

Standards and Ethics

Quarter 4 Report

2020-2021

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Introduction

This is the quarterly report to the Audit & Governance Committee detailing both the figures for the Ethical Indicators and the figures for the Local Determination of Complaints process for 2020/21.

For clarification purposes the months covered by the quarters are as follows:

Quarter 1 - 1 April to 30 June

Quarter 2 - 1 July to 30 September

Quarter 3 - 1 October to 31 December

Quarter 4 - 1 January to 31 March

The report is split into 2 parts for ease of reference; Part 1 refers to the local determination of complaints, part 2 is the table showing the ethical indicators figures.

The report will enable the Audit & Governance Committee to build up a picture over time of how many complaints are received and where these are coming from. The parts of the Code of Conduct which have been breached will also be recorded to enable training to be targeted effectively.

Local Determination of Complaints

The Monitoring Officer received 3 complaints in Quarter 4 of 2020/21.

1 complaint received in Q2 was withdrawn in Q4. 2 complaints received in Q4 were withdrawn in Q4. 1 complaint received in Q4 was unable to be progressed because the initial tests were not met.

2.1 Assessment Sub-committee Decisions

There has been 0 Assessment Sub-committee meetings in this quarter.

The Monitoring Officer pursues an informal dispute resolution process prior to initiating formal proceedings via the Sub-committee route.

1 complaint received in Q3 has been resolved informally in Quarter 4.

2.2 Timeliness of Decision

The Standards for England Guidance stated that the Assessment Sub-committee should complete its initial assessment of an allegation “within an average of 20 working days” to reach a decision on what should happen with the complaint. The Council has taken this standard and adapted it under the new rules to aim to hold an Assessment Sub-committee within 20 working days of notifying the parties that informal resolution is not possible.

2.3 Review Requests

There have been 0 review requests in Quarter 4. Review requests can only be made following a decision of ‘No further Action’ by the Assessment Sub-committee where there is submission of new evidence or information by the complainant.

2.4 Subsequent Referrals

None to report - see above.

2.5 Outcome of Investigations

There were no investigations concluded in this period.

2.6 Parts of the Code Breached

This section is intended to show where there are patterns forming to enable the Audit and Governance Committee to determine where there needs to be further training for Councillors. Targeting training in this way makes it more sustainable and, hopefully, more effective.

So far this year, the following areas of the code were found to have been breached:

N/A

Ethical Indicators

PERFORMANCE INDICATOR0	Q1			Q2			Q3			Q4		
	18/ 19	19/ 20	20/ 21	18/ 19	19/ 20	20/ 21	18/ 19	19/ 20	20/ 21	18/ 19	19/ 20	20/ 21
Instances of concerns raised re Modern Slavery	n/a	0	0	n/a	1	0	n/a	0	0	n/a	0	0
Instances of concerns raised re Modern Slavery referred to national agencies	n/a	1	0	n/a	1	0	n/a	0	0		0	0
Number of whistle blowing incidents reported	0	0	0	0	0	0	0	0	0	n/a	0	0
Number of Challenges to procurements	n/a	0	0	n/a	0	0	n/a	0	0		0	0
Public interest Reports	0	0	0	0	0	0	0	0	0		0	0
Objections to the Councils Accounts	0	0	0	0	0	0	0	0	0		0	0
Disciplinary action relating to breaches of the Member/Officer Protocol	0	0	0	0	0	0	0	0	0		0	0
Follow up action relating to breaches of the Member/Officer Protocol	0	0	0	0	0	0	0	0	0	n/a	0	0

Freedom of Information Requests

	Q1			Q2			Q3			Q4		
	18/19	19/20	20/21	18/19	19/20	20/21	18/19	19/20	20/21	18/19	19/20	20/21
Total Number (FOIs)	43	84	55	57	100	93	69	79	152	109	79	94
% answered on time	84%	99%	72.2%	96%	95.8%	84.1%	100%	99%	75%	91%	95.8%	86%
Average per month	14	28	18	19	33	31	23	26	51	36	26	31
Average response time (days)	12	11	15	9	10	13	11	10	17	10	11	11
Business as usual (BAUs)	58	59	27	86	73	24	55	62	26	73	65	11
Withheld due to exemption/fees (FOI and BAU)*	7	6	10	11	18	16	5	7	31	10	8	10
Transfers (TFRs)	29	18	14	32	22	18	32	30	25	42	33	23
Subject access requests (SARs)	3	2	3	3	12	6	2	6	12	7	5	5
Internal Reviews**	tbc	tbc	1	tbc	tbc	1	tbc	tbc	0	tbc	2	0
Environmental Information Requests/ Land Charges Searches (personal)	40	437	213	47	367	1	5	308	2		334	11

* Withheld due to exemptions has been moved up the table so that it sits below FOI's and BAU's thereby making it easier to compare and put into context the number of exemptions applied.

** Appeals has been amended to Internal Review as appeals were consistently zero but a number of reviews had been requested during 2019/2020.

All statistics presented from 19/20 Q4 should be viewed in the context of the pandemic and the subsequent disruption to services. FOI timescale for response is 20 days, however the ICO has expressed leniency given that work relating to the pandemic should be given priority over completing FOI work.

- Q4 has seen the **number of requests** received return to more **normal levels (94)** following the significant spike seen in the previous quarter (152). This is still a high number of requests though within expectations.
- The number of cases handled as **BAUs** has dropped further (11), however the **response time** has dropped to normal levels (**11 days**).
- Currently there are **20 outstanding requests**.
- The number of **SARs** received has reduced to **5**, a far more typical number of requests we would expect to see compared to Q3 (17).
- Overall, there is clearly some recovery following the surge seen in the previous quarter. Continuing into 2021/22, we may expect to see further improvements as the country slowly gets used to post-COVID life.

FOI Exemptions for Q4 20/21

Exemption	Description	FOI	BAU	Total
S21	Information Already Reasonably Accessible	4		4
S22	Information Intended for Future Publication	1	2	3
S27	International Relations			
S28	Relations within the UK			
S29	The Economy			
S30	Investigations			
S31	Law Enforcement	4	2	6
S32	Court Records			
S36	Effective Conduct of Public Affairs	1		1
S38	Endangering Health and Safety			
S39	Environmental Information			
S40	Personal Information of the Requester/Personal Information	2		2
S41	Confidentiality			
S42	Legal Professional Privilege			
S43	Trade Secrets and Prejudice to Commercial Interests			
S44	Prohibitions on Disclosure			
Total	<i>Number need not match the number of cases. Multiple exemptions may apply to one case.</i>	11	4	15

Definitions

Business as usual Information requested can be sent quickly and easily within the normal course of business

Land Charges specific information about a particular property

Ombudsman Complaint a customer has followed Stage 1 and 2 complaints procedure but unhappy with the outcome they are entitled to take complaint to the Local government Ombudsman who will decide if the Council has a case to answer.

Subject Access Request a request by an individual to see information an organisation holds on them

Transfers requests received that fall out of our remit i.e. Adult social Care or Highways

Environmental Information Request a right for any person to request access to environmental information held by public authorities.