillor S Miah

Councillor P W M Young

Councillor I Hardiman

Councillor M Rayner

Co-opted Members:

Independent Member

Independent Member

Parish Council Representatives

R Reynolds

Reverend J A Cox

**Councillors R Drew, D Killingworth and
W Mack**

Information for Members of the Public:

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

There are particular circumstances when the Ethics and Standards Committee may exclude the public, which are in addition to those available at meetings of the Council, its Cabinet and Committees etc. These apply when the Ethics and Standards Committee considers the following:

Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.

Information which is subject to any obligation of confidentiality.

Information which relates in any way to matters concerning national security.

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of the Council's constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as

defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

For further information:

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email louisa.bright@wyreforestdc.gov.uk

Wyre Forest District Council

Ethics and Standards Committee

Thursday, 8 September 2022

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 4 May 2022.	6
5.	Breach of Members Code of Conduct To receive a report from the Monitoring Officer to consider the formal complaint relating to the conduct of a Town Councillor and the report of the Independent Person.	9
6.	Amended Member Code of Conduct To receive a report from the Monitoring Officer to consider recommendations in respect of the Local Government Association (LGA) new model code of conduct.	15
7.	Complaints to the Local Government and Social Care Ombudsman 2021/22 To receive a report from the Chief Executive on the outcome of complaints to the Local Government and Social Care Ombudsman in accordance with Council policy for the period of 1st April 2021 to 31 March 2022.	36

8.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
9.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

10.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
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WYRE FOREST DISTRICT COUNCIL

ETHICS AND STANDARDS COMMITTEE

STOURPORT-ON-SEVERN ROOM/BEWDLEY ROOM, WYRE FOREST HOUSE,
FINEPOINT WAY, KIDDERMINSTER

4TH MAY 2022 (5 PM)

Present:

Councillors: G W Ballinger (Chairman), B S Dawes, F M Oborski MBE,
M Rayner, D Ross and P W M Young.

Independent Person: T Hipkiss

Co-opted Members:

Independent Member: R Reynolds

Parish Council Representatives: Councillors R Drew and D Killingworth

ES.12 Appointment of Chairman

Councillor G Ballinger was appointed as Chairman for the meeting.

ES.13 Apologies for Absence

Apologies for absence were received from Councillors: I Hardiman and
S Miah, Independent Member J A Cox and Parish Councillor W Mack.

ES.14 Appointment of Substitutes

Councillor D Ross was appointed as substitute for Councillor I Hardiman
Councillor F M Oborski MBE was appointed as a substitute for Councillor
S Miah.

ES.15 Declarations of Interests by Members

No declarations of interest were made.

ES.16 Minutes

**Decision: The minutes of the meeting held on the 8 September 2021 and
the Minutes of the special meeting held on 30 September 2021 be
confirmed as a correct record and signed by the Chairman.**

ES.17 Amended Member Code of Conduct

The Committee received a report from the Monitoring Officer to consider
recommendations in respect of the Local Government Association (LGA) new
model code of conduct.

The Monitoring Officer presented the report. She explained that the committee
was meeting to consider the new draft code which during the drafting period

had already been discussed at previous meetings of the Ethics Committee.

The Committee were advised that on this occasion the Committee would need to make a recommendation to full Council in order to formally adopt the code and enable the new code to become part of Wyre Forest District Council's (WFDC) policy framework.

A Member raised a point pertaining to the need for councillors to comply with GDPR rules when dealing with constituents' correspondence. The Monitoring Officer advised that GDPR regulations training was available for Members through the e-learning system and agreed to circulate the link to Members.

The Monitoring Officer explained that the new draft that Members have had in their committee papers, incorporated the nationwide LGA code into the existing Wyre Forest code of conduct. As per previous discussions at Ethics and Standards the code was being presented to all Ethics Committees in Worcestershire. The Monitoring Officer believed that WFDC was the last District to meet to recommend the new draft to Council.

A discussion took place relating to the ten principles of public life and disappointment that the Government has failed to enact legislation in accordance with the recommendations from the select Committee for standards in public life.

Members were asked if they were happy with the code before them this evening and invited to raise any points that they would like any further detail on.

Following discussions, the Chairman put the draft to the vote. Upon a show of hands, the vote was unanimously in favour of the new draft and the recommendations to go to full Council for adoption.

Agreed: The Ethics & Standards Committee recommends that:

- 1.1 Council adopts the amended code as detailed at appendix 1 to be applied from 11 May 2022.**
- 1.2 Delegate any minor amendments to the Monitoring Officer in consultation with the Ethics and Standards Committee Chair.**
- 1.3 Recommends all Town and Parish Councils within the District adopt the final amended code.**

ES.18 Any other business

The Monitoring Officer referred Members to the briefing note ***Government's Response to the Report of the Committee on Standards in Public Life***, from the Chief Executive, which had been circulated to all members and substitute members of the Committee on 3 May 2022.

The Monitoring Officer presented the note and gave a brief summary of the key points. A discussion ensued and several members expressed their

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disappointment at the 'benign' response, however the Committee welcomed the Government's confirmation that Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised.

The Independent Person, Mr T Hipkiss, welcomed the briefing note and thanked the Chief Executive on behalf of the Committee for the note.

Agreed: The Committee supported and welcomed the Government's response and delegated authority to the Monitoring Officer to draft the recommendations to Council.

There being no further business, the meeting ended at 5.32pm.

WYRE FOREST DISTRICT COUNCIL

ETHICS AND STANDARDS COMMITTEE
8 SEPTEMBER 2022

Breach of Members Code of Conduct

OPEN	
SOLICITOR TO THE COUNCIL	Monitoring Officer
CONTACT OFFICER:	Caroline Newlands, Ext. 2715
APPENDICES	Appendix 1 - Members Code of Conduct https://www.wyreforestdc.gov.uk/your-council/councillors-committees-and-meetings/constitution/section-14-code-of-conduct/ Appendix 2 - Complaint

1. PURPOSE

- 1.1 The public have high expectations of Councillors and Councillors have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct.
- 1.2 The Standards Committee is requested to consider the formal complaint relating to the conduct of a Town Councillor and the report of the Independent Person (IP).

2. RECOMMENDATION

- 2.1 **The Ethics and Standards Committee consider the factual evidence submitted by the complainant and the clear recommendation from the Independent Person and come to a decision on further action.**

3. BACKGROUND

- 3.1 A complaint pertaining to the conduct of Councillor R Coleman was received from the Bewdley Town Clerk.
- 3.2 The complaint went through initial triage by the Monitoring Officer and confirmed as a valid complaint. The complaint was duly considered by the Independent Person who produced a report with a recommendation for a full apology.
- 3.3 Ample opportunity has been given for the member to apologise for the clear offence his behaviour has caused. The matter is undisputably evidenced by way of emails that have been reproduced in full. As Councillor Coleman is a member of the Independent Group at Wyre Forest District Council the recommendation for an apology was shared with the Leader of the Independent Group, but no apology has been forthcoming from Councillor Coleman. The full report from the IP is reproduced below

3.4 Report of J.T. Hipkiss, Independent Person W.F.D.C., W.C.C. and H&W Fire and Rescue.

I have looked at the complaint Ms Bodley has made together with the material the complainant has provided to support her complaint. Based on this material alone I have concluded that I am of the opinion that Councillor Roger Coleman's conduct has breached the current Code of Conduct of Bewdley Town Council which I understand is that of Wyre Forest District Council. I have based my decision on this Code and consequently I believe Ms Bodley's complaint to be valid.

There are many issues in this matter that have caused me concern not least of which is the fact that this complaint not the first complaint re the conduct of Councillor Roger Coleman.

In The Ten General Principles of Public Life I believe there are two principles that have a bearing on this case.

- Honesty and Integrity - members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

I must emphasize I do not question Councillor Coleman's honesty or integrity however I do believe his conduct did fall below the standard expected.

- In the area of Leadership members should promote and support these principles by leadership and by example and should act in a way that secures or preserves public confidence.

I do feel that the correspondence between Councillor Roger Coleman and employee of Bewdley Town Council does not support this requirement.

The complainant states "On 25 January I received an email from Councillor Coleman stating "in his opinion "that I was attempting to misuse the Clerk's Power of Delegation when advising councillors that a planning application was close to its determination date...". The content of this email was circulated to all members of (BTC) planning committee and subsequently all council members were privy to its content and the response of the recipient. This accusation caused one councillor, Councillor Moorehead to respond by suggesting that Councillor Roger Coleman should retract his accusation and apologise to the Clerk.

By his conduct in this particular issue in reference to the Code of Conduct of Bewdley Town Council I believe Councillor Coleman has breached the code in the following areas: -

- 3.1 "You must treat others with respect".

On 21st March the complainant received an email from Councillor R. Coleman which she felt was accusing her of 'Influencing councillors with regard to the Mayoral Succession'.

I have viewed the email from Councillor R. Coleman and I am concerned by a) his tone and b) the concluding sentence,

“You might be surprised how the vote may go and of course it’s not for you to influence which your current assumption signifies.” This statement I feel is somewhat aggressive and appears to be a warning to the clerk.

I believe this email from Councillor Coleman breaches the BTC Code of Conduct in the following areas:

- 3.2.b “You must not bully any person”
- 3.2. c. i “You must not intimidate or attempt to intimidate any person who is likely to be a complainant”
- 5 “You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrespect.”

I believe Councillor Coleman’s conduct in this matter did bring his office, as a Councillor into disrepute.

On the 6th June Ms Bodey received an email from the Internal Auditor. I have viewed a copy of this email in which the auditor states:

‘I have received an email and had a phone call with Councillor Coleman, he is questioning a statement made in my internal audit report. In section G (salaries) I have stated ‘the salary payable to the Town Clerk has been approved by Members, as part of the appointment process. For payments made to the Clerk and other members of staff payments are in accordance with agreed terms ...’ He has suggested this is not an accurate statement because of the process employed. The Internal Auditor concludes “The evidence I have in my working papers is the approval by the Council of your salary and pension at that meeting, and you being paid in accordance with that approval”.

I find this issue most concerting as although the complainant was not named she feels that she is again not being treated fairly and with respect by Councillor Coleman and he is casting doubt on her integrity in advising Bewdley Town Council.

Potentially a breach of the Bewdley Town Council Code of Conduct in that

- 7 “You must (a) when reaching decisions on any matter have regard to any relevant advice provided by the authority’s officers ...”

In conclusion I firmly believe that Councillor Coleman has breached the Bewdley Town Council code of conduct

Recommendation

- Councillor Coleman should write a letter apologising for his conduct and manner towards Ms Bodey and this letter read out by the Chairman at a full Bewdley Town Council meeting.
- This matter and my report should be brought to the attention of W.F.D.C. at the next meeting of the Ethics and Standards committee, as Councillor Coleman is a dual hatted member.

- If the Councillor fails to apologise, I would ask that the Mayor of Bewdley Town Council attends the meeting of the Ethics Committee. My reasoning is that the Mayor will ultimately be responsible for the conduct of Councillor R Coleman in his Bewdley Town Councillor role.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications to this report.

5. LEGAL AND POLICY IMPLICATIONS

- 5.1 The District Council has a statutory duty to maintain high ethical standards. The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that councillors can be held accountable and adopt the behaviours and responsibilities associated with the role. The conduct as an individual councillor affects the reputation of all councillors.

Appendix 2

Complaint by Ms Tracy Bodley, Town Clerk Bewdley Town Council re Councillor Roger Coleman. received June 10th 2022

I am writing to complain about Town Councillor Roger Coleman who has on 3 occasions since my employment started in December 2021 breached the Council's Code of Conduct and fallen short of the Ten Principles of Public Life. On 25 January I received an email from Cllr Coleman stating "in his opinion" that I was attempting to misuse the Clerk's Power of Delegation when advising councillors that a planning application was close to its determination date and that upon consultation with the planning committee, I would in conjunction with the Chairman respond accordingly. Members of the Planning Committee and subsequently all council members were privy to the content of this email and my response. Cllr Morehead also responded stating that Cllr Coleman should retract his accusation and offer an apology to the Clerk. On 21 March I received an email from Cllr Coleman who accused me of 'Influencing' councillors with regard to the Mayoral Succession. The BTC policy stated that usual progression would be holding the post of Deputy Mayor and I requested an informal meeting take place in advance of the Annual Town Council meeting to establish nominations, proposers and seconders. I responded and advised that he guard against using defamatory language as this was not the first time that I felt that he had communicated to me in a disrespectful manner. This email exchange was conducted between me and Cllr Coleman. On 06 June I received an email from the internal auditor stating that Cllr Cleman had contacted him directly referring to the auditors' recent report being considered at a Town Council meeting questioning its accuracy. I was surprised that a councillor had taken steps to contact the auditor independently without reference in the first instance to myself to enquire about the auditors visit or questions being asked at the Town Council meeting that it was due to be presented at. In his email to the auditor, Cllr Coleman made accusations stating that the auditor had been misled. Cllr Coleman does not refer to me by name in this email, however it was reported and minuted at a Town Council Meeting on 7 February of the Internal Auditor visit taking place on 10 March at the Town Council Office. When I learned of the communication between Cllr Coleman and the Internal Auditor, I called and spoke to councillor Byng, Harrison, and Edginton White in order that they were aware of a potential accusation and that this may lead to a motion from Cllr Coleman to refuse approval of the Annual Accounts to be submitted to the External Auditor. The Internal Auditor responded to Cllr Coleman on 10 June 2022 and copied me into this email stating that the sample test was in accordance with proper practice and supported by the correct evidence. I feel that Cllr Coleman has not treated me fairly

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and with respect and breached the Code of Conduct in several areas, by at 3 (1) Must treat others with respect, at 3 (2) (b) Must not bully any person, 7 (a) You must when reaching decisions have regard to any relevant advice provided by the authority's officers. Cllr Coleman has also fallen short of many of the Ten Principles of Public Life, 2 Honesty and Integrity – member should not behave improperly, 5. Openness – open about their actions and prepared to give reasons for those actions, 7. Respect for others – Respect integrity of the authority's Officers. I have copies of the emails referred to in the above and can provide details of the internal auditor if required.

Remedy sought

Formal written apology to be read aloud at a Town Council Meeting. Also a request to advise that Cllr Coleman attend further training with regard to Code of Conduct and respecting other.

WYRE FOREST DISTRICT COUNCIL
ETHICS AND STANDARDS COMMITTEE

8 SEPTEMBER 2022

Amended Member Code of Conduct

OPEN	
RESPONSIBLE OFFICER:	Monitoring Officer
CONTACT OFFICER:	Caroline Newlands, Ext 2715
APPENDICES	1 - Proposed amended code

1. PURPOSE OF REPORT

- 1.1 To consider recommendations in respect of the Local Government Association (LGA) new model code of conduct.

2. RECOMMENDATION

- 2.1 **It is recommended that;**

Council adopts the amended code as detailed at appendix 1 to be applied from 11 May 2022.

Delegate any minor amendments to the Monitoring Officer in consultation with the Ethics and Standards Committee Chair.

Recommends all Town and Parish Councils within the District adopt the final amended code.

3. BACKGROUND

- 3.1 This report is substantially the report that came to this Committee at the last meeting on 4 May 2022 and which was unanimously agreed by all members of the Ethics Committee. At the time it was reported that all District Monitoring Officers were taking the new code to their Ethics Committee for recommendation to full Council. I can report (with the exception of Wyre Forest) all Districts in Worcestershire have agreed the new LGA based code. It is back before this Committee to refer again to full Council for adoption.
- 3.2 In 2012, pursuant to the Localism Act 2011, the previous model code of conduct was replaced by the requirement for all local authorities to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. This council worked closely with the Worcestershire districts and the county council to produce a Worcestershire wide code based on the previous model code.
- 3.3 In January 2019 the Committee on Standards in Public Life (CSPL) examined in detail Local Government Ethical Standards and published their report. The

Committee concluded that high standards of conduct in local government are needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy and made 26 recommendations for central government many of which require changes to primary legislation. As well as the formal recommendations the CSPL made 15 best practice recommendations for local authorities to be considered a benchmark of good ethical practice.

- 3.4 In 2020 this Council adopted an amended code to take account of their best practice recommendations.
- 3.5 The LGA have made a number of recommendations and identified further best practice to improve ethical standards in local government. Not updating our code would make us inconsistent with neighbouring Worcestershire Districts and County Councils. The code at appendix 1 is shown with track changes so members can see what changes are suggested. All changes are additions to the model code and incorporate the standards and requirements that appear in the council's current code.
- 3.6 The key is to ensure elected members, at all levels, maintain high standards of conduct in local government in order to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.
- 3.7 It is also timely to share with councillors that we have been notified by the Department for Levelling Up, Housing & Communities of the Government response to the Committee on Standards in Public Life's review of Local Government Ethical Standards published in January 2019, Please follow link below. You will notice that regrettably this does not alter the extant sanctions and ignores the CSPL recommendations for more robust measures for dealing with breaches of the code of conduct.

<https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report>

4. FINANCIAL IMPLICATIONS

- 4.1 None.

5. LEGAL AND POLICY IMPLICATIONS

- 5.1 The LGA have made a number of recommendations and identified best practice to improve ethical standards in local government. It is appropriate to update our code in line with recommended best practice and keep consistency with neighbouring Worcestershire Districts and County Council.

6. EQUALITY IMPACT NEEDS ASSESSMENT

- 6.1 Not applicable

7. **RISK MANAGEMENT**

7.1 Not Applicable

8. **CONSULTEES**

8.1 Chairman of Standards Committee

9. **BACKGROUND PAPERS**

9.1 None



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

The LGA Model Councillor Code of Conduct has been reviewed by councils across Worcestershire together with Hereford & Worcester Fire Authority and slightly amended to provide a pan-Worcestershire Code. The relevant Monitoring Officers will undertake further reviews of this Code should further significant changes be recommended by the LGA.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Ten Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Where you act as a representative of the Council:

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

As strategic leaders and employers, it is expected that councillors will set a positive example to staff by treating them with politeness and courtesy at all times. Councillors have the right to criticise reports or the actions taken by officers but they should always be constructive, relate to the subject matter of the report and should not be personal.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services. Councillors must not do anything that is likely to cause the Council to breach its public commitment to equality and fostering good relations with all communities. Appendix D sets out additional guidance that Councillors must read alongside this Code of Conduct.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

You must:

- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the Council's officers and in particular by the Monitoring Officer and Section 151 Officer; and
- (b) give reasons for all decisions in accordance with any statutory requirement and any reasonable additional requirements imposed by the Council.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 1. reasonable and in the public interest; and
 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include information relating to ongoing negotiations or personal data relating to individuals.

With regards to personal data relating to individuals, you must not do anything that is likely to cause your authority to breach Data Protection law. You must seek to ensure you are familiar with how the Data Protection Act applies to your role in handling personal data through training, and if you are not sure you should seek advice from the Monitoring Officer.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to

constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- (a) act in accordance with the local authority's requirements;**
- (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed; and**
- (c) have regard to any applicable Local Authority Code of Publicity during elections.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £15 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The **Ten** Principles of Public Life

The principles are:

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should, on all occasions, avoid the appearance of such behaviour.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their Authority and should be prepared to give reasons for those actions.

Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the Law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register. **The Monitoring Officer may state on the register that the councillor has an interest the details of which are withheld.**

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. **If the interest has not already been recorded, notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.** If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest.
Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose

the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
<p>Land and Property</p>	<p>Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<p>Licenses</p>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<p>Corporate tenancies</p>	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<p>Securities</p>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You must register as an Other Registerable Interest :</p> <ul style="list-style-type: none"> a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you not are not nominated or appointed by your authority c) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) <p>of which you are a member or in a position of general control or management</p>

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

[Appendix D](#)

This Code of Conduct must be read alongside:

ACAS Guidance “If You’re Treated Unfairly at Work”

<https://www.acas.org.uk/if-youre-treated-unfairly-at-work/being-bullied>

Equality and Human Rights Commission – Public Sector Equality Duty Guidance

WYRE FOREST DISTRICT COUNCIL**ETHICS AND STANDARDS COMMITTEE****8 September 2022****Complaints to the Local Government and Social Care Ombudsman 2021/22**

OPEN	
RESPONSIBLE OFFICER:	Chief Executive
CONTACT OFFICER:	Ian Miller, Ext. 2700 Ian.Miller@wyreforestdc.gov.uk
APPENDICES:	Appendix A - Definition of decision terms Appendix B - Local Government & Social Care Ombudsman Annual Review Letter 2022 Appendix C - Table showing Comparison of no. of complaints decided by Local Government Ombudsman for District Councils in Worcestershire

1. PURPOSE OF THE REPORT

- 1.1 To report the outcome of complaints to the Local Government and Social Care Ombudsman in accordance with Council policy for the period of 1st April 2021 to 31st March 2022.

2. RECOMMENDATION

The Committee is asked to DECIDE that:

- 2.1 This report is noted.

3. BACKGROUND

- 3.1 The Council's Corporate Complaints Procedure provides a two-stage approach for handling of customer complaints. If resolution through this process is not possible, the complainant can contact the independent Local Government and Social Care Ombudsman.
- 3.2 The Ombudsman's role is to consider whether 'injustice' has been caused by shortcomings in the administrative actions of the Council. He examines what the Council has done compared with its legal obligations, the requirements of its own policies and procedures and of good administrative practice.
- 3.3 Members of the public may contact the Ombudsman directly. However, complainants who do so are always encouraged to resolve a grievance at a local level.

4. KEY ISSUES

Analysis of Complaints decided by the Ombudsman

4.1 The table below summarises the results of the Ombudsman's investigations into complaints decided in 2021/22 for Wyre Forest District Council. Of the seven complaints referred to the Ombudsman, 2 were closed after initial enquiries, 4 were referred back to WFDC for a local resolution and 1 was upheld.

Local Authority	Detailed Investigations			Closed after initial enquiries	Incomplete / Invalid	Referred back for local resolution	Compliance outcome	Total
	Upheld	Not Upheld	Uphold Rate					
Wyre Forest DC	1	0	100%	2	0	4	0	7

4.2 Explanations for the terms used to describe the different types of Ombudsman decision can be found in Appendix A and the Local Government & Social Care Ombudsman Annual Review Letter 2022 can be found in Appendix B. The sole case upheld by the Ombudsman in respect of WFDC (reference 20 007 555) was a finding that the Council's failure to document its consideration of the impact of a proposed development on the complainant's residential amenity amounted to fault. However the Ombudsman concluded that this fault had not caused him a significant injustice.

4.3 Appendix C provides a comparison with other district councils in Worcestershire. It will be seen that Wyre Forest compares favourably with the other areas of the County, being the only one with a complaint upheld that did not get a compliance outcome as a result of the complaint. You can find details on the LGSCO website: <https://www.lgo.org.uk/information-centre/news/2022/jul/ombudsman-annual-review-of-complaints-the-power-to-change>

5. FINANCIAL IMPLICATIONS

5.1 None.

6. LEGAL AND POLICY IMPLICATIONS

6.1 Section 5 & Section 5A of Local Government and Housing Act 1989 create a responsibility for the Monitoring Officer to report where there is a finding of maladministration (which now includes where there is a local settlement). There were no occasions where the Monitoring Officer was required to prepare reports during the year 2021/22.

7. RISK MANAGEMENT

7.1 None.

8. CONSULTEES

8.1 Corporate Leadership Team.

8.2 Councillor Helen Dyke, Leader of the Council and Cabinet Member for Economic Regeneration, Planning and Localism.

9. BACKGROUND PAPERS

9.1 LGSCO decision - [20 007 555 - Local Government and Social Care Ombudsman](#).

Definition of Decision Terms by the Local Government and Social Care Ombudsman

- **Upheld:** These are complaints where we have decided that an authority has been at fault in how it acted and that this fault may or may not have caused an injustice to the complainant, or where an authority has accepted that it needs to remedy the complaint before we make a finding on fault. If we have decided there was fault and it caused an injustice to the complainant, usually we will have recommended the authority take some action to address it.
- **Not upheld:** Where we have investigated a complaint and decided that a council has not acted with fault, we classify these complaints as not upheld.
- **Advice given:** These are cases where we give advice about why LGSCO would not look at a complaint because the body complained about was not within the LGSCO's scope or we had previously looked at the same complaint from the complainant, or another complaints handling organisation or advice agency was best placed to help them.
- **Closed after initial enquiries:** These complaints are where we have made an early decision that we could not or should not investigate the complaint, usually because the complaint is outside LGSCO's jurisdiction, and we either cannot lawfully investigate it or we decide that it would not be appropriate in the circumstances of the case to do so. Our early assessment of a complaint may also show there was little injustice to a complainant that would need an LGSCO investigation of the matter, or that an investigation could not achieve anything, either because the evidence we see shows at an early stage there was no fault, or the outcome a complainant wants is not one we could achieve, for example overturning a court order.
- **Incomplete/invalid:** These are complaints where the complainant has not provided us with enough information to be able to decide what should happen with their complaint, or where the complainant tells us at a very early stage that they no longer wish to pursue their complaint.
- **Referred back for local resolution:** We work on the principle that it is always best for complaints to be resolved by the service provider wherever possible. Furthermore, the Local Government Act 1974 requires LGSCO to give authorities an opportunity to try and resolve a complaint before we will get involved. Usually, we tell complainants how to complain to an authority and ask them to contact it directly. In many instances, authorities are successful in resolving the complaint and the complainant does not recontact us.

Local Government & Social Care OMBUDSMAN

20 July 2022

By email

Mr Miller
Chief Executive
Wyre Forest District Council

Dear Mr Miller

Annual Review letter 2022

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

Complaint statistics

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

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

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

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

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

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your

Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Supporting complaint and service improvement

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

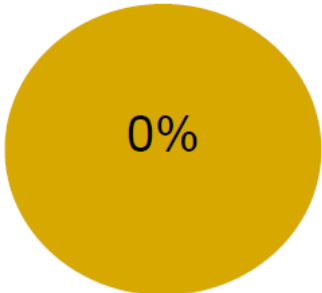
I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



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

Complaints upheld		
	<p>100% of complaints we investigated were upheld.</p> <p>This compares to an average of 51% in similar organisations.</p>	<p style="text-align: center;">1 upheld decision</p> <p>Statistics are based on a total of 1 investigation for the period between 1 April 2021 to 31 March 2022</p>
Compliance with Ombudsman recommendations		
<p>No recommendations were due for compliance in this period</p>		
Satisfactory remedy provided by the organisation		
	<p>In 0% of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of 20% in similar organisations.</p>	<p style="text-align: center;">0 satisfactory remedy decisions</p> <p>Statistics are based on a total of 1 upheld decision for the period between 1 April 2021 to 31 March 2022</p>

Complaints & enquiries decided (by outcome) 2021-2022

**Table Showing the Comparison No. Of Complaints
Decided by Local Government and Social Care Ombudsman for District Councils in Worcestershire**

Authority	Number of detailed investigations	Complaints upheld	% of Investigated complaints upheld	Number of compliance outcomes for period	% of cases Authority complied with recommendations	Satisfactory remedy provided by the Authority before the complaint reached the Ombudsman	% of upheld cases that the Authority had provided a satisfactory remedy before the complaint reached the Ombudsman
Bromsgrove District Council	3	3	100%	2	100%	0	N/A
Malvern Hills District Council	1	1	100%	1	100%	0	N/A
Redditch Borough Council	2	1	50%	1	100%	0	N/A
Worcester City Council	0	N/A	N/A	0	N/A	0	N/A
Wychavon District Council	5	4	80%	4	100%	0	N/A
Wyre Forest District Council	1	1	100%	0	N/A	0	N/A