

**Time and Date**

11.00 am on Thursday, 14th December, 2023

Place

Diamond Rooms 1 and 2 - Council House

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 8)
 - a) To agree the Minutes of the previous meeting held on 28 September 2023
 - b) Any matters arising
4. **Local Government and Social Care Ombudsman Annual Report** (Pages 9 - 38)

Report of the Chief Executive
5. **Monitoring Officer/Code of Conduct/Members Complaints Update** (Pages 39 - 46)

Report of the Chief Legal Officer
6. **Ethics Committee Work Programme 2023/24** (Pages 47 - 52)

Report of the Chief Legal Officer
7. **Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Julie Newman, Chief Legal Officer, Council House, Coventry

Wednesday, 6 December 2023

Note: The person to contact about the agenda and documents for this meeting is Suzanne Bennett, Governance Services Email: suzanne.bennett@coventry.gov.uk

Membership: L Bigham, P Hetherington, S Nazir (Chair), E M Reeves, and D Welsh

Independent Persons: S Atkinson, A Barton, R Wills, P Wiseman

Substitute Members: Councillors S Gray, M Mutton and P Seaman

Public Access

Any member of the public who would like to attend the meeting in person is encouraged to contact the officer below in advance of the meeting regarding arrangements for public attendance. A guide to attending public meeting can be found here: <https://www.coventry.gov.uk/publicAttendanceMeetings>

Suzanne Bennett, Governance Services

Email: suzanne.bennett@coventry.gov.uk

Coventry City Council
Minutes of the Meeting of Ethics Committee held at 11.00 am on Thursday, 28
September 2023

Present:

Members: Councillor S Nazir (Chair)
 Councillor L Bigham
 Councillor P Hetherton
 Councillor M Mutton (substitute for Councillor D Welsh)
 Councillor E M Reeves

Independent Members: S Atkinson, R Wills, P Wiseman

Employees (by Service area):

Law and Governance J Newman (Chief Legal Officer), S Bennett, S Harriott, B
 Udegbe

Apologies: Councillor D Welsh and A Barton

Public Business

9. Declarations of Interest

There were no disclosable pecuniary interests.

10. Minutes

The Minutes of the meeting held on 29 June, 2023 were agreed and signed as a true record.

There were no matters arising.

11. Code of Conduct Update

The Ethics Committee received a report of the Chief Legal Officer that provided an update on national issues in relation to the ethical behaviour of Elected Members and the local position in Coventry regarding Code of Conduct issues.

RESOLVED that the Ethics Committee:-

- 1. Notes the position with regard to matters concerning local authorities nationally; and**
- 2. Notes the local position in relation to the operation of the Council's Code of Conduct and delegates any actions arising from these to the Chief Legal officer, in consultation with the Chair of the Ethics Committee.**

12. **Six Monthly Review of Officers' Gifts and Hospitality**

The Ethics Committee considered a report of the Chief Legal Officer that reviewed declarations of gifts and hospitality made by Officers, in line with the Committee's Work Programme to review declarations on a regular basis. The Committee last reviewed the gifts and hospitality register entries received from 1 July to 31 December 2022, at its meeting on 30 March, 2023 (Minute 39/2022 refers). Appendices to the report detailed the most recent declarations for the period 1 January to 30 June 2023.

RESOLVED that the Ethics Committee notes the declarations of gifts and hospitality made by Officers for the period 1 January to 30 June 2023.

13. **Six Monthly Review of Members' Declarations of Gifts and Hospitality**

The Ethics Committee considered a report of the Chief Legal Officer that reviewed declarations of gifts and hospitality made by Members, in line with the Committee's Work Programme to review declarations on a regular basis. The Committee last reviewed the gifts and hospitality register entries received from 1 July to 31 December 2022, at its meeting on 30 March, 2023 (Minute 38/2022 refers). Appendices to the report detailed the most recent declarations for the period 1 January to 30 June 2023.

RESOLVED that the Ethics Committee notes the declarations of gifts and hospitality made by Officers for the period 1 January to 30 June 2023.

14. **Civility in Public Life and Digital Citizenship Update**

The Committee considered a report of the Chief Legal Officer which indicated that the Committee has been monitoring the work of the Local Government Association (LGA) programme around Civility in Public Life and Digital Citizenship. This work is in response to the increasing concern about intimidation and toxicity of debate and the impact that this has been having on democratic processes. The report provided an update on the national and local response to this work.

The report indicated that in July 2023 the LGA issued a new publication outlining how Councils can better support Councillors to prevent and handle abuse. External consultants have worked with Councils and relevant partners to inform the report, which includes principles for Councils to consider, top tips and good practice case studies.

As detailed in previous reports, the LGA had found that seven out of 10 Councillors had experienced abuse from the public in the previous year, and that this was seriously impacting civic life and local democracy. The LGA has been working on a series of projects to address the issue of abuse and intimidation of elected Members. This project focuses on what local agencies can do to prevent and address abuse perpetrated against Councillors.

The project is based on the premise that individuals and organisations have different levels of autonomy and agency within specific structures, and that there is

an inherent tension between agency and structure. Councillors have both more agency and fewer legal protections than other elected Members.

The report detailed the background and methodology to the project, which identified the following challenges:-

Challenge 1: Councillors feel vulnerable to abuse and ill-equipped or supported to handle abuse, harassment, and intimidation

- Councillors are susceptible to verbal, psychological and physical abuse and intimidation from various sources, including members of the public. Without specific training and support, they may not possess the necessary skills to confidently identify risky situations and diffuse potentially volatile situations.
- Councillors may also struggle to manage the aftermath of individual or ongoing incidents, including the need to engage with various agencies, such as the council, their political party and the police, to handle serious abuse.

Challenge 2: Lack of clear process around reporting abuse, harassment and intimidation to the Council results in Councillors not knowing who to turn to when an incident occurs

- Council officers support Councillors with a range of needs associated with their elected role, including assisting Councillors to deal with abuse, harassment, and intimidation they might experience. However, the thresholds and levels of support are not set out in statute.

Challenge 3: There is inconsistent engagement and response from the police to abuse and harassment of Councillors

- The diversity among police forces results in variable responses and levels of support provided to Councillors based on geographical location. This makes it difficult to develop effective interventions to prevent abuse, harassment, and intimidation of Councillors.

The following findings were detailed in the report:-

- Normalisation of abuse and intimidation in public and political discourse is a well-established growing issue. Councils may need to set expectations for interactions between the public and Councillors, as many already do with staff.
- Many Councillors consider their residents' right to engage with their elected representative as sacrosanct, and are reluctant to disengage, take officer advice or report incidents to the police. However, setting expectations may help them identify unacceptable behaviour.

- Clarity of process and responsibility was highlighted as a key challenge by Councillors and officers alike. In some areas, there is a clear and formalised process for raising concerns, either through a single point of contact (SPoC) individual or department, but in other areas there is not.
- Councils are recommended to set out who is responsible for supporting Councillors with abuse and intimidation, and ensure they are appropriately skilled and resourced. Ensure Councillors feel well-supported in their role by setting out clear processes and procedures.
- Relationships with local police are important to improve coordination and advance mutual understanding of abuse affecting Councillors, and the police role in addressing it. However, Councillors have expressed the belief that police did not take appropriate actions to record and investigate potential crimes against them because they were Councillors.
- Contributors to this research were clear that a strong relationship with the local police force was critical to effective communication.
- It is recommended that officers should tailor their support to the needs of individual Councillors and proactively identify risks through dynamic and periodic risk assessments. They should also be aware that some Councillors do not agree that abuse and intimidation is an issue for them personally or in their area.
- Some Councils had been prompted to put in place better support and protections for Councillors by a particular incident or local tensions, but without sustained focus and attention to issues of Councillor safety, good practice sometimes diminished with the threat.
- Councillor wellbeing is a much bigger consideration now than ever before, with many high-profile local and national politicians being exposed to hurtful public commentaries. This can deter people from standing for election or re-election and seeking leadership positions.

The project had concluded that :-

- Councillors' experiences of abuse and intimidation vary, and there is no 'one-size-fits-all' approach to responding to abuse. However, the general principles set out in the report may help Councils to consider the level of support their Members require.

- Councillors, political parties, Councils and local police all have a role to play in preventing and dealing with abuse targeted against Councillors. However, there is a limit to their power, resources and responsibility to handle these issues and some things they will not be able to influence.
- In this research, Councillors and the police discussed how to improve relationships and the consistency of police response to abuse against Councillors and others in public life. The research showed that the police can be relied on to deal with serious threats to life and violent crime.
- Councillors are a central part of our democratic system and should display appropriate behaviours for leaders and representatives of their Council. Political parties and their Members should set the example of proper conduct.

The Committee discussed, with concern, Members' experiences of abuse and intimidation locally. The Committee were advised of work undertaken to support Councillors, including training, the availability of counselling services, protocols in place and work undertaken with the Police.

It was noted that there was a need to continue to be proactive in this regard and that new arrangements that were coming into place with the Police in relation to abuse and intimidation experienced by employees would be investigated to see if they could be extended to Members. It was also noted that discussions will be held with appropriate officers in relation to the creation of a central log identifying potential threats for both employees and Councillors.

The Committee noted that training for Members on Chamber skills, rules of debate and rules of procedure had been held in June, 2023 and had been well received.

RESOLVED that the Ethics Committee:-

- 1) Notes the work undertaken by the local Government Association on their "Debate Not Hate" campaign**
- 2) Notes the work that is being undertaken locally; and**
- 3) Requests that this item remains on the Work Programme of the Ethics Committee for continued review**

15. Work Programme for the Ethics Committee 2023/24

The Committee considered a report of the Chief Legal Officer, appended to which was the Committee's Work Programme for the 2023/24 Municipal Year.

Further to Minute 14 above and the Committee's concerns in relation to the level of abuse received by Councillors, the Chief Legal Officer was requested to investigate submitting a report to a future meeting detailing incidents of abuse received by Councillors in order to establish if there are any patterns.

RESOLVED that the Committee's Work Programme for 2023/24 be noted.

16. Any Other Items of Urgent Public Business

There were no other items of urgent public business.

17. Sarah Harriott

The Chair, Councillor S Nazir, indicated that Sarah Harriott, Corporate Governance Lawyer, was attending her last meeting before leaving the Council to take up a new role at West Northamptonshire Council.

On behalf of the Committee, Councillor Nazir thanked Sarah for all her support and advice to the Ethics Committee and Members wished Sarah all the very best for the future.

(Meeting closed at 11.35am)



Coventry City Council

Public report

Cabinet Member for Policy and Leadership
Ethics Committee
Audit and Procurement Committee

20 November 2023
14 December 2023
18 March 2024

Name of Cabinet Member:

Cabinet Member for Policy and Leadership – Councillor G Duggins

Director approving submission of the report:

Chief Executive

Ward(s) affected:

All

Title:

Complaints to the Local Government and Social Care Ombudsman 2022/23

Is this a key decision?

No

Executive summary:

The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It is a free service that investigate complaints in a fair and independent way; and provides a means of redress to individuals for injustice caused by unfair treatment or service failure.

Coventry City Council's complaints policy sets out how individual members of the public can complain to the Council, as well as how the Council handle compliments, comments and complaints. The Council informs individuals of their rights to contact the LGSCO if they are not happy with the Council's decision after they have exhausted the Council's own complaints process.

Every year, the LGSCO issues an annual letter to the Leader and Chief Executive of every Council, summarising the number and trends of complaints dealt with in each Council that year. The latest letter, issued 19 July 2023, covers complaints to Coventry City Council between April 2022 and March 2023 (2022/23) (see Appendix 1).

This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2022/23. It focuses on upheld complaints, compliance with Ombudsman's recommendations, where the Council had provided a satisfactory remedy before the complaint reached the LGSCO, and how we compare to previous years and other local authorities.

Recommendations:

The Cabinet Member for Policy and Leadership is recommended to:

- 1) Consider the Council's performance in relation to complaints to the LGSCO.
- 2) Note the Council's complaints process and guidance.
- 3) Request the Audit and Procurement Committee to review and be assured that the Council takes appropriate action in response to complaints investigated and where the Council is found to be at fault.

The Ethics Committee is recommended to:

- 1) Comment on the findings.
- 2) Consider the Council's performance in relation to complaints to the LGSCO complaints that were upheld.
- 3) Note the Council complaints process and guidance.

The Audit and Procurement Committee is recommended to:

- 1) Consider the Council's performance in relation to complaints to the LGSCO.
- 2) Note the Council's complaints process and guidance.
- 3) Review and be assured that the Council takes appropriate actions in response to complaints investigated and where the Council is found to be at fault.

List of appendices included:

Appendix 1: Local Government and Social Care Ombudsman Annual Review Letter 2023
Appendix 2: Local Government and Social Care Ombudsman Investigation Decisions in 2022/23 for Coventry City Council

Background papers:

None

Other useful documents

Local Government and Social Care Ombudsman Annual Review of Local Government Complaints 2022-23

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes – Ethics Committee on 14 December 2023 and Audit and Procurement Committee on 29 January 2024.

Will this report go to Council?

No

Report title:

Complaints to the Local Government and Social Care Ombudsman 2022/23

1 Context (or background)

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It is a free service that investigate complaints in a fair and independent way; and provides a means of redress to individuals for injustice caused by unfair treatment or service failure.
- 1.2 Coventry City Council's complaints policy published on the Council's website at www.coventry.gov.uk/complaints/, sets out how individual members of the public can complain to the Council, as well as how the Council handle compliments, comments and complaints. The Council informs individuals of their rights to contact the LGSCO if they are not happy with the Council's decision after they have exhausted the Council's own complaints process.
- 1.3 Every year, the LGSCO issues an annual letter to the Leader and Chief Executive of every Council, summarising the number and trends of complaints dealt with in each Council that year. The latest letter, issued 19 July 2023, covers complaints to Coventry City Council between April 2022 and March 2023 (2022/23). The letter can be found in Appendix I.
- 1.4 This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2022/23. This report focuses on upheld complaints, compliance with Ombudsman's recommendations, where the Council had provided a satisfactory remedy before the complaint reached the LGSCO,, and how we compare to previous years and other local authorities.
- 1.5 The Council has a robust policy for handling complaints. In addition to this annual report, the Council also produces formal reports on complaints about adult social care and children's social care, to Cabinet Member Adult Services and Cabinet Member Children and Young People respectively.

2 Options considered and recommended proposal

- 2.1 Across all councils, the LGSCO received 15,488 complaints and enquiries in 2022/23 down from 15,826 the previous year. The areas receiving the greatest number of detailed investigations was Children's Services (1263), Adult Services (898), and Housing (535).
- 2.2 For Coventry City Council, the LGSCO received 73 complaints and enquiries in 2022/23, which is less than the previous year 2021/22 that had a total of 93 complaints year.

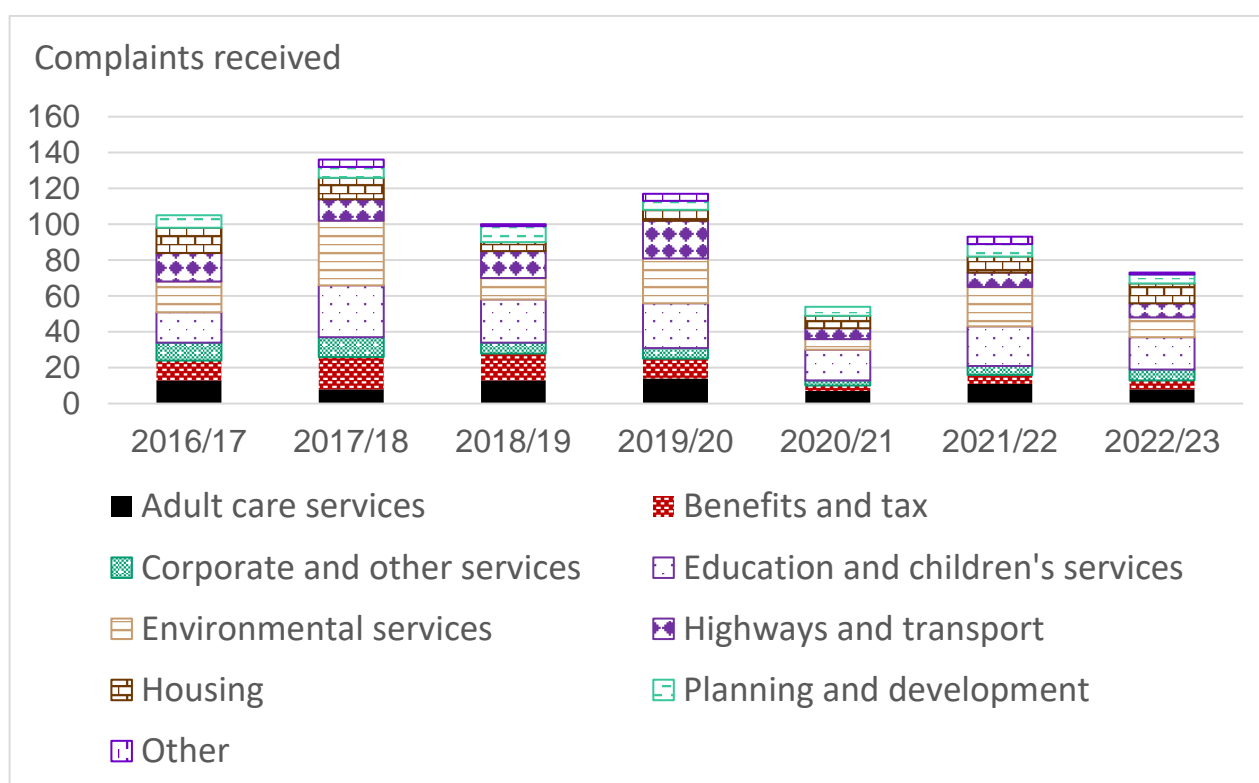
2.3 Figure 1.

Figure 1: Complaints and enquiries received by category

Category (as defined by LGSCO)	Complaints in 2021/22	Complaints in 2022/23
Adult care services	11	8
Benefits and tax	5	5
Corporate & other services	5	6
Education & children’s services	22	18
Environmental Services & Public Protection & Regulation	22	11
Highways & transport	8	8
Housing	9	11
Planning & development	7	5
Other	4	1
Total	93	73

2.4 Figure 2 sets out how the number of complaints and enquiries received by the LGSCO in last 6 years.

Figure 2: Complaints and enquiries received in last 7 years



- 2.5 In 2022/23 there was a slight decrease in complaints and enquiries. There was a significant decrease from 22 to 11 complaints in Environmental Services enquiries and complaints. The category with the highest number of complaints and enquiries was Education and Children's Services with 18 (down from 22 in 2021/22).
- 2.6 It is not possible to comment on the Council's overall performance based solely upon the number of complaints or enquiries to the LGSCO. Interpretation is challenging in relation to number as a high number of complaints may indicate that a council has been effective at signposting people to the LGSCO through their complaints handling process. Equally it could be argued that a high number of complaints may highlight that a council needs to do more to resolve issues through its own complaints process.
- 2.7 When dealing with an enquiry, the LGSCO can choose to investigate cases where it sees merit in doing so. Following an investigation, the LGSCO can decide if a complaint is: **upheld** – where a council has been at fault and this fault may or may not have caused an injustice to the complainant; or where a council has accepted it needs to remedy the complaint before the LGSCO makes a finding on fault; or **not upheld** – where, following investigation, the LGSCO decides that a council has not acted with fault.
- 2.8 In 2022/23 the LGSCO made **81** decisions down from 87 the previous year:
- **1 x** incomplete/invalid.
 - **4 x** advice given;
 - **24 x** referred back for local resolution.
 - **32 x** closed after initial enquiries; and
 - **20 x** complaints investigated, of which **17** were upheld and **3** were not upheld.
- 2.9 The number of complaints investigated (20 complaints in 2022/23) were up from previous years (14 in 2021/22, and 13 in 2020/21).
- The LGSCO upheld a larger proportion of complaints they investigated than in previous years: 85% of complaints were upheld (17 out of 20) in 2022/23, compared to 71% (10 out of 14) in 2021/22, 77% (10 out of 13) in 2021/20, and 50% (11 out of 22) in 2020/19.
 - This compares to the Chartered Institute of Public Finance and Accountancy (CIPFA) statistical neighbours upheld rate of 74% and West Midland Combined Authority (WMCA) upheld rate of 81% and a national upheld rate of 74% for 2022/23.
 - The tables below, sets out how Coventry compares to its CIPFA statistical neighbours (Figure 3) and with the West Midlands Combined Authority (WMCA) constituent authorities (Figure 4).

Figure 3: Complaints investigated: comparison with CIPFA nearest neighbours 2022/23

Overall, 74% of complaints were upheld among Coventry and its 15 statistical neighbours. The authority with the highest percentage of complaints upheld in 2022/23 is Bolton (94%) and lowest is Oldham (33%). Coventry has the second highest upheld rate (85%).

Local Authority	Not Upheld	Upheld	% Upheld	Total
Bolton	1	17	94%	18
Coventry	3	17	85%	20
Medway	3	14	82%	17
Wolverhampton	2	9	82%	11
Leicester	5	21	81%	26
Sandwell	4	17	81%	21
Salford	2	7	78%	9
Bradford	8	26	76%	34
Sheffield	7	19	73%	26
Derby	4	10	71%	14
Newcastle upon Tyne	3	7	70%	10
Kirklees	5	11	69%	16
Bristol	14	31	69%	45
Blackburn and Darwin	4	3	43%	7
Rochdale	5	3	38%	8
Oldham	4	2	33%	6

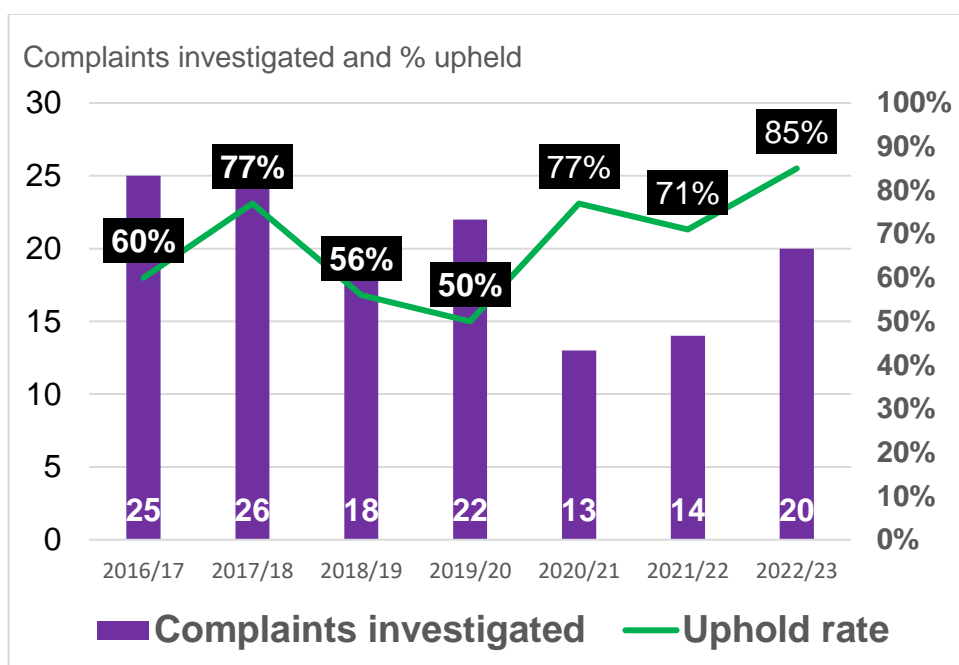
Figure 4: Complaints investigated: comparison with WMCA constituent authorities 2021/21

There were 259 complaints investigated across the WMCA area, of which 211 were upheld and 48 were not upheld. That means, 81% of complaints were upheld among the seven constituent authorities of the WMCA. The authority with the highest percentage of complaints upheld in 2022/23 is Walsall (86%), lowest is Solihull (54%). Coventry is the second highest out of seven on (85%). However, the ombudsman has made us aware that they are more selective about the complaints they look at in detail, prioritising where it is in the public interest to investigate. This has meant that changes in uphold rates this year are not solely down to the nature of the cases going to the ombudsman. The ombudsman is less likely to carry out investigations on ‘borderline’ issues, so they are naturally finding a higher proportion of fault overall. Although 85% is a high upheld rate it is still based on a low number of cases (17 cases in total)

Local Authority	Not Upheld	Upheld	% Upheld	Total
Walsall	2	12	86%	14
Coventry	3	17	85%	20
Birmingham	25	128	84%	153
Wolverhampton	2	9	82%	11
Sandwell	4	17	81%	21
Dudley	6	21	78%	27
Solihull	6	7	54%	13

Figure 5: Complaints investigated, and percentage upheld over the last 7 years

Figure 5 sets out how the number of complaints investigated, and the percentage of complaints upheld by the LGSCO for the last 6 years.



2.10 Of the 17 upheld complaints for Coventry, 15 complaints were remedied by the LGSCO and 2 the LGSCO found that Coventry had provided a satisfactory remedy before the complaint reached them (12%). This compares to an average of 10% in similar authorities. 12 complaints resulted in some form of financial redress or reimbursement.

2.11 Following a decision, the LGSCO will typically issue a statement setting out its findings and its decision. If the LGSCO decides there was fault or maladministration causing an injustice to the complainant, it will typically recommend that a council take some action to address it. Wherever possible the LGSCO publishes decision statements on its web pages although this would not happen where the content of the report could identify the individual complainant. In some cases, where the LGSCO upholds a complaint, the LGSCO may choose to issue a formal report of maladministration.

2.12 In 2022/23 the Ombudsman issued Coventry City Council with a formal report, the report was issued - upheld, maladministration and injustice. The report was considered at full Council on the 21 June 2022. The Ombudsman found our policy regarding issuing a Community Trigger to be unacceptable. The remedies were completed and satisfied on 29 September 2023. The Ombudsman were satisfied with the Council's response in accordance with section 31(2) of the Local Government Act 1974. Further details in Appendix 2.

2.13 The following table, Figure 6, sets out details about the complaints that the LGSCO investigated in by our service area.

Figure 6: Complaints investigated by service area in 2021/22 compared to 2022/23

Service area	2021/22				2022/23			
	Upheld	Not upheld	% upheld	Response time (days)	Upheld	Not upheld	% upheld	Response time (days)
Adult social care	3	1		18	4	1		18
Bereavement Services					1			0
Children's services	3			20	1			18
Council tax	1			15				
Highways		1		15		1		23
Household waste assisted collections	1			0	3			12
Household waste collections					2			9
Housing services	1				3			16
Housing Benefit	1			5				
Parking Services		1		15				
Planning	1			0	2	1		10
Regulatory Services					1			10
Total	10	4	71%	15	17	3	83%	13

- 2.14 This year saw an increase in the number of detailed investigations completed 20 compared to 14 in 2021/22. There was an increase in detailed investigations relating to Adult Social Care, Bereavement Services, Household waste collections, Household waste assisted collections, Housing Services, Planning and Regulatory services in 2022/23.
- 2.15 The LGSCO typically expects councils to respond to investigation enquiries within 20 working days. This target was reached in 2022/23.
- 2.16 Satisfactory remedy decisions are complaints where the Ombudsman has decided, while the authority did get things wrong, the authority had offered a satisfactory way to resolve it before the complaint was referred to the Ombudsman. In 2022/23 the LGSCO found 12% of upheld cases Coventry had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to 10% in 2021/22, 10% in 2020/21 and 18% in 2019/20.

Figure 7: Satisfactory remedy provided before the complaint reached the Ombudsman comparison with other WMCA constituent authorities

211 complaints were upheld in WMCA area and on 19 complaints the Ombudsman considered that the authority provided a satisfactory remedy before the complaint reached them (9%).

Local Authority	Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman		Total Number of complaints upheld
	%	Number	
Solihull	43%	3	7
Wolverhampton	22%	2	9
Walsall	17%	2	12
Coventry	12%	2	17
Birmingham	7%	9	128
Sandwell	6%	1	17
Dudley	0%	0	21

- 2.17 The LGSCO Annual Review Letter includes a statistic- compliance with Ombudsman’s recommendations. The [interactive data map of council performance](#) shows performance data for all councils in England. In 2022/23 the Ombudsman was satisfied we successfully implemented all of their recommendations 100%. This was based on 17 compliance outcomes. 7 Environmental Services & Public Protection & Regulation. 4 Adult Care Services, 3 Housing, 2 Planning & Development, 1 Education & Children’s services.

Figure 8: Compliance with Ombudsman recommendations

Local Authority	Complaints where compliance with the recommended remedy recorded	
	Number	% where remedy successfully implemented
Birmingham	122	98%
Dudley	16	100%
Sandwell	13	100%
Coventry	11	100%
Walsall	8	100%
Wolverhampton	7	100%
Solihull	6	100%

2.18 Following the investigations, the LGSCO recommended some changes to the Council’s processes and procedures. A summary of the recommendations is set out in the learning from complaints table (Figure 9). Further details about the outcomes of each of the complaints investigated this year and the actions taken are set out in Appendix 2.

2.19 Figure 9: Learning from complaints

Service Area	Summary of actions agreed
Adult Social Care	The Council has made sure that it has procedures in place to give people information about the care system and how it works when they initially approach the Council for assistance.
Housing	Relevant staff have been reminded of the proactive duty to make reasonable adjustments under the Equality Act and ensure this is communicated to applicants.

<p>Household Waste Collection and Assisted Waste Collection</p>	<p>The Council's published information states it will attempt to collect a missed bin within one working day, where an owner or resident makes a valid missed bin report. The Council will send the Ombudsman details of the actions it will take to ensure it complies with its published information.</p> <p>The Council agreed to review its policies and procedures for assisted refuse collections to ensure: refuse workers are properly alerted to new assisted collections; and arrangements remain clear to refuse workers throughout the duration of the assisted collection.</p> <p>The Council agreed to review its policies and procedures for missed refuse collection reports to ensure: reports are properly recorded, responded to, and monitored for repeated issues; refuse workers and supervisors are alerted to repeated issues; and follow-up actions are recorded.</p> <p>The Council agreed to review its policies and procedures for complaints about refuse and recycling to ensure: complainants receive considered responses and are told how to escalate their complaint, both within the Council's complaints procedure and to the Ombudsman; complaints are monitored for repeated issues; and promised actions are followed up on.</p>
<p>Regulatory Services</p>	<p>The Council reviewed the Community Trigger Policy and procedures with its partners, to ensure that it reflects a pro-active approach in constructive consultation with partner agencies, looking at what more might be done by any of the partners to tackle the problem. Ensure that the relevant officers and Members receive training on how to effectively complete a Community Trigger review.</p>
<p>Planning</p>	<p>The Council reminded its staff and crematorium management to consider the impact intensification of use within a council site may have on neighbours, and whether noise or other assessments should be completed before the changes take place.</p>

3 Results of consultation undertaken

3.1 None identified or undertaken.

4 Timetable for implementing this decision.

4.1 The LGSCO Link Officer function is now located as part of the Council's Customer Service Team. All communication between the local authority and the LGSCO, such as complaints, enquiries, investigations, and remedies, all go via the Ombudsman Liaison Officer.

4.2 The Council's own guidance and process for dealing with LGSCO complaints is set out in Complaint Handling Guidance. Following the 2017 annual letter, this guidance was updated to ensure that investigations, particularly upheld complaints, are properly communicated to elected members. As a result:

- complaints to the LGSCO will continue to be formally reported to the Cabinet Member for Policy and Leadership and the Audit and Procurement Committee every year (this report) – and in addition, this report is also being considered by the Ethics Committee.
- complaints about adult social care and children's social care, including cases investigated by the LGSCO, will also continue to be reported through an annual report to the Cabinet Member Adult Services and Cabinet Member Children and Young People respectively.
- where an investigation has wider implications for Council policy or exposes a more significant finding of maladministration, the Monitoring Officer will consider whether the implications of that investigation should be individually reported to relevant members; and
- should the Council decide not to comply with the LGSCO's final recommendation following an upheld investigation with a finding of maladministration or should the LGSCO issue a formal report (instead of a statement), the Monitoring Officer will report this to members under section 5(2) of the Local Government and Housing Act 1989.

5 Comments from the Chief Operating Officer (Section 151 Officer) and the Chief Legal Officer

5.1 Financial implications

There are no direct financial implications associated with this report. Financial remedies resulting from any complaints are typically paid out of service budgets. In 2022/23 there were 13 complaints which resulted in some form of financial remedy or reimbursement. This is detailed in Appendix 2. These were paid out of budgets from the relevant service areas. The amount paid out in 2022/23 was £15,920.69.

5.2 Legal implications

The statutory functions of the LGSCO are defined in the Local Government Act 1974. These are: to investigate complaints against councils and some other authorities; to investigate complaints about adult social care providers from people who arrange or fund their own adult social care; and to provide advice and guidance on good administrative practice. The main activity under Part III of the 1974 Act is the investigation of complaints, which it states is limited to complaints

from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure.

The LGSCO's jurisdiction under Part III covers all local councils, police and crime bodies; school admission appeal panels and a range of other bodies providing local services; and under Part IIIA, the LGSCO also investigate complaints from people who allege they have suffered injustice as a result of action by adult social care providers.

There is a duty under section 5(2) of the Local Government and Housing Act 1989 for the Council's Monitoring Officer to prepare a formal report to the Council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGSCO has conducted an investigation in relation to the matter.

6 Other implications

6.1 How will this contribute to the One Coventry Plan

(<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>)

The One Coventry Plan the Council's vision and priorities for the city. The vision: One Coventry – Working together to improve our city and the lives of those who live, work and study here. Effective management and resolution of complaints, as well as learning from complaints, help ensure that Council services meet the needs of local residents and communities and helps build a foundation of trust in order for the Council to have new conversations with residents, communities and partners to enable people to do more for themselves as active and empowered citizens.

6.2 How is risk being managed?

It is important that the Council takes action and learns from the outcome of complaints. Appendix 2 sets out the actions Council has taken; for example, providing training, instruction and guidance to staff and improving communications between services to help to manage risk of the likelihood of the same fault happening again.

6.3 What is the impact on the organisation?

The co-ordination and management of complaints to the LGSCO often involves considerable time of officers of all levels of seniority. It involves collecting a significant amount of data, preparing and writing formal responses, and chasing to meet timescales set out; and where appropriate, external input from partner organisations and commissioned services.

Therefore, it is ideal for complaints to the Council to be resolved informally at first point of contact, or resolved through the Council's own internal complaints procedures, adult social care complaints procedures, or children's social care complaints procedures, as appropriate. This would improve satisfaction for local residents and communities, as well as save Council time and resources. The Council also publishes guidance on complaints handling.

6.4 Equalities/EIA

Members of the public are encouraged to speak up and tell the Council if they have anything to say about Council services; if the Council does not get it right for them; or if they think the Council has done something well. This is set out in the Council's complaint policy (www.coventry.gov.uk/complaints/).

To ensure that everyone is able to provide feedback, the Council accepts comments, compliments and complaints via face-to-face contact, telephone calls, letters, emails, or via an online form on the Council's website; and proportionate equalities monitoring data is also collected. Members of the public are informed that they can ask somebody else to act on their behalf, for instance, a friend or relative or Citizens Advice.

Where necessary and appropriate, translation and interpretation services, correspondence in large print, audiotape, or braille, or the services of an advocate (for instance, Barnardo's) is also available. Should a complainant remain dissatisfied following the conclusion of the Council's complaints process, they are able to refer their complaint to the LGSCO. The Council's complaint policy and individual response letters detailing the findings of the Council's own complaints investigations makes it clear how members of the public can do so.

This year, a number of upheld complaints include an equality dimension, for instance, three related to assisted household waste collections provided to people experiencing poor health, mobility issues or disability. In this context, meeting the public sector equality duty would mean having due regard to the need to advance equality of opportunity between people who share a protected characteristic and those who do not; in practical terms this would require the Council to remove or minimise disadvantages suffered by people due to their protected characteristics and taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people. Therefore, ensuring improvements are made to delivery of services for customers with protected characteristics is essential to ensure that the Council meets its statutory obligations in relation to equalities.

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

Investigations by the LGSCO may involve not only services directly provided by Coventry City Council, but also commissioned or outsourced services. In such cases, the Council liaises with partner organisations and third-party contractors to comment or provide information as part of an investigation.

Report author:

Name and job title:

Isaac Hawi Opondo
Customer Services Ombudsman Liaison Officer

Contact:

<mailto:Ombudsman@coventry.gov.uk>

Enquiries should be directed to the above person.

Contributor/ approver name	Title	Service Area	Date doc sent out	Date response received or approved
Andrew Walster	Director of Streetscene & Regulatory Services	Streetscene & Regulatory Services	11/10/2023	27/10/2023
Andy Williams	Director of Business, Investment & Culture	Business, Investment & Culture	11/10/2023	27/10/2023
Colin Knight	Director of Transportation & Highways	Transportation & Highways	11/10/2023	27/10/2023
Rachael Sherwood	Customer Service Manager- Improvement and Development	Customer Services	11/10/2023	31/10/2023
Jaspal Mann	Policy, Equalities & Diversity Officer	Public Health & Wellbeing	11/10/2023	18/10/2023
Kirston Nelson	Chief Partnership Officer	Education & Skills	11/10/2023	27/10/2023
Alison Duggal	Director of Public Health & Wellbeing	Public Health & Wellbeing	11/10/2023	27/10/2023
Pete Fahy	Director of Adult Services & Housing	Adult Services & Housing	11/10/2023	27/10/2023
Richard Moon	Director of Property Services & Development	Property Services & Development	11/10/2023	27/10/2023
Susanna Newing	Chief People Officer	Human Resources	11/10/2023	27/10/2023
Suzanne Bennett	Governance Services Co-ordinator	Law & Governance	27/09/2023	27/09/2023
Names of approvers for submission: (officers and members)				
Barry Hastie	Chief Operating Officer (Section 151 Officer)	Finance	02/11/2023	09/11/2023
Oluremi Aremu	Head of Legal & Procurement Services	Law & Governance	02/11/2023	07/11/2023
Julie Nugent	Chief Executive		02/11/2023	06/11/2023
Councillor G Duggins	Cabinet Member for Policy and Leadership		07/11/2023	07/11/2023

This report is published on the Council's website: www.coventry.gov.uk/councilmeetings/

This page is intentionally left blank

19 July 2023

By email

Dr Nugent
Chief Executive
Coventry City Council

Dear Dr Nugent

Annual Review letter 2022-23

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

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

Complaint statistics

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

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

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

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

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

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

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

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

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

Your organisation's performance

During the year, we [issued a public report](#) about your Council's role in an antisocial behaviour case review (also known as a community trigger review). Our investigation found the Council failed to properly engage with the aim of the case review and the opportunity to proactively consider what action it could take. Your Council's faults left the complainant uncertain that, had it conducted the case review properly, it might have acted to tackle the antisocial behaviour the complainant was suffering.

We recommended, and the Council agreed, to undertake staff training and a policy review. It was unfortunate that it took longer than expected to review the policy, but this was to allow the Council to agree changes with the Police, a key partner in tackling antisocial behaviour. The Council and its partners have ensured the new policy includes oversight by an elected member to increase independence and puts the victim at the centre of the process.

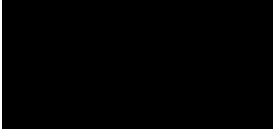
At the time of writing the agreed training has not yet taken place. We urge your Council to ensure that this takes place as soon as possible.

Supporting complaint and service improvement

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

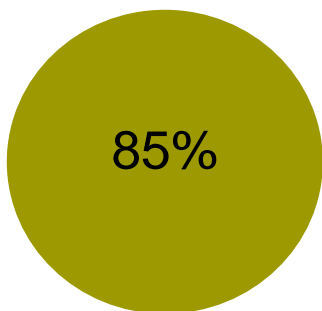
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops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

Yours sincerely,



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

Complaints upheld



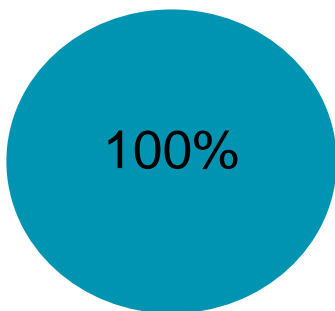
85% of complaints we investigated were upheld.

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

17
upheld decisions

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

Compliance with Ombudsman recommendations



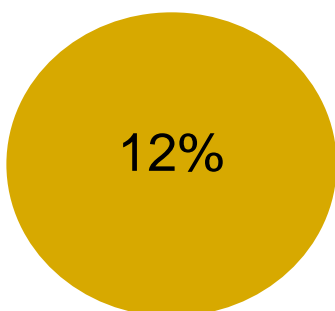
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **99%** in similar organisations.

Statistics are based on a total of **11** compliance outcomes for the period between 1 April 2022 to 31 March 2023

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

Satisfactory remedy provided by the organisation



In **12%** of upheld cases we found the organisation had 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 **17** upheld decisions for the period between 1 April 2022 to 31 March 2023

Appendix 2 Decisions in 2022/23 (detailed investigations carried out)

Service Area	Decisions Upheld (17)	Monetary Settlement
1 - Complaint Report issued: Upheld; Fault and injustice		
Regulatory Services 1 Report	<p>Mr A complained about how the Council dealt with his Community Trigger request. He says it conspired with his landlord and failed to take account of all the information or include him in the review. Mr A also complained that the Council changed the date on an email so that it appeared he sent it later, and it failed to respond to his complaint.</p> <p>Mr A says the Council's shortcomings have caused him upset and distress and he felt discriminated against. He says he has had to move home because the Council failed to take any action to tackle the ASB behaviour he was experiencing.</p> <p>The Council reviewed the actions taken to date, alongside its partners. However, it did not consider if there was anything it could do to tackle the ASB under its powers, either individually or working with other agencies.</p> <p>Overall, there is fault by the Council. It did not consider the aim of the Community Trigger review and the opportunity it presents to proactively consider what action it could take; it did not consider whether it should invite Mr A to the Panel meeting; and the Council's records of Mr A's email are not accurate.</p> <p>To remedy the injustice identified in this report, the Council has agreed to:</p> <ul style="list-style-type: none"> • apologise to Mr A for the frustration and uncertainty it has caused him. • seek to review the Community Trigger Policy and procedures with its partners, to ensure that it reflects a pro-active approach in constructive consultation with partner agencies, looking at what more might be done by any of the partners to tackle the problem; and • ensure that the relevant officers and Members receive training on how to effectively complete a Community Trigger review so that this fault does not reoccur. • The Council published public notices regarding the report and considered the report at full Council. <p>The remedy actions for this case were sent to the Ombudsman in September. The remedies were completed and satisfied on 29 September 2023. The Ombudsman were satisfied with the Council's response in accordance with section 31(2) of the Local Government Act 1974.</p>	

Service Area	Decisions Upheld (17)	Monetary Settlement
14 - Complaints Upheld: Fault and Injustice		
Adult Social Care 4 complaints upheld	<p>1. Mr and Mrs B complained about a delay in their son Mr C's diabetes being diagnosed, and about a care provider destroying Mr C's care records. We found fault by the care provider in destroying Mr C's records and in how it responded to the complaint. We did not find fault with the care provider about the timeframe of Mr C's diabetes diagnosis, or by the Council and NHS Trust also involved in Mr C's care.</p> <p>The care provider, in liaison with the Council, has agreed to take action to improve its services, and to pay a financial remedy to Mr and Mrs B</p> <p>Agreed action:</p> <ul style="list-style-type: none"> • Write to Mr and Mrs B to apologise for the impact on them of the faults identified in relation to destruction of care records and poor complaint handling. • Explain what action it has and will take to learn from the failings highlighted in this decision, to improve its services and to prevent a recurrence of these problems. • Pay Mr and Mrs B £350 to recognise the prolonged inconvenience, distress, and frustration they have experienced. • Pay £250 to a charity for people living with diabetes. <p>2. Ms D complained there was a lack of continuity in the homecare support provided to meet her partner's care needs. This meant he was not supported with the equipment he needed for his medical condition. Ms D said as a result her partner's life could have been at risk and because she was the only person who could use the equipment, her return to work was delayed. There were failings in the care provider's communication with Ms D and in the Council's failure to provide a copy of the revised care plan. They will apologise to Ms D and pay her £200 to recognise her distress and inconvenience.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> • There was fault by Allied Healthcare and the Council which caused injustice to Ms D. They will apologise to Ms D and pay her £200 (£100 each) to recognise her distress and inconvenience. 	<p>£600</p> <p>£200</p>

Service Area	Decisions Upheld (17)	Monetary Settlement
	<p>3. We have not found fault in the Council's safeguarding actions relating to alleged emotional abuse, but the Council should have made more enquiries regarding the financial abuse allegation. There was no fault in the Council's provision of an interpreter and advocate to Mrs E overall. But the Council should have tried to speak to Mrs E with an interpreter on one occasion when there were conflicting reports on whether Mrs E wanted her son to visit her home. The Council's failure to do so was fault. And there were faults in the Council's communications relating to the best interest meeting.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> • Apologise to Ms E and Mrs E for the faults that I have identified. • Pay Mrs E £150 for any distress she has suffered as a result of the fault. • Amend the minutes of the best interest meeting on 1 July 2021 to reflect the fact that Ms E prepared a statement for the meeting. <p>4. The Council was at fault for not providing Mrs F with information about the care process and explaining how the care assessment would work when she asked for care for her mother. As a result, her mother paid for private care and did not realise she could have received help towards the costs of care. The Council agreed to apologise, make a payment, and ensure it has procedures in place to give people information about the care system when they initially approach the Council for assistance.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> • Apologise to Mrs F for not giving her information about how the care assessment process works and for not telling her it had closed Mrs G's case. • Pay Mrs F, for the benefit of Mrs G, the backdated amount of Mrs F's Direct Payments from 1 November 2021 to 27 May 2022. 1 November 2021 is an appropriate start date as this would have been an appropriate time for the Council to have completed its assessments by. • Ensure that it has procedures in place to give people information about the care system and how it works when they initially approach the Council for assistance. • The Council should provide us with evidence it has complied with the above actions. 	<p>£150</p> <p>£12,170.69</p>

Service Area	Decisions Upheld (17)	Monetary Settlement
Children & Education Services 1 complaint upheld.	<p>1. Mr H complained the Council did not tell him about a child protection investigation concerning his son. The Council accepts it acted with fault and has offered Mr H a suitable remedy.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> • In response to my investigation, the Council offered to apologise to Mr H and pay him £500 to recognise the distress its actions caused. • I consider the Council's offer to be a suitable remedy. The Council agreed to complete those actions within four weeks of the final decision. 	£500
Planning 2 complaints upheld.	<p>1. Mrs I complained the Council failed to consider a planning application or take her objections into account. She says the Council failed to provide measurements or respond effectively to her complaint. The Council says it has completed all the processes correctly. We find no fault in the Council's consideration of the planning application or Mrs I's objection. We find fault with the Council for failing to upload the revised plans and in failing to distinguish between the planning enforcement and complaint process. However, this did not cause Mrs P a significant injustice.</p> <p>2. Mr J complained about the Council's activities within its crematorium's yard. He said it had failed to obtain relevant planning permissions and caused a noise disturbance to its neighbours. We found the Council failed to ensure its activities within the yard did not cause neighbours a noise disturbance, and it failed to assess if it caused a statutory nuisance. We cannot criticise the merits of the Council's decision that no material changes or intensification of use took place, only a court can do so. The Council should apologise to Mr J, make payment to acknowledge the distress it caused, and assess whether a statutory noise nuisance exists.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> • apologise in writing to Mr J, and pay him £500 for the distress and uncertainty he experienced as a result of the Council's failure to ensure its activities in its crematorium yard did not cause him a statutory noise nuisance, or an unacceptable adverse impact; and • pay Mr J a further £300 to acknowledge the significant time and trouble he faced to bringing his concerns to the crematorium management, Council's and the Ombudsman's attention. • Within three months of the final decision the Council should also: remind its staff, and crematorium management, to consider the impact intensification of use within a council site may have on neighbours, and whether noise or other assessments should be completed before the changes takes place; and assess whether its crematorium is causing Mr J a statutory noise nuisance, or arrange for such assessment to be completed, and notify Mr J of 	£800

Service Area	Decisions Upheld (17)	Monetary Settlement
	<p>the outcome of its findings. If a statutory nuisance exists, it should use the best practicable means to remove or mitigate the impact and propose a suitable remedy for the distress this caused Mr J since 2019.</p>	
<p>Waste Services 4 Complaints upheld</p>	<p>1. Miss K complained about the Council's general waste collection service and poor communication. The Council was at fault for repeated missed bin collections, failing to carry out recollections and for poor complaints handling. This caused Miss K avoidable frustration and meant she had to go to undue time and trouble reporting missed collections and pursuing her complaint. The Council will apologise and pay Miss K £100. It will also monitor her bin collections for twelve weeks and consider what actions it should take to improve its recollection service.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> • apologise to Miss K and pay her £100 in recognition of the avoidable time and trouble she went to and frustration she experienced because of the faults identified in this decision; and • visit Miss K's property to identify if there is a reason for the missed collections. • The Council will also monitor Miss K's general refuse collections for a period of twelve weeks. The Council's waste collection staff are currently on indefinite strike. It will therefore carry out the monitoring within one month of the end of the strike. • By 31 December 2022 the Council will send the Ombudsman details of the actions it will take to ensure it carries out recollections within one working day of a valid missed bin report. <p>2. Mrs L complained the Council repeatedly missed her assisted refuse collections. The Council failed to properly deliver this agreed service or resolve the issues when Mrs L reported this several times over a prolonged period. This caused Mrs L avoidable distress, time, and trouble, for which the Council agreed to apologise and pay a financial remedy. It will also ensure it collects Mrs L's bins as agreed and review its relevant policies and procedures.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> • apologise to Mrs L for the faults identified above, from an appropriate senior Council officer. • ensure a relevant service manager: <ul style="list-style-type: none"> i. visits Mrs L's property to assess the agreed collection point and understand the issues involved; ii. provides Mrs L with details of an appropriate member of staff she can contact directly to report any future issues with missed collections; and iii. ensures refuse workers and supervisors are fully informed of the specific circumstances of Mrs L's property and the arrangements for her assisted collection. • monitor Mrs L's bin collection for a period of three months to check it is being collected, and report its findings to Mrs L; • pay Mrs L £300 to recognise the avoidable distress caused by its failure to deliver her assisted collection service; and 	<p>£100</p> <p>£450</p>

Service Area	Decisions Upheld (17)	Monetary Settlement
	<ul style="list-style-type: none"> • pay Mrs L £150 to recognise the avoidable time and trouble she spent pursuing the complaint. • assisted collections to ensure: <ol style="list-style-type: none"> i. refuse workers are properly alerted to new collections; and ii. arrangements remain clear to refuse workers throughout the duration of the assisted collection. <ul style="list-style-type: none"> • missed bin collection reports to ensure: <ol style="list-style-type: none"> i. these are properly recorded, responded to, and monitored for repeated issues; ii. refuse workers and supervisors are alerted to repeated issues; and iii. follow-up actions are recorded. <ul style="list-style-type: none"> • complaints for refuse and recycling to ensure: <ol style="list-style-type: none"> i. complainants receive considered responses and are told how to escalate their complaint, both within the Council's complaints procedure and to the Ombudsman; ii. complaints are monitored for repeated issues; and iii. promised actions are followed up on. <p>3. Mr M complained the Council failed to collect his household refuse for 16 weeks causing distress and unnecessary trips to a tip to dispose of his refuse. We found fault by the Council as it failed to collect Mr M's household refuse and have recommended a suitable remedy in this case. So, we have completed our investigation.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> • The Council will apologise to Mr M again and pay him £100 in recognition of the frustration and unnecessary time and trouble Mr M has been put to. And for the repeated failure to make regular household refuse collections. Final decision 4 • The Council should provide us with evidence it has complied with the above actions within one month of my final decision. <p>4. The Council was at fault, because it repeatedly failed to collect the complainant's bins under an assisted waste collection service. The Council was also at fault because it failed to respond when it received a formal complaint about the matter. The Council has agreed to offer a small financial remedy to each complainant to reflect the injustice these faults caused them.</p> <p>Agreed action:</p> <p>Within one month of the date of my final decision, the Council has agreed to:</p> <ul style="list-style-type: none"> • offer to pay Ms N £100, to reflect that its fault repeatedly left her with uncollected waste; and 	<p style="text-align: center;">£100</p>

Service Area	Decisions Upheld (17)	Monetary Settlement
	<ul style="list-style-type: none"> offer to pay Mrs O £150, to reflect the frustration, inconvenience and time and trouble she has endured attempted to resolve the fault. 	£250
<p>Housing 3 Complaints upheld</p>	<p>1. The Council took too long to determine Mr P's housing application and missed an opportunity to explain to him that he needed to re-apply. This caused Mr P uncertainty and distress. The Council has agreed to take the action I have recommended to remedy this.</p> <p>Agreed action: Within one month of the date of this decision, the Council will show the Ombudsman it has:</p> <ul style="list-style-type: none"> apologised to Mr P for the distress and uncertainty its delay caused him; and paid him £200 in recognition of the impact on him. <p>2. We will not investigate this complaint about the Council's failure to issue Mr Q with a decision letter about his homelessness. This is because the Council has accepted it was at fault and has agreed to take action, we have recommended to remedy the injustice caused to Mr Q.</p> <p>Agreed action: The Council has agreed to take the following action to remedy the injustice Mr Q was caused:</p> <ul style="list-style-type: none"> Reopen Mr Q's homeless application. Pay Mr Q £200 to acknowledge the uncertainty he has been caused. <p>The Council has gone further and taken the following action to improve its services:</p> <ul style="list-style-type: none"> Remind staff of the need to issue decision letters when appropriate. Review similar cases to ensure they were dealt with properly. Offer for Mr Q to meet a senior officer to discuss what happened. <p>3. Mr R complained the Council have failed to keep him updated regarding his homelessness application and continue to delay any action. He said this has caused him significant distress. We find fault by the Council. To address the injustice caused by fault, the Council has agreed to apologise, make a symbolic payment and remind staff of its duties.</p> <p>Agreed action: To address the injustice caused by fault, within one month of my final decision, the Council has agreed to:</p>	<p>£200</p> <p>£200</p> <p>£200</p>

Service Area	Decisions Upheld (17)	Monetary Settlement
	<ul style="list-style-type: none"> Apologise to Mr R for the delays in dealing with his application and for not explaining how it would meet his reasonable adjustments. Pay Mr R £200 to acknowledge the distress caused by the faults identified in this statement. <p>Within two months of my final decision, the Council has agreed to:</p> <ul style="list-style-type: none"> Remind relevant staff of the proactive duty to make reasonable adjustments under the Equality Act and ensure this is communicated to applicants. The Council should provide us with evidence it has complied with the above actions. 	
2 Complaints Upheld: not investigated – injustice remedied during complaint processes		
Bereavement 1 Upheld	1. We will not investigate this complaint about the circumstances surrounding the burial of the complainant's mother. This is because the Council has provided an appropriate response for some errors that occurred and because there is insufficient evidence of fault for the other issues.	
Waste Services 1 Upheld	1. Mr S complained about the Council's failure to provide a regular assisted bin collection service. This caused distress and inconvenience to Mr S. We found the Council was at fault. During our investigation, the Council apologised to Mr S and put measures in place to ensure regular collections take place. We consider this to be an appropriate outcome and so no further action by the Ombudsman is needed.	
Total		£15,920.69

Service Area	Decisions Not Upheld (3)
Adult Social Care 1 Complaint	Mr T complained that the Council has failed to properly consider the guidance when he re-applied for a blue badge. Despite there being no change to his medical condition, Mr T said the Council declined his application and failed to provide a reason. The Ombudsman does not find fault in the Council's actions.
Highways 1 Complaint	Ms U complained about the Council's decision to make changes that would increase traffic on her road. She says this will increase pollution and noise and cause flooding. The Ombudsman does not find fault in how the Council reached its decision.
Planning Enforcement 1 Complaint	Mr V complained the Council failed to take planning enforcement action against the change of use of his neighbour's land. We ended our investigation as it was unlikely to result in a finding of fault, a remedy for Mr V or any other meaningful outcome.

Service Area	Decisions Not Upheld (3)

This page is intentionally left blank



Ethics Committee

14 December 2023

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Chief Legal Officer

Ward(s) affected:

None

Title: Code of Conduct Update

Is this a key decision?

No

Executive Summary:

This report updates the Ethics Committee on any national issues in relation to the ethical behaviour of elected Members and the local position in Coventry with regard to Code of Conduct issues.

Recommendations:

The Ethics Committee is recommended to:

1. Note the position with regard to matters concerning local authorities nationally;
and
2. Note the local position relating to the operation of the Council's Code of Conduct and to delegate any actions arising from these to the Chief Legal Officer, in consultation with the Chair of the Ethics Committee.

List of Appendices included:

None

Other useful background papers

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Code of Conduct Update

1 Context (or background)

1.1 The Council's Ethics Committee has agreed that the Chief Legal Officer will provide a regular update on cases relating to the Members' Code of Conduct on a national basis. This is to facilitate the Ethics Committee's role in assisting the Council with its duties under section 27 of the Localism Act 2011 to promote and maintain high standards of Member conduct.

1.2 The National Picture

1.2.1 Councillor G and C, Royal Borough of Kensington

Data protection concerns have been raised after Councillors mass emailed more than 19,000 of his peers across the country to ask them to sign a public letter calling for a ceasefire in the Israel-Hamas conflict.

The public letter was authored by Cllr G and Cllr C from the Royal Borough of Kingston. Cllr G said that the information and email addresses of the almost 20,000 Councillors contacted had been collected from council web pages using 'Open Council Data UK', which is a service often used by charities, political parties, researchers and campaign groups to make contact with elected representatives.

The email included a line that said: "We will also be publishing the names of those who have been invited to sign but choose not to, in the interest of public accountability."

Cllr Shaun Davies, Chair of the Local Government Association (LGA), on behalf of all LGA Group Leaders, said: "The LGA does not endorse how this recent communication from Cllr G and Cllr C was sent, nor the hurt, worry and distress that this has caused. We can also confirm that the LGA did not share any Councillor email contact information." The LGA added that it understood that the Royal Borough of Kingston's Monitoring Officer, the Information Commissioner's Office and the Metropolitan Police were aware "of this ongoing situation".

A spokesperson for the Metropolitan Police said the force was aware of the letter, adding that officers had made contact and offered support to those who have reported it. "The contents are currently being assessed," it added.

1.2.2 Mayor of Cambridgeshire and Peterborough Combined Authority

The Mayor of Cambridgeshire and Peterborough Councillor was found by a Panel to have breached the Code of Conduct in relation to civility and disrepute. The allegations were made almost two years ago

A previous whistleblowing investigation, first made public in May 2022, alleged the Mayor's then chief of staff, Mr P, had caused "stress and strain" to colleagues in the authority. The Mayor was accused of failing to take appropriate action over that behaviour.

The Mayor apologised to the Panel for his actions. The Panel also invited the Mayor to provide a written apology to the Authority and to "consult with the monitoring officer about the appropriateness of providing a written apology directly to one or more of the complainants".

The Panel also said it would ask the Mayor "for an undertaking not to repeat this behaviour" and agree appropriate "development and training" within the next six months, dealing with "HR practice when acting in a senior member role". It recommended that the Combined Authority "reviews and improves" its induction process for new Mayors.

1.2.3 Bristol City Council. – Review

Bristol City Council has pledged to review its complaints procedure after facing questions about how the Council had not upheld a single complaint against a Councillor in six years. The decision came after five Bristol residents claimed that the lack of successful complaints suggested a "systematic failure of the Member Code of Conduct Complaints Process".

Bristol City Council's Value and Ethics Sub-Committee's made the decision to set up a working group of Councillors to review the council's procedures for complaints against Councillors.

1.2.4 Cllr S, Blackburn with Darwen – proposed reforms

Blackburn with Darwen Borough Council's Monitoring Officer has proposed reforms to relations between Councillors and Planning officers after accusations were made against Planning Committee Chair Cllr S. The Monitoring Officer confirmed that none of the allegations were substantiated and no breach of the code had been found but he had "identified a number of learning points". The complaints concerned two planning applications relating to the same property in Cllr S ward, where he had engaged with both the applicant and objectors.

The Monitoring Officer recommendations included that "The process for consideration by the Chair of planning applications received (which would usually be determined under officer delegations) for referral to the planning & highways committee [should] be reviewed. "There needs to be clear records kept of meetings/consultations, including any declaration of interests by the chair/vice-chair." It was expected that Councillors would be interested in planning applications in their ward, and would contact the planning department for information, but "they should ensure this cannot be perceived as an attempt to seek to influence or question the planning officer's judgement on the particular applications.

The Monitoring Officer also proposed advice and training should be provided to Planning Committee Members on their role in protecting the integrity of the process "by always demonstrating impartiality and avoiding or limiting their involvement with applicants/objectors, to reduce risks of any allegations of bias (or the perception of bias)".

1.2.5 Cllr B, West Northamptonshire Council

A report produced by an independent council investigator revealed that Councillor B had breached the Code of Conduct by forcefully intervening at a Planning Committee and appeared to have also predetermined their view. The report found that Cllr B had been “grandstanding” at the meeting and that he used his position improperly to disadvantage the applicant and brought his office and authority into disrepute by undermining the integrity of the Council’s planning service.

1.3 The local picture

Complaints under the Code of Conduct

- 1.3.1** The Ethics Committee has requested that the Chief Legal Officer report regularly on any complaints received relating to Members of Coventry City Council.
- 1.3.2** The Chief Legal Officer has received one complaint since the date of the last meeting (28 September 2023) as at the date this report was written.
- 1.3.3** The Chief Legal Officer will update the Committee on any further complaints received before the meeting and progress on those already received.
- 1.3.4** All complaints are handled in accordance with the agreed Complaints Protocol. No findings have been made by the Local Government Ombudsman in relation members of Coventry City Council.

2 Options considered and recommended proposal

The Ethics Committee are recommended to:

- 1. Note the position with regard to matters concerning local authorities nationally;
- 2. Note the local position relating to the operation of the Council’s Code of Conduct and to delegate any actions arising from these to the Chief Legal Officer, in consultation with the Chair of the Ethics Committee.

3 Results of consultation undertaken

There has been no consultation as there is no proposal to implement at this stage which would require a consultation.

4. Timetable for implementing this decision

Any actions arising from this report will be implemented as soon as possible.

5. Comments from Chief Finance Officer (Section 151 Officer) and Chief Legal Officer

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

There are no specific legal implications arising from this report. The issues referred to in this report will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

6 Other implications

None

6.1 How will this contribute to the One Coventry Plan

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

6.3 What is the impact on the organisation?

No direct impact at this stage

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author(s): Julie Newman

Name and job title: Chief Legal Officer

Directorate: Law and Governance

Tel and email contact: 024 7697 7271 julie.newman@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Law and Governance	28.11.23	28.11.23
Oluremi Aremu	Deputy Monitoring Officer	Law and Governance	28.11.2023	28.11.2023
Names of approvers for submission: (officers and members)				
Finance: Graham Clark	Lead Accountant	Finance	30.11.23	28.11.23
Councillor S Nazir	Chair of Ethics Committee		30.11.23	5.12.23

This report is published on the council's website: www.coventry.gov.uk/councilmeetings

This page is intentionally left blank



Ethics Committee

14 December 2023

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Chief Legal Officer

Ward(s) affected:

Not applicable

Title:

Work Programme for the Ethics Committee 2023/24

Is this a key decision?

No

Executive Summary:

This report suggests areas of work for the Ethics Committee for the Municipal Year 2023/24. The Committee is asked to consider the draft Work Programme and make any suggestions for additional or alternative reports.

Recommendations:

The Ethics Committee is recommended to review the Work Programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate.

List of Appendices included:

Draft Work Programme

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Work Programme for the Ethics Committee 2023/24

1. Context (or background)

- 1.1 The Committee's Terms of Reference are set out in the Council's Constitution and include the consideration of matters which are relevant to the ethical governance of the Council, its Members or employees. This report attaches a proposed programme of work for the Committee, designed to assist the Committee to meet its objectives set out in the Terms of Reference, and to ensure that the Council complies with its obligations under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct amongst elected and co-opted members.
- 1.2 The Committee's draft Work Programme takes account of the need to promote standards and addresses this in a number of ways. It is a draft Work Programme and is flexible in terms of suggestions from members of the Ethics Committee as to additional or substitute areas which they would want to consider and receive reports on.

2. Options considered and recommended proposal

- 2.1 The Work Programme includes regular items on:
- Code of Conduct/ Monitoring Officer Update
 - Declarations of gifts and hospitality by Members and Officers
 - Annual report to full Council
 - Local Government and Social Care Ombudsman's Annual Report
- 2.2 In addition the Ethics Committee factor into the Work Programme a number of matters where work is being, or about to be, undertaken across the Council, namely:
- Monitoring the work of the Committee on Standards in Public Life (including any legislative changes arising from the CSPL's report and / or recommendations of January 2019)
 - Monitoring, and responding to, the Local Government Association's work on Civility in Public Life and Digital Citizenship
 - The work of a Member/Officer group which is developing a local response to the LGA's guidance on intimidation in public life
- 2.3 The Committee is asked to consider whether there are any other matters that they would want to consider during the year or items that they would want to defer.

2.4 Recommendation

The Ethics Committee is recommended to review the Work Programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate.

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

- 4.1 Not applicable

5. Comments from the Chief Finance Officer (Section 151 Officer) and Chief Legal Officer

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

There are no specific legal implications arising from this report, as there is no statutory obligation on the Committee to adopt a work programme. However, the Council must comply with its obligations under section 27 of the Localism Act 2011 and the continuation of a clear programme of work would assist in compliance for the Council as a whole, in its duty to promote high standards of ethical conduct.

6. Other implications

None

6.1 How will this contribute to achievement of the One Coventry Plan?

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

6.3 What is the impact on the organisation?

If implemented, the work programme will facilitate the promotion of high standards amongst elected members in accordance with the Localism Act.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author(s): Julie Newman

Name and job title: Chief Legal Officer

Directorate: Law and Governance

Tel and email contact: 024 7697 7271 julie.newman@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Co-ordinator	Law and Governance	30/11/23	30/11/23
Julie Newman	Chief Legal Officer	Law and Governance	30/11/23	30/11/23
Names of approvers for submission: (officers and members)				
Cllr S Nazir	Chair: Ethics Committee		30/11/23	05/11/23

This report is published on the council's website: www.coventry.gov.uk/councilmeetings

Appendix 1

Work Programme for the Municipal Year 2023/24

Meeting no. and date	Topics
2023/4	
1. September 2023	
	Monitoring Officer/Code of Conduct/ Members Complaints Update
	Officers Gifts and Hospitality -Inspection of Registers for first 6 months of 2023
	Members Gifts and Hospitality -Declarations for first 6 months of 2023
	Civility in Public Life and Digital Citizenship Review
	Work Programme 2023/24
2. December 2023	
	Monitoring Officer/Code of Conduct/ Members Complaints Update
	Local Government and Social Care Ombudsman Annual Report
	Work Programme 2023/24
3. March 2024	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Chamber Skills and Etiquette – A Guide for Councillors
	Committee on Standards in Public Life Annual Report
	Officers Gifts and Hospitality -Inspection of Registers for last 6 months of 2023
	Members Gifts and Hospitality -Declarations for last 6 months of 2023
	Work Programme 2023/24