

Governance and Ethics Committee

Wednesday, 22 February 2023 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- | | | |
|---|--|---------|
| 1 | Minutes of last meeting held on 4 January 2023 | 3 - 6 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Local Government & Social Care Ombudsman Meeting Update | 7 - 10 |
| 5 | Local Government & Social Care Ombudsman Decisions December 2022 to January 2023 | 11 - 20 |
| 6 | Whistleblowing Update | 21 - 24 |
| 7 | Attendance at Key National Conferences - Update | 25 - 28 |
| 8 | Work Programme | 29 - 32 |

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.

- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Kate Morris (Tel. 0115 804 4530) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>



Meeting **GOVERNANCE AND ETHICS COMMITTEE**

Date **Wednesday 4 January 2023 (commencing at 10.30am)**

membership

COUNCILLORS

Philip Owen (Chairman)
Johno Lee (Vice-Chairman)

Richard Butler
Errol Henry JP - Apologies
Andy Meakin - Apologies
Michael Payne - Apologies
Sue Saddington

Helen-Ann Smith
Nigel Turner - Apologies
Roger Upton
Daniel Williamson

SUBSTITUTE MEMBERS

Councillor Jim Creamer for Councillor Errol Henry
Councillor Mike Pringle for Councillor Michael Payne
Councillor Francis Purdue-Horan for Councillor Andy Meakin
Councillor Jonathan Wheeler for Councillor Nigel Turner

OFFICERS IN ATTENDANCE

Sue Batty	Adult Social Care and Health
Richard Elston	Chief Executive's Department
Emma Hunter	
Simon Lacey	
Nigel Stevenson	
Marjorie Toward	
Neil Lewis	Place

1. MINUTES

The Minutes of the last meeting held on 30 November 2022, having been previously circulated, were confirmed and signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from:

- Councillor Henry
- Councillor Meakin (Medical / Illness)
- Councillor Payne (Other reasons)
- Councillor Turner (Other reasons)

3. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

None.

4. UPDATE ON LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN DECISIONS (MAY 2022 TO JUNE 2022)

The report set out information about four complaints against the Council where fault was found by the Local Government and Social Care Ombudsman. Members were given the opportunity to ask questions of officers and seek assurance about actions put in place from the relevant departments regarding those complaints.

One complaint was carried forward to the next meeting to allow an officer to attend to answer questions.

RESOLVED: 2023/001

That the findings of the Local Government and Social Care Ombudsman be noted and that lessons learned and actions taken in response to the findings be welcomed.

5. INTERNAL AUDIT CHARTER REFRESH

The report set out the refreshed Internal Audit Charter and Members were given the opportunity to ask questions of officers around the updates. Updates included cosmetic changes and job title revisions.

RESOLVED: 2023/002

That the revised Internal Audit Charter be approved

6. COUNTER FRAUD PROGRESS REPORT

The report set out the counter-fraud work undertaken to date in 2022/23. Members were given the opportunity to ask questions of officers. Members were keen to see increased levels of communication around the consequences of misuse and abuse of the Blue Badge scheme.

RESOLVED: 2023/003

That the content of the report be noted.

7. REGULATION OF INVESTIGATORY POWERS ACT 2000 – ANNUAL REPORT

The Annual report confirmed that there had been no activity over the last 12 months. Officers confirmed that the last time the Act was used by the Council was 2021.

RESOLVED: 2023/004

That the content of the report regarding activity over the past 12 month period be noted.

8. WORK PROGRAMME

RESOLVED: 2023/005

That the work programme be agreed.

The meeting closed at 11:17am.

CHAIRMAN

**REPORT OF THE SERVICE DIRECTOR CUSTOMERS, GOVERNANCE AND
EMPLOYEES AND MONITORING OFFICER****LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN MEETING
UPDATE****Purpose of the Report**

1. To update the Committee on the meeting held between a representative of the Local Government and Social Care Ombudsman (LGSCO), Council Officers and the Chair of the Governance and Ethics Committee to discuss some of the most recent decisions made by Ombudsman.

Information

2. The LGSCO provides a free, independent and impartial service to members of the public. It looks at complaints about Councils and other organisations. It only considers complaints when they have first been considered by the Council and the complainant remains dissatisfied. The LGSCO cannot question a Council's decision or action solely on the basis that someone does not agree with it. However, if the Ombudsman finds that something has gone wrong, such as poor service, a service failure, delay or bad advice and that a person has suffered as a result, the LGSCO aims to get the Council to put it right by recommending a suitable remedy.
3. The LGSCO publishes its decisions on its website www.lgo.org.uk. The decisions are anonymous, but the website can be searched by Council name or subject area.
4. The County Council takes all complaints seriously and always tries to maximise the learning from Ombudsman findings and to use their recommendations to improve services and our interactions with local residents. We discuss all decisions that we receive from the Ombudsman about our Council in detail at our Governance and Ethics Committee.
5. As a result of Members showing a real desire to understand the Ombudsman's recommendations, what lies behind them and what this means for local residents and how we can be more proactive in dealing with complaints, a meeting was arranged on 26 January 2023. The meeting was attended by the Local Government and Social Care Ombudsman's representative, Chair and Vice Chair of the Governance and Ethics Committee, Monitoring Officer and Team Manager of the Complaints and Information Team.
6. The purpose of this meeting was to understand Ombudsman decisions in more depth in order to identify emerging themes and potential learning to prevent issues arising and resolve issues

at an earlier stage to minimise any negative impacts on residents. Some of the more recent Ombudsman decisions also appear to be taking a broader view on where the Council's responsibilities start and finish and our ability to influence others to act. The intention was to discuss and better understand the Ombudsman's perspective on how best we can embed some of their recommendations in our day-to-day activities.

7. The request for a meeting with the Ombudsman was well received. The Ombudsman stressed the importance of engagement with public bodies outside of dealing with specific complaints to enable sharing of learning from particular complaints from both perspectives in a more neutral context.
8. The meeting highlighted several key areas for continued focus moving forward and the Ombudsman made a number of helpful suggestions to improve practice. These included ensuring that Ombudsman reports are considered and signed off at Service or Corporate Director level to ensure that senior managers are sighted on the recommendations, learning and areas for improvement and can ensure that this is embedded across the Council not just in a single service area, which is more likely to be the case than if an operational manager is solely responsible for implementation. The practice in this Council of Governance and Ethics Committee reviewing all Ombudsman decisions was viewed as a positive step.
9. The Ombudsman was also positive about the Council's approach to accepting and implementing the remedies recommended by the Ombudsman. This is in the context of not all Councils doing so. However, the importance of considering the Ombudsman's recommendations carefully and challenging recommendations at the time if they are not achievable or realistic was also highlighted.
10. Another area of discussion related to communication with residents and the need for recording of and evidence that such dialogue has taken place if the Ombudsman is to take this into account in reaching his/her decision. This has been a feature repeated in several recent complaints. The Ombudsman's view reflected that of Committee Members and will be an area for even greater focus across departments going forward.
11. The Ombudsman indicated that one of the key measures of good corporate health in relation to complaints was not solely the number of complaints but, more pertinently, the rate at which complaints are upheld by the Ombudsman. The Ombudsman confirmed that Nottinghamshire's rate of 73% compares favourably with that of other County Council's with a higher rate of 77% being complaints upheld. The Ombudsman suggested that an area of focus for the Council going forward might be the number of complaints remedied before coming to the Ombudsman where the Council's rate is 5% compared to 8% for other County Council's. This has been an increasing focus for this Committee which will be continued over the coming months.

Other Options Considered

12. On-going review of the current Ombudsman complaints and their findings will ensure that the Council has a clear and effective complaints procedure in place which, in turn, improves outcomes for local people and their experience of dealing with the Council. The Committee requested that this meeting take place to assist the Council in this endeavour.

Reason for Recommendation

13. To ensure that the Council continues to learn from Ombudsman findings and uses their recommendations to support our continued service improvements.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

- 1) That the Committee notes the content of this report and considers the recommendations made by the Ombudsman on the key areas of improvement as detailed in the report.

Marjorie Toward

Service Director Customers, Governance and Employees & Monitoring Officer

For any enquiries about this report please contact:

Richard.elston@nottsgov.uk

Constitutional Comments (LW 08/02/2023)

15. Governance and Ethics Committee is the appropriate body to consider the content of the report.

Financial Comments (SES 08/02/2023)

16. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

22 February 2023**Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS
DECEMBER 2022 TO JANUARY 2023****Purpose of the Report**

1. To inform the Committee about Local Government & Social Care Ombudsman's (LGSCO) decisions relating to the Council since the last report to Committee was completed and any decisions after 6th December 2022.

Information

2. Members have asked to see the outcome of Ombudsman investigations regularly and promptly after the decision notice has been received. This report therefore gives details of all the decisions received since the last report to this Committee which was held on 4th January 2023.
3. The LGSCO provides a free, independent and impartial service to members of the public. It looks at complaints about Councils and other organisations. It only looks at complaints when they have first been considered by the Council and the complainant remains dissatisfied. The LGSCO cannot question a Council's decision or action solely on the basis that someone does not agree with it. However, if the Ombudsman finds that something has gone wrong, such as poor service, a service failure, delay or bad advice and that a person has suffered as a result, the LGSCO aims to get the Council to put it right by recommending a suitable remedy.
4. The LGSCO publishes its decisions on its website (www.lgo.org.uk/). The decisions are anonymous, but the website can be searched by Council name or subject area.
5. A total of four decisions relating to the actions of this Council have been made by the Ombudsman in this period. Appendix A to this report summarises the decisions made in each case for ease of reference and Appendix B provides the full details of each decision.
6. Following initial enquiries into three cases, the LGSCO decided not to continue with any further investigation for the reasons given in Appendix A
7. Full investigations were undertaken into one complaint. Appendix A provides a summary of the outcomes of the investigation. Where fault was found, the table shows the reasons for the

failures and the recommendations made. If a financial remedy was made the total amount paid or reimbursed is listed separately. However, in this case there was no fault found.

8. The Committee requested further consideration of one of the cases included in the report to the 4 January 2023 meeting (detailed at Appendix B). This one is in relation to the Place Department. The complaint is about the payments Mrs M received to transport her daughter, G, to school. The Council has made an additional payment so Mrs M receives the equivalent of its new and improved 'disabled travel assistance payment' from its introduction. This is £2942.05.
9. The fault by the Council in the view of the Ombudsman was the introduction of DTAP, an improved transport offer for disabled children, without taking adequate steps to ensure all those who were eligible, and would be better off, transferred from previous transport allowances. It would appear the Ombudsman has not understood the difference between the DTAP and Grant. The Grant is simply a calculation of mileage x 22.6p paid in arrears for the number of days attendance. The DTAP is only available to eligible pupils who also have an EHCP. This enables them to make their own home to school travel arrangements and provides families more flexibility with their travel arrangements.
10. The amount of money a family would receive for mileage would be based on the distance between the family home and the young person's school and would be paid at 45p a mile based on two return journeys each day. If a young person has been assessed as requiring an escort to support them when they travel the DTAP would also include a payment for the escort. This includes the purchase of travel related goods and services, The DTAP is a signed legal contract between the Parent / Carer and NCC with strict rules on how/what and when the money can be used.
11. In investigating complaints, the LGSCO's remit is to assess whether the Council has followed its agreed policies and procedures. The Council remains concerned that the findings in this case do not give due consideration to:
 - the terms and conditions of the DTAP scheme and the legal contract involved;
 - the Council's proposal that the remaining, but subsequently spent, balance of £612.38 on Mrs M's account at the point when her daughter left college should be reclaimed;
 - the Council's audit procedures.

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

13. The decisions attached are anonymised and will be publicly available on the Ombudsman's website.

Financial Implications

14. There are no financial payments to report on this occasion.

Implications for Service Users

15. All of the complaints were made to the Ombudsman by service users, who have the right to approach the LGSCO once they have been through the Council's own complaint process.

RECOMMENDATION/S

That members note the findings of the Local Government and Social Care Ombudsman and welcome the lessons learned and actions taken in response to the findings.

Marjorie Toward

Monitoring Officer and Service Director – Customers, Governance and Employees

For any enquiries about this report please contact:

Richard Elston Team Manager – Complaints and Information Team

Constitutional Comments (HD (Standing))

Governance & Ethics Committee is the appropriate body to consider the content of this report. If the Committee resolves that any actions are required, it must be satisfied that such actions are within the Committee's terms of reference.

Financial Comments (SES 08/11/2022)

16. The financial implications are set out in paragraph 14 of the report.

17. The details of the financial payments are set out in Appendix A. None to report on this occasion

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

APPENDIX A

DECISIONS NOT TO INVESTIGATE FURTHER

DATE	LGO REF	PROCEDURE	COMPLAINT SUMMARY	REASON FOR DECISION
06.12.22	22011196	Corporate	Mr X is the custodian of a building open to the public. Outside the building, set into the Council's pavement, is a large tree. Mr X complains the Council has: a) failed to take seriously his safety concerns related to the impacts of the tree on users of the building; b) incorrectly decided not remove or reduce the tree	The Ombudsman is not going to investigate further. There is not enough evidence of fault in the Council's assessments of and decisions on the matter to warrant us investigating.
12.12.22	22011468	Corporate	Mr X, complains Council contractors blocked his car park with their vehicles and left negative reviews for his business when asked to move	The Ombudsman will not investigate matters which can be explored through the courts.
12.01.23	22012120	Childrens	Mr X complains about the actions of the Council's children's services who carried out a safeguarding assessment of his daughter, saying he wasn't listened to	The Ombudsman will not investigate because there is insufficient evidence of fault and further investigation into the matters raised by the complainant would not lead to a different outcome.
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FULL INVESTIGATIONS WHERE NO FAULT FOUND

DATE	LGO REF ANNEX PAGE No	PROCEDURE	COMPLAINT SUMMARY	DECISION	RECOMMENDATION
20.1.23	22005749	Childrens	Complaint that Nottinghamshire County Council has failed to properly manage his son's transition from children services to adult services	There is no fault by the Council in relation to its planning for the complainant's son's transition from	

				children's to adult social care	

PLEASE NOTE THERE WERE NO FULL INVESTIGATIONS WHERE FAULT FOUND

The Ombudsman's final decision

Summary: Mrs M complains about the payments she received to transport her daughter, G, to school. The Council has agreed an additional payment so Mrs M receives the equivalent of its new and improved 'disabled travel assistance payment' from its introduction.

The complaint

1. Mrs M complains about the payments she received to provide school transport for her daughter. In particular, Mrs M complains:
 - a) the 'parental mileage allowance' she received has not increased since 2012; and
 - b) she was not told she could claim a 'direct travel assistance payment' introduced in 2017 which she believes is considerably higher.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
3. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (*Local Government Act 1974, sections 26B and 34D, as amended*)
4. Once we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How I considered this complaint

5. I have considered:
 - information provided by Mrs M; and
 - information provided by the Council.
6. I invited Mrs M and the Council to comment on my draft decision.

What I found

7. Mrs M's daughter, G, is disabled. Mrs M has transported G to school since 2006. Initially, she received payments for two return journeys a day at the 'parental mileage allowance rate'. The Council reduced the rate from 45p per mile to 22.6p per mile on 1 January 2012.
8. The Council introduced the 'direct travel assistance payment', known as DTAP, for children with special educational needs in 2017. DTAP is a form of personal budget. It is one of a number of transport options for disabled children.
9. DTAP is paid termly in advance. The payments are based on two return journeys a day at 45p per mile and can be spent on travel related expenses. Parents sign a contract with the Council governing the use of the payment. Their spending is audited, and the Council reclaims unused funds.
10. The Council invited Mrs M to apply for the 'direct travel assistance payment' in November 2019 and agreed a payment in June 2020.

Mrs M's complaint

11. Mrs M complained to the Ombudsman in June 2021. She believes the Council should have increased the 'parental mileage allowance rate' each year.
12. Mrs M referred to the Council's 2010 transport policy which says that "if bus fares increase or decrease, the grant (allowance) will be amended and parents will be notified at the earliest opportunity."
13. Mrs M says bus fares have increased every year since 2012, but the parental mileage allowance has remained the same.
14. She calculated the amount she believes she is owed, based on an annual increase of 4% in the 'parental mileage allowance rate', to be £3,900.
15. Alternatively, Mrs M thinks the Council should pay the 'direct travel assistance payment' rate since its introduction in 2017. In this case, she calculated she is owed £2,968.
16. We asked the Council to respond to Mrs M's complaint. The Council said it was satisfied it had made the correct payments. The Council did not comment on Mrs M's view the 'parental mileage allowance rate' should have increased.
17. Dissatisfied with the Council's response, Mrs M asked the Ombudsman to consider her complaint.

Consideration

18. Mrs M has kept detailed records of her dealings with the Council over the years. I am grateful for the information she provided.
19. The law says a complaint must be made within 12 months, although we have the power to disapply this requirement.
20. I have decided to investigate Mrs M's complaint about the payments she received from date DTAP was introduced in 2017. This marked a significant change in the Council's school transport allowances which Mrs M complains parents were not told about at the time. Mrs M complained once she became aware of the change, so her complaint is not late and it is possible for me to investigate her concerns.
21. I will not consider Mrs M's complaint the Council did not increase the 'parental mileage allowance' between 2010 and 2017 because this complaint is too old. Mrs M could have complained sooner.

The direct travel assistance payment

22. Mrs M believes she would have been paid considerably more if she had received the direct travel assistance payment (DTAP) since its introduction in 2017 rather than the parental mileage allowance. She complains she was not invited to apply for DTAP until November 2019. Mrs M has received the DTAP since June 2020.

Does DTAP pay more than the 'parental mileage allowance'?

23. The parental mileage allowance Mrs M received until June 2020 and the direct travel assistance payment she has been paid since then are not directly comparable.
24. The parental mileage allowance has no conditions attached. It is based purely on a child's attendance at school. The direct travel assistance payment, in contrast, is a contract between a parent and the Council. Its use is subject to conditions, claims are audited and unused funds reclaimed. A pupil in receipt of DTAP can use different forms of transport whereas parental mileage allowance is only paid when a parent uses their own car.
25. However, either payment could be claimed by a parent to provide transport in their own car.
26. I explored the way DTAP worked to see whether Mrs M would have received the same amount, after audit, if she had claimed DTAP rather than 'parental mileage allowance'. On the evidence seen, it appeared likely she would have received almost twice as much.
27. It appears that a parent claiming DTAP could receive almost twice as much as a parent claiming 'parental mileage allowance' for exactly the same transport. This makes the payments appear arbitrary and has scope to cause confusion.

How was DTAP publicised?

28. Mrs M complains she knew nothing about DTAP until she was invited to apply in November 2019 by a transport officer who suggested she would be better off claiming the new allowance.
29. The Council explained that it does not routinely review travel arrangements for children with special educational needs. It says the introduction of DTAP was widely publicised and Mrs M could have applied sooner if she had wanted the payment.
30. The Council says it published information on its website and in documentation and leaflets about the transfer of statements of special educational need to education, health and care plans that was taking place at the time.
31. Mrs M disputes the Council's claim the introduction of DTAP was widely publicised. She says she held a role in the Nottinghamshire Parent Carer Forum at the time and has no recollection. She says she has searched her archive of *IRIS* magazines and can find no reference. The Iris Project produces a quarterly magazine with information about special educational needs and disabilities on behalf of Nottinghamshire County Council and Nottingham City Council.

Conclusions: should Mrs M have received DTAP sooner?

32. The introduction of DTAP was a positive step by the Council. It gave eligible children and young people with disabilities and their carers choice, freedom and flexibility in their school travel arrangements.

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33. However, its introduction created an anomaly because the Council's existing school transport offer, the 'parental mileage allowance', appears considerably less generous.
34. Either payment could be used by a parent to provide transport in their own car. Offering two different mileage rates for essentially the same transport appears arbitrary.
35. Since the Council introduced an improved offer for parents of disabled children with the DTAP, it was fault not to ensure all eligible parents were aware of the offer from its introduction. Simply advertising the offer and expecting parents to realise they would be better off and apply was unreliable, as Mrs M's complaint demonstrates.
36. I conclude, based on the information I have seen, the Council should have offered Mrs M DTAP when it was introduced in 2017. If it had, I conclude on balance she would have accepted and would have been paid considerably more.

Agreed action

37. We have published guidance to explain how we calculate remedies for people who have suffered injustice as a result of fault by a council. Our primary aim is to put people back in the position they would have been in if the fault by the Council had not occurred.
38. The fault by the Council was the introduction of DTAP, an improved transport offer for disabled children, without taking adequate steps to ensure all those who were eligible, and would be better off, transferred from previous transport allowances.
39. The injustice suffered by these parents was that they missed out on the improved transport offer the Council intended for disabled children. Mrs M cannot now retrospectively benefit from the flexibility offered by DTAP.
40. Nevertheless, I have calculated payments she would have received if she had received DTAP from its introduction (rather than the 'parental mileage allowance'). The Council has agreed to pay Mrs M the balance.
41. The Council has agreed to pay Mrs M £2,942.05.

Final decision

42. I have completed my investigation. The Council has agreed an additional payment so Mrs M receives the equivalent of its new and improved 'disabled travel assistance payment' from its introduction.

Investigator's decision on behalf of the Ombudsman

REPORT OF THE MONITORING OFFICER**WHISTLEBLOWING UPDATE****Purpose of the Report**

1. To update Committee on Whistleblowing activity during 2022 and to update with regards to the review of the current Whistleblowing Policy.

Information and Advice

2. 'Whistleblowing', also termed 'making a protected disclosure', is regulated by the Public Interest Disclosure Act 1998 (PIDA). Whistleblowing means the reporting by workers of suspected misconduct, illegal acts or failure to act within the organisation they work for. The aim of the County Council's Whistleblowing Policy is to encourage Council and other relevant workers who have serious concerns about any aspect of the operation of the Council to come forward and voice those concerns. Having effective Whistleblowing procedures enables workers to raise serious concerns within their organisation rather than ignoring a problem or 'blowing the whistle' elsewhere.
3. The County Council's Whistleblowing Policy incorporates the provisions in PIDA; that workers who raise concerns in good faith, will not suffer victimisation, subsequent discrimination, disadvantage or dismissal because of doing so.
4. All matters reported under the Whistleblowing Policy are referred to the Monitoring Officer. The County Council logs the concerns it receives centrally on its corporate register. During 2022, two matters were reported under the Whistleblowing Policy.
5. The concerns which have been reported are summarised in the table below. Given the confidential nature of such complaints this report can only refer to the general nature of the concerns and cannot include specific details about any particular case.

No.	Nature of concern	Dept.	Status of complaint	Outcome
1	Allegations of staff bullying	Children's	Closed	Not upheld (vexatious)
2	Allegation that the Public Contract Regulations 2015 were not being complied with	Adult's	Closed	Not upheld

6. The following table sets out the number of complaints for each Department recorded for the last four years. It can be seen that one concern was reported in 2019; two concerns were reported during 2020; one concern reported in 2021 and two concerns reported in 2022.

Year	Number of complaints recorded per Department			
	Adults	Children's	Place	Chief Exec
2022	1	1		
2021		1		
2020	1		1	
2019	1			

7. In addition to the above referrals, a delayed Employment Tribunal case in 2021 (which related to a historic dismissal from several years ago in the Adult Social Care and Public Health Department) reached a finding that given the facts of that case the Council should have treated the employee's grievance at the time as a Whistleblowing matter.
8. Appropriate learning has been identified from this case and an action plan to embed this learning has been developed. Part of this action plan includes reviewing the current Whistleblowing Policy and procedure with officers in HR and Legal Services, to ensure that all managers are aware of the Council's approach to Whistleblowing. This will look to embed within the Council knowledge about whistleblowing and the right to make a protected disclosure through the provision of information and training to staff.
9. The above action links to a full review of the Council's Whistleblowing Policy and procedures that had already been commissioned. Progress on this is ongoing and cross-team working/input is underway to continue development of a new revised policy and procedure for handling whistleblowing disclosures.
10. The full review is currently being carried out and is considering amongst other things the following:
- Clarification of what constitutes a Whistleblowing referral (compared to other types of concerns or complaint which may be raised through other channels, such as the corporate complaints process, HR grievance and harassment procedures or financial monitoring systems).
 - The wording of the documents setting out the Council's Whistleblowing arrangements to provide clarity (including practice at other comparator Councils and clarification of the correct procedure for reporting Whistleblowing concerns relating to schools).
 - The protection the Council can afford to workers who are not direct employees of the Council.
 - The different ways in which Whistleblowing concerns are received across the Council, how they are logged and tracked to a conclusion.
 - Training for officers handling Whistleblowing referrals and for the wider workforce, to improve awareness and aid understanding of the relevant procedures; and
 - Awareness raising activities.

11. The key service areas within the Council who may receive Whistleblowing referrals (Audit, Human Resources, Legal Services, Office of Chief Executive, Monitoring Officer, Complaints Team) are being invited to contribute towards the review.

Other Options Considered

12. The law, PIDA, offers protection to workers making protected disclosures. In line with the law the Council is committed to providing a safe and effective procedure for making whistleblowing disclosures. The review of the current Policy will ensure that the Council has a clear and effective procedure in place.

Reason/s for Recommendation/s

13. To ensure that the Council complies with its legal obligations regarding protected disclosures. It is important that the Whistleblowing Policy is fit for purpose and that employees and other relevant workers are aware of it and understand what to do if they wish to make a disclosure.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

- 1) That the Committee considers the contents of the report and supports the continuation of the work to review the policy with an update on the review to follow.

Marjorie Toward
Monitoring Officer

For any enquiries about this report please contact: Emma Hunter, Legal Services – Corporate & Environmental Law Team

Constitutional Comments (CEH 31/01/2023)

15. Governance and Ethics Committee have the remit to consider this report.

Financial Comments (SES 31/01/2023)

16. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

22 February 2023

Agenda Item: 7

REPORT OF THE CHIEF EXECUTIVE

ATTENDANCE AT KEY NATIONAL CONFERENCES - UPDATE

Purpose of the Report

1. The purpose of this report is to update the ongoing approval for relevant Member attendance at a number of key national conferences which the Council routinely attends on an annual basis, agreed by Governance and Ethics Committee at its meeting of 28 September 2022.

Information and Advice

2. This Committee's terms of reference include approving councillors' attendance at relevant conferences for which fees are payable.
3. There are a number of key national conferences which have been attended by the County Council consistently in recent years (except for the lockdown period when such events were not held) as recognised key forums for Councils to share best practice and to hear from Government Ministers and sector leaders.
4. The Committee agreed the following recommendations at its meeting of 28 September, which aimed to streamline the process for approval of attendance and achieve best value by enabling 'early bird' prices to be obtained:
 - 1) *That a standing approval be granted for the following conference attendance by Members, together with any necessary travel and accommodation arrangements:*

<u>Conference</u>	<u>Relevant Member Roles</u>
<i>LGA Annual Conference and Exhibition</i>	<i>Council Leader Council Deputy Leader Leader of the Main Minority Group</i>
<i>CCN Annual Conference</i>	<i>Council Leader Council Deputy Leader Leader of the Main Minority Group</i>
<i>NCASC Annual Conference</i>	<i>Cabinet Member for Adult Social Care and Public Health (ASCPH) Deputy Cabinet Member for ASCPH Cabinet Member for Children and Young People (CYP) Deputy Cabinet Member for CYP</i>

<i>LGA / ADPH Annual Public Health Conference</i>	<i>Cabinet Member for Adult Social Care and Public Health (ASCPH) Deputy Cabinet Member for ASCPH Chairman of Health and Wellbeing Board</i>
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2) *That an updated approval, where relevant, be sought at any such point when the cost of places at any of the above events increases beyond inflationary increases or the political composition of the Council changes in a way that may affect the allocation of places at these events.*

6. Since that approval, the Council held a by-election for Eastwood Division on 3 November 2022. This was won by an Independent candidate who subsequently joined the Council's Independent Alliance Group. This meant that the Group's total number of Members matched that of the Labour Group, meaning that the Council no longer had a Main Minority Group and instead now has two Opposition Groups of equal size.
7. As a result of this change in political balance, and also in line with the overall drive of the Council to reduce non-essential expenditure, it is proposed that the number of Members attending each of these four main conferences should be updated as follows:

<u>Conference</u>	<u>Relevant Member Roles</u>
LGA Annual Conference and Exhibition	Council Leader Council Deputy Leader Leader of both Opposition Groups (4 places maximum)
CCN Annual Conference	Council Leader Council Deputy Leader Leader of both Opposition Groups (4 places maximum)
NCASC Annual Conference	Cabinet Member or Deputy Cabinet Member for Adult Social Care and Public Health (ASCPH) Cabinet Member or Deputy Cabinet Member for Children and Families (C&F) (2 places maximum)
LGA / ADPH Annual Public Health Conference	Cabinet Member or Deputy Cabinet Member for ASCPH Chairman of Health and Wellbeing Board (2 places maximum)

Other Options Considered

8. To enable the attendance of the Leaders of both Opposition Groups at the LGA Annual Conference and CCN Annual Conferences.
10. To retain all of the existing places approved for Ruling Group Members but this would not enable a reduction in overall costs (under these proposals the maximum total number of places reduces from 13 places to 12 places).

11. To not send any representatives to such conferences but that would mean the Council missing out on a valuable opportunity to share best practice and utilise networking opportunities.

Reason/s for Recommendation/s

12. To enable the Council to continue to be represented at these key national conferences in the most cost-effective and democratic manner.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

14. As the maximum number of places available has reduced from 13 to 12 overall, the updated approach will result in a saving in overall costs. The 2022 prices (excluding VAT) were:
- LGA Annual Conference and Exhibition 2022 - £545 (£495 early bird price) per delegate (N.B attendance at this conference was previously agreed by Policy Committee in January 2022)
 - CCN Annual Conference –£780 per delegate
 - NCASC Annual Conference - £495 per delegate
 - LGA / ADPH Annual Public Health Conference – £250 per delegate

RECOMMENDATION

- 1) That a standing approval be granted for the following conference attendance by Members, together with any necessary travel and accommodation arrangements:

<u>Conference</u>	<u>Relevant Member Roles</u>
LGA Annual Conference and Exhibition	Council Leader Council Deputy Leader Leader of both Opposition Groups (4 places maximum)
CCN Annual Conference	Council Leader Council Deputy Leader Leader of both Opposition Groups (4 places maximum)

NCASC Annual Conference	Cabinet Member or Deputy Cabinet Member for Adult Social Care and Public Health (ASCPH) Cabinet Member or Deputy Cabinet Member for Children and Families (C&F) (2 places maximum)
LGA / ADPH Annual Public Health Conference	Cabinet Member or Deputy Cabinet Member for ASCPH Chairman of Health and Wellbeing Board (2 places maximum)

- 2) That an updated approval, where relevant, be sought at any such point when the cost of places at any of the above events increases beyond inflationary increases.

**ADRIAN SMITH,
CHIEF EXECUTIVE**

For any enquiries about this report please contact Keith Ford, Team Manager, Democratic Services, Tel 0115 9772590

Constitutional Comments (EP 09/02/2023)

15. This decision falls within the Terms of Reference of Governance and Ethics Committee

Financial Comments (SES 07/02/2023)

16. The financial implications are set out in paragraph 14 of the report. The costs to be incurred will be met from existing revenue budget allocations.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Report to Policy Committee – 13 January 2022 – Attendance at Local Government Association Annual Conference and Exhibition 2022 and minutes of that meeting.
- Report to Policy Committee – 2 September 2021 – County Councils Network Annual Conference 2021 and minutes of that meeting.
- Report to Policy Committee – 18 September 2019 – Attendance at National Children and Adult Services Conference: November 2019 and minutes of that meeting.
- Report to Governance and Ethics Committee – 28 September 2022 and minutes of that meeting.

Electoral Division(s) and Member(s) Affected

All

22 February 2023**Agenda Item: 8****REPORT OF THE SERVICE DIRECTOR, CUSTOMERS, GOVERNANCE AND
EMPLOYEES****WORK PROGRAMME****Purpose of the Report**

1. To review the Committee's work programme for 2022-23.

Information

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the Committee's agenda, the scheduling of the Committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and Committee meeting. Any member of the Committee is able to suggest items for possible inclusion.
3. The attached work programme includes items which can be anticipated at the present time.

Other Options Considered

4. None

Reason/s for Recommendation/s

5. To assist the Committee in preparing and managing its work programme.

Statutory and Policy Implications

6. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

- 1) That Committee considers whether any changes are required to the work programme.

Marjorie Toward

Service Director, Customers, Governance and Employees

For any enquiries about this report please contact:

Kate Morris, Democratic Services Officer

Tel. 0115 804 4530

E-mail: kate.morris@nottsc.gov.uk

Constitutional Comments (EH)

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

8. There are no financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

GOVERNANCE & ETHICS COMMITTEE – WORK PROGRAMME (as at 8 December 2022)

<u>Report Title</u>	<u>Brief Summary of agenda item</u>	<u>Lead Officer</u>	<u>Report Author</u>
22 February 2023			
Update on Local Government and Social Care Ombudsman Decisions	To consider any recent findings of the Local Government Ombudsman in complaints made against the County Council	Marie Rowney	Richard Elston
Whistleblowing update	To update the committee on whistleblowing activity during 2022	Marjorie Toward	Heather Dickinson
Attendance at Key National Conferences	To update approvals for attendance at key national conferences	Marjorie Toward	Keith Ford
22 March 2023			
Annual Audit Findings Report 2021/22	To consider the Annual Audit Findings.	Nigel Stevenson	Glen Bicknell
Update on Local Government and Social Care Ombudsman Decisions	To consider any recent findings of the Local Government Ombudsman in complaints made against the County Council	Marie Rowney	Richard Elston
Annual Audit Report 2021/22	To consider the external auditor's annual audit report for 2021/22	Nigel Stevenson	Glen Bicknell
Corporate Risk Management Update	To consider the updated corporate risk register and the Council's arrangements for corporate risk management	Nigel Stevenson	Keith Palframan
Corporate Governance Update	To receive an update on progress against the Annual Governance Statement action plan for 2022/23	Nigel Stevenson	Simon Lacey
Internal Audit Term 2 (2022-23) Report and Term 1 Plan 2023-24	To review the outcomes of Internal Audit's recent work and consider proposals for planned coverage in the next term	Nigel Stevenson	Simon Lacey
Councillor Code of Conduct Review	To consider the findings of the working group	Marjorie Toward	Heather Dickinson
Update on Communication improvement's	To update the committee on the communication improvements raised via previous considerations of Ombudsman Report	Melanie Williams	Nicola Peace
3 May 2023			
Update on Local Government and Social Care Ombudsman Decisions	To consider any recent findings of the Local Government Ombudsman in complaints made against the County Council	Marie Rowney	Richard Elston
Governance and Ethics Committee Annual Report	To consider the draft annual report	Nigel Stevenson	Simon Lacey
Statement of Accounts 2022-23 – Accounting Policies	To consider the draft annual report and recommend to full council for consideration Page 31 of 32	Nigel Stevenson	Glen Bicknell

Informing the risk assessment – 2022-23 Statement of Accounts	To consider the risk assessment	Nigel Stevenson	Glen Bicknell
Corporate Risk Management 6-monthly update	To consider the updated corporate risk register and developments in the Council's approach to risk management	Nigel Stevenson	Simon Lacey
Follow-up of Internal Audit recommendations – 6-monthly update	To consider an update on progress with implementing agreed actions from Internal Audit reports	Nigel Stevenson	Simon Lacey
14 June 2023			
Update on Local Government and Social Care Ombudsman Decisions	To consider any recent findings of the Local Government Ombudsman in complaints made against the County Council	Marie Rowney	Richard Elston
External Audit Plan 2022-23	To consider the External Audit Plan for the forthcoming audit	Nigel Stevenson	Glen Bicknell
Assurance Mapping Annual Report 2022-23	To review the assurance provided from the map in 2022/23 and consider coverage for 2023/24	Nigel Stevenson	Simon Lacey
Internal Auditor's Annual Report	To consider the Head of Internal Audit's annual opinion of the arrangements for governance, risk management and control	Nigel Stevenson	Simon Lacey
Update on the use of the Councillor's Divisional Fund	To consider the annual update	Marjorie Toward	Keith Ford
19 July 2023			
Update on Local Government and Social Care Ombudsman Decisions	To consider any recent findings of the Local Government Ombudsman in complaints made against the County Council	Marie Rowney	Richard Elston
Annual Fraud Report 2020-21	To review the incidence of fraud over the year and an update on risks and mitigations	Nigel Stevenson	Simon Lacey
Internal Audit Term 3 progress 2022/23 and Term 2 plan 2023/24	To consider proposed audit coverage for Term 2	Nigel Stevenson	Simon Lacey

Items for 2023/24 (Committee dates to be confirmed)

November 2023			
Whistleblowing Policy Review	To consider the outcome of the review	Marjorie Toward	Heather Dickinson/ Catherine Haywood