

Standards and Ethics

Quarter 3 Report

2021-2022

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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 2021/22.

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 about the same matter in Quarter 3 of 2021/22.

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.

0 complaints have been resolved informally in Quarter 3.

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 3. 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

Complaints made to the Monitoring Officer under the Code of Conduct during Q3 2021/22

<u>Qtr 3</u> <u>21/22</u>	<u>Complaint from</u>	<u>About district/ parish councillor</u>	<u>Regarding</u>	<u>status</u>
	Member of the public	Parish Cllr	Comments on social media	It was concluded this complaint was unable to be progressed as the subject member was not acting in their capacity as a Councillor at the time
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Ethical Indicators

PERFORMANCE INDICATOR	Q1			Q2			Q3			Q4		
	19/20	20/21	21/22	19/20	20/21	21/22	19/20	20/21	21/22	18/19	19/20	20/21
Instances of concerns raised re Modern Slavery	0	0	0	1	0	0	0	0	0	n/a	0	0
Instances of concerns raised re Modern Slavery referred to national agencies	1	0	0	1	0	0	0	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	0	0	0	0	0	0	0	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		
	19/20	20/21	21/22	19/20	20/21	21/22	19/20	20/21	21/22	18/19	19/20	20/21
Total Number (FOIs)	84	55	102	100	93	107	79	152	90	109	79	94
% answered on time	99%	72.2%	81.9%	95.8%	84.1%	71.9%	99%	75%	95.1%	91%	95.8%	86%
Average per month	28	18	34	33	31	36	26	51	30	36	26	31
Average response time (days)	11	15	14	10	13	13	10	17	10	10	11	11
Business as usual (BAUs)	59	27	1	73	24	14	62	26	2	73	65	11
Withheld due to exemption/fees (FOI and BAU)*	6	10	19	18	16	12	7	31	15	10	8	10
Transfers (TFRs)	18	14	18	22	18	12	30	25	24	42	33	23
Subject access requests (SARs)	2	3	1	12	6	2	6	12	5	7	5	5
Internal Reviews	tbc	1	0	tbc	tbc	2	tbc	0	1	tbc	2	0
Environmental Information Requests/ Land Charges Searches (personal)	437	213	6	367	1	491	308	2	336		334	11

Requests for information are being managed using a new system, as of 14 December 2021. The table only reflects old system data, though new data is discussed below.

- The number of requests received in Q3 appears normal, new system contains **11 additional FOIs**. Total is therefore **101 FOIs**.
- The **% answered on time** at **95.1%**, highest level since Q4 19/20, and average **response time** has also returned to **10 days**.
- The number of cases handled as **BAUs** has reduced to **2**, this is due to a change of process in anticipation of the new system. BAUs were handled primarily as full FOIs.
- Currently there are **9 outstanding requests** on the old system plus **9 outstanding requests** on the new system.
- The number of **SARs** received has returned to a more typical level, **5**.
- Overall we appear to be seeing stabilisation and return to normal levels following the initial disruption we saw when the pandemic began. It is expected that we will see performance improve further as we adapt to the new system.

FOI Exemptions for Q3 21/22

Exemption	Description	FOI	BAU	Total
S21	Information Already Reasonably Accessible	2		2
S22	Information Intended for Future Publication			
S27	International Relations			
S28	Relations within the UK			
S29	The Economy			
S30	Investigations			
S31	Law Enforcement	6		6
S32	Court Records			
S36	Effective Conduct of Public Affairs			
S38	Endangering Health and Safety			
S39	Environmental Information			
S40	Personal Information of the Requester/Personal Information	5		5
S41	Confidentiality			
S42	Legal Professional Privilege			
S43	Trade Secrets and Prejudice to Commercial Interests	2		2
S44	Prohibitions on Disclosure			
Total	<i>Number need not match the number of cases. Multiple exemptions may apply to one case.</i>	15	0	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.