



Standards Committee

Monday 2 October, 2023 at 6.00 p.m.

at the Council House, Walsall

Public access to meeting via: www.walsallcouncilwebcasts.com

MEMBERSHIP:

Councillor Martin (Chair)
Councillor Burley (Vice-Chair)
Councillor Allen
Councillor Andrew
Councillor Bashir
Councillor Follows
Councillor Lee
Councillor Nazir
Councillor Sears

Independent Persons:

Mr A. Green
Deborah Mardner
Carl Magness

Quorum:

Four Members

A G E N D A

1. Apologies
2. Substitutions
3. Declarations of Interest
4. **Local Government (Access to Information) Act, 1985 (as amended):**

To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
5. Minutes of previous meetings *Enclosed*
6. Local Government and Social Care Ombudsman Annual Report *Enclosed*
7. Member DBS Check Update *Enclosed*
8. Parental Leave for Councillors Progress *Verbal*
9. Review of learning from Thurrock Council Best Value Inspection Report *Enclosed*

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(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</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Standards Committee

Monday 12 July, 2021 at 6.00pm.

In Walsall Town Hall, Leicester Street, Walsall

Members Present

Councillor Rasab (Chair)
Councillor Underhill
Councillor Andrew
Councillor Burley
Councillor Follows
Councillor Lee
Councillor Samra
Councillor A. Young

Independent Persons Present

Mr A. Green
Ms D. Mardner
Ms S. Ajaz
Mr C. Magness

Officers Present

Mr Anthony Cox	-	Director of Governance
Mr Neil Picken	-	Principal Democratic Services Officer
Elise Hopkins	-	Director of Customer Engagement

01/21 Apologies

None.

02/21 Substitutions

There were no substitutions.

03/21 Declarations of Interest

There were no Declarations of Interest.

04/21 Local Government (Access to Information) Act, 1985 (as amended)

There were no items for consideration in private session.

05/22 **Role of Standards Committee**

The Director of Governance provided a verbal update on the role of Standards Committee which was duly noted by members.

06/22 **Code of Conduct for Elected Members**

A report was submitted.

(See annexed)

The Director of Governance expanded upon the report highlighting the proposed changes including:-

- The Nolan principles have been retained and there is now an explanation setting out the background to the establishment of the Nolan Principles.
- There is a new section explaining when the Council Code of Conduct will apply to councillors which will assist them to the public in bringing complaints and councillors themselves.
- There is an updated requirement in relation to the confidentiality of information at 1.3 of the new code.
- The new code includes a requirement not to compromise or attempt to compromise impartiality of council officers.
- 1.6,1.7,1.8 - provide greater clarity around requirements in relation to behaviour that could amount to bullying, harassment, discrimination. This accords with the recommendations made by the committee for standards in public life.
- The new code contains a requirement for councillors to cooperate with standards investigations and any sanctions applied.
- The new code contains more detailed information regarding gifts and hospitality. The limit on registration of gifts and hospitality is £50. There was not unanimity on this level and this question will be referred to council to determine.

Discussion ensued during which members confirmed their support for the updated code of conduct.

Resolved

That Council be recommended to approve the Code of Conduct for Councillors.

07/22 **Customer Relationship Management System and Member Complaints – Director of Customer Engagement**

The Director of Customer Engagement gave a presentation on the customer relationship management system and an overview of Member complaints.

Resolved

That the update be noted.

06/22 Work Programme

Members considered the work programme:-

(see annexed)

Resolved

That the work programme be noted.

08/21 Date of next meeting.

The net meeting would take place on Monday 11th October, 2021.

There being no further business, the meeting ended at 6.55pm

Chair

Date

Standards Committee

Monday 11 October, 2021 at 6.00pm.

In a Conference Room at the Council House, Walsall

Members Present

Councillor Rasab (Chair)
Councillor Allen
Councillor Andrew
Councillor Follows
Councillor Lee
Councillor Samra
Councillor Underhill
Councillor Young

Independent Persons Present

Mr A. Green
Ms D. Mardner
Ms S. Ajaz
Mr C. Magness

Officers Present

Mr Anthony Cox	-	Director of Governance
Mr Shaun Darcy	-	Director of Finance Corp Perf & Corp Landlord
Mr Mark Halliwell	-	Assurance Lead Officer
Mr Neil Picken	-	Principal Democratic Services Officer

9/22 Apologies

None.

10/22 Substitutions

There were no substitutions.

11/22 Declarations of Interest

There were no Declarations of Interest.

12/22 Local Government (Access to Information) Act, 1985 (as amended)

There were no items for consideration in private session.

13/22 Local Government & Social Care Ombudsman – Annual Review, 2020/21

A report was submitted:-

(see annexed)

The Director of Finance Corporate Performance and Corporate Landlord together with the Assurance Lead Officer presented the report which aimed to provide Members with details relating to the role of the Local Government and Social Care Ombudsman, provide information on the number and range of complaints referred by the Ombudsman to the Council during the financial year 2020/21, and to submit for Committee’s consideration the Ombudsman’s annual letter for 2020/21.

Members asked a number of questions in relation to the report, further to which it was:-

Resolved

That the report be noted.

14/22 Date of next meeting.

The date of the next meeting was 1 February, 2022.

There being no further business, the meeting ended at 6.31pm

Chair

Date

Standards Committee

Monday 17 July 2023 at 6.00pm.

In a Conference Room at the Council House, Walsall

Members Present

Councillor Martin (Chair)
Councillor Burley (Vice-Chair)
Councillor Bashir
Councillor Follows
Councillor Lee
Councillor Sears
Councillor Jukes

Independent Persons Present

Ms. D. Mardner
Mr. A. Green

Officers Present

Mr A. Cox - Director of Governance
Ms S. Lloyd - Democratic Services Officer
Mr C. Goodall - Principal Democratic Services Officer

1. Apologies

Apologies were received from Councillors Allen, Andrew and Nazir and Mr. C. Magness.

2. Substitutions

Councillor Jukes substituted for Councillor Nazir.

3. Declarations of Interest

There were no declarations of interest.

4. Local Government (Access to Information) Act, 1985 (as amended)

There were no items for consideration in private session.

5. **Minutes of the previous meeting**

Resolved

That the minutes of the meetings held 12 April 2023, a copy having being circulated in advance, be approved as a correct record.

6. **Member DBS Check Update**

The Principal Democratic Services Officer presented a report which provided the Committee with details of the outcome of an independent review into the Disclosure and Barring Service and the latest data available on Members' DBS checks in Walsall.

He began by highlighting that the independent review commissioned by the Home Office had noted inconsistencies in the approach of local authorities with regards to DBS checks and that there was currently no legal requirement for councillors to complete such a check. He further stated that the report recommended that such a requirement be brought in and that any councillors forming part of a committee that deals with vulnerable adults or children undertake the relevant enhanced DBS check.

The Democratic Services Officer then presented the latest data available on the uptake of DBS checks by Councillors, highlighting that there had been a significant improvement from 29 to 48 Members who had completed a DBS check. She confirmed that this meant there were 11 Members for whom the council did not have a record of a DBS check within the last four years. Members also discussed the annual declarations as a positive declaration by a councillor and a safeguard and requested that the policy be checked to ascertain the frequency with which these were to be completed.

Members of the Committee expressed their views that all councillors should undertake an enhanced DBS check and that they would support steps being taken to encourage those who had not yet completed their checks to do so.

Resolved

That:

- 1. The report be noted;**
- 2. A recommendation be made to Full Council that Councillors involved in decisions on the provision of services for vulnerable adults undertake an enhanced DBS Check.**
- 3. A report to return to the Committee at their next meeting and also following the Government response to the recommendations in the independent review;**

4. **The Monitoring Officer investigate the possibility of the creation of a list of all Members' DBS and Annual Declaration statuses on the council website, subject to this not being deemed to be in contravention of data protection legislation;**
5. **The Chair of Standards Committee write to Group Leaders to encourage members of their group to complete DBS checks if they have not done so already and to inform them that the Monitoring Officer has been requested by the Committee to investigate the possibility of publishing a list of all Members' DBS and Annual Declaration statuses;**
6. **The Monitoring Officer write to the 11 outstanding Members to encourage them to complete a relevant DBS check.**

7. **Elected Members Training**

The Committee received a report in relation to training available to Councillors. It was highlighted that it was hoped that training champions within the political groups would be able to encourage and support other councillors to complete such learning and development that was necessary or beneficial. The Director of Governance also stated that he would hold focus groups with members to ask them what training they would find beneficial to identify any gaps that there may be in the current programme.

Following questions from the Committee the Director of Governance confirmed that records were kept of training that had been completed and it was possible for councillors to submit details of relevant training that had been completed in other areas, for example in their professions or through voluntary roles. He undertook to return to the next meeting of the Standards Committee with further details on the training budget and the monitoring of the minimum 12 hours of training for Councillors per municipal year.

Resolved

That the report be noted.

8. **Disclosable Pecuniary Interests**

The Director of Governance presented a report in relation to disclosable pecuniary interests, highlighting that as Monitoring Officer he maintained the register required under the Localism Act 2011. He outlined the legislation and requirements relating to disclosure of pecuniary interests and suggested the creation of a working group to review the council's current system and the guidance and training provided.

Members of the Committee expressed their commitment to ensuring that this process is monitored, suggesting that perhaps an annual declaration could be introduced as a means of ensuring information is kept up to date.

Resolved

That:

- 1. The report be noted; and**
- 2. A working party to review the current registration system and the guidance and training given to Councillors in respect of the same be established to consist of the following Members:**
 - a. Councillors Burley, Follows, Bashir and Independent Persons Ms D. Mardner and Mr A. Green.**

9. Promoting High Standards of Conduct

The Director of Governance gave a verbal update on the promotion of high standards of conduct, noting that all Councillors had been asked if they had any items they wished Standards Committee to review and the responses received corresponded directly to items that were already included on the work programme for the Committee. He also suggested that should Members find this beneficial the quarterly Standards newsletter could be reinstated.

10. Date of next meeting

It was noted that the date of the next meeting would be 2 October 2023.

There being no further business, the meeting ended at 7.05pm.

Chair

Date

Local Government and Social Care Ombudsman – Annual Review 2022/23

Summary of report:

The report provides Members of the Committee with details relating to the role of the Local Government and Social Care Ombudsman, providing information on the number and range of complaints referred by the Ombudsman to the Council during the financial year 2022/23, and to submit for Committee's consideration the Ombudsman's annual letter for 2022/23 (Appendix 1 below).

Background papers:

None.

Recommendation:

1. To note the content of the report.

1.0 Background

The Local Government and Social Care Ombudsman (shortened in this report to LGSCO or the Ombudsman) investigates complaints escalated to them across a range of local authority functions and services, including commissioned services for example, registered adult social care providers.

1.1 Procedures

The Ombudsman's involvement in a complaint usually has 2 potential stages:

1.1(i) Assessment - including Initial Enquiry and Initial Investigation

Complaints received by the Ombudsman are considered initially by an assessment team, who try to establish whether the complaint has already been responded to via the council's own procedures and whether that internal complaint process has reached a conclusion.

The Ombudsman will expect a prompt response to any assessment stage enquiries, usually within 5 working days.

At this stage, the ombudsman would also consider the following:

- Is the issue something that the law allows them to look into?
- Is there good reason for the Ombudsman to formally investigate the complaint?

Below are the outcomes which can occur at the assessment stage, which will be shared with both the complainant and the council:

- **Invalid or incomplete** – Ombudsman was not given enough information to consider the issue.
- **Advice given** – Ombudsman provided the complainant with early advice or explained where to go for the right help.
- **Referred back for local resolution** – the complaint has been brought to the Ombudsman prematurely before the council was given the chance to consider it first.
- **Closed after initial enquiries** – Ombudsman assessed the complaint but decided against completing a full investigation. This might be because the law says they are not allowed to investigate it, or because it would not be an effective use of public funds for them to investigate.

1.1(ii) Detailed Investigation

If, following its assessment stage, the Ombudsman decides to move on to a full investigation of the complaint, then the council will be sent detailed enquiries relating to the case and is expected to respond to those enquiries within a set timescale, usually within 28 calendar days.

The Ombudsman may ask for specific documents, comments from relevant council officers or members, or answers to specific questions on the matter.

Based on the findings of the investigation, the Ombudsman will then issue a draft decision which the council and the complainant are invited to comment on. Feedback is requested within a set timeframe, usually within 10 working days.

The Ombudsman will then issue a revised final decision letter to the council and the complainant with two potential outcomes:

Upheld – The Ombudsman found evidence of fault or found that the council accepted fault early on.

Not upheld - a detailed investigation was carried out but did not find evidence of fault on the part of the council.

The Ombudsman makes a decision on whether the organisation was at fault by:

- Investigating what happened, and what should have happened, according to the laws and policies in place at the time.
- Making recommendations to put things right if necessary.

When the Ombudsman has ‘upheld’ a complaint they will include recommended actions that the council should take within the final decision letter along with set timescales to complete the actions – usually between 1 and 3 months.

Some possible remedies that can be suggested are:

- An apology to the complainant.
- Financial payments – for time and trouble, or to reflect the impact of council service failure.
- Review of policies and procedures.
- Staff training.

The Ombudsman’s decisions are published on their website 3 months after a case is closed and all recommended actions have been carried out; these decision notices will identify the council concerned, but otherwise are written to maintain the confidentiality of the complainant and other parties whose actions are described in the notice.

The LGSCO may, on rare occasions, issue a formal report of maladministration. There are six criteria to assist in deciding when to issue a report, including where there are recurrent faults, where there has been ‘significant fault, injustice or remedy’ by scale or the number of people affected, non-compliance with an LGSCO recommendation, a high volume of complaints about one subject or ‘a significant topical issue’, or in case of ‘systemic problems and/or wider lessons’. In cases where a formal report is issued, it must be considered by the Council, as set out in the Council’s constitution.

Further details on how the LGSCO works can be found in the *Manual for Councils* issued to assist particularly in respect of the day to day working relationship between Ombudsman staff and each council’s designated ‘link officer’. This manual is available on the Ombudsman’s website via the link www.LGSCO.org.uk/link-officers.

1.2 National and Local Context 2022/23

1.2.1 National Context:

The Ombudsman highlighted the following key points nationally for 2022/23 in its Annual Review of Local Government Complaints, which pulls together the national picture of trends and common issues that arise from LGSCO complaints:

- Following disruption to LGSCO casework during 2020 and the first part of 2021, the volume of complaints in 2021/22 and 2022/23 has stabilised at pre-pandemic levels.
- 15,488** national complaints and enquiries were received in 2022/23, slightly down from 15,826 in 2021/22.
- 15,845** complaints were decided, down from 16,395 in 2021/22.
- 74%** of investigated complaints were upheld (66% in 2021/22).
- In 2022/23 the LGO changed its investigation processes contributing to a rise in the average uphold rate across all complaints (see further explanation in section below – Upheld Complaints)
- Of the 15,488 complaints received, 2,142 recommendations were made to improve council services – more than ever before (1,848 in 2021/22). These remedies include improving staff training, revising policies and procedures

and reviewing records to identify other people who have also been affected by the problems identified.

- g. 4,907 recommendations were also made to remedy individuals' personal injustice; including apologies, reimbursement of fees and reassessments for services which should have been provided.
- h. Nationally, the highest proportion of fault is found in complaints about Education and Children's Services, particularly with regards to complaints concerning children with special educational needs, and alongside adult social care and homelessness cases, these three areas make up the majority of LGO casework.
- i. 38 Public Interest reports on local authorities were issued about cases that raise serious issues or highlight matters of public interest that are given extra prominence and issued as public interest reports.
- j. Compliance with the Ombudsman's recommendations in final decisions was at 99.3%, down slightly from 99.8% in 2021/22.
- k. The Ombudsman comments in the annual letter that: *"Our latest statistics shed light on the harsh realities people across the country face in crucial aspects of their lives. Council leaders now need to focus on learning from common faults and injustices so they can make a significant difference to the people our local authorities serve."*

The LGSCO Annual Review of Local Government Complaints is available to download from their website: <https://www.lgo.org.uk/information-centre/news/2023/jul/ombudsman-stats-show-stark-reality-of-life-in-england-in-2023>

1.2.2. Local Context:

- a. Walsall Council experienced a rise in the number of complaints received and determined during the year, compared with 2021/22.
- b. The service areas contributing to this rise were Children's Special Educational Needs Services (SEND) – reflecting the national trend referred to above - and Planning Services.
- c. The SEND service has experienced a rise in the number of complaint enquiries, generated partly by increased complaint activity from a locally based advocate for parents of SEND children. Of the 5 complaints upheld in 2022/23 in the Children's Services area, 4 were in the SEND category.
- d. Of the 17 Planning complaint enquiries determined by the Ombudsman, 15 were not investigated by the Ombudsman and either referred back to the Council for local resolution (10) or closed after initial enquiries (5).
- e. Walsall's performance against two key indicators used by the Ombudsman in its Annual Report is positive comparatively nationally and regionally in terms of compliance with the carrying out remedial actions and identifying remedies locally to avoid a formal investigation.

- f. Walsall Council's comparative performance against the rate of upheld complaints following full investigation indicates that Walsall is higher than the overall national average, metropolitan borough council average, and West Midlands councils' average.
- g. For the 9th consecutive year since the Ombudsman introduced its annual letter, Walsall Council was not the subject of a published report, indicating no serious concerns about any service or complaint issues in the Council.
- h. Internally within Walsall Council, a new corporate Customer Relationship Management system has been rolled out to record and process all corporate complaints received by the council. It is planned that Children's and Adult Social Care complaints will also transfer to this system so that all formal complaints will have a dedicated customer relationship system which should improve the efficiency of internal processes for managing LGSCO enquiries as all relevant information will be held in one system.

1.2.3 Context regarding increases in local complaint activity

Planning:

Often complaints to the LGO regarding the planning service are as a result of dissatisfaction in a planning outcome, for example an enforcement case closed due to insufficient harm to amenity, or an application being approved despite objections from neighbours. This is reflected in the fact that rarely do the LGO find the service at fault as process has been followed – only 2 planning complaint investigations were upheld in 2022/23 and in 2021/22.

A backlog of complaints had built up, partly caused by demands on the service and staff resources. This has contributed to the delay in responding to complaints via the corporate CRM system within local timescales which in turn has resulted in complainants contacting the LGO in higher numbers than previously. The planning service has introduced management systems and provided further staff training on the CRM system to ensure that complaints are dealt with in accordance with local timescales to help reduce the number of complainants contacting the LGO. There are currently only two live complaints on the CRM system and overall, the number of complaints received has also been reducing as the backlog of planning applications continues to be reduced.

SEND:

The following recent improvement activities have been completed by the service:

- Identified and implemented an improved system whereby it is able to identify when cases have failed to meet the statutory four-week target, confirmed the action it will take following an annual review and developed a policy that explains what action the Council will take when the target is not met; i.e. how it will escalate such cases for further action and by whom etc;

- Provided guidance to staff about the Council’s duties in relation to s19 alternative education provision and their responsibilities in respect of this;
- Undertaken a review of activity at director level of a fault case and provided a report to the Ombudsman outlining its findings regarding lessons learned, service improvements made or planned.

1.3 Detail of Complaints received and determined in 2022/23

The annual letter includes statistics relating to:

- Complaints received in 2022/23 by the LGSCO.
- Decisions made by the LGSCO.
- The council’s compliance with recommendations made by the Ombudsman during the year (2022/23).

The Annual Review Letter is attached and headline figures appended to the letter are available on the Ombudsman’s website along with equivalent performance figures for previous years, and for all other local councils and public bodies subject to LGSCO enquiries <https://www.LGSCO.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>

The Ombudsman also produces an interactive map which shows the performance details for all councils <https://www.lgo.org.uk/your-councils-performance>

Headlines from this year’s annual letter:

- Overall, the Ombudsman received 59 complaints relating to Walsall Council, up by 18 from 2021/22, but fewer than in 2019/20 (65), the year before the pandemic.
- In 2022/23 84% of complaints that were fully investigated were upheld (12 out of 14) compared to 67% (6 out of 9) in 2021/22.
- The Ombudsman recorded 100% satisfaction with the council’s compliance in the cases where they recommended a remedy (based on 8 compliance outcomes).

Complaints received during 2022/23

The Committee will note that there were 59 complaints *received by* the LGSCO relating to Walsall Council in 2022/23 (41 complaints in 2021/22). These were categorised as per the following table:

Category	Number of LGSCO cases 2022/23 (2021/22)
Adult Care Services	7 (6)
Benefits & Tax	7 (8)
Corporate and Other Services	3 (1)
Education and Children’s Services	16 (12)
Environment Services	4 (2)

Highways & Transport	3(2)
Housing	2 (2)
Planning and Development	17 (7)
Other	0 (1)
Total	59 (41)

Members should note that the categories used here by the Ombudsman may not match exactly how the Council allocates different functions to service areas or directorates.

There has been an increase in numbers received in all areas apart from Benefits & Tax and Housing; the 2 areas of highest increase are Planning & Development (10 more) and Education & Children's Services (4 more).

Complaints determined during 2022/23

During 2022/23 the Ombudsman determined 54 complaints (46 in 2021/22) relating to Walsall Council. The outcomes of the Ombudsman's decision are set out in the table below.

Category (Determinations)	2022/23 (2021/22)
Advice Given	0 (1)
Incomplete or invalid	1(4)
Referred for local resolution	20(15)
Closed after Initial Enquiries	19(17)
Detailed Investigations – Not Upheld	2(3)
Detailed Investigations - Upheld	12(6)
Total Determinations	54(46)
Uphold Rate	84% (67%)

Note: The totals shown in the received and determined tables do not match as there will be some cases determined in one year which were received in the previous year.

1.4 Upheld Complaints

There have been twice as many upheld complaints in 2022/23 compared with 2021/22.

Note: As referred to in the national context section 1.2.1, the LGSCO have changed their approach to complaint investigation this year contributing towards an increase in the average uphold rate across all complaints. For resource reasons, they have prioritised cases where it is in the public interest to investigate. As a result, they have been less likely to carry out investigations into 'borderline' issues and are finding a higher proportion of fault as a result, meaning that the national uphold rate has increased from 67% last year to 74%. They have reported a steadily increasing uphold rate for several years but have confirmed that this year's increase is not wholly attributable to the nature of the cases that were referred to them and so comparison with previous years carries a note of caution.

The Ombudsman has advised councils to consider comparing individual council uphold rates against comparator averages rather than against previous years. On both counts, the numbers for Walsall Council have risen.

The **12** - (6 in 21/22) - complaints that were categorised as 'upheld' in 2022/23 related to:

- Adult Care services **3** (1),
- Education and children's services **5** (3)
- Planning Services **2** (2),
- Benefits and Tax **1** (0),
- Highways and Transport **1** (0)

It is worth noting that 2 of the 12 upheld complaints related to where the Council was seen to have already put things right prior to an Ombudsman investigation. These are still categorised as 'upheld' by the Ombudsman despite having been satisfactorily addressed already.

A third upheld complaint related to the local complaint process used rather than any fault with service delivery.

Details relating to the 12 complaints which were categorised as 'upheld' are set out below. The full decision notices are available on the relevant complaint link provided and on the Ombudsman's website. All notices are written in a way which protects the confidentiality of individuals concerned.

a) Complaint [20-010-478](#) – 03 May 2022 - Planning

Summary: There was fault by the Council as it identified breaches of pre-commencement planning conditions in February 2021 but has supplied no evidence that it had taken any action since then. Mr X complained about damage to his property by the developer because of the delay, but damage to property is a private matter between him and the developer.

Remedies: Provision of information and advice - the Council's proposal to review progress and in addition, to tell Mr X of the result, remedied the injustice.

b) Complaint [21-010-229](#) - 26 May 2022 - Planning

Summary: Mr C complained the Council wrongly approved his neighbour planning application and failed to take appropriate enforcement action. He also said a Planning Committee member was biased towards the applicant. The Council failed to give proper reasons for the planning decision it made. It also caused delays in its enforcement investigation.

Remedies: The Council agreed to apologise and make payment to Mr C for the injustice it caused him. It has already taken action to prevent similar failings in the future.

c) Complaint [21-004-225](#) – 09 June 2022 SEND

Mrs X complained about how the Council dealt with her child's Education, Health and Care Plan annual reviews. She said it failed to provide her child with suitable education and provision. Mrs X also complained the Council provided her with inaccurate responses to her complaints. The Council was at fault for its delays, non-completion and failing to properly follow statutory guidance during the Education, Health and Care Plan annual review processes. This caused Mrs X's family significant distress, frustration and time and trouble and the child was disadvantaged by not having an up-to-date Plan for two years.

Remedies: The Council:

- provided the Ombudsman with evidence of the internal processes the Council has in place to monitor the progress of its Education, Health and Care Plan annual review process timeliness.
- provided details of the action it has taken to address delays in processing annual reviews to ensure such delays do not continue to occur and say how this has been implemented.
- undertook an audit of Education, Health and Care Plan annual reviews of the 30 cases identified by Ofsted following its recent inspection of the Council's SEND services as part of the monitoring process to ensure the Council is carrying out annual reviews in a timely manner, issuing decision notices and completing Education, Health and Care Plan annual review processes in accordance with statutory guidelines.
- shared the Education, Health and Care Plan review audit finding with the Ombudsman.

d) Complaint [21-007-329](#) – 26 July 2011 SEND

Mrs X complained the Council has not dealt properly with her daughter's education. The Council did not consider whether her daughter needed alternative education provision properly. Her daughter lost some educational opportunity.

Remedies: The Council apologised and paid Mrs X £4,500.

e) Complaint [21-016-025](#) – 16 Aug 2022 SEND

Mr X complained that the Council failed to ensure provision in his daughter Y's Education, Health and Care (EHC) Plan was delivered. The Council was at fault as it failed to ensure Y received the speech and language therapy set out in her Plan.

Remedies: The Council made a symbolic payment to Mr X of £300 to acknowledge the loss of provision to his daughter in line with the Plan.

f) Complaint [21-014-226](#) – 21 Aug 2022 ASC Domiciliary Care

Ms C complained about the care her father received from a homecare agency commissioned by the Council. There was fault with regards to some aspects of the care Mr F received

Remedies: The Council apologised for relevant aspects of the care provided.

g) Complaint [22-007-025](#) – 28 Sept 2022 ASC Finance/Charging

The Ombudsman did not investigate this complaint about the Council mishandling a direct debit instruction to pay for Mr X's sister's care. This is because the Council made a suitable offer to remedy the injustice caused by the delays and further investigation by the Ombudsman would not lead to a different outcome.

Remedies: Suitable remedies already provided by Council – although still recorded as an upheld complaint by the Ombudsman.

h) Complaint [22-004-289](#) – 10 Oct 2022 Education & Children's Services

The Council was at fault for not dealing with Ms B's complaint about her special guardianship allowance under the statutory children's complaint procedure. This meant that Ms B did not have access to an independent investigation of her complaint. The Council agreed to consider the complaint under the correct procedure.

Remedies: Complaint processed as a statutory complaint.

i) Complaint [22-003-257](#) – 14 Dec 2022 ASC Residential Care

Ms C complained about the withdrawal of services and standard of care provided to her mother, Ms D. The Council was at fault for failing to properly assess Ms D's needs. The Council commissioned Care Provider failed to properly communicate with the family and get advice about how to support Ms D.

Remedies: The Council apologised to Ms C and Ms D for the faults identified and paid Ms D £300 and Ms C £250 in acknowledgement of the injustice caused by these faults. This was in addition to procedural and training steps it has already agreed to take.

j) Complaint [19/22-009-319](#) – 05 Jan 2023 Benefits/Tax

Mrs X complained the Council ignored her request for a business grant which caused her financial loss and distress. The Council was found to be at fault and apologised and subsequently made the grant payment.

Remedies: The Council paid Mrs X £300 for distress and uncertainty and £200 for time and trouble and agreed to ensure that there was no recurrence.

k) Complaint [22-008-714](#) – 25 Jan 2023 SEND

Mrs X complained the Council delayed issuing an EHCP after the annual review. This meant Child Y was without the correct provision. The Council was at fault for delaying issuing the EHCP, which caused Child Y to be left without provision, and at fault for failing to ensure delivery of the agreed provision.

Remedies: The Council apologised and paid a financial remedy to correct the missing provision of £2,400, and a payment of £450 for distress and time and trouble experienced.

l) Complaint [22-013-425](#) – 15 Feb 2023 Highways & Transport - Traffic Management

Summary: 'The Ombudsman will not investigate this complaint about parking enforcement in the complainant's road and an alleged breach of planning control. This is because the complaint does not meet the tests in our Assessment Code on how we decide which complaints to investigate. There is not enough evidence of fault in the way the Council has carried out its enforcement role, and we are satisfied with the actions it has taken, or proposes to take, to in response to the complaint.'

Remedies: None required as the Council had already apologised for the delay in responding to the complaint and had put in place actions to address parking and planning issues raised.

1.4.1 Compliance with remedies

Since 2017/18 the Annual Review Letter has included details of complaints where the Ombudsman, in making a decision, has also set out a remedy. The Ombudsman monitors whether councils have fulfilled the terms of such remedies and the present Annual Review Letters now includes a table indicating where a council has complied with remedies within the Ombudsman's set timescale, is late complying, or where a council has not complied with the remedy.

In Walsall's case, there were 9 complaints where a remedy was set out for the council to carry out during 2022/23. The Annual Letter indicates that in **all cases**, the Ombudsman was satisfied that the council had implemented their recommendations, and that all were carried out within timescale. (see Appendix 1 below)

1.5 Comparative figures and statistics

Data provided by the Ombudsman as part of its Annual Report enables comparison to be made between Walsall and national outturns and with other local authorities. Committee members will note that comparative figures relating to neighbouring West Midland authorities are attached (**Appendix 2**).

Some of the headline comparisons for Walsall in 2022/23 taken from the LGSCO data are:

National:

- 74% of complaints upheld nationally compared with **86%** for Walsall. [77% for all similar authorities – Metropolitan Borough Councils].
- In 10% of upheld cases, councils had already offered a suitable remedy before the complaint was made to the Ombudsman; the comparable figure for Walsall was **17%**.
- Compliance with recommendations remains high at 99.3% nationally (**100% for Walsall**).

West Midlands:

- Walsall received fewer complaints and enquiries in 2022/23 than all West Midland authorities in Appendix 2, except for Wolverhampton and Solihull.

- The percentage of complaints investigated and upheld by the Ombudsman was higher than all West Midland authorities with 12 of 14 upheld (however 2 of these did not go to a full investigation and removing those 2 from the figures would give an outturn of **71%**). The equivalent figures for the WM councils were:

	B'ham	Cov	Dudley	Sandwell	Solihull	Wolv	Walsall	Walsall Revised
Investigated	153	20	27	21	13	11	14	14
Upheld	128	17	21	17	7	9	12	10 (without 2 not upheld)
% Uphold rate	84%	85%	78%	81%	54%	82%	86%	71.5%

1.6 Good Practice

Committee is asked to note that the Ombudsman also has an important role in identifying, from the complaints that it receives from citizens and service users across the country and from its interaction with councils, particular issues and areas of concern which it shares with councils generally via bulletins, news releases and in particular specific focus reports.

In 2022/23, the LGSCO issued the following focus reports:

- Equal Access – getting it right for people with disabilities.
- Out of School, Out of Sight – ensuring children out of school get a good education.
- Equal Justice: learning lessons from complaints about people’s human rights
- More Home Truths – learning lessons from complaints about the Homelessness Reduction Act

These, and other focus reports published in previous years and in the current year, are available for downloading on the LGSCO’s website <https://www.LGSCO.org.uk/information-centre/reports>

The LGSCO also published 2 good practice guides which are aimed at helping authorities to get things right before cases are escalated to the Ombudsman:

- Section 117 Aftercare – common mistakes highlighted in complaints about the aftercare of patients receiving support under the Mental Health Act.
- Deprivation of Capital - sets out the Ombudsman’s approach to investigating complaints from people where their local authority has decided they have intentionally deprived themselves of capital when assessing how much they should contribute to their care.

- In addition, the LGSCO circulates a weekly list of decisions published that week in five service areas: benefits and taxation, adult social care, children and education, housing and planning.

2.0 Resource and legal considerations:

There are no specific financial implications arising from this report. In some cases, the local settlement of particular complaints may include a financial element, for the complainant's 'time and trouble' in pursuing the matter, and in appropriate cases the payment of sums reflecting the impact of the council's failings on the complainant. Details of any financial redress incurred is provided alongside the summary of upheld complaints in **Section 1.3** above.

The Ombudsman service operates in accordance with provisions in the Local Government Act 1974, as amended by subsequent legislation. As noted above, the LGSCO has issued a new manual for councils setting out operational matters relating to its procedures available on its website.

3.0 Performance and Risk Management issues:

The Ombudsman's annual letter and annual report provides details relating to the number of complaints received, and the outcome of complaints. See www.LGSCO.org.uk/information-centre

The Annual Letter no longer provides figures for the average time taken to provide a response to the Ombudsman's enquiries. The council's LGSCO link officer works with services to ensure that responses to Ombudsman enquiries are quality assured and made within expected timescales.

4.0 Equality Implications:

Details relating to the Ombudsman service are available on the council website and in the council's own complaints leaflets. The Ombudsman no longer produces its own complaint leaflets; details are set out on its website: it encourages complainants or others seeking advice on a possible complaint to contact the service by phone or via the Ombudsman's website.

5.0 Consultation:

There is no requirement to consult on this report.

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Appendix 1

19 July 2023

Dear Ms Hindson

Annual Review letter 2022-23

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

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

Complaint statistics

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

Complaints upheld.

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

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

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

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

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

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

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

Supporting complaint and service improvement

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

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

www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

Yours sincerely,

Paul Najsarek. Interim Local Government and Social Care Ombudsman

Complaints upheld

86%

86% of complaints we investigated were upheld.

This compares to an average of 77% in similar organisations.

12
upheld decisions

Statistics are based on a total of 14 investigations for the period between 1 April 2022 to 31 March 2023

Compliance with Ombudsman recommendations

In 100% of cases Walsall successfully implemented recommendations

This compares to an average of :

99% in similar organisations.

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

Satisfactory remedy provided by the organisation

17%

In 17% of upheld cases, we found that Walsall Council provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of 10% in similar organisations.

2
satisfactory remedy decisions

Statistics are based on a total of 12 upheld decisions for the period between 1 April 2022 to 31 March 2023

Appendix 2

West Midlands Metropolitan Councils – complaints and enquiries received by the LGSCO 2022/23 - (2021/22) shown in brackets)										
	Adult Care Services	Benefits and tax	Corporate and other services	Education and Children's Services	Environment Services, Public Protection and Regulation	Highways and Transportation	Housing	Planning and Development	Other	Total
Birmingham	37 (40)	39 (40)	15(11)	65(69)	77 (86)	81(57)	144(124)	24(22)	18(14)	490 (463)
Coventry	8 (1)	5 (5)	6(5)	18(22)	11 (22)	8(8)	11(9)	5(7)	1(4)	73(93)
Dudley	10 (14)	6 (4)	3(9)	17(13)	7(16)	4(1)	19(21)	3(7)	0(2)	73(87)
Sandwell	21 (14)	14 (16)	8(6)	11(13)	13(9)	4(4)	29(16)	7(7)	0(3)	105(92)
Solihull	5 (7)	4 (3)	1(3)	15(17)	1(4)	3(2)	5(4)	7(12)	2(0)	37(52)
WALSALL	7 (6)	7 (8)	3(1)	16(12)	4(2)	3(2)	2(2)	17(7)	0(1)	59(41)
Wolverhampton	5 (3)	2 (2)	4(2)	11(8)	8(5)	1(2)	7(9)	3(4)	1(1)	42(36)

West Midlands Metropolitan Districts - complaints determined by the Ombudsman 2022/23 - (2021/22 shown in brackets)								
	Invalid or complete	Advice given	Referred back for local resolution	Closed after initial enquiries	Not Upheld	Upheld	Upheld rate	Total
Birmingham	28 (25)	30(39)	138(124)	164(145)	25(28)	128(100)	84 %(78%)	506(461)
Coventry	1(2)	4(3)	24(29)	32(39)	3(4)	17(10)	85 %(71%)	81(87)
Dudley	8(6)	5(9)	15(23)	23(27)	6(7)	21(14)	78 %(67%)	78(86)
Sandwell	4(5)	8(4)	46(29)	28(29)	4(10)	17(20)	81 %(67%)	107(92)
Solihull	1(1)	3(4)	13(22)	12(22)	6(4)	7(11)	54 %(73%)	42(64)
WALSALL	1(4)	0(1)	20(17)	19(17)	2(3)	12(6)	86 %(67%)	54 (44)
Wolverhampton	4 (0)	3(4)	7(8)	19(16)	2(5)	9(8)	82% (62%)	44(41)

<https://www.LGSCO.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>

Member Criminal Record Checks

1. Aim

- 1.1 To provide an updated position statement on uptake of criminal record checks for elected members since its last discussion at Standards Committee on 17th July 2023.

2. Summary

- 2.1 This report presents to Standards Committee, for information, an up-to-date situation in relation to Members criminal record checks and the uptake thereof. At the time of writing 50 Members had a valid basic or enhanced criminal record check, 6 were awaiting the results of their check and the remaining 4 Members were working with Democratic Services to provide the relevant ID to complete their checks.
- 2.2 Members are also advised that Council, at its meeting on 18th September 2023, approved the recommendation of Standards Committee that all councillors involved in decisions on the provision of services for vulnerable adults undertake an enhanced DBS check and works have begun to contact the 9 Members affected who will now be requested to complete an enhanced check.

3. Recommendations

That:

- 3.1 the information available on the current number of complete DBS checks for Members be noted; and
- 3.2 the Committee commits to continue to monitor the uptake of voluntary DBS checks by elected Members.

4. Report Detail - Know

- 4.1 As part of a desire to maintain transparency and high standards of behaviour Council agreed at its meeting on 25th May 2016 to ask all Members to undergo criminal record checks at least every 4 years and to make an annual declaration to the Monitoring Officer in the intervening years on any changes to their criminal record. This decision was made following a recommendation of the Standards Committee which had investigated methods to improve accountability and protection of Members because of concerns that arose out of multiple national abuse enquiries.

- 4.2 Dependant on their Committee membership Members are asked to either complete a basic disclosure or an enhanced DBS (Disclosure and Barring Service) check. It was originally agreed by Council that members of a committee or panel or portfolio holders that manage issues relating to children should have further accountability and protection through the enhanced process.
- 4.3 On 18th September 2023 Council approved the recommendation made by Standards Committee at their last meeting that members of the Health and Wellbeing Board, the Social Care and Health Overview and Scrutiny Committee and the Portfolio Holders for Adult Social Care, Wellbeing, Leisure and Public Services and the Deputy Leader (Resilient Communities) all undertake an enhanced adult DBS check. These Members were contacted on 20th September 2023 to begin this process.
- 4.4 Members are required to complete a DBS check every four years. As of 22nd September 2023 there are 50 Members who have a valid basic or enhanced criminal record check which has been registered by the Monitoring Officer. Currently 6 Members have submitted their criminal record check application and are awaiting the results of their checks. This is an improvement on 48 Members holding a valid criminal record check when this was last discussed at Standards Committee on 17th July 2023.
- 4.5 The criminal record check process consists of completing an online form and providing 3 forms of identification from a list of acceptable ID which is circulated to all Members by email when requesting that they complete the check. The identification is to be scanned or brought into the Democratic Services Team to be scanned and verified. If it is not provided within 6 months of the online form being completed the form expires and a new form will have to be completed.
- 4.6 The remaining 4 Members do not have a valid criminal record check because either they have not completed the process or more than four years have passed since the last time they did. All of these Members are in contact with Democratic Services.
- 4.7 Members are also asked to confirm, in the form of an annual declaration, if there have been any changes to their criminal record since their last check was conducted. As of 22nd September 2023, 17 Members have duly completed this form.
- 4.8 Members are requested on a six-monthly basis to take any required action in relation to their criminal record check. The last such emails were sent out on the 15th June 2023.
- 4.9 If Members require any further assistance with the process Democratic Services Officers can respond to any queries by phone or email or schedule an appointment to complete the online form with the Member.

- 4.10 Once the criminal record check has been successfully completed the certificate is sent to the Member at their home address. This process can take up to 15 working days.
- 4.11 Following discussions at the last meeting of Standards Committee on 17th July 2023 the Monitoring Officer undertook to make enquiries as to whether it would be possible to publish a list of Member's DBS and Annual Declaration statuses on the council website. Enquiries on this point continue to ensure that there is a lawful basis for disclosure before any further action is taken.

5. Financial information

- 5.1 A single basic disclosure check costs £24.47 and an enhanced disclosure check costs £40.22.

6. Legal implications

- 6.1 The Council is not legally required to undertake criminal record checks of all Members but as stated above doing so provides Members with further accountability and protection whilst also maintaining transparency and high standards of behaviour. It has also been identified as best practice in a recent independent review of the Disclosure and Barring Service commissioned by the Home Office.

7. Decide

- 7.1 The committee is asked to review the information available and is invited to comment upon any improvements that could be made to assist Members in completing the process.

8. Respond

- 8.1. The Monitoring Officer and Democratic Services team will continue to request Members complete any required actions in relation to their criminal record checks on a six-monthly basis. The Monitoring Officer will register all criminal record checks received.

9. Review

- 9.1 It is recommended that the committee continues to monitor the status of Members' criminal record checks.

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Review of learning from Thurrock Council Best Value Inspection Report

1. AIM

- 1.1 To review the learning that can be taken from the Thurrock Council report in relation to Elected Members.

2. Summary

- 2.1. The Thurrock Best Value Inspection report was published in May 2023. The Council reviews such reports and benchmarks its own governance against the recommendations and looks at what learning points can be taken from the report. The key issues that would impact upon members are the importance of transparent and open decision making; holding officers to account; training and development; leadership, culture and behaviour.

3. Recommendations

- 3.1 That the committee note the report.

4. Report Detail - Know

- 4.1 Between 2016 and 2022 Thurrock Council pursued a strategy of borrowing large amounts of money, predominantly from other local authorities, and using these to undertake a range of investments for the purposes of securing a return. The income from this strategy enabled local political leaders to forestall or avoid difficult decisions on raising council tax, and on the transformation of local services, for several years. But the Council failed to understand and control the risks of this investment strategy. The ultimate failure of the strategy, and the scale of the financial loss that has resulted, inevitably raises serious questions over the financial viability of the authority unless significant external support is provided. As a consequence a Best Value Inspection was carried out in respect of the Council.
- 4.2 The Commissioners made a number of recommendations to effect urgent change at the Council. Part of Recommendation 5 focussed on a programme of work to strengthen members' capability through:
 - the development and delivery of an effective and continuing member development programme - members should be actively involved in the development and delivery of this programme;

- and - the delivery of a programme which actively encourages local residents to participate in local democracy and to consider standing for election. Commissioners should agree the design of these programmes and arrangements for independent evaluation of their reach and impact.
- 4.3 Recommendation 7 required the Secretary of State to consider directing the Council to prepare and agree, to the satisfaction of Commissioners, a set of arrangements and protocols by which it will embed good practice with respect to information sharing and transparency. These should reflect and support wider work to develop more open and transparent working practices and behaviours within the Council. They should make explicit:
- the practical mechanisms through which appropriate information on Council decisions and performance will be made available to elected members and to the public; and
 - the standards to which Thurrock Council will hold itself in making this information available. Once developed, these should be included within the Council's constitution.

Training and Development

- 4.4 The Commissioners found that the current member training and development programme focused almost exclusively on induction and was run in the three months following an election. It was dominated by generic and high-level briefing sessions on broad topic areas and was poorly attended. Beyond induction, The Commissioners heard that there was no meaningful support for member development, with one senior member describing the provision as 'diabolical,' and focused on compliance and box ticking. There was no training or development offer for those undertaking cabinet roles. Any members who wish to undertake such training are required to make their own arrangements with third party providers such as the LGA. The Council did have a 'member development working group' but it appeared not to meet frequently and was not a priority for those involved. After speaking to some members who were disparaging about training, we were informed by officers that they were members of this working group - but those members did not mention the existence of the group to us.
- 4.5 Training and development is important in empowering Elected Members in respect of decision making and in holding officers to account.
- 4.6 Walsall carries out a review of its Learning and Development Programme on an annual basis. This includes both members and officers. Two Councillors act as Learning Champions for their group and it is intended that training will be monitored within the actual political groups.

Inadequate Governance Arrangements

- 4.7 It was recognised that politicians had an important role in setting a clear and consistent strategic direction for a Council. There is a need for politicians to take difficult decisions on the prioritisation of resources. There is also a need to ensure good collective working between Cabinet Members and officers of the Council.
- 4.8 A further example of how the Council was not operating appropriately within the law is how the Register of Interests was operated. The register is required to be made publicly available. Section 32 of the Localism Act 2011 allows, however, sensitive interests to be withheld from the public where the member concerned and the Monitoring Officer both agree that disclosure of the details of the interest could lead to the member or connected person, being subject to violence or intimidation. Globally there has been an increase in threats to elected officials. In the UK this manifested itself with the terrible murder of Sir David Amess MP in October 2021. Sir David's constituency was in south Essex. His murder sent shockwaves throughout Essex and throughout the country. In 2019 the then Secretary of State wrote to Chief Executives encouraging Monitoring Officers to look sympathetically on requests to omit information '**where there are legitimate concerns**'. Many local authorities responded to these events by encouraging members to apply to have their home addresses removed from the register. This seems legitimate, given that councillors risk a hostile reaction from constituents who may seek to find out where members live. Thurrock Council went much further than any other authority the Commissioners could identify. Most members also had the name of their employer omitted from the register of interests. In some cases, members' occupations/employment can be ascertained by a simple google search. The Commissioners asked some members if they were concerned about the release of work details causing a risk of violence and intimidation and nobody told us that they had this fear. In fact, all were surprised at the omission of this information, suggesting that the Council was not complying with the legal requirements relating to transparency of members' interests
- 4.9 The Standards Committee has set-up a working group to look at the issue of Disclosable Pecuniary Interests and the working-group will look at this issue alongside other issues. In addition the Council's constitution is reviewed and updated on an annual basis.

5. Financial information

- 5.1 None contained within this report.

6. Legal implications

- 6.1 The Council must promote and maintain high standards of conduct by members and co-opted members of the authority. In discharging its duty under

subsection, a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

6.2 The monitoring officer of a relevant authority must establish and maintain a register of interests of members and co-opted members of the authority. The monitoring officer of a relevant authority other than a parish council must secure—

(a) that a copy of the authority's register is available for inspection at a place in the authority's area at all reasonable hours, and

(b) that the register is published on the authority's website.

7. Decide

7.1 The committee is asked to approve the recommendations as set out in Paragraph 3.

8. Respond

8.1 If the committee support the proposed changes then these will be discussed with the relevant Group Leaders, and then be put to Council as recommendations for changes to the constitution.

9. Review

9.1 The Council reviews the operation of the constitution in general on an ongoing basis, and reports to annual council every year in relation to the same. In addition to the general review more detailed reviews are carried out as and when required on different aspects of the constitution to ensure that there is lawful decision making.

Background papers - none

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Director of Governance

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